

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

<b>PROJECT: Proposed Zone Change – Tract 3 of C/S 1648 Amended</b>			
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 3<sup>rd</sup>, Zoning*

*Commission on November 1<sup>st</sup>, and City Council on November 28<sup>th</sup>. 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.