



CITY ZONING COMMISSION
AGENDA-Wednesday, July 5, 2017, 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

- a. Approval of minutes: May 2, 2017

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.

Public Hearings:

- a. **City Special Review 956 – 422 Roxy Lane – Multi-family dwellings** – A special review request to allow the construction of 2 new 4-plex multi-family buildings in a Residential 6,000 (R-60) zone on Block 3, Lot 6 of Superior Homes Subdivision, a 37,600 square foot parcel of land generally located at 422 Roxy Lane. Presented by Dave Green, Planner II

- b. **City Zone Change 958 – Skyline Court – 7th Ave and N 25th Street** - A zone change from Planned Development (PD) and Residential Multi-family (RMF) to Residential Professional (RP) on Lot 4-12 and 17-21 of Block 59, Foster’s Addition and Billings Original Town Block 269 Lots 4-11, a 1.12 acre parcel of land. A pre-application neighborhood meeting was held at the Billings Public Library on May 30, 2017. Presented by Dave Green, Planner II

Other Business/Announcements

Adjournment

The City Council has designated **Monday, July 24, 2017**, 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 (July 21, 2017) the first reading of the amendment by the City Council.

Before taking any action on an application for a **special review use**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a special review use other than the one advertised. The City Council shall take one of the following actions on these Special Review requests: 1) approve the application; 2) conditionally approve the application; 3) deny the application; 4) allow withdrawal of the application; or 5) delay the application for a period not to exceed thirty (30) days

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 item 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: 07/05/2017

Information

Subject

Approval of minutes: May 2, 2017

Attachments

BZC_2017_05_02.pdf

City of Billings Zoning Commission Meeting Minutes May 2, 2017

The City of Billings Zoning Commission met on Tuesday, May 2, 2017 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 May 22, 2017 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		01/03/2017	02/07/2017	03/07/2017	04/04/2017	05/02/2017	06/06/2017	07/05/2017	08/01/2017	09/05/2017	10/03/2017	11/07/2017	12/05/2017
Dan Wagner	Chairman	1	-	-	1	1							
Dennis Ulvestad	Commissioner	1	-	-	1	A							
Mike Boyett	Vice Chairman	1	-	-	1	1							
Michael Larson	Commissioner	1	-	-	1	1							
James Mariska	Commissioner	1	-	-	1	1							
Wyeth Friday	Director, Planning & Community Services	-	-	-	1	-							
Vacant	Division Planning Manager	-	-	-	-	-							
Nicole Cromwell	Planner Zoning Coordinator	1	-	-	E	1							
Tammy Deines	Planning Clerk	-	-	-	-	-							
Dave Green	Planner II	-	-	-	1	-							
Karen Husman	Planner I	-	-	-	-	-							
Robbin Bartley	Administrative Support	1	-	-	1	1							

Total Number of 2017 Applications	01/03/2017	02/07/2017	03/07/2017	04/04/2017	05/02/2017	06/06/2017	07/05/2017	08/01/2017	09/05/2017	10/03/2017	11/07/2017	12/05/2017	TOTAL
Zone Change	2			2	1								5
Special Review	1			3									4

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

In Attendance:

Robert Neiber, LaVonne Anderson

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: April 4, 2017

Chairman Wagner called for approval of the April 4, 2017 meeting minutes.

Motion

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to approve the April 4, 2017 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 4-0.

Disclosure of any Conflict of Interest, Ex Parte Communications and Site Visits

A new form has been implemented for any disclosures. If any Board member circled yes to a Conflict of Interest or Ex Parte Communication, it will be explained here.

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 May 22, 2017. He then asked Nicole Cromwell to review the first agenda item.

Nicole Cromwell presented:

City Zone Change 956 – 517 Lincoln Lane – A zone change request from Residential Multi-family-Restricted (RMF-R) to Community Commercial (CC) on a fraction of 175 feet X 490 feet in the S1/2NWSENE1/4 of Section 27, Township 1 North, Range 26 East, a 1.98 acre parcel of land. A pre-application neighborhood meeting was held on March 30, 2017 at the subject property. Tax ID: D05535.

RECOMMENDATION

Planning staff recommends conditional approval an adoption of the findings of the 10 criteria for **Zone Change 956**.

Questions for Staff:

Commissioner Larson asked if the developer will be required to get approval from a board other than building permits etc. Staff replied regarding allowed use or variances. Is this a city island? It may have public water thru Bench water district but no sewer. Commissioner Boyett asked what can be built with Community Commercial zoning. Staff indicated auto sales, auto service, restaurants, RV sales or a multi-family development. Because it is not on an arterial, some things are not practical.

Chairman Wagner asked for the applicant of **Zone Change 956**.

Robert Neihart, Performance Engineering, Agent

Personal storage buildings is the intent. Commissioner Mariska asked if the elevation is going to be raised to mitigate the water issues. It is not surveyed yet, no topography information has been gathered. Chairman Wagner asked how quickly this storage facility will be in use. Possibly 1 year and probably in stages.

Opposed

LaVonne Anderson, 1093 Lincoln Lane

Ms. Anderson was born on Lincoln Lane. She is against this Zone Change because the fenced area will inhibit views of wildlife. She doesn't want to look out her window into a storage unit complex. She is concerned with property values being lowered. Commissioner Mariska asked to point out where she lives and what area she irrigates.

Chairman Wagner asked for a motion.

Commissioner Boyett made a motion and Commissioner Larson seconded the motion to approve **Zone Change 956**.

DISCUSSION

Commissioner Boyett asked what can be built there now with the current zoning. 24 single family homes or 1 building with 40 units. Commissioner Larson feels this is an appropriate zoning for this area, at least the least impact to the roads and area.

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

The motion is approved with a verbal vote of 4-0.

Other Business:

There are no Agenda items for June 2017.

Adjournment: The meeting adjourned at **4:58 p.m.**

DRAFT: To be approved by a motion: **At the next scheduled meeting.**

ATTEST:

Robbin Bartley, Administrative Assistant I



City Zoning Commission

Meeting Date: 07/05/2017

SUBJECT: Special Review 956 - 422 Roxy Lane - Multi-family dwellings

THROUGH: Wyeth Friday

PRESENTED BY: Nicole Cromwell

Information

REQUEST

City Special Review 956 – 422 Roxy Lane – Multi-family dwellings – A special review request to allow the construction of 2 new 4-plex multi-family buildings in a Residential 6,000 (R-60) zone on Block 3, Lot 6 of Superior Homes Subdivision, a 37,600 square foot parcel of land generally located at 422 Roxy Lane. Presented by Dave Green, Planner II

RECOMMENDATION

Planning staff recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 956.

APPLICATION DATA

OWNER: Ann Bustell

AGENT: Tom Reiner and Territorial Land Works, Neil Thompson

LEGAL DESCRIPTION: Superior Homes Subdivision Block 3, Lot 6

ADDRESS: 422 Roxy Lane

CURRENT ZONING: R-60

EXISTING LAND USE: Vacant land

PROPOSED USE: Two 4-plex buildings (8 total units)

SIZE OF PARCEL: 37,600 square feet (.86 acres)

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

Subject Property - None.

Surrounding Property - There are no recent special review requests for multi-family development in the R-60 zoning districts west of Main Street. A recent zone change and special review application for property on Cody Drive and Covert Lane was denied the zone change and the special review was withdrawn. There was significant neighborhood opposition to these applications. There are at least 2 properties in the R-60 zoning districts nearby with multi-family development but no special review on file. These developments were constructed before the 1997 amendment that now requires special review for any new multi-family development in the R-60 zone.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Residential Manufactured Home (RMH) and R-60
Land Use: Single family dwellings and multi-family dwellings

SOUTH: Zoning: RMH & R-60
Land Use: Single family, two family and multi-family dwellings

EAST: Zoning: RMH
Land Use: Single family dwellings
WEST: Zoning: R-60
Land Use: Two family dwellings

BACKGROUND

This is an application to allow construction of 2, four dwelling unit buildings in a R-60 zone on property near the intersection of Roxy Lane and Lake Elmo Drive. There are 2 nearby properties in the R-60 zoning district that have similar 4-family dwellings but were constructed prior to the special review requirement in the R-60 zone. Since 1997, property in the R-60 zone proposed for a multi-family dwelling (3 or more attached units) requires a special review approval. The lot area requirement for each 4-family dwelling is 10,000 square feet. The lot area is 37,600 square feet. The applicant has included a site plan showing paved access to the site, 15 off-street parking spaces, 4 of those spaces are accessible spaces, 2 new buildings each 22 feet in height, landscaping, and area for storm water retention. The applicant has indicated an area for "overflow gravel parking". Planning does believe the Engineering requirements for off-street parking will allow a gravel parking area as proposed. However, this area, if used for parking, will need to meet the City's engineering standards.

This area of Billings Heights between Lake Elmo Drive and Main Street is an area designated for higher density housing, mixed uses or commercial developments. This area was designated for this development pattern by the 2006 Billings Heights Neighborhood Plan. The existing development pattern does mirror this pattern to a certain degree. There are a mixture of housing choices in this area from manufactured homes, to site built homes, duplexes, townhomes, and apartments for rent. Closer to Main Street on these connecting streets, there are businesses and commercial activity although not neighborhood service type businesses. The property surrounding the subject property has the complete universe of housing choice in the area. The lot is much larger than the required minimum for 2, four-unit dwellings.

Roxy Lane is an un-paved City street originally developed as a gravel road to County development standards. The City recently made major improvements to Lake Elmo Drive to create a full collector street for motorists, curb-side parking and pedestrian facilities. A short section of Roxy Lane is paved where it meets Lake Elmo Drive. The remainder of Roxy Lane is gravel and the street is incomplete through to Main Street. The street currently stops before crossing a drainage ditch. There is an informal access from the dead end to the north that connects with Sharron Lane. Lake Elmo Drive carries about 5,000 vehicle trips per day and has a daily MET transit fixed route (#18-Heights) and serves as a primary north/south route west of Main Street. Roxy Lane is a stop controlled intersection. The likely increase in traffic trips from the proposed 8 dwelling units will be less than 70 new trips per day. There may be short term construction impacts while the property is developed but post construction traffic should not impact existing levels of service on Lake Elmo Drive.

The Planning staff is recommending conditional approval of this request. Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) The application complies with all parts of the Unified Zoning Regulations, 2) The application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2016 Growth Policy, and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria in so far that the zoning regulations adopted by the City Council have designated that any multi-family dwelling in an R-60 may apply for a special review. The proposed multi-family buildings and site plan meets all the requirements of the zoning regulations.

The application meets criteria from the second requirement as it is consistent with some of the objectives of the 2016 Growth Policy:

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

The development of a vacant parcel in this established neighborhood in Billings Heights will be a cost effective infill project where City infrastructure and services already exist.

Strong Neighborhoods:

- Neighborhoods that are safe and attractive and provide essential services are much desired.
- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels.
- Implementation of the Infill Policy is important to encourage development of underutilized properties.

The proposed development meets the above noted guidelines for Strong Neighborhoods by encouraging in fill development in a safe and attractive neighborhood, ensuring the mixture of housing types in the area and encourages the development of other vacant and under-utilized property.

Home Base:

- A mix of housing types that meet the needs of a diverse population is important.
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.
- Energy efficient housing can reduce energy consumption.

The proposed development supports the needs of our diverse population, provides new energy efficient housing choices that will be affordable in a safe and attractive neighborhood.

The application also meets the third criteria in that it is compatible with surrounding land uses in the area. This site is in a mixed housing choice area of Billings, with good access to transportation choices and services. There are minimal impacts from the proposed use that need to be mitigated. The conditions recommended with the special review should mitigate impacts on the site and the surrounding properties.

PROPOSED CONDITIONS:

1. The special review approval is limited to 2, four-unit multi-family buildings (8 units total) on Lot 6, Block 3 of Superior Homes Subdivision, generally located at 422 Roxy Lane. No other use is intended or implied by this approval.
2. The development and placement of the 2 buildings, paved parking lot, landscaping, access and general site layout will be in substantial conformance with the submitted plans dated May 2017. Compliance with Engineering Division requirements for off-street parking lots and solid waste storage will be required.
3. There will be no construction activity before 7 am or after 8 pm daily.
4. A fence or wall shall be constructed along the east and south property lines. The fence or wall may be between 4 feet and 6 feet in height at the choice of the applicant. A fence permit application will be required. The fence should be constructed prior to the first certificate of occupancy is issued.
5. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
6. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

****NOTE**** Approval of this Special Review does not constitute approval of a building permit, sign permit or fence permit. Compliance with all applicable local codes will be reviewed at the building permit level. This application is for a Special Review as noted above and no other request is being considered with this application. The Planning Division points out that the use and development of the property must be in accordance with the submitted site plan.

Zoning Commission Action

The City Zoning Commission shall make a recommendation to the City Council to:

1. Deny the application for a special review use.
2. Grant the application for a special review use.
3. Conditionally grant the application for a special review use.
4. Delay action on the application for a period not to exceed thirty (30) days.
5. Give reasons for the recommendation.

Before recommending approval of a special review use, the Zoning Commission shall find that the contemplated use:

1. Complies with all requirements of this Article (27-1500);
2. Is consistent with the objectives and purposes of Chapter 27 and the Comprehensive Plan;
3. Is compatible with surrounding land uses or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.

Further the Zoning Commission shall consider and may impose modifications or conditions concerning, but not limited to the following:

1. Street and road capacity;
2. Ingress and egress to adjoining streets;
3. Off-street parking;
4. Fencing, screening and landscaping;
5. Building bulk and location;
6. Usable open space;
7. Signs and lighting; and/or
8. Noise, vibration, air pollution and similar environmental influences.

RECOMMENDATION

Planning staff recommends conditional approval and adoptions of the findings of the 3 criteria for SR 956.

Attachments

Zoning Map and Site Photos
Application and Site Plan

Surrounding Zoning
Special Review #956 – 422 Roxy Lane





Subject property from Roxy Lane



View east along Roxy Lane



View west along Roxy Lane



View north across Roxy Lane

Application and Site Plans
Special Review #956 – 422 Roxy Lane



Billings Branch | 3333 2nd Ave N. Suite 230 | Billings, MT 59101

May 08, 2017

Planning & Community Services Department
Planning Division
2825 3rd Ave. North, 4th Floor
Billings, MT 59101

RE: Special Review Application
Superior Homes Sub. S15, T01N, R26E, Block 3, Lot 6.

Dear Chairperson:

The owner of the above property, Ann Bustell, wishes to complete a special review for the property. Ann wishes to build two (2) four-plexes on her lot with onsite parking. The property is 0.86 acres in size and is currently undeveloped. Each apartment building will have four (4) rental units. A small boulder pit will be located in the northwest corner of the property.

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

The requested new construction will provide additional housing for the immediate billings area.

B. Explain your need for the intended use of the property at this location?

The requested new development will provide additional housing for the immediate area, help promote further growth, as well as provide increased tax revenue and for the city.

C. How will the public interest be served if this application is approved?

The requested new construction project will provide additional housing for the billings area as well as help beautify the surrounding area by developing and landscaping a vacant lot.

D. Prepare a written statement addressing what is intended to be done with the property and why the special review is being sought?

Ann Bustell wishes to develop the lot using new construction. She wishes to build two (2) four-plex buildings, off street parking for the tenants, and a private entry way running down the middle of the lot. This review is being sought to verify compliance with the city and its growth policy.

Thank you for consideration of our submittal.

Sincerely,
Territorial-Landworks, Inc.

Neil Thompson, E.I.

Enclosures: Special Review Application Packet (includes attachments)
Review fees of \$1,215.00
Site Photos Exhibit

C. Ann Bustell and Tom Reiner
File and Scan (w/ enclosures)

T:\1_ACTIVE FILES\2017 Projects\4546 - Ann Bustell 422 Roxy Lane Site Plan\3_ENG DESIGN\3.7_Site Plan (Res. or Comm.)\special review\tr.2016-11-16.Zone Change Application Coverletter.doc Wednesday, May 17, 2017, 2:15 PM

CIVIL ENGINEERING · SURVEYING · LAND USE CONSULTING

Missoula Corporate | Billings | Flathead | Bakken | Helena
855/875-4102 phone | 406/721-5224 fax | www.TerritorialLandworks.com



City Zoning Commission

Meeting Date: 07/05/2017

SUBJECT: Zone Change 958 - Skyline Court - 7th Ave and N 25th St

THROUGH: Wyeth Friday

PRESENTED BY: David Green

Information

REQUEST

City Zone Change 958 – Skyline Court – 7th Ave and N 25th Street - A zone change from Planned Development (PD) and Residential Multi-family (RMF) to Residential Professional (RP) on Lot 4-12 and 17-21 of Block 59, Foster’s Addition and Billings Original Town Block 269 Lots 4-11, a 1.12 acre parcel of land. A pre-application neighborhood meeting was held at the Billings Public Library on May 30, 2017. Presented by Dave Green, Planner II

RECOMMENDATION

The Planning staff recommends approval and adoption of the proposed findings of the 10 criteria for Zone Change 958.

APPLICATION DATA

OWNER: Campos/Dorn LLC

AGENT: Sanderson Stewart

LEGAL DESCRIPTION: Lot 4-12 and 17-21 of Block 59, Foster’s Addition and Billings Original Town Block 269 Lots 4-11

ADDRESS: SW corner of 7th Avenue West and North 25th Street

CURRENT ZONING: Planned Development (PD) and Residential Multi-family (RMF)

EXISTING LAND USE: Vacant with Some Multi Family

PROPOSED USE: Medical building

SIZE OF PARCEL: 1.12 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

Subject Property - The PD currently on the property was approved on July 9, 2007.

Surrounding Property - The City has reviewed many zone changes in this subdivision since the adoption of zoning in 1972. There have been multiple zoned changes, variances and special reviews for both Foster Addition and Billings First Addition. They have ranged the entire spectrum of possible requests since both subdivisions are among the older subdivisions in Billings and have a great mix of uses in them.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Residential Multi-Family (RMF)
Land Use: Residential House

SOUTH: Zoning: Neighborhood Commercial (NC)
Land Use: Speedy Wash Laundromat

EAST: Zoning: RMF
Land Use: Single Family and Multi-Family housing

WEST:

Zoning: Public: PD and Community Commercial
Land Use: Condominiums and Albertsons

BACKGROUND

This is a zone change request to allow a use on land that has stood mostly vacant for quite a few years. The lots were originally zoned residential. In 2007, a PD was created that is currently in place. Although there has been some construction of multi family within the PD, the entire property has not developed as originally planned. Recently, the land has been vacant land with no new development that has on occasion attracted unwanted activity to the area. The current zoning of the PD would allow Residential Multi Family only. The proposed zoning, Residential Professional, would allow the construction of professional offices and medical clinics that would be along a major corridor in Billings and similar to what is along the corridor now. The proposed zone change is only on a portion of the area that was originally zoned PD so that the existing multi-family development will remain in compliance with the zoning regulations.

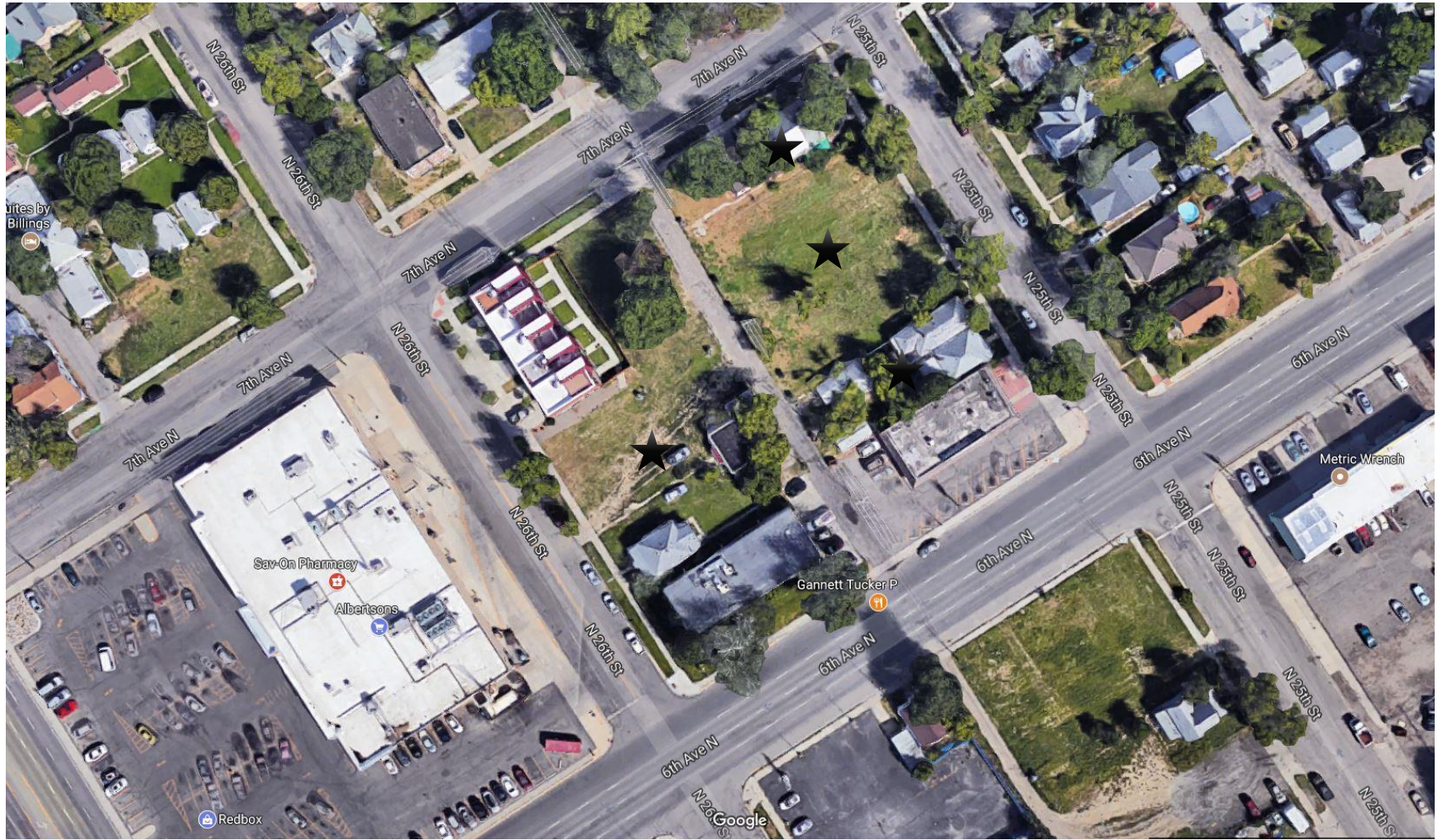
The Planning staff has reviewed the request and is recommending approval based on the proposed findings of the 10 criteria for zone changes. The zoning would make the proposed land more developable as a professional office or clinic development along a main corridor through Billings. The proposed zoning will stabilize the property value, allow for future investment in maintenance without risk to the property owners, and provides a needed choices in Billings. The proposal also is supported by the City's Infill Policy and 2016 Growth Policy. The guidelines for Essential Investments, Prosperity and Strong Neighborhoods in the 2016 Growth Policy include: Public right of way will be landscaped to be more visually appealing, infrastructure already in place, professional areas that encourage more pedestrian activity, provide local jobs, safe and attractive neighborhoods that also provide essential services. The proposed zone change is supported by these guidelines. The proposed zoning would allow the property to be re-developed into Residential Professional and redevelop an underutilized area in Billings.

RECOMMENDATION

Staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 958.

Attachments

Zoning Map and Site Photos
Prop Findings of the Review Criteria
Neighborhood Meeting notes



Subject Property ★



Subject Property – view from N 25th Street



View east from N 25th Street looking south



View of house on the north east corner of subject property



View south east across N 25th St. from subject property



View west from the corner of 7th Ave. N and N 25th St.

Zone Change #958 – Skyline Court

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:

- **Essential Investments:** Infill development and development near existing City infrastructure may be the most cost effective. Neighborhoods that are safe and attractive and provide essential services are much desired;

New buildings, sidewalks, landscaping and fencing would make this area of Billings more visually appealing to residents and visitors. Infill development is the most cost effective since there is already infrastructure in place. Providing basic services near residential development is much desired and convenient to the local residential community.

- **Prosperity:** A diversity of available jobs can ensure a strong Billings' economy. Successful businesses that provide local jobs benefit the community.

Rezoning the parcel will allow construction of the proposed medical building which will require employees and provide jobs that will be a benefit to the community.

- **Strong Neighborhoods:** Neighborhoods that are safe and attractive and provide essential services are much desired.

The proposed zoning will allow the construction of the proposed medical building and clean up an area in Billings that has been underused and fallen into disrepair which attracts unwanted activity in the area. New development will provide needed services and be more attractive than what has been on this land for many years.

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 current zoning of the parcel does not lend itself to single family housing because it is on the edge of a commercial development and a major road, 27th Street, and doesn't provide for enough separation from the traffic noises or safety concerns. Most of this property has fallen into disuse and neglect over the years. This has had a negative effect on the surrounding properties and neighborhood. Re-zoning this property would allow redevelopment and will promote the public health, safety and general welfare of the area.

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

- Transportation: The proposed zoning will not have any effect on the existing 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.
- Schools and Parks: Schools and parks should not be affected by the proposed zoning.

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.

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

The new zoning will have no effect on transportation systems.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to re-develop into a medical building which will provide needed service to Billings and the surrounding areas around Billings and a lower traffic use of medical building is compatible with the existing 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 consider the character of the district and the suitability of the property for the proposed use. The proposed zoning will allow the re-development of the land as a medical use and improve the area with new buildings, landscaping and separation from the major road, 27th Street, for the residential uses that it abuts.

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

The property is currently mostly a vacant lot with 3 older residential building that have fallen into disrepair. The proposed developed of a medical building with landscape, new sidewalks, and buildings will most likely improve values in the neighborhood. Approval of the zone change will conserve the value of the existing surrounding buildings and the parcel will be improved by the proposed zoning.

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

The proposed zoning will allow re-development of the land to a new medical building. Residential development on this property and commercial development is not the most appropriate use of the land at this location. A medical services development to buffer residential from commercial development is the best use of the land.

NEIGHBORHOOD MEETING MINUTES

Project: Skyline Court Zone Change **Project #:** P-17013
Meeting Date: Tuesday, May 30, 2017 **Time:** 5:00 pm
Meeting Location: Billings Public Library, 510 N. Broadway, Billings, MT 59101
Attending: Attendance Sheet Attached

Project Overview:

- Proposed zone change is to go from Planned Development to Residential Professional.
- Project consists of a 12,150 SF Dialysis Building (presented preliminary site plan).
- Project includes 61 parking stalls which is minimum required by code.
- Project includes a two-lane drop-off area for patients.
- Project will include 32 stations and be staffed by 20 employees +/-.
- Plan is to submit a zone change application June 5th.

Discussion:

- Hafers not necessarily opposed to project but had some concerns with the site plan.
- Asked if the building could be located in the NE corner of the property with the drop lane on the south side.
- Prefer a more “urban” layout with the building street side and parking interior.
- Asked if the two approaches on North 26th are necessary and concerned the south drive aisle might become a “shortcut” between North 26th and North 25th.
- Asked if 61 stalls are required and we confirmed that is code minimum unless a parking variance was requested and approved. It was discussed that 61 may not be required from an operation standpoint as most of the patients are dropped off.
- We communicated that we take and relay these comments to the design team and see if there are options to help address any of these comments.

Prepared By: Pat Davies