



CITY ZONING COMMISSION
AGENDA-Tuesday, November 1, 2016, 4:30 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

Call the meeting to order.

Introduction of City Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of October 4, 2016.

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff
a. The Exparté Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **City Zone Change 950 – 4240 Central Avenue** – A zone change request from Agriculture-Open Space (A-1) to Residential 7,000 (R-70) on Tract 3 of C/S 1648, a total area of 15.107 acres of land. A pre-application neighborhood meeting was held at 1300 N Transtech Way on September 26, 2016. A concurrent annexation petition has been submitted. Presented by Nicole Cromwell, Zoning Coordinator

Other Business/Announcements

Adjournment

The City Council has designated **Monday, November 28, 2016**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zone change.

Before taking any action on an application for a **zone change**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a zone change other than the one advertised. The City Council shall take one of the following actions on the zone change requests: 1) approve the application; 2) deny the application; 3) allow withdrawal of the application; or 4) delay the application for a period not to exceed thirty (30) days.

As provided in Montana Code Annotated, Section 76-2-305(2), in the event of a protest petition against such **zone change** signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, **one hundred fifty (150) feet from a lot included in a proposed change**, such proposed amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the present and voting members of the city council. For purposes of this protest provision interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the Planning Division office by 5:00 p.m. on the Friday preceding (November 25, 2016) the first reading of the amendment by the City Council.

The Zoning Commission and City Council will hear all persons wishing to speak relative to the proposed zone change and special review. Testimony regarding the above mentioned items may also be submitted in writing to the Planning Division, 2825 3rd Avenue North, 4th Floor, Miller Building, Billings, MT 59101 (247-8676) or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

Additional information on any of these items is available in the Planning and Community Services Office. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to bartleyr@ci.billings.mt.us

City Zoning Commission

Meeting Date: 11/01/2016

Information

Subject

The minutes of the Board meeting of October 4, 2016.

Attachments

BZC_2016_10_04

City of Billings Zoning Commission Meeting Minutes October 4, 2016

The City of Billings Zoning Commission met on Tuesday, October 4, 2016 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

Chairman Wagner called the meeting to order at 4:30 p.m. The City Council has designated **Monday October 24, 2016** at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zoning applications.

Commission and Staff		01/05/2016	02/02/2016	03/01/2016	04/05/2016	05/03/2016	06/07/2016	07/05/2016	08/02/2016	09/06/2016	10/04/2016	11/03/2016	12/06/2016
Dan Wagner	Chairman	1	1	-	1	1	1	1	1	1	1		
Dennis Ulvestad	Commissioner	1	1	-	1	1	1	1	1	1	1		
Mike Boyett	Vice Chairman	E	1	-	1	1	E	E	1	1	1		
Michael Larson	Commissioner	1	1	-	1	1	1	1	A	1	A		
James Mariska	Commissioner	1	1	-	1	1	1	1	1	1	1		
Candi Millar	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-	-	-	-
Wyeth Friday	Division Planning Manager	-	-	-	-	-	-	-	-	-	-		
Nicole Cromwell	Planner Zoning Coordinator	1	1	-	1	1	1	1	1	1	1		
Tammy Deines	Planning Clerk	-	-	-	-	-	-	-	-	-	-		
Dave Green	Planner II	1	-	-	-	-	-	-	1	1	1		
Karen Husman	Planner I	1	1	-	-	-	-	-	-	-	-		
Robbin Bartley	Administrative Support	1	1	-	1	1	1	1	1	1	1		

Total Number of 2016 Applications	01/05/2016	02/02/2016	03/01/2016	04/05/2016	05/03/2016	06/07/2016	07/05/2016	08/02/2016	09/06/2016	10/04/2016	11/03/2016	12/06/2016	TOTAL
Zone Change	1	0	-	1	0	0	1	0	1	1			5
Special Review	2	1	-	4	1	1	1	2	2	1			15

Chairman Wagner introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator; Dave Green, Planner II; Robbin Bartley, Administrative Support.

In Attendance:

Trent Parks, Dan Brocklebank, Tom Craighill, Mike Craighill, Rinney Fujiwara, Jason and Tiffany Vandever

Public Comment

Chairman Wagner called for public comments. There were no public comments. Chairman Wagner closed the public comment portion of the meeting.

Approval of Minutes: September 6, 2016

Chairman Wagner called for approval of the September 6, 2016 meeting minutes.

Motion

Commissioner Mariska made a motion and Commissioner Boyett seconded the motion to approve the September 6, 2016 meeting minutes.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Dan Wagner	x			
Mike Boyett	x			
Dennis Ulvestad	x			
Mike Larson				x
James Mariska	x			

The motion for approval then carried with a unanimous voice vote 3-0.

Chairman Wagner called for disclosures of conflict of interest. There were none.

Disclosure of Conflict of Interest

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Dan Wagner		x		
Mike Boyett		x		
Dennis Ulvestad		x		
Mike Larson				x
James Mariska		x		

Disclosure of Outside Communication

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Dan Wagner		x		
Mike Boyett		x		
Dennis Ulvestad		x		
Mike Larson				x
James Mariska		x		

Staff indicated a letter received, given to each commissioner and located in the Ex Parte notebook.

Public Hearings:

Chairman Wagner reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted and advised the audience that this would be heard by the City Council on October 24, 2016. He then asked Nicole Cromwell to review the first agenda item. Nicole Cromwell presented:

City Zone Change 949 – 2300 Block of Gleneagles Blvd – A zone change request from Residential 6,000-Restricted (R-60-R) and Residential 9,600 (R-96) to Residential 5,000 (R-50) on Lots 1-4, Block 18 and Lots 3 & 4, Block 19 and Lot 11, Block 16 of Lake Hills Subdivision 15th Filing and Lots 4 & 5, Block 5 of Lake Hills Subdivision 33rd Filing, a total area of 3.52 acres of land. A pre-application neighborhood meeting was held at the subject property on August 10, 2016. Tax IDs: A22235 – A22242 & A22191

RECOMMENDATION

The Planning Division recommends approval and adoption based on the findings of the 10 criteria for zone changes.

Discussion

Commissioner Boyett asked Staff if this proposal was truly compatible with the existing area. He only sees single family residences. Staff replied single family and two family homes, especially if they are built as townhomes, are compatible. Construction of townhomes is the intent of the builder and appraise with the same criteria, they blend well and hold their value. Commissioner Mariska asked if there were any objections from surrounding property owners. Staff replied no phone calls were received and one letter today from Mr. Hill was received and is in the binder. Mr. Hill owns 6 adjacent lots. Commissioner Boyett asked about the Community Commercial zoning. Staff replied the interesting thing about Community Commercial zoning is there is residential development in it and it would be treated as a residential zoned area. Commissioner Mariska asked what could go in at Community Commercial zoned property. Staff replied everything from a gas station, a liquor store, retail, a coffee shop, a daycare or a church. Commissioner Mariska mentioned that the property in question is a long way from anything. Is anything more than roof tops proposed? Staff explained the current limitations in each direction.

Chairman Wagner asked for the applicant of **City Zone Change 949**.

Trent Parks, owner, 1001 North 22nd, Billings, MT

His intention is to build twin homes with a price range of \$225,000 to \$250,000. Commissioner Mariska asked regarding Ron Hill’s opposition to the zoning on the southwest lot. Mr. Parks and Mr. Hill are considering changing the zoning on this lot from RMF to R5000.

Opposed

Tom Craighill, 2242 Clubhouse Way, Billings, MT

This lot was purchased in March 2016 with the assumption this will be single family zoning. His objection is the single lot and how it is zoned.

Mike Craighill, 2118 Lakehills Drive, Billings, MT

He objects to this zoning proposition. He wants single family area for real estate values. Commissioner Mariska asked if he was invited to the pre-application meeting. No, he was not. Commissioner Ulvestad asked where his property is in relation to the zone change. He is ¼ mile from the proposed zone change.

REBUTTAL

Mr. Parks explained the surrounding property is zoned Residential Multi-Family or Community Commercial and he feels this is the best use of the land.

Chairman Wagner asked for a motion.

Commissioner Boyett made a motion to recommend approval and adoption of the findings of the 10 criteria and Commissioner Ulvestad seconded the motion.

Discussion

Commissioner Mariska asked about buffer and staff identified the opposition’s property location. Staff explained the recommendations of the County vs. City Attorneys on approving or denying zone change requests in whole or in part.

Commissioner Boyett made a motion to amend the original motion to exclude Lot 11, Block 16 of Lake Hills Sub 15th Filing. The motion was seconded by Commissioner Mariska. The vote to amend the motion was 3 in favor and 1 opposed (Commissioner Ulvestad). The Commission voted 4-0 in favor of the amended motion and the exclusion of Lot 11, Block 16, Lake Hills Subdivision 15th Filing (Tax ID A22191) from the recommendation.

Commissioner	YES	NO	ABSTAINED	ABSENT
Dan Wagner	x			
Mike Boyett	x			
Dennis Ulvestad	x			
Mike Larson				x
James Mariska	x			

Nicole Cromwell read the legal description, Dave Green presented:

City Special Review 949 – 331 Calhoun Lane – A special review request to locate a public parking lot in a Residential 7,000 (R-70) zone, on Lot 2, Cowley Subdivision, a 7,500 square foot parcel of land. The property includes Lot 1, Cowley Subdivision which is zoned Neighborhood Commercial. The proposed re-use of the building requires additional parking. Tax ID: A34623

RECOMMENDATION

The Planning Division is recommending conditional approval based on the 3 criteria for special review.

Discussion

Chairman Wagner confirmed the lot square footage is 7500.

Commissioner Boyett asked how many cars theoretically could be parked here. Staff replied 9.

Commissioner Boyett confirmed fencing and screening as requirements.

Commissioner Mariska inquired if there had been a residential meeting. Staff replied that a meeting is not required for Special Reviews. Staff did not receive any calls regarding this review.

Chairman Wagner asked for the applicant of **City Special Review 949**.

Dan Brocklebank, owner, 3815 Fairmeadow Drive, Billings

Mr. Brocklebank feels this is the best use of the property and has no immediate plans to sell.

Commissioner Boyett asked if Mr. Brocklebank had spoken to any of the neighbors. He replied the neighbors to the east are favorable.

Commissioner Mariska asked how long he has owned the property. He replied possibly a year.

Commissioner Mariska then asked who is going to be running the daycare. Mr. Brocklebank indicated the person who is licensed is in the audience.

Opposed

None

Discussion

Commissioner Ulvestad stated he likes the use of the land.

Chairman Wagner asked for a motion.

Commissioner Ulvestad made a motion and Commissioner Boyett seconded the motion to recommend conditionally approval and adoption of the findings of the 3 criteria for **City Special Review 949**.

Commissioner	YES	NO	ABSTAINED	ABSENT
Dan Wagner	x			
Mike Boyett	x			
Dennis Ulvestad	x			
Mike Larson				x
James Mariska	x			

The motion carried with a verbal vote of 4-0.

Other Business:

Next meeting will be November 1, 2016.

Adjournment: The meeting adjourned at **5:32 p.m.**

DRAFT: To be approved by a motion: **November 1, 2016.**

ATTEST:

Robbin Bartley, Administrative Assistant I



City Zoning Commission

Meeting Date: 11/01/2016

SUBJECT: Zone Change 950 - 4240 Central Avenue

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

City Zone Change 950 – 4240 Central Avenue – A zone change request from Agriculture-Open Space (A-1) to Residential 7,000 (R-70) on Tract 3 of C/S 1648, a total area of 15.107 acres of land. A pre-application neighborhood meeting was held at 1300 N Transtech Way on September 26, 2016. A concurrent annexation petition has been submitted. Presented by Nicole Cromwell, Zoning Coordinator

RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 10 criteria for Zone Change 950.

APPLICATION DATA

OWNER: Janet Bergman

AGENT: Sanderson Stewart

LEGAL DESCRIPTION: Tract 3 of C/S 1648

ADDRESS: 4240 Central Avenue

CURRENT ZONING: A-1 (County)

EXISTING LAND USE: Agricultural

PROPOSED USE: Residential development of single and two-family dwellings with City services

SIZE OF PARCEL: 15.107 acres

CONCURRENT APPLICATIONS

Annexation requested through petition - under review and assigned number AN#16-05.

APPLICABLE ZONING HISTORY

This certificate of survey was originally zoned A-1 by the County in 1973. Tract 2 was annexed and zoned R-70 in 2002 and is now the Legends West Subdivision directly east of the subject property. Tract 4 was rezoned from A-1 to A-S in the County and is now Bell Estates, a County subdivision south and east of the subject property. Tract 1 of this survey was annexed in 2006 and zoned R-96. A special review was subsequently approved for an assisted and independent living center now called MorningStar. This property is located about 800 feet east of the subject property close to the intersection of Central Avenue and Shiloh Road.

This property is within the limits of annexation for the City but is adjacent to agricultural zoning and uses to the west and south. It adjoins the City limits to the east (Legends West Subdivision) and is south of the Wells Garden Estates, a County subdivision north of Central Avenue. The limits of annexation only extends to the west a short distance from the subject property to the midsection line or what would be S 44th St West. There have been several annexations and zone changes in the immediate area during the past decade and these include the St Vincent's Health Care property at King Ave West and Shiloh Road, Lenhardt Square at S 44th St West and King Avenue West, Emmanuel Baptist Church at 328 S Shiloh Road, and the Billings Clinic property at Broadwater Avenue and Shiloh Road.

SURROUNDING LAND USE & ZONING

NORTH:	Zoning: R-15000 (County) Land Use: Large lot, single family residential
SOUTH:	Zoning: Agricultural Open Space Land Use: Ag uses
EAST:	Zoning: R-7000 Land Use: single family residential development
WEST:	Zoning: Agricultural Open Space Land Use: Ag uses

BACKGROUND

This is a zone change request submitted concurrently with a petition to annex the property to the City. The current owner has a potential buyer for the property, Marsich Investments, LLC. The buyer intends to develop the property as either a unit ownership or by a traditional subdivision with single family and two-family dwellings. The proposed zoning of R-70 would allow up to 8 dwelling units per acre of land. The property will need to dedicate additional right of way for Central Avenue and for Bell Avenue to the south. This will reduce the total area of the land available for development. The proposed number of new dwelling units ranges from 80 to 90 residences but this will depend on the final design of the site after annexation and zoning is complete.

Property to the north across Central Avenue is in the County, zoned Residential 15,000, and is the Shiloh Estates Subdivision. Most of the lots in this subdivision are 1 acre and have well and septic systems for each lot. Most homes in the subdivision were construction between the mid 1970s and the mid 1980s. To the north and east at the corner of Shiloh Road and Central Avenue is a convenience store and gas station. This development was originally constructed outside the City limits but was recently annexed to provide public services to the property. On the southwest corner of Shiloh Road and Central Avenue is the former Cetrone Photography Studio which suffered a catastrophic fire in July 2016. The property is zoned Neighborhood Commercial (NC) but is not yet annexed to the city. To the south and west of subject property is active agricultural land that is irrigated. In 2012, an unsuccessful zone change was submitted for a 13.3 acre property south of Bell Avenue and west of Bell Estates. The zone change was to change this parcel from A-1 to RMF-R and was accompanied by an annexation petition. Both applications were withdrawn in May 2012.

Central Avenue is a principal arterial street and recent traffic count data for this section west of Shiloh Road shows an average daily traffic of 4,710 vehicles. This is well below what a principal arterial street is expected to carry but Central Avenue also is not built to arterial street standards at this location. It is still a two-lane road with some graveled shoulder areas. The posted speed limit is 45 mph on this section of Central Avenue. The speed limit increases to 55 mph past 48th St West. The recently completed West End Multi-Modal Traffic Study indicated road and intersection improvements will be necessary during the next 20 years for Central Avenue beyond Shiloh Road. This study was based on existing and predicted traffic increases and includes improvement both inside and outside the City limits. No improvement projects for Central Avenue beyond Shiloh Road are planned at this time.

The Planning Division has reviewed the application and is recommending approval based on the proposed findings of the 10 criteria. The 2016 Growth Policy for the City supports the proposed zoning at this location and supports the 2016 Growth Policy statement: "*The city will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.*" Guidelines were also adopted to support this statement including supporting mobility and access, safe neighborhoods, availability of housing options, attractive street scapes and access to daily necessities. The proposed zoning will allow a variety of housing choices, is adjacent to the existing City limits, and is close to an area with access to transportation options including bus service and bicycle paths. The proposed zoning is identical to the adjacent zoning of property annexed in 2002 for the Legends West Subdivision.

RECOMMENDATION

Staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 950.

Attachments

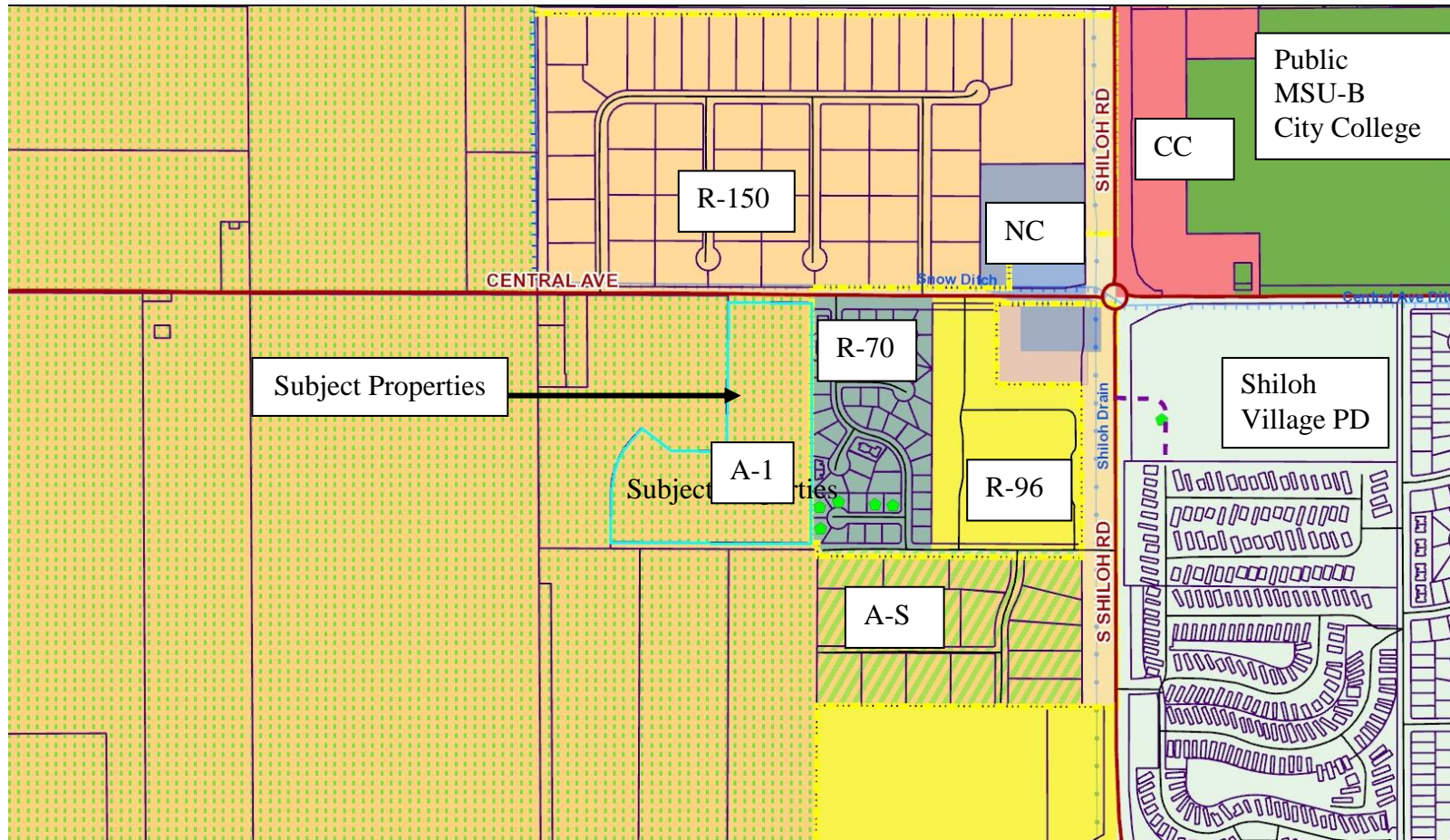
Zoning Map and Site Photos

Proposed Findings of the Review Criteria

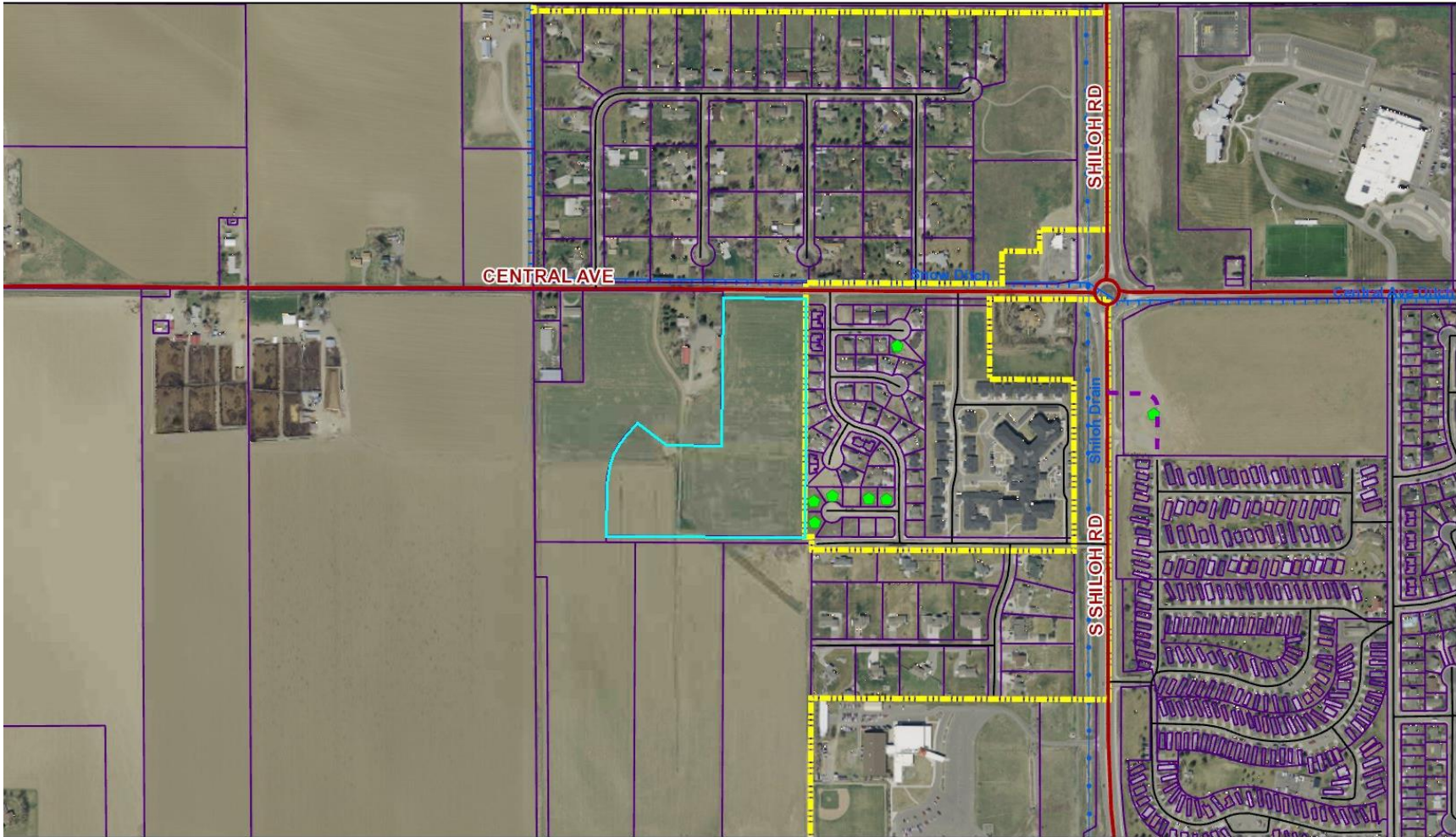
Pre app Info and Applicant Letter

Surrounding Zoning
Zone Change #950 – 4240 Central Avenue

Zone Change 950



Zone Change 950





Subject Property



View west along Central Avenue



View of Legends West Subdivision along Central Avenue frontage



View east along Central Avenue

Zone Change #950 – 4240 Central Avenue

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 consistent with the following guidelines of the 2016 Growth Policy:

- Home Base: A mix of housing types that meet the needs of a diverse population is important.

The proposed zoning would allow this developer to offer single family and two family dwellings in either a unit ownership development or in a traditional subdivision.

- Strong Neighborhoods: Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction

The proposed zoning will allow a progression of development in this area and will connect to neighborhood services, public gathering spaces and open space.

- Strong Neighborhoods: Implementation of the Infill Policy is important to encourage development of underutilized properties

The property is currently outside the city limits but is within the limits of annexation. The proposed zoning of the property is a more efficient use of property for the extension of city services, and supports a variety of housing choices.

- Strong Neighborhoods: Public safety and emergency service response are critical to the well-being of Billings' residents and businesses

The proposed zoning and annexation is directly adjacent to the existing city limits where city public safety services are already provided. This incremental expansion will allow these services to be extended with limited impact to its current capacity.

- Home Base: Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe

The proposed zoning and development will allow the opportunity to provide affordable housing choices in a high-demand area of West Billings.

- Mobility and Access: Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors

The proposed zoning and development are within ¼-mile of the Shiloh Road Corridor that provides a continuous and connect bike trail, access to public transit as well as transportation by private vehicle in and around the city of Billings.

- Prosperity: Predictable, reasonable City taxes and assessments are important to Billings' taxpayers

The proposed zoning and development will provide an incremental expansion of the city, at a more efficient density. This will encourage and stabilize the cost of services in this area and will allow the city to set predictable and reasonable rates for taxes and assessments city-wide.

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 and public safety will be promoted by the proposed zoning. The existing parcel is outside the city limits and used for irrigated farmland. New infrastructure for roads, utilities and sidewalks will need to be installed prior to building the proposed dwellings. The proposed zoning would allow the developer to market these housing units to a broad range of buyers.

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

Transportation:	The proposed zoning and subsequent development will require a traffic study prior to development. The study will identify the required improvements to the surrounding transportation systems.
Water and Sewer:	The City will provide water and sewer to the property. The developer will be responsible for the installation of these improvements. There will be no additional impacts to the system from the proposed zoning.
Schools and Parks:	Schools and parks may be significantly affected by the proposed zone change. Eighty to ninety additional dwelling units will add students to schools depending on the market for these new homes. Recent new school facilities should be able to absorb these new students. There are no public parks within the general area of the subject property with the exception of the neighborhood park dedicated for the Shiloh Estates Subdivision. The Shiloh Estates Park is essentially undeveloped except for 3 trail connections between the dead-end of Wells Place and Shiloh Road bikeway. Emmanuel Baptist Church to the south maintains a baseball field and a playground. The closest semi-developed city park is Centennial Park more than 1 mile from the subject property.
Fire and Police:	The subject property will be served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

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

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

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

The new zoning will have an impact on vehicle and pedestrian traffic. The City Engineering Division will determine the required street, utility and sidewalk improvements required for the development of these lots based on a traffic study prepared when a development plan has been finalized. At the maximum proposed development of 90 dwelling units, this could add up to 900+ new vehicle trips to the surrounding streets. Safe pedestrian access to and from the development will need to be developed. It is likely most pedestrian access out of the development will occur to the south along Bell Avenue and to the north along Central Avenue. While there is no sidewalk from Shiloh Road along the frontage of the first property to the west, there is sidewalk in place along Central Avenue in front of Legends West directly west of the subject property and so sidewalk will be constructed along Central on the frontage of the subject property as well. The costs of these improvements will be the responsibility of the developer.

7. *Will the new zoning will promote compatible urban growth?*
The new zoning does promote compatibility with urban growth. The proposed zoning will allow a greater variety of housing choices in this growing area of West Billings.
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 consider the character of the district and the suitability of the property for the proposed use. The proposed zoning is identical to the zoning in the adjacent city subdivision and the homes will likely be similar in style.
9. *Will the new zoning conserve the value of buildings?*
The property is currently un-developed. The value of existing buildings should not be affected by the proposed zoning and development.
10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*
The proposed zoning will allow a more efficient density of development so extension of city services will be effective. The arterial street frontage will allow ready vehicle access to and from the new development without impacting adjacent land uses.

Applicant letter and pre-application meeting notes
Zone Change #950 – 4240 Central Avenue
Marsich Investments, LLC.
ZONE CHANGE APPLICATION FROM AGRICULTURAL OPEN
TO RESIDENTIAL 7000

Statement of Proposal

The owner under contract, Marsich Investments, LLC., is seeking a zone change for Tract 3 of Certificate of Survey No. 1648. The property is located between Central Avenue and Bell Avenue to the west of Legends Way and is approximately 15 acres in size.

The property is currently located outside the City Limits of Billings. The existing zoning is Agricultural Open and the applicant is requesting a zone change to Residential 7000 and annexation in order to match the adjacent property and develop for residential use. The site's elevation will blend with the adjacent residential houses to the north and east.

Accompanying Responses to Questions in Zoning Application Form

1A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

Note: A number of the items below are associated with walkability and access to trails, transportation, and services. Currently, pedestrian access via Bell Avenue is available from the site to the Shiloh Road multi-use trail; however, Central Avenue is currently constructed to a county road standard west of Shiloh Road and, as such, no pedestrian facilities are available to or from the site along Central Avenue between Legends West Subdivision and Shiloh Road.

GROWTH GUIDELINES

Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.

Development of the property will include improvements for public sidewalk along the north half of Bell Avenue, which extends the existing pedestrian corridor from the site to the existing multi-use trail along the Shiloh Drain. Sidewalks are planned as part of the common elements.

Infill development and development near existing City infrastructure may be the most cost effective.

The proposed development is located within the “red” on the current City of Billings Limits of Annexation Map. The “red” area is the City Annexation Petition Area. Public water, sewer, and storm drain service is located immediately adjacent to the development. Existing infrastructure includes a 16-inch water main and 24-inch sewer main in Central Avenue and 12-inch water and 21-

inch storm drain in Bell Avenue. The above water, sewer, and storm drain lines must be extended from the east boundary of the property to provide service.

Neighborhoods that are safe and attractive and provide essential services are much desired.

The proposed development currently contemplated will be a condominium development consisting of duplex and single-family residential units and common elements including, but not limited to, private roads, sidewalks, infrastructure, and open space. In order to develop the property, a traffic impact study is to be completed in order to identify traffic impacts to ensure the development does not negatively impact traffic safety of the existing City and County road network.

As mentioned above, the development is to be a condominium development. Being a condominium development, the neighborhood will have consistent landscape design and maintenance throughout making the development an attractive neighborhood.

The neighborhood will consist of essential services such as public water, public sewer, and a stormwater management system meeting the requirements of the City of Billings Stormwater Management Manual. The neighborhood will also have nearby access to the existing multi-use public trail system along Shiloh Road via an existing sidewalk on Bell Avenue.

COMMUNITY FABRIC

Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods.

The development is to consist of condominium development. The common elements within the property will consist of private roads and landscaped open space. The development is being planned to include trees and other landscape features along the private roads for a pleasant and calming travel experience through the neighborhood.

Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction.

The proposed development is to include common elements such as open space and sidewalks as an amenity to the neighborhood. The open space is intended to be common to all unit owners for walking, gathering, and recreating. Additionally, the development is in close proximity to the existing multi-use trail along the Shiloh Drain. The existing multi-use trail provides access along the entire length of Shiloh Road. The Shiloh Road trail corridor provides access to a nearby convenience store, churches, City College, future medical campuses, and commercial retail and restaurants.

Outdoor public spaces provide casual and relaxing gathering areas for people.

The proposed development is to include common elements such as open space and sidewalks as an amenity to the neighborhood. The open space is intended to be common to all unit owners for walking, gathering, and recreating. One objective of the landscape design of the open space will be to provide relaxing areas for people to gather.

Planning and construction of interconnected sidewalks and trails are important to the livability of Billings.

The neighborhood will have internal sidewalks and also have nearby access to the existing multi-use public trail system along Shiloh Road via an existing sidewalk on Bell Avenue.

STRONG NEIGHBORHOODS (LIVABLE, SAFE, SOCIABLE AND RESILIENT NEIGHBORHOODS)

Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction.

As previously stated, the proposed development is to include common elements such as open space and sidewalks as an amenity to the neighborhood. The open space is intended to be common to all unit owners for walking, gathering, and recreating. Additionally, the development is in close proximity to the existing multi-use trail along the Shiloh Drain. The existing multi-use trail provides access along the entire length of Shiloh Road. The Shiloh Road trail corridor provides access to a nearby convenience store, churches, City College, future medical campuses, and commercial retail and restaurants.

HOME BASE (HEALTH, SAFE AND DIVERSE HOUSING OPTIONS)

A mix of housing types that meet the needs of a diverse population is important.

The proposed development is intended to provide a mixture of duplex and single-family dwelling units with common elements shared with unit owners. This development is to provide single-level dwellings with a majority of the dwellings having no steps and wider doorway and hallway widths to aid in accessibility for elderly and persons with limited mobility. The development provides an option for maintenance-free living as common elements such as lawns, landscaping, streets, and sidewalks will be maintained by the association.

Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.

The proposed development is intended to provide affordable dwelling units under \$250,000. As stated above, the development will have sidewalks and connectivity to existing walking trails and be evaluated for traffic impacts to promote safety.

Planning and construction of interconnected sidewalks and trails are important to the livability of Billings.

The neighborhood will have internal sidewalks and also have nearby access to the existing multi-use public trail system along Shiloh Road via an existing sidewalk on Bell Avenue.

Homes that are safe and sound support a healthy community.

Dwellings in the proposed development will be of new construction and meet code requirements for building construction, energy conservation, and other trades. Adopted codes and permit inspections should provide reasonable assurance that dwellings within the development are safe and sound.

MOBILITY AND ACCESS (TRANSPORTATION CHOICES IN PLACES WHERE GOODS AND SERVICES ARE ACCESSIBLE TO ALL)

Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors.

In addition to vehicular transportation options, the neighborhood will have internal sidewalks and also have nearby access to the existing multi-use public trail system along Shiloh Road via an existing sidewalk on Bell Avenue. The MET transit system has numerous bus routes that can be accessed near the intersection of Central Avenue and Shiloh Road; it should be noted however that pedestrian access from the property along Central Avenue is limited at this time as no sidewalk is constructed.

Planning and construction of interconnected sidewalks and trails are important to the livability of Billings.

The neighborhood will have internal sidewalks and also have nearby access to the existing multi-use public trail system along Shiloh Road via an existing sidewalk on Bell Avenue.

1B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses in the immediate area.

The property currently is located outside the city limits and is zoned agricultural open space. Under the current zoning, only one single-family residence would be permitted on the 15-acre tract. The subject property is located immediately adjacent to the City Limits of Billings. The property is proposed for annexation into the City of Billings and re-zoned to allow for residential development consisting of a mixture of single-family and duplex residential units and common elements.

The proposed zoning is the same as the adjacent Legends West Subdivision on the east boundary of the site and allows for the proposed mix of single-family and duplex units with a density of 7,000 square feet per single-family unit and 9,600 square feet per duplex unit. Development for residential use is consistent in the vicinity of the site, which consists of a mix of rural non-annexed residential properties zoned Agricultural Suburban and Residential 15000 in addition to the annexed Residential 7000 zone. Undeveloped properties to the south and west are zoned the same as the existing zoning, being Agricultural Open and currently are being utilized for crop production.

**NEIGHBORHOOD MEETING
ATTENDANCE SIGN-IN SHEET**

Date: September 26, 2016

Time: 6:00pm

Project: C/S 1648, Tract 3 - Annexation & Zone Change

Project No.: 98050.49

Meeting Location: Sanderson Stewart - 1300 North Transtech Way, Billings, MT 59102

Name (Please Print)	Phone Number	Email Address
MORIN STEETMAHER	406-281-1423	
KEAT STEETMAHER	406-688-5348	
DOLLEN KRANSE	656-5630	
DIK REICH	252.1763	
Tim Melmstrom	406-672-7532	
Phil Johnson	706-698-9314	
Bob & Bernice	534-2849	
Don & Markey Warwick	855-7349	
Dave and Barb Katz	256-7080	
Doug Reiter	794-8874	
Janet Bergman	259-5681	
Dennis Sulser	406-237-3601	

MEETING MINUTES

PROJECT: Proposed Zone Change – Tract 3 of C/S 1648 Amended			
Project No: 98050.49			
Meeting Location: 1300 N. Transtech Way		Meeting Date: 9/26/16 6:00 P.M.	
Meeting Subject: Neighborhood Meeting		Prepared by: Bryan Alexander	
Attending:	(see attached sign-in sheet)		
Date of Issue: 9/27/16			

Minutes:

- Bryan Alexander presented an overview of the anticipated Application for zone change and annexation, Zoning Commission, and City Council’s action. Also reviewed the existing and proposed zoning and a summary of allowable uses within the Residential 7,000 Zone.
- Introduced developer Dan Marsich who was in attendance.
- Discussed developer’s plan to construct a condominium development with a mix of single-family and duplex units along with common area and private roads, water, and sewer.
- Private roadways would access from Central Avenue and Bell Avenue.
- Described adjacent zoning and land uses near the site.
- Question about building heights. *Dan Marsich stated that he only builds single-level units (no 2-story units). Bryan stated that the proposed zoning allows for 34 foot building heights, which is the same for all residential zones other than RMF and RMF-R. Residential 7,000 also has similar setback requirements to other residential zones (showed table from zoning code).*

- Will there be other builders? *Dan does not intend to sell building pad sites at this time. If a pad site were to be sold, it would have to fit within the master site plan building envelope and Dan would have control over what is to be built.*
- Are there similar units that can be viewed? *Yes, there are 2 duplexes in Brookshire (Cumberland Hill Road) that Dan recently completed using one of the proposed building types. Bryan pointed out a similar type of development in the adjacent Morningstar duplexes (using Google Earth street view), which have duplexes and common areas. Consistent landscaping look and maintenance.*
- Described how site will require a "Master Site Plan" and unit locations and sizes are a set part of the plan.
- How many lots are being planned? *Bryan: Current concepts are showing 80-90 units; it can be noted that individual lots are not proposed.*
- Public water and sewer will be extended in Central Avenue and Bell Avenue will be constructed west along the south of the property (anticipated that only north side will have curb, gutter, and sidewalk).
- Is the purchase of property contingent on the annexation and zone change? *Yes.*
- What accesses are proposed? *Bryan: We are currently looking at one access from Central Avenue and two accesses from Bell Avenue. Currently collecting data for a traffic impact study, as site will create over 500 trips per day, to identify traffic impacts.*
- Will there be ponds in the landscaping? *Bryan: There will likely be a stormwater pond, which will planned to be dry within 72 hours after a storm. There have been discussions of using irrigation ditch water to create landscape ponds; however, there may be challenges with that due to DNRC permitting, costs, etc. Intend to have a pedestrian access from Central to Bell and trees throughout. Landscape plan is not currently developed.*
- Will stormwater ponds create a groundwater rise? *Bryan: Explained geotechnical analysis required by the City for impacts to groundwater and existing/proposed structures.*
- How is sewer provided? *Bryan: All sewer will be from Central Avenue as no sewer is present in Bell Avenue. Sewer is deep in Central and sewer within the site will be private.*
- When does the zone change go to City Council? *Bryan: Showed schedule provided in zone change application. Based on application materials, the application submittal date is October 3rd, Zoning*

Commission on November 1st, and City Council on November 28th. Since annexation is also occurring, we understand that the dates may be pushed back from this point. Public notice will be provided for those meetings via mailers much like this meeting.

- *Will there be an association where the residence pay dues? Dan: Yes, there will be an association that pays for snow removal, mowing, maintenance, etc. Vicki Dunnaway is Dan's attorney that will be preparing the condominium documents.*
- *One resident stated that they are comforted by the proposed zone, but they have some concern about plans for development of an adjacent property to the south (Tr. 1 C/S 2828) of the property. Bryan: I am currently unaware of the development plans for that.*
 - *Neighborhood concerned about development of large-scale multi-family housing projects like those immediately south near King Avenue.*
- *Closed meeting.*

Synopsis of Meeting Results

The meeting conducted on September 26, 2016 was generally well received with no apparent opposition to the requested zone change. The neighborhood residents were concerned about the possibility of multi-family apartment buildings in close proximity that would change the characteristics of their neighborhood. The zoning proposed is limited to single-family and duplex residences, which seemed to be a comforting scenario to those in attendance.