

Zone Change #953 – 940 & 950 Yellowstone River Road

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 guidelines of the 2016 Growth Policy and the Heights Neighborhood Plan (2006):

- The 2006 Heights Neighborhood Plan designated areas where mixed uses or commercial uses should be allowed or considered.

This location was not in one of those areas. The subject property is in an area designated for medium to low density residential uses.

- The Heights Neighborhood Plan Land Use goals and objectives stated the need to *"prohibit high intensity commercial development in residential areas. Provide less intensive commercial development on arterial intersections within residential neighborhoods."*

The proposed zoning of CC is an intense commercial zone and it will be surrounded by developed residential neighborhoods and not at an arterial intersection.

- Essential Investments: The safety of all users and the connectivity of the transportation system are important; Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.

The proposed zoning would allow a variety of intense commercial uses to cross over the Kiwanis Trail bike path on a daily basis. The current use probably does not create an inherent safety risk for drivers or pedestrians and bicyclists. Future uses could include gas stations, bars, casinos, and auto repair and service garages. This type of commercial traffic would not be safe at this location.

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 may not be promoted by the proposed zoning. The current zoning of the parcel – R-70 – allows the use of the storage units and garage spaces for the adjacent mobile home park residents. The proposed zoning would allow these units to be rented to the general public. Additional traffic may make the Kiwanis Trail bike path crossing unnecessarily hazardous for pedestrians and bicyclists. In addition, the drive approach at Yellowstone River Road is on the point of curvature and traffic visibility to the north is obscured by the ditch bank. Low volumes of traffic for the existing use may not cause traffic conflicts but additional uses allowed in the CC zone could cause significant issues.

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 an unpredictable effect on the transportation system.

Water and Sewer: The City provides water and sewer to the property. There will be no additional impacts to the system from the proposed zoning at this time.

Schools and Parks: Schools should not be affected by the proposed zoning. The Kiwanis Trail bike path crosses the access to this property. Some uses allowed in the proposed zoning will conflict with the bike path.

Fire and Police: The subject property is 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. In 2012, the building permit approved for the storage units and garages allowed the buildings to be placed on the south property line – the line adjoining the mobile home court. Some of the manufactured homes are also placed very close to this property line.

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

The new zoning will have an unknown but potentially detrimental effect on both motorized and non-motorized transportation systems. The existing drive approach on Yellowstone River Road is not properly constructed for commercial traffic and commercial traffic crossing the bike path could be a significant hazard.

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

The new zoning does not promote compatibility with urban growth. The proposed zoning will allow the existing storage units and garages to be rented to the general public and not just the mobile home park residents. The existing use may not have a significant effect on the neighborhoods surrounding the property but the universe of uses allowed in the CC zone would not be entirely compatible with these residential areas.

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 the district and the suitability of the property for the proposed use. The proposed zoning is significantly different from the surrounding residential neighborhoods. The proposed zoning could be considered an illegal spot zoning of property. The proposed zoning effects only a small parcel of land and is to the benefit of one owner at the expense of the surrounding owners.

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

The property is currently developed with a 2-family dwelling, 5 accessory buildings and 2 storage unit buildings along the north and south property lines. Approval of the zone change would allow the rental of the accessory buildings and storage units to the general public. The value of existing buildings and the parcel may be conserved by the proposed zoning. Denial of the zone change would not alter the taxable value of the property and buildings.

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 this land in Billings. No other property on Yellowstone River Road is used for general commercial purposes.