

**Attachment B**  
Zoning Commission Determinations  
Zone Change #936 – 1545 Hawthorne Lane

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*

The proposed zone change is not consistent with the following goals of the Growth Policy:

- *Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)*

The proposed zoning would permit the existing 2+ acre site to develop at densities that are not consistent with the surrounding character and land use patterns. Most property has developed at densities of 6 to 10 units per acre in the neighborhood. The proposed development of 24 dwelling units per acre is out of character for the area.

- *Heights Neighborhood Plan indicates this area for medium density housing with opportunity for higher density along arterial streets where compatible with existing development. (Future Housing Goal, page 23)*

The existing zoning is for single family and two-family homes on lots of varying sizes. The current zoning would allow 2 dwelling units on a lot area of 8,000 square feet for a maximum density of 10 dwelling units per acre. This is a medium density and compatible with the existing neighborhood. The proposed zoning could allow up to 28 dwelling units per acre. The parcel does have arterial street frontage on Wicks Lane, but the zoning is not compatible with the existing development in the area.

2. *Is the new zoning designed to secure from fire and other dangers?*

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. *Whether the new zoning will promote public health, public safety and general welfare?*

Public health, safety and general welfare may be compromised by the new zoning. The proposed zoning could generate additional traffic on Wicks Lane and Hawthorne Lane that do not have complete facilities for pedestrians and vehicles. Existing deficiencies of these facilities will be exacerbated by a dense residential development.

4. *Will the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?*

Transportation: The proposed zoning will have a negative impact on adjacent streets and traffic. Wicks Lane and Hawthorne Lane are deficient for use by all users and in particular pedestrians and non-motorized traffic.

Water and Sewer: The City can provide water and sewer services to the property.

Schools and Parks: There school district may have an increase in enrollment depending on the proposed apartment density and type. Caleb Park Subdivision contributed a cash-in-lieu of park land dedication at the time of the subdivision. The closest neighborhood park to this location is Hawthorne Park.

Fire and Police: The subject property is currently served by the city Public Safety Services. Additional service calls will be likely for an apartment complex.

5. *Will the new zoning provide adequate light and air?*

The proposed zoning may not provide for sufficient setbacks to the east property line if the maximum building height of 40 feet is developed at the minimum side setback of 9 feet from the east property line. The adjacent homes on Caleb Court are single story and split-level homes and are not close to the maximum height in the R-50 zone of 34 feet. Most average 20 to 25 feet in height.

6. *Will the new zoning effect motorized and non-motorized transportation?*

Traffic generation from the property will be based on the actual development of the property. The existing church generates sporadic traffic depending on days of services and activities. The proposed 48-unit multi-family development will likely generate close to 400 vehicle trips per day. There are no sidewalks on Hawthorne Lane and incomplete sections of sidewalks on Wicks Lane. If the development generates less than 500 vehicle trips per day, a traffic study is not required by the city. The city may require the creation of a special improvement district (SID) to pay for and guarantee necessary improvements to the streets directly adjacent to the development. The intersection of the street is currently controlled by a 4-way stop.

7. *Will the new zoning will promote compatible urban growth?*

The new zoning does not promote compatibility with urban growth. The proposed zoning is out of character with the neighborhood.

8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*

The proposed zoning does not consider the character of district and the suitability of the property for multi-family uses. The location of the property at the intersection of a principal arterial may have some suitability for additional density but not at the proposed zoning and density.

9. *Will the new zoning conserve the value of buildings?*

The existing church building will not be affected by the proposed zoning. Development of a multi-family complex may have some effect on the marketability of the adjacent single family and two-family dwellings.

10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*

The proposed zoning would not encourage the most appropriate use of the land in this area of Billings. Adjacent zoning and development indicates this area may allow some additional residential density but not at the proposed density.