

PROPOSED ZONING COMMISSION DETERMINATIONS – Zone Change 675

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County and City of Billings 2008 Growth Policy?*

The proposed zoning does comply in part with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in the growth policy. (Land Use Element, page 6).

This zone change would allow for an overall zoning plan that matches the proposed street layout and connections to the adjacent street network. The zoning adjacent to existing neighborhoods to the west and north is compatible. The proposed zoning area of 32.5 acres at Zimmerman and Grand Avenue is much larger than what is intended by the adopted West Billings Neighborhood Plan but is similar to zoning to the east across Zimmerman Trail and south across Grand Avenue.

In 2001, and then again in 2006, the City and County engaged in area planning for Billings West End. Both plans, the West Billings Neighborhood Plan and the Northwest Shiloh Area Plan, emphasize the need to contain intense commercial development around existing and proposed arterial street intersections or "nodes". The 2001 West Billings Plan preferred a maximum distance of 1,500 feet from an arterial intersection for intense commercial uses. The proposed distance from the intersection of Grand Avenue and Zimmerman Trail to the west is compliant with this guideline but the overall size of the CC zoning on the subject property is considerably larger than what was recommended for nodal development.

The proposed 13.4 acres of RP zoning north of Avenue E up to Colton Boulevard may be compatible depending on the future sales and development of this area.

- Goal: New developments that sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).
This property is directly east of properties zoned R-80, RP and CC. To the north is a mature neighborhood of R-96. To the west is a combination of R-96, R-70, and A-1 zoning. The area will have a more diverse zoning plan internally than similar properties annexed, zoned and developed in the past 30 years.

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

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The nearest fire station is located at 17th St West and Parkhill Drive, Station

#3, about 2.4 driving miles to the east. If the property is annexed, BUFSA will assess fees for the portion of the property remaining in the County with structures. The annexed property will be served by the City Billings Fire Department. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.

3. Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?

Transportation: The new zoning will increase traffic on the adjacent city street network. Assessment of specific traffic impacts, and mitigation requirements will be done at the time of subdivision, annexation and development of the property. It is likely the residentially zoned land will add at least 4,300 new vehicle trips per day.

Water and Sewerage: The subject properties are served by domestic water wells and septic systems. The property intended for development will be annexed and city water and sewer will be provided at that time. There are adjacent city water, sewer and storm sewer lines in Zimmerman Trail, Colton Boulevard and Grand Avenue. Extension of these service lines will be determined by the City Engineer and the time of annexation and development.

Schools and Parks: The proposed zoning may impact the student population when the residential areas are developed. The elementary school districts have capacity issues at this time. Will James Middle School will have capacity when the Ben Steele Middle School is completed. West High School has capacity issues that may be resolved in the future.

Fire and Police: The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. Development is likely to occur within the city limits. This property can be accommodated.

4. Will the new zoning promote health and general welfare?

The new zoning will allow development of property that is adjacent to existing urban and suburban density residential uses and commercial uses. New residential development similar in nature to existing development tends to increase property value for surrounding owners. The intended commercial uses along Grand Avenue and Zimmerman Trail may or may not promote the health and general welfare. The CC zone has a wide range of allowed uses from personal mini-storage warehousing to bars, casinos, convenience stores, vehicle service business, auto sales and service, as well as large retailers.

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

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

6. Will the new zoning effect motorized and non-motorized transportation?
The proposed zoning itself will not generate more traffic on any of the adjacent streets. Development of the property by annexation and subdivision should allow the surrounding street network to absorb the additional vehicle traffic. Traffic impact analysis will be required to ensure the development can be accommodated and mitigation of impacts completed. The frontage along Zimmerman Trail has a boulevard sidewalk in place. It appears boulevard sidewalk will be installed along Grand Avenue as part of the street improvement project. Colton Boulevard west of Zimmerman Trail has also been improved to a full street width. The interior streets will be developed to city standards with curb, gutter, boulevard sidewalks as well as parking lanes on both sides of the street. If the internal streets are developed for all users, it will accommodate all modes of transportation.
7. Will the new zoning be compatible with urban growth in the vicinity?
The proposed zoning is compatible with the adjacent zoning and developments. As the proposed zoning is similar or identical to adjacent zoning it should be compatible with urban development.
8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?
The subject property is in an area that is a mix of urban, suburban and rural land uses. It is expected that agricultural uses will continue on parcels not annexed to the city and developed. The property is suitable for most of the particular uses allowed within the various zoning districts. The proposal for 32.5 acres of CC zoning from Avenue E south along Zimmerman Trail and then along the entire property frontage on Grand Avenue is a concern as it promotes linear commercial development along arterial streets that can negatively affect access and pedestrian and vehicle circulation and safety.
9. Will the new zoning conserve the value of buildings?
The new zoning will allow the annexation, subdivision and development of the property within the city limits. There is an existing homestead on the property and the home will be conforming under the proposed zoning.
10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?
The property is suitable for the uses allowed in the residential zoning districts and most of the uses allowed in the proposed commercial zoning districts. CC zoning does allow casinos or gaming establishments, warehouses, lumber yards, auto sales, vehicle repair shops, pawn shops, title loan shops, equipment rental shops, contractor storage yards, and other similar uses that may or may not fit in the neighborhood.
11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?
The proposed zoning is adjacent to the city limits. The proposed zoning is identical or similar to all of the adjacent zoning within the City limits.