



CITY ZONING COMMISSION
AGENDA-Tuesday, August 1, 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

Approval of Minutes:

1.

The minutes of the Board meeting of July 5, 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.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **Zone Change 957 – Western Sky Subdivision Lots 3 & 4** – A zone change from Community Commercial (CC), Residential Multi-family-Restricted (RMF-R), Residential 5,000 (R-50), Residential 7,000 (R-70), Residential 9,600 (R-96) and Public (P) to Planned Development (PD) for a new mixed use neighborhood with underlying zoning of PD-CC, PD-NC, PD-RMF and PD-RMH with additional area for public and private open space amenities. A pre-application neighborhood meeting was held at the subject property on April 24, 2017. A preliminary Review meeting was held with the surrounding owners, the applicant, and City staff on June 27, 2017. Tax IDs: C15620, D00614. Presented by Nicole Cromwell, Zoning Coordinator
- b. **City Zone Change 959 – Text Amendment** – An amendment to Section 27-304 to clarify that land uses contrary to local, state or federal law will not be allowed by right or by conditional approval. This zoning code amendment is a companion amendment to BMCC Section 7-1700 regarding Medical Marijuana Storefronts. Presented by Nicole Cromwell, Zoning Coordinator
- c. **Zone Change 960 – 70th St West and Rimrock Road** – A zone change request from un-zoned to Residential 7,000 (R-70) and Residential 5,000 (R-50) on Tract 2A of C/S 2465 (R-70) and Tract 1 of C/S 1871 (R-50) a 116.18 acre parcel of land generally located north of Rimrock Road and west of Copper Ridge Subdivision. A pre-application neighborhood meeting was held on June 26, 2017 at the Yellowstone Country Club, 3200 Paul Allen Way. A concurrent annexation petition has been submitted. Presented by Nicole Cromwell, Zoning Coordinator.

Other Business/Announcements

Adjournment

The City Council has designated **Monday, August 28, 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 (August 25, 2017) 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 changes. 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: 08/01/2017

Information

Subject

Attachments

BZC_2017_07_05.pdf

City of Billings Zoning Commission

Meeting Minutes July 5, 2017

The City of Billings Zoning Commission met on Wednesday, July 5, 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 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 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	-	1					
Dennis Ulvestad	Commissioner	1	-	-	1	A	-	1					
Mike Boyett	Vice Chairman	1	-	-	1	1	-	1					
Michael Larson	Commissioner	1	-	-	1	1	-	E					
James Mariska	Commissioner	1	-	-	1	1	-	1					
Wyeth Friday	Director, Planning & Community Services	-	-	-	1	-	-	-					
Vacant	Division Planning Manager	-	-	-	-	-	-	-					
Nicole Cromwell	Planner Zoning Coordinator	1	-	-	E	1	-	1					
Tammy Deines	Planning Clerk	-	-	-	-	-	-	-					
Dave Green	Planner II	-	-	-	1	-	-	1					
Karen Husman	Planner I	-	-	-	-	-	-	-					
Robbin Bartley	Administrative Support	1	-	-	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		1						6
Special Review	1			3			1						5

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

In Attendance: Pat Davies, Kolten Knatterud, Tom Reiner

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: May 2, 2017

Chairman Wagner called for approval of the May 2, 2017 meeting minutes.

Motion

Commissioner mb made a motion and Commissioner du seconded the motion to approve the May 2, 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 July 24, 2017. He then asked Nicole Cromwell to review the first agenda item.

Dave Green presented:

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. Tax ID: C01471.

RECOMMENDATION

Planning staff recommends conditional approval an adoption of the findings of the 3 criteria for **City Special Review 956**. There are 6 conditions.

Questions for Staff:

Commissioner Boyett stated there are 6 units currently. Staff added 8 will be allowed with a possibly of 10. No curb, gutter and paved street. Engineering will make this determination.

Chairman Wagner asked for the applicant of **City Special Review 956**.

Kolten Knatterud, Territorial Landworks, Inc., Agent

No questions.

Opposed

None

Chairman Wagner asked for a motion.

Commissioner Boyett made a motion and Commissioner Mariska seconded the motion to approve **City Special Review 956 with conditions**.

DISCUSSION

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.

Dave Green presented:

City Zone Change 958 – Skyline Court – 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. Tax IDs: A07379, A01966, A01967, A01968, A07375.

RECOMMENDATION

Planning staff recommends approval of adoption of the findings of the 10 criteria for **City Zone Change 958**.

Questions for Staff:

Chairman Wagner asked for the applicant of **City Zone Change 958**.

Pat Davies, Sanderson Stewart, Agent

A large Dialysis Clinic is planned for this property. Commissioner Mariska asked if these are the same owners of condo apartments. Randy Hafer is not opposed to this zone change. The proposed building entrance will be on 25th. The alley will remain and be improved to access staff parking.

Opposed

None

Chairman Wagner asked for a motion.

Commissioner Ulvestad made a motion and Commissioner Boyett seconded the motion to approve **City Zone Change 958**.

DISCUSSION

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:

July 17, 2017 is a Joint Meeting for code separation.

Adjournment: The meeting adjourned at **4:55 p.m.**

DRAFT: To be approved by a motion: **August 1, 2017.**

ATTEST:

Robbin Bartley, Administrative Assistant I



City Zoning Commission

Meeting Date: 08/01/2017

SUBJECT: Zone Change 957 - Western Sky Planned Development - 48th St West and King Ave West

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Zone Change 957 – Western Sky Subdivision Lots 3 & 4 – A zone change from Community Commercial (CC), Residential Multi-family-Restricted (RMF-R), Residential 5,000 (R-50), Residential 7,000 (R-70), Residential 9,600 (R-96) and Public (P) to Planned Development (PD) for a new mixed use neighborhood with underlying zoning of PD-CC, PD-NC, PD-RMF and PD-RMH with additional area for public and private open space amenities. A pre-application neighborhood meeting was held at the subject property on April 24, 2017. A preliminary Review meeting was held with the surrounding owners, the applicant, and City staff on June 27, 2017. Tax IDs: C15620, D00614. Presented by Nicole Cromwell, Zoning Coordinator

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 957.

APPLICATION DATA

OWNER: Mont Vista LLC, and Gerald & Barbara Krieg

AGENT: KLJ Engineering, Travis Copper, P.E.

LEGAL DESCRIPTION: Lots 3 and 4, Western Sky Subdivision

ADDRESS: Southeast corner of 48th St West and King Ave West

CURRENT ZONING: CC, RMF-R, R-96, R-70, R-50 and Public

EXISTING LAND USE: Vacant - agricultural land

PROPOSED USE: New mixed use subdivision

SIZE OF PARCEL: 66 +/- acres

CONCURRENT APPLICATIONS

A preliminary subdivision plat and Master Site Plan have been submitted.

APPLICABLE ZONING HISTORY

The property was annexed and zoned in May 2007 from A-1 to CC, R-50, R-70, RMF-R and Public zoning. The original subdivision plan was the basis for the current zoning boundaries. The subdivision, King Meadows, was never filed as a final plat. Subsequently, Lots 1 and 2 to the east were sold and developed by another party. Two zone changes for Lots 1 and 2 have been approved to expand the area for multi-family development and to consolidate the Public zoning for a larger active recreation area.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: A-1
Land Use: Agricultural land

SOUTH: Zoning: R-70
Land Use: Agricultural land

EAST: Zoning: RMF-R, Public & R-70
Land Use: Western Subdivision - Hoop Dreams Multi-family development

BACKGROUND

This is an application to change the existing zoning of 2 lots in the Western Sky Subdivision from the original zoning scheme based on an expired subdivision plan (King Meadows). The owners are proposing a mixture of land uses including neighborhood services, retail development, office space, multi-family apartments as well as an area for a manufactured home development. Each area has proposed an underlying zoning district (Master Plan) that corresponds to the proposed Planned Development zoning agreement. In addition to the creation of these specialized zoning districts, the applicant intends to building a network of walking and biking trails and unique outdoor recreation opportunities that exceed the requirements for park dedication in the subdivision regulations. The owners are working with the adjacent owner to the east to ensure the parkland dedication for the subdivisions connects and adds value for both areas.

The proposed Master Plan indicates 8.5 acres of PD-CC zoning, 10.3 acres of PD-NC, 15.3 acres of PD-RMF and 31.1 acres of PD-RMH. The proposed PD-CC zone is located at the intersection of 48th Street West and King Avenue West. All uses allowed by right or by special review in the standard CC zoning district will be allowed in the PD zoning district. The proposed PD-NC zone (east of the CC district) will also allow all NC uses but adds a use for personal storage warehousing if setback from the King Avenue West frontage. This provision was inadvertently not included in the draft PD agreement. Staff recommends adding the following language to Section 9. (Page 8) under Minimum Community Commercial and Neighborhood Commercial Setbacks and Landscaping Requirements:

- Building Setbacks - no changes from BMCC - ~~except no personal storage warehouse, general warehouse or storage yard shall be constructed or established within 150 feet of the King Avenue West property line.~~

A final subdivision plat has not been approved or submitted by the applicant. The Master Plan states an intent to exceed the required parkland dedication requirements. These requirements will be based on the number of dwelling units proposed in the PD-RMF and PD-RMH areas shown on the Master Plan. The subdivision requirement is: "*Sec. 23-1002. B. Park dedication requirements for subdivisions that provide for multi-family and condominium developments, and that provide permanent, multiple spaces for recreational camping vehicles or manufactured homes shall be in lieu of those provided in Section 23- 1002(A) and are as follows: 1. 11% of the area of the net land proposed to be developed at a density of one dwelling unit per half acre or less;...*". In addition to meeting this required minimum area dedication, the applicant will be the builder and developer of the facilities in these parkland areas including walking trails, landscaping, the multi-use trail along 48th St West as well as ensuring the trails and walkways allow connection to planned and existing open space to the east and south.

A Planned Development zone change may be considered if the proposal meets the intent of a PD zone by using flexible land use and design regulations to create a unique development that could not otherwise be created through the use of standard zoning districts. The proposed development will create a unique and flexible set of underlying zoning districts and will encourage pedestrian access between and through the development to adjacent open space areas. There are specific landscaping requirements proposed between the commercial zones and the adjacent residential zones that will provide the necessary screening between these uses. The proposed setbacks and landscaping are greater than required in the standard zoning regulations. The PD also specifies screening fences and walls for the proposed PD-RMH zone that will ensure the security of the development as well as providing a traffic noise barrier along 48th Street West.

The Planning Division held a preliminary review meeting on Tuesday, June 27, 2017 at the Planning offices. The applicant, agent and several surrounding property owners attended the meeting to review the specifics of the PD agreement and the Master Plan. There was some concern voiced by the property owners to the north and east about the proposed access from the subject property to King Avenue West. The original subdivision plan anticipated installation of a single shared street connection at the boundary of Lot 2 (adjacent to the east) and Lot 3 of the subject property. The proposed street connection submitted by the applicant for Montana Department of Transportation (MDT) approval is shown 300+/- feet west of the common boundary between Lot 2 and Lot 3. The owner to the east, Cal Kunkel, expressed concern that MDT would not allow a second permanent street approach on Lot 2 and the proposal by the applicant would unnecessarily restrict future development on his property. The

property owners to the north, Jan Rehberg and the Dyk family represented by Blaine Poppler, had similar concerns. The applicant and surrounding owners were going to discuss alternatives with MDT and bring those forward through the subdivision process.

The Planning Division has reviewed this application and is recommending approval based on the attached ten (10) criteria for zone changes. The subject property is located in an area of growth in the West End of Billings. This area west of Shiloh Road includes a large number of multi-family dwelling units (1,000+) with some area devoted to retail businesses and services. There are plans for future development of dwellings for ownership in this proposed PD as well as adjacent subdivisions. The proposed zoning supports the 2016 Growth Policy goal of locating compatible uses in proximity to similar uses, providing for interconnected sidewalks and trails, abundant landscaping along streets and corridors, provision of amenities and facilities in the parks and open space areas, and a mixture of housing types and choices. The proposal also has the ability to provide everyday services to the future residents by ensuring connections between the commercial areas to the north and the residential areas on the south. Any effects of the proposed development on traffic, non-motorized travel, public safety, irrigation ditches, and agricultural uses will be mitigated through the subdivision process. There are compatible uses adjacent to this parcel including Hoop Dreams Apartments to the east. The overall proposed residential dwelling density is about 7 dwelling units per gross acre of land (Lots 2 and 3).

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 957.

Attachments

Zoning Map and Site Photos

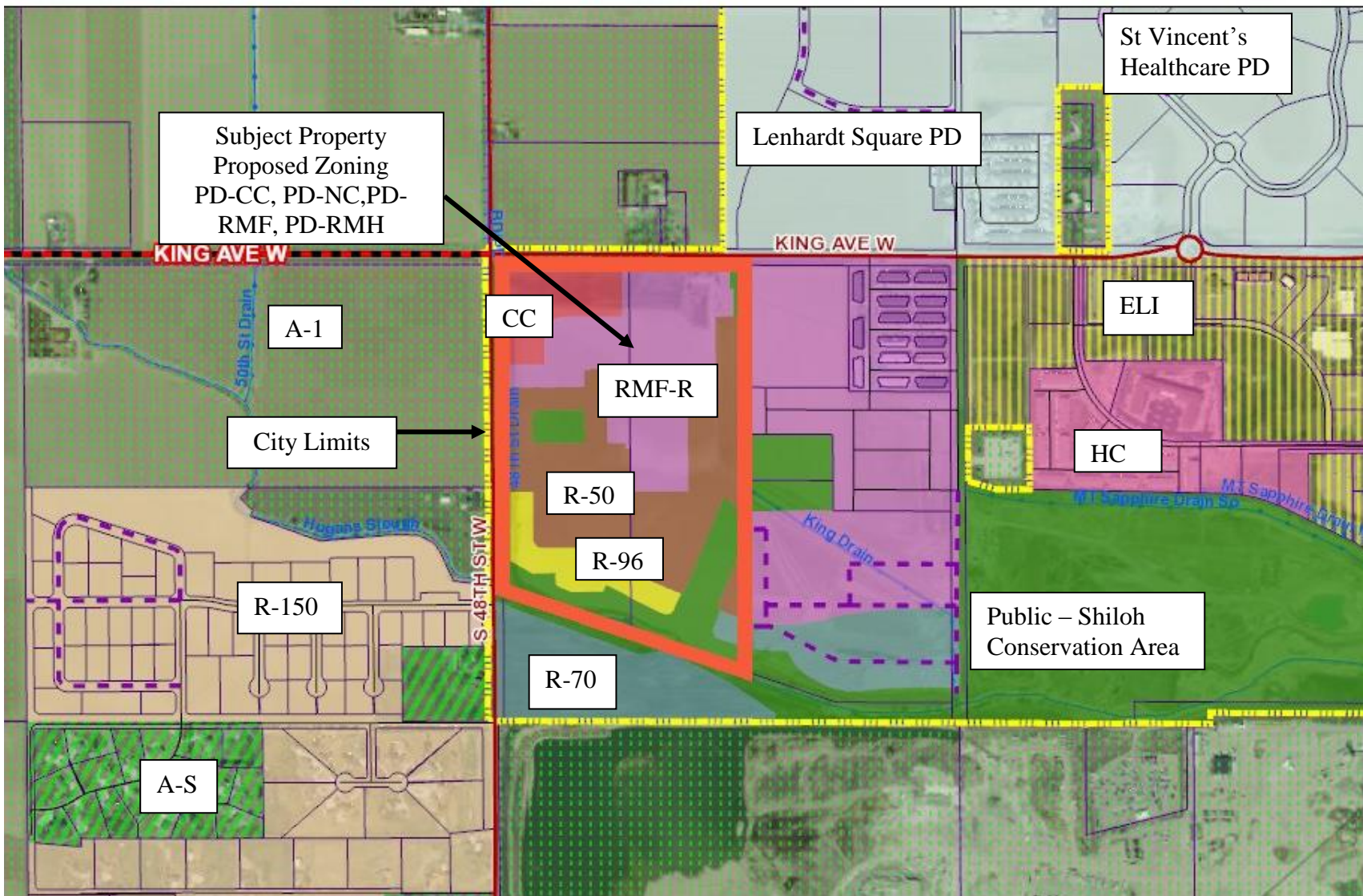
Proposed Findings of the Review Criteria

Final Draft PD Agreement

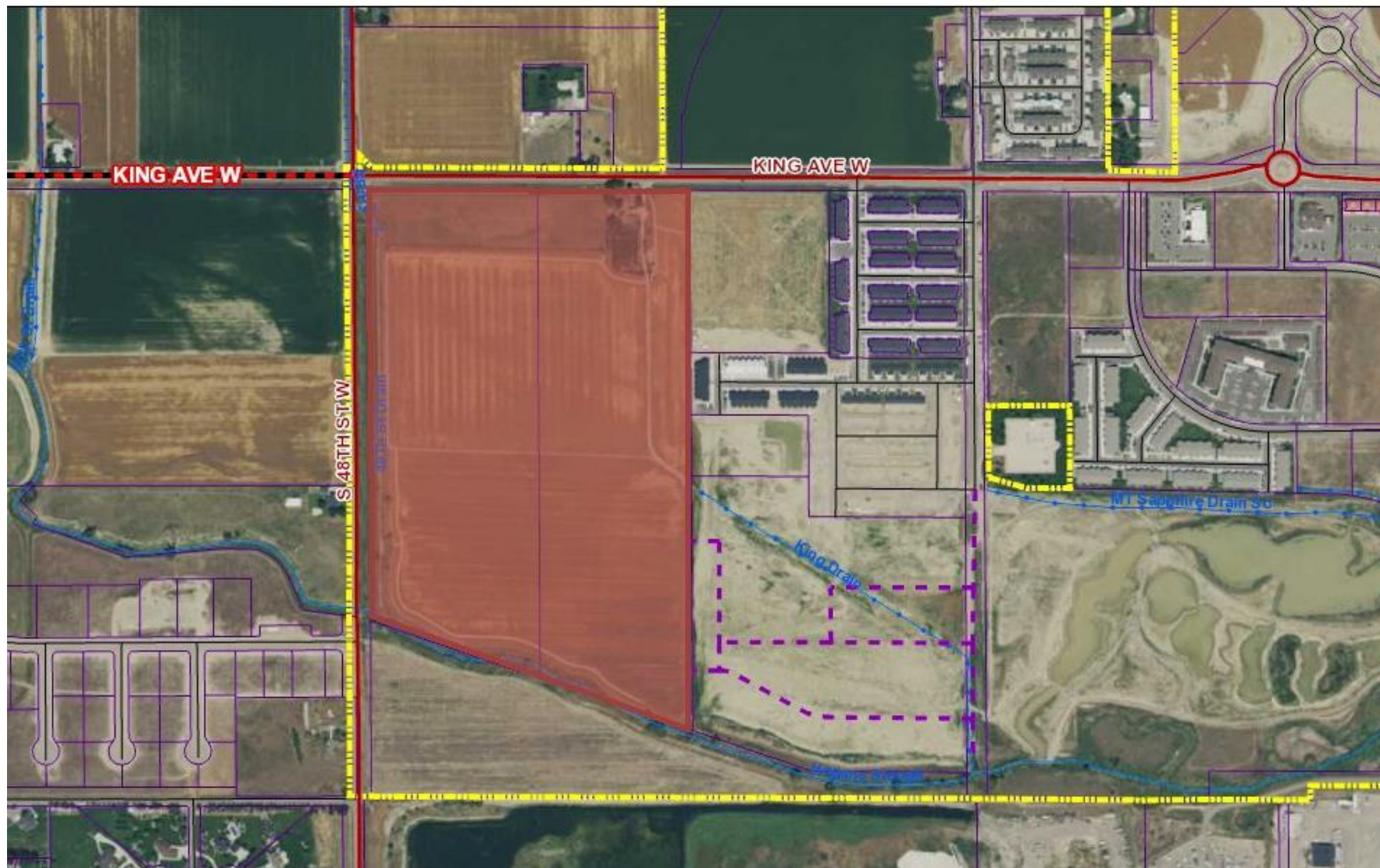
Zoning Plan

Applicant Letter and Pre-application meeting notes

Surrounding Zoning
Zone Change #957 – Western Sky PD
Western Sky - PD existing zoning



Western Sky PD ZC 957







Subject Property – view from intersection of 48th St West & King Ave West



View east along King Ave West



View north across Kine Ave West



View north west across intersection of 48th St West and King Ave West



View from north west corner across subject property to the south east corner

Zone Change #957 – Western Sky PD

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 and the West Billings Neighborhood Plan (2001):

The West Billings Neighborhood Plan goals and objectives stated the need to locate retail and commercial areas based on arterial street intersections "...*Commercial nodes should be comprised of, as much as possible, a diverse range of commercial, business office, and entertainment facilities. It is intended that neighborhood centers should be roughly the size of the center currently located at the northwest corner of Grand Avenue and Rehberg Lane and community centers roughly the size of West Park Plaza on Grand Avenue. Regional centers are intended to serve the entire Billings community and the region beyond. Non-retail, office and multi-family uses will be supported along arterial streets...*"

- The proposed zoning of PD-CC and PD-NC is conforming and compatible with goals of the West Billings Neighborhood Plan. The intersection of 48th St West and King Ave West was designated as a neighborhood center. Office use is planned for the PD-NC frontage along King Ave West with personal storage warehousing south of the office building(s). Another goal of the plan was to encourage better accessibility of everyday services to new neighborhoods. The proposed PD will allow the developer to interconnect the residential and commercial areas so everyday services are walk-to conveniences for the residents.

Essential Investments, Strong Neighborhoods and Home Base:

- 1) Neighborhoods that are safe and attractive and provide essential services are much desired.
- 2) Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- 3) Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community.
- 4) Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels are desired.
- 5) 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.
- 6) A mix of housing types that meet the needs of a diverse population is important.
- 7) Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.
- 8) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.
 - The proposed zoning would help create a new neighborhood with a mixture of uses within an area that is safe and attractive. The developer intends to build an inter-connected system of trails and paths so the residents have access throughout the area without having to drive. The PD agreement intends to allow a variety of housing choices in the area including apartments, condominiums, townhomes, manufactured homes and site-built single family dwellings. The proposed landscaping, fencing and buffer yards will ensure the safety of the

residential areas, mitigate some of the traffic noise from 48th St West and King Ave West (arterial streets), and buffer the commercial uses from the residential uses when necessary.

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 was developed based on a subdivision that will not be constructed. The King Meadows Subdivision anticipated the construction of about 340 dwellings including single family, two-family and multi-family units. The new zoning will allow a greater variety of housing choices and will increase the density about 2 units per gross acre of land. In addition, the new zoning will allow a wider variety of neighborhood services in the proposed commercial zones.

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 a measurable effect on the transportation system. The applicant and agent have prepared a traffic study to be reviewed by the City Traffic Engineer as part of the subdivision application. The traffic study will make recommendations on the location of street access, any contributions needed for off-site impacts to other street intersections and any capacity increase needed due to new traffic from the development.
Water and Sewer:	The City will provide water and sewer to the property. There will be no additional impacts to the system from the proposed zoning.
Schools and Parks:	Schools will be affected by the proposed zoning, although it is not known the number of children that may become residents of the new development.
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 an effect on vehicle and pedestrian traffic. The traffic study to be prepared by the applicant for the City Traffic Engineer's approval will determine the level of traffic impact and any mitigation required. Non-motorized travel – walking and biking – is an essential part of the circulation plan both within the proposed development and connecting to adjacent areas including Hogan's Slough and the Hoop Dreams development to the east. Traffic counts in the area on King Ave West and 48th St West are well below the expected volume on a principal arterial street. King Avenue West has an average daily traffic volume of 8,010 vehicles per day at this location, less than Poly Drive at 13th Street West. 48th Street

West is less than most local streets with about 860 vehicles per day. As development increases in the area, these 2 arterial streets will need to build in additional controls, management facilities and safety features. MDT retains jurisdiction over the management of King Avenue West and the city will manage 48th St West where it has been annexed to the city.

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

The new zoning does promote compatible urban growth in this area. The Hoop Dreams development to the east has a much higher density than the proposed density of this PD. The PD proposes to offer a variety of housing choices, with services available to the residents and the public. North of the subject property is the Lenhardt Square PD with a proposed urban village center along the King Avenue frontage. Further east is the St. Vincent's Healthcare PD that will provide commercial and retail services at the intersection of King Ave West and Shiloh Road along with an 80+/- acre medical campus to the north and west. The proposed PD uses and development is compatible with this urban growth pattern.

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. This area between Shiloh Road and 48th St West is an area undergoing rapid growth that is in need of more housing choices and neighborhood services. The proposed PD will provide these services and housing options and the development standards will help ensure its compatibility with adjacent property. The property is suitable for the proposed use given its location in the area.

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

The property is currently undeveloped. Approval of the zone change will provide more certainty to surrounding land owners and may help to stabilize property values of adjacent buildings.

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

The proposed zoning may encourage the most appropriate use of this land in Billings. This specific location and use is appropriate.

Return to: Kadrmas, Lee & Jackson, Inc.
P.O. Box 80303
Billings, MT 59108-0303

PLANNED DEVELOPMENT AGREEMENT

FOR

Western Sky

By and Between:

Mont Vista, LLC
PO Box 333
Reedpoint, Montana 59069

And

The City of Billings, Montana

**PLANNED DEVELOPMENT AGREEMENT
FOR WESTERN SKY SUBDIVISION**

In accordance with the Unified Zoning Code Section 27-1310, the parties to the Planned Development Agreement for Western Sky (“Agreement”)

Lot 3 and 4 of Block 1 of Plat of Western Sky Subdivision, recorded in the office of the clerk and recorder, Yellowstone County, under Document No. 3374355.

The parties to the Agreement consent to this re-zoning, said parties being the CITY OF BILLINGS, a Montana municipality (“the City”), of 210 N 27th Street, Billings, Montana, 59101 and MONT VISTA, LLC, a Montana limited liability corporation, of PO Box 333, Reedpoint, Montana 59069, and Gareld F. Krieg and Barbara B Krieg, 3115 Sycamore Lane, Billings, MT 59102.

IN AGREEMENT WITH THE FOREGOING, the authorized representatives of the foregoing parties have executed this document on the date or dates appearing below. The parties agree that this document may be signed in counterparts using separate signature pages.

This **PLANNED DEVELOPMENT AGREEMENT FOR WESTERN SKY** is made this ____ day of _____, 20__, by Mont Vista, LLC, a Montana limited liability company (“Developer”) of PO Box 333, Billings, MT 59069, and Gareld F. Krieg and Barbara B Krieg, 3115 Sycamore Lane, Billings, MT 59102 and the City of Billings, a Montana municipality, (“City”) of 210 North 27th Street, Billings, MT 59101.

RECITALS

WHEREAS, MONT VISTA, LLC is the owner of a portion of the following described property situated in the NW ¼ of Section 15, Township 1 South, Range 25 East, P.M.M., Yellowstone County, Montana:

Lot 3 and 4 of Block 1 of Plat of Western Sky Subdivision, recorded in the office of the clerk and recorder, Yellowstone County, under Document No. 3374355

WHEREAS, a portion of the above described property is referred to herein as “Western Sky Planned Development”; and

WHEREAS, the Western Sky Planned Development may consist of a mixture of community commercial, neighborhood commercial and residential housing and Mont Vista, LLC desires to place certain Planned Development zoning and land use restrictions on the property; and

WHEREAS, Mont Vista, LLC enters into this Agreement with the City of Billings to ensure that the Western Sky Planned Development will be developed and maintained consistent with the standards described in this Agreement.

NOW, THEREFORE, the undersigned hereby establish and declare the following development plan shall apply to all of the real estate described hereinabove, shall bind the present and future property owners to such real property and shall run with the land.

AGREEMENT

ARTICLE I - PURPOSES

Section 1. Greater or Lesser Standards. Many of the requirements described in this Agreement are the same, similar to, or stricter than requirements in the Unified Zoning Regulations. However, to the extent that this Agreement creates greater or lesser standards for density, use, height, lot coverage, parking, signage, traffic circulation, landscaping or other land use conditions, the City has determined in accordance with Section 27-1303 of the Unified Zoning Regulations, these unique standards are appropriately balanced by the inclusion of mitigating features or special amenities not otherwise provided by law or regulation. Some of these amenities that shall be incorporated into the Western Sky Planned Development include:

- A. Open Space and Park Land above the minimum of eleven percent (11%) dedicated to the residential portion which is required by the Subdivision Regulations.
- B. Construction and landscaping of a functional and attractive pedestrian and bicycle facility that will promote the safe and convenient transportation of children and adults while

interfacing with the Private Park Areas located throughout the Western Sky Planned Development.

Section 2. Natural Environment. A natural and healthy environment will be emphasized with ample Park Land and Open Space. Sidewalks, bicycle and walking trails will interconnect with Park Land and Open Space to encourage physical activity.

Section 3. Mixed Residential Use Purpose. The Western Sky Planned Development will effectively define a variety of commercial and residential uses allowing for a planned mix of community and neighborhood commercial and housing types creating a diverse and aesthetically pleasing community.

Section 4. Flexibility for Future Development. The Western Sky Planned Development shall permit maximum flexibility of design and materials to meet commercial and residential demands as they change over time. The planned development zoning described in this Agreement is intended to provide an opportunity for future development that will create an attractive and functional neighborhood community with a variety of living and commercial opportunities.

ARTICLE II – DEFINITIONS

Section 1. The Billings Unified Regulations means, “The Billings Unified Regulation” in effect, June 5, 2017.

Section 2. Unified Zoning Regulation Definitions. All terms used herein shall have the same definition and meaning as specified in the City of Billings Unified Zoning Regulations and the City of Billings Municipal Code unless a contrary definition or meaning is provided herein. If a definition is not provided, the term shall be deemed to have a common and ordinary meaning.

Section 3. Western Sky Planned Development. “Western Sky Planned Development” or “Planned Development” or “development” consists of a portion of the land situated in the NW 1/4 of Section 15, Township 1 South, Range 25 East, P.M.M., Yellowstone County, Montana described as Lot 3 and 4 of Block 1 of Plat of Western Sky Subdivision, recorded in the office of the clerk and recorder, Yellowstone County, under Document No. 3374355 is planned to be in the Western Sky Subdivision plat including commercial and residential lots and space, streets, Open Space and Park Land within in the Western Sky Planned Development. Attached hereto and by reference incorporated herein is the attached **Planned Development Exhibit** illustrating the land and streets included in the Planned Development. The development will feature community, neighborhood commercial and mixed residential uses.

Section 4. Western Sky Homeowners Association. The term “Association” or “Western Sky Homeowners Association” shall mean the association of owners of property within the Western Sky Planned Development that may be organized by Mont Vista, LLC.

Section 5. Design Review Committee. “Design Review Committee” means the person, entity or committee appointed by Mont Vista, LLC to exercise the rights, duties and responsibilities assigned to it by Mont Vista, LLC under this Planned Development Agreement or under any Declaration of Covenants and Restrictions recorded by Mont Vista, LLC.

Section 6. Developer. “Developer” means Mont Vista, LLC or any person or entity to whom Mont Vista, LLC transfers or assigns its development rights hereunder.

Section 7. Neighborhood Commercial. “Neighborhood Commercial” means commercial centers and limited retail activities conducted in a unified development designed to serve the surrounding neighborhood with facilities consisting of convenience retail, personal service establishments and mini-storage units as permitted uses.

Section 8. Community Commercial. “Community Commercial” means to provide locations for planned and integrated retail, service and office facilities in close proximity to high and medium density residential neighborhoods.

Section 9. Residential Multi-Family. “Residential Multi-Family” means to provide adequate sites for multi-family developments including high-rise apartment complexes. Dwelling unit density is increased in this classification to encourage development in areas where it will complement existing developments. Land within the classification be located with access to major arterial transportation routes plus financial, cultural and retail stores and be served by public water and sewer services.

Section 10. Dwelling Unit. “Dwelling Unit” means one (1) or more rooms designed for or occupied by one (1) family for living or sleeping purposes and may contain kitchen and/or bathroom facilities for use solely by one (1) family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. A residence building may contain one (1) or more dwelling units.

Section 11. Grade. “Grade” is the lowest point of elevation of the finished surface of the ground, or the lowest point of elevation of the finished surface of the ground between the exterior wall of the building and the property line, if it is less than five (5) feet distance from the wall. In cases where walls are parallel to and within five (5) feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.

Section 12. Height. “Height” or “Building Height” means the vertical distance from the highest point of a structure to the “grade”.

Section 13. Lot. “Lot” or “lot” means a portion of the Mont Vista Planned Development depicted as a separately identified parcel on a recorded subdivision plat that may be independently owned and conveyed. The term refers to the land, as opposed to any structures or other improvements on the Lot. Multiple Dwelling Units may be located on one Lot. The term does not include Park Land and Open Space or property dedicated to the public.

Section 14. Park Land and Open Space. “Park Land” and “Open Space” means any property or facility that Mont Vista, LLC has identified on the Mont Vista Subdivision plat as Open Space and/or Park Land. In addition, Park Land may include but is not limited to park areas, open spaces, common areas, water amenities, bike trails, sidewalks, walking paths, exercise or play areas, sitting areas, picnic areas, landscaped entryways, community sign areas.

Section 15. Owner. “Owner” or “owner” shall mean any person or entity owning a fee simple interest in a lot or a purchaser by a contract, whether one or more persons or entities, owning or purchasing a lot, but excluding Developer and/or those having a mortgage or an interest merely as security for the performance of an obligation.

Section 16. Single Family. “Single Family” or “single family residential” means a building constructed and designed for occupancy by one (1) family and containing one (1) dwelling unit.

Section 17. Story. “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or underused under-floor space shall be considered a story.

Section 18. Town Home. “Town Home” or “town home residential” or “townhouse” means a building or structure that has two (2) or more one (1) family dwelling units erected as a single building, each being separated from the adjoining unit or units by an approved fire wall or walls and providing for fee simple ownership of land and dwelling unit. In contrast to a “condominium” a town home includes deeded ownership of the land underneath the dwelling unit in the town home, whereas a condominium may not.

Section 19. Twin Home. “Twin Home” or “twin home” or “twin home residential” means a building constructed and designed for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, where the dwelling units share a common separation such as a hallway, covered lane, ceiling, wall, including without limitation, the wall of an attached garage or porch.

Section 20. Residential Manufactured Home Park or Court. “Residential Manufactured Home” means a space designed or used that contains temporary or permanent parking for two (2) or more manufactured homes spaces which are available to the general public for use as residences. The land or parcel is not composed of individually platted lots which contain only one manufactured home per lot.

Section 21. Unit Ownership Act. “Unit Ownership Act” means the Unit Ownership Act of the State of Montana, Section 70-23-101, et seq., Montana Code Annotated. At the discretion of Developer(s), the Unit Ownership Act may be used to develop Patio Homes, Town Homes, and Twin Homes in the Areas identified herein for such use. However, the terms and limitations in this Planned Development Agreement shall remain applicable.

ARTICLE III – PERSONS BOUND BY THIS AGREEMENT

Section 1. Persons and Entities Bound. The City of Billings and all individuals, corporations or other entities who presently have or shall hereafter acquire any interest in and to any of the real property within the Western Sky Planned Development shall be held to agree to all of the terms of this Agreement, and all such individuals, corporations, and other entities, as well as their heirs, devisees, successors, assigns, tenants, trustees, mortgagees and other persons claiming under them shall be bound by this Agreement, the terms of which shall run with the land unless modified by subsequent zoning amendments approved by the City of Billings.

ARTICLE IV – LAND USES

Section 1. Underlying Land Use Classifications. Lots and underlying land use classifications are illustrated on the attached **Planned Development Exhibit**. The lots are divided into the following Areas with described underlying land use classification.

Underlying Land Use Classification(s)

AREA NO. 1 PD-CC	Community Commercial- no minimum lot size
AREA NO. 2 PD-NC	Neighborhood Commercial- no minimum lot size
AREA NO. 3 PD-RMF	Residential Multi-Family- no minimum lot size
AREA NO. 4 PD-RMH	Residential Manufactured Home - 3300 SF Minimum space area Single Family Home- 4800 SF Minimum lot area Twin Homes- 5300 SF Minimum lot area

Section 2. Permitted Area Uses.

Area No. 1 PD-CC lots may be used for community commercial purposes found in the Unified Zoning Regulations.

Area No. 2 PD-NC lots may be used neighborhood commercial purposes found in the Unified Zoning Regulations including mini-storage units as a permitted use.

Area No. 3 PD-RMF lots may be used for residential multi-family purposes.

Area No. 4 PD-RMH lots or spaces may be used for residential manufactured home, single family home, townhome and/or twin home purposes.

Land not described in lots is to be used for Open Space, Park Land, streets, boulevards, trails, sidewalks, drainage ponds, Hogan's Slough, irrigation ditches and structures, ingress and egress and utility easements and such other uses as may be reserved or required by Developer. Developer, at its discretion, may transfer Open Space land to a Western Sky Homeowners Association company.

Section 3. Special Review Uses. Special Review Procedures for the underlying land use classifications set forth in Article IV hereinabove are allowed and shall comply with the Unified Zoning Regulations as established by the City of Billings.

Section 4. Special Review Criteria to be Considered. In considering a special review or variance request, in addition to the review criteria in the Unified Zoning Regulations, the City shall consider the following criteria:

- A. Mont Vista, LLC must have given its written consent to the special review or variance request.
- B. The proposed use meets architectural guidelines as may be established by Mont Vista, LLC.

Section 5. Commercial Uses Prohibited. All lots or spaces located within Area 3 and Area 4 of the Western Sky Planned Development shall only be used for residential purposes which include lots or spaces used for storm drain ponds and parks with the exception of sales offices or club houses. No lot or space may be used at any time for any business, trade, manufacture or other commercial purpose; however, spaces may be rented or leased and in-home business using telephone, internet and other telecommunications is allowed but such in home business shall be regulated as may be required by City zoning regulations or municipal code.

Section 6. Accessory Dwelling Units. Guesthouses, Apartments over garage are not allowed.

Section 7. Overhead Lines. Overhead utility lines including electrical, telephone, cable lines are prohibited.

Section 8. Lot Size. The spaces or lot sizes are varied and will be set forth in the final plat or equivalent of each phase of the Western Sky Subdivision. In no case will the lot or space size be less than the minimums found in Article 4, Section 1.

Section 9. Minimum Setbacks and Landscaping Requirements

Minimum Community Commercial Setbacks and Landscaping Requirements.

Minimum Building Setback and Landscaping Requirements for lots in all PD-CC area is as follows:

- Building Setbacks - no changes from BMCC
- Street frontage landscaping - no changes from BMCC
- Perimeter Landscaping - no changes from BMCC

Minimum Neighborhood Commercial Setbacks and Landscaping Requirements.

Minimum Building Setback and Landscaping Requirements for lots in PD-NC area is as follows:

- Building setbacks – no changes from BMCC
- Street frontage landscaping – no change to BMCC
- Perimeter Landscaping:
 - For buffer yards, along common boundary lines between RMF developments and NC developments, replace perimeter landscaping requirements in BMCC 27-1105, Section b.2 with the following:
 - Provide 30’ wide buffer yard with trees spaced diagonal at 20’ on center
 - For buffer yards, along common boundary lines between RMH developments and NC developments, replace perimeter landscaping requirements in BMCC 27-1105, Section b.2 with the following:
 - No buffer yard is required where adjacent RMH area is to be developed as park land.

Minimum Residential Multi-Family Setbacks and Landscaping Requirements.

Minimum Building Setback Requirements for lots in PD-RMF area is as follows:

- Building setbacks other than garages and accessory buildings – no change from BMCC
- Setbacks for garages:
 - Replace setback requirements in BMCC 27-310, Table 1 with the following:
 - 15 Feet from internal private street
 - 3 Feet Rear Yard
 - 3’ Side yards including side adjacent to 48th Street West
- Street frontage landscaping:

- Replace street frontage landscaping requirements in BMCC 27-1105, Section b.1 with the following:
 - No buffer yard is required along 48th Street West.
 - In lieu of a buffer yard, 116' of right of way shall be provided measured from the centerline of 48th Street West. Right of way is to accommodate construction of a 10' foot wide shared use path, 40' wide drainage ditch, and landscape buffers.
- Perimeter Landscaping:
 - For buffer yards, along common boundary lines between PD-RMF developments and PD-NC developments, replace perimeter landscaping requirements in BMCC 27-1105, Section b.2 with the following:
 - No buffer yard is required. Where detached garages are not provided on the property line between the PD-RMF and the PD-NC, the developer will install a solid wall at a minimum height of 8 feet.

Minimum RMH Setbacks and Landscaping Requirements.

Minimum Building Setback Requirements for lots in all Areas is as follows:

The premise of setbacks for RHM is there are no implied lots, only spaces for rent or lease. Setbacks are applied to the external boundaries and not the implied internal lines. Separation between a manufactured home and another manufactured home is 15 feet.

- Building Setbacks –
 - Front yard- no changes from BMCC
 - Side Yard Setback- no changes from BMCC
 - Rear Yard Setback- 8 Feet
- Street frontage landscaping - no changes from BMCC
- Perimeter Landscaping - On the eastern property line, the developer will install a minimum 6-foot high screening fence where building structures are located closer than 100 feet from the property line. On the western property line, the developer will install a minimum 6-foot high decorative wall between the 10-foot wide multi-use path and the manufactured home park.

Section 12. Permitted Projections. With Design Review Committee approval, the following projections may be permitted in the PD-RMH area:

- A. Front porches, steps, balconies, stoops, open porches, and covered walkways may encroach 5 feet into the 20 feet front yard setback; Side and Rear porches, steps, balconies, stoops, open porches, and covered walkways may not encroach more than 5 feet on the required 15' separation between manufactured homes and their respective attachments.
- B. Roof overhangs, eaves, gutters, cornices or other architectural features not to exceed two (2) feet.

Section 13. Maximum Density. The City calculates density by determining total dwelling units divided by total gross acres. The City has adopted an Annexation Policy to encourage a minimum density of 6 units per acre.

There are no changes to Area 1 and Area 2 to dwelling density requirements. Maximum average dwelling unit density to Area 3 and Area 4 for 487 dwelling units divided by 46.4 gross acres is an average density of 10.5.

The dwelling units are located in Areas shown on the attached **Planned Development Exhibit** as follows:

Area No. 3 Up to and including 312 Multi-family dwelling units

Area No. 4 Up to and including 175 Single family dwelling units

ARTICLE V – BUILDINGS, SIGNS, FENCES DESIGN STANDARDS

Section 1. General Building Design Standards. Unless expressly designated herein, the building design standards of the Unified Zoning Regulations, the Site Development Ordinance and the Building Code shall be followed for properties in this Planned Development.

Section 2. Design Considerations. Design Considerations shall include five (5) of the following considerations in any application to the Design Review Committee and to the City:

- A. Relationships to open space, pedestrian circulation, landscape features on and adjacent to the site;
- B. Views of the architecture from pedestrian and vehicular perspectives;
- C. Satisfaction of physical, psychological, social and functional needs of users;
- D. Orientation of buildings in relation to streets;
- E. Vehicular versus pedestrian flows.
- F. Character of surrounding developments;
- G. Solar orientation, climate and solar reflection
- H. Potential environmental hazards;
- I. Enhancement of the overall landscape;
- J. Scale of adjacent facilities and open space;
- K. Mountain views.

Section 3. Design Features. Design features shall include three (3) of the following as features of the finished construction:

- A. Landscaped entrance drives;
- B. Decorative walkways;
- C. Dynamic building and roof forms;
- D. Window patterns;
- E. Light and shadow patterns;
- F. Color accent.

Section 4. New Construction Required. Any building or residence erected upon lots in any of Areas 1, 2 and 3 shall be of new construction with concrete footings and foundation walls, mat slabs or other appropriately designed permanent foundation systems.

Section 5. Construction Equipment Time Limit. No construction equipment or materials of any nature shall be moved on to a lot more than sixty (60) days prior to the start of construction to be initiated thereon.

Section 6. Additional and Supplemental Design Guidelines. In addition to the design rules set forth herein, Mont Vista, LLC may record a Declaration of Covenants and Restrictions that provides additions, amendments and supplemental design and restriction guidelines.

Section 7. Signs Comply with Zoning Regulations. All signs shall comply with the Unified Zoning Regulations unless limited herein or as provided in any restrictive covenants recorded by Mont Vista, LLC. Lighted signs are allowed only in Areas 1, 2 and 3.

Section 8. Fences Comply with Zoning Regulations. Fences, walls, berms, hedges and other improvements shall comply with the clear vision standards of the Unified Zoning Regulations. Rear and side yard fences, walls, berms or hedges on a lot and not on a street or Open Space or Parkland shall not exceed eight (8) feet. An earth berm or hill on Open Space or Parkland may exceed eight (8) feet.

VI – LANDSCAPING

Section 1. Parkland Landscaping. Developer, at its expense, shall landscape all private Park Land as subdivision filings are developed. This landscaping obligation occurs after fifty percent (50%) of the lots or spaces in a filing have been sold or leased.

VII – PARK LAND

Park land will be created in excess of that required by the City of Billings Subdivision Regulations, through a combination of private parks, public parks, open space and right-of-way dedications for multi-user paths along the Hogan Slough and Shiloh Drain.

VIII – BICYCLE AND PEDESTRIAN FACILITIES

Section 1. Bicycle and Pedestrian Paths. The development shall provide for pedestrian access along or through lots, and Park Land to create a system of bicycle, pedestrian sidewalks and paths. Prior to turnover to the Park Maintenance District created for the dedicated Park Land, Developer, at its expense, shall provide bicycle and pedestrian trails as approved during the subdivision process. This obligation occurs after fifty percent (50%) of the lots in a filing have been sold, leased or rented.

Trails as distinct from sidewalks will interconnect some streets, Hogan's Slough easement land, and an existing Park Land tree area. Sidewalks shall be a minimum of five feet (5') wide and constructed of concrete or asphalt. Paths may be less than five feet (5') wide and may be natural dirt or covered with rubberized chips, or gravel. Location of sidewalks and paths shall be as determined by Developer in consultation with the City.

IX – SITE DEVELOPMENT STANDARDS

Section 1. Street Types and Standards. In the absence of a contrary agreement, all streets shall be developed to the City of Billings Subdivision Regulations for width, curb, gutter, sidewalk, cross-section, and surface treatment with the exception of Area 4. All streets developed within Area 4 shall be private and conform to the City of Billings Subdivision Regulations for width only. Curb, gutter, sidewalk, cross-section and surface treatment shall be per the PD engineering design.

Section 2. Zone Boundaries. The transitional areas between different commercial and residential use classifications should be designed to complement the adjacent land uses. Use of buffering landscaping is encouraged to achieve a harmonious change between properties and promote the sense of a single, unified neighborhood.

Section 3. Outside Storage. No storage area shall be permitted in the front portion of any lot with the exception of Area 2. Storage areas, shall be screened from the ground-level view of adjacent properties and streets with the exception of Area 2. Screening elements shall be of landscape materials or materials similar to those used to construct the primary structures. Storage areas shall comply with applicable building setbacks as set forth in the PD and must be approved by the Design Review Committee.

Section 4. Parking Area Development Standards. All parking, access drives and loading areas shall be paved and properly graded to ensure adequate drainage. Minimum parking requirements shall meet the City of Billings Subdivision Regulations.

Section 5. Loading and Unloading Areas. Owners may load and unload on their Lot(s) for purposes of their respective uses in accordance City of Billings Subdivision Regulations.

X – INSTALLATION OF IMPROVEMENTS

Section 1. Site Lighting Standards.

- A. All outdoor pole lighting shall be as set forth in the engineering design standards and fully shielded (no light emitted by a fixture is projected above the horizontal plane of the fixture) and mounted at heights no greater than twenty (20) feet above grade.
- B. All outdoor lighting, except street lights, shall be located and aimed or shielded to minimize stray light going across property boundaries.
- C. Security lighting-
 - Commercial Corner- structures may be illuminated to address security concerns and measures. Exterior lighting adjacent to residential uses shall be directed away from the residential use and public streets.
 - Mini-Storage- structures may be illuminated to address security concerns and measures. Exterior lighting adjacent to residential uses shall be directed away from the residential use and public streets.

- RMF- buildings may be illuminated to address security concerns and measures. Exterior lighting adjacent to residential uses shall be directed away from other residential uses and public streets.

XI – OTHER REQUIRED DOCUMENTS

Section 1. Other Documents.

- A. Special Improvements Agreement. The City and Developer shall enter into a Special Improvements Agreement that includes provisions for creation of a Western Sky Park Maintenance District for land dedicated to the City for Park Land.
- B. Covenants and Restrictions. Developer may, but is not required to do so, record a declaration of covenants and restrictions that shall supplement this Planned Development Agreement.
- C. Other Documents. Any other documents as may be necessary to implement this agreement shall be executed by the parties hereto.

XII – OTHER REGULATIONS

Section 1. Maintenance. Maintenance by lot and spaces Owners between lot and space lines and the street shall include removal and replacement of dead and dying trees, grass and shrubs, removal of trash and weeds, repair and maintenance of drains, mail boxes whether on or off the Owner's lot or spaces, and repair of light standards, fences, walls, surfacing materials and in general maintain a neat and tidy appearance both on the lot and between the lot and the street.

XIII – ENFORCEMENT

Section 1. Right to Enforce by City. The terms of this Agreement may be enforced by the City as provided in the Unified Zoning Regulations.

Section 2. Right to Enforce by Owners. The terms of this Agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and the owners of property within the Western Sky Planned Development and any person or entity claiming under them. The terms of this Agreement may be enforced by the parties hereto, the Design Review Committee, as well as future property Owners. The parties agree the Design Review Committee shall have standing to enforce this Agreement relative to the City or any property owner regardless of whether the Design Review Committee owns a Lot. In addition to all rights under this Agreement, the parties enforcing this Agreement reserve all rights and remedies available at law or in equity, by statute or otherwise including the right to recover damages, reasonable attorney fees and costs. All such rights and remedies shall be cumulative.

Section 3. Right of Abatement and Suit. If Developer, the Design Review Committee or the City of Billings objects (“the objecting party”) to any Owner’s or other party’s breach of this Agreement (“the defaulting party”), the objecting party shall have, in addition to any other rights and remedies arising at law or in equity, the right to abate the effects of the defaulting party’s breach. To exercise the right of abatement the objecting party shall provide the defaulting party with written notice of its objection, specifying the particulars of the objection. If within thirty (30) days of receipt of such notice, the defaulting party fails or refuses to commence to remedy its breach under this Agreement, or if after commencing action the defaulting party fails to cure its default within a sixty (60) day period, the objecting party may perform whatever reasonable maintenance, repair, operation or other curative action as needed to remedy the default. The defaulting party shall pay upon demand to the objecting party the costs of such maintenance, repair, operation or other curative action, together with interest allowed by law from the date of disbursement of such costs until paid in full. The objecting party shall not be responsible for the continued maintenance or repair of any structure or Lot or the performance of the defaulting party’s obligation under this Agreement. The objecting party may also prosecute a proceeding at law or in equity to enjoin a violation of the terms of this Agreement, to cause said violation to be remedied or to recover damages for said violation.

Section 4. Limitation on Enforcement. This Agreement is for the benefit of Developer, City, Owners and the Design Review Committee appointed by Developer and their heirs, devisees, assigns, trustees and may only be enforced by such parties. No other person or entity shall be entitled to claim a breach of this Agreement or to enforce the restrictions contained herein, judicially or otherwise.

XIV– AMENDMENTS AND VARIANCES

Section 1. Amendments or Changes. This Agreement may not be amended, modified or terminated in whole or in part, except with the written consent of Developer and the City. Any modifications requested by Developer, Successors and Assigns, shall be processed using the

same procedures as for a new application in accordance with the Unified Zoning Regulations; however, minor modifications may be approved by the zoning coordinator if he/she finds that the change would not:

- A. Change the overall character of the development;
- B. Change additional allowed uses;
- C. Change the approved minimum setbacks, maximum lots coverage or maximum allowed structure height.
- D. No increase in the number of residential units greater than two (2) percent; and
- E. No reduction in open space greater than two (2) percent.

Section 2. Variance Procedures. Variance procedures shall comply with the Unified Zoning Regulations. However, in no case shall a variance be granted for a use not consistent with this agreement until the requirements of Article 4, Section 4 been complied with.

Section 3. Zone Change Procedures. Zone change procedures shall comply with the Unified Zoning Regulations as established by the City of Billings.

XV– GENERAL PROVISIONS

Section 1. Assignment of Agent. Developer may, in its sole discretion appoint an individual or entity to act as its agent to fulfill the duties and obligations of Developer hereunder. Although not required to be effective, notice of such appointment may be made in writing containing a legal description of the Western Sky Planned Development land, recorded with the real estate records of Yellowstone County, Montana and mailed to the City at the address specified herein for notices.

Section 2. Assignment by Developer. Developer may, in its sole discretion, assign its rights and delegate its duties under this Agreement in whole or in part to any other person or entity. Notice of such assignment shall be made in writing and recorded in the real estate records of Yellowstone County, Montana, and shall contain the legal description for the Western Sky Planned Development, or any portion thereof, affected by the assignment. Notice of assignment and delegation shall also be provided to the City at the address specified herein. Once any notice of delegation has been recorded in the real estate records of Yellowstone County, Montana, Developer shall have no further responsibility or liability for the future performance or non-performance of this Agreement, and the City and all property Owners shall look exclusively to the appointed person or entity.

Section 3. Coordination with Other Regulations. The City Planned Development (PD) Zoning Regulations are considered to be part of this Agreement and by reference are incorporated herein.

If this Agreement or Covenants do not prescribe rules for a particular aspect of the development or use, either by express terms or by implication, then the terms of any other applicable City zoning regulations or development ordinances, including the Unified Zoning Regulations, shall govern. If other zoning regulations or ordinances applicable to the property are subsequently

amended, the amended regulations or ordinances shall likewise continue to be applicable to the property to the extent that they are not inconsistent with this Agreement or Covenants. If there is any conflict between this Agreement or Covenants recorded by Developer and Planned Development Zoning Regulations, Unified Zoning Regulations, Subdivision Regulations, or other zoning regulations or ordinances, the terms and conditions of Covenants shall govern.

Section 4. Notices. All notices or demands required to be given hereunder shall be in writing and shall be served upon the other party either personally or by registered or certified mail. Service by registered or certified mail shall be conclusively deemed made three (3) days after deposit thereon in the United States Mail, postage prepaid, addressed to the party to whom service is to be given, as hereinafter provided, and the issuance of the registry or certification receipts therefore. All notices or demands to Developer or the City shall be given at the following addresses or such other addresses as Developer or the City may from time to time designate by written notice given to the other party as hereinabove required.

If to Developer: Mont Vista, LLC
PO Box 333
Billings, MT 59069

With copies to: Kadrmas, Lee & Jackson
P.O. Box 80303
Billings, MT 59108-0303

If to the City: City of Billings
Attn: City Clerk
P.O. Box 1178
Billings, MT 59103

With copies to: Planning Division
2825 3rd Avenue North, 4th Floor
Billings, MT 59101

And copies to: City Attorney's Office
P.O. Box 1178
Billings, MT 59108-1178

Section 5. Waiver. Unless expressly so provided in this Agreement, failure of one party to notify the other party of a default in the manner provided in this Agreement shall not be deemed a waiver of any rights that the non-defaulting party may otherwise have at law or in equity as a result of the default.

Section 6. Force Majeure. Any prevention, delay or stoppage due to strikes, lock outs, labor disputes, Acts of God, inability to obtain labor or materials or reasonable substitutes therefore, governmental restrictions, terrorist acts, governmental regulations and controls, enemy or hostile governmental action, civil commotion, fire or other casualty and other causes beyond the reasonable control of the party obligated to perform, shall excuse the performance by such party for a period equal to any such prevention, delay or stoppage. All parties shall use reasonable efforts to overcome whatever may be impeding their performance of any obligation hereunder.

Section 7. Severability. Should any provision of this Agreement be or become invalid, void, illegal or unenforceable, by a court of competent jurisdiction, shall be considered separate and severable from this Agreement and the remaining provisions shall remain in force and be binding

upon the parties hereto. Venue for matters concerning this PD shall be adjudicated in the 13th Judicial District Court in Yellowstone County, Montana.

Section 8. No Partnership. This Agreement is not intended to create, nor shall it in any way be interpreted to create a joint venture, partnership, or any other similar relationship between the parties.

Section 9. Entire Agreement. This Agreement contains the entire agreement between the parties and supersedes all prior agreements, oral or written, with respect to the subject matter hereof. The provisions of this Agreement shall be construed as a whole and not strictly for or against any party.

Section 10. Recordation. This Agreement and any amendments or modifications shall be recorded in the office of the clerk and recorder of Yellowstone County, Montana.

NOTICE

THIS AGREEMENT SHALL SERVE AS NOTICE TO ALL THIRD PARTIES, INCLUDING THOSE PURCHASING OR ACQUIRING AN INTEREST IN ANY OF THE PROPERTY OF THE WESTERN SKY PLANNED DEVELOPMENT LOCATED IN THE WESTERN SKY SUBDIVISION OF THE EXPRESS RESTRICTIONS PLACED UPON THE PROPERTY AND SHALL FURTHER SERVE AS NOTICE THAT, SHOULD THE TERMS OF THIS AGREEMENT BE VIOLATED, THE PARTIES TO THIS AGREEMENT MAY ENFORCE ANY AND ALL LEGAL RIGHTS AND REMEDIES SPECIFIED HEREIN AND PROVIDED BY LAW AND EQUITY.

Section 11. Duties Run with the Land. The duties created by this Agreement shall run with the land and shall be binding upon Mont Vista, LLC, the City of Billings, property Owners, and their heirs, successors and assigns.

Section 12. Contact Person. Developer hereby designates a contact person who may be contacted concerning any questions, comments, or concerns. Initially, at the time of recording, the contact person is Tracy Haag, 299 Stephens Hill Rd, PO Box 333, Reedpoint, MT 59069 (Telephone (406) 855-4168). Upon designation of the Design Review Committee, a member of the committee or an entity appointed by Developer shall be the contact person or entity to replace Tracy Haag.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year indicated by the notarial certifications indicated below.

MONT VISTA, LLC

By: _____

Tracy Haag, Member Agent

STATE OF MONTANA)
 : ss.
County of Yellowstone)

This instrument was executed and acknowledged before me on the ____ day of _____, 20__, by Tracy Haag, known to me to be the member agent of Mont Vista, LLC.

(Notary Seal)

Notary Signature
Printed name _____
Notary Public for the State of Montana
Residing at _____, Montana
My commission expires: _____

CITY OF BILLINGS:

BY: _____

Thomas W. Hanel, Mayor

STATE OF MONTANA)
 : ss.
County of Yellowstone)

On this ____ day of _____, 20__, before me, a Notary Public for the State of Montana, personally appeared Thomas W. Hanel, known to me to be the Mayor of the City of Billings.

(Notary Seal)

Notary Signature

Printed Name
Notary Public for the State of Montana.
Residing at Billings, Montana.
My Commission expires: _____

May 31, 2017 - 4:48pm - \\bjgs-lls01\PI\Private\MT\City\Billings\2815130 Western Sky\Cadd\Model Files\Western Sky zoning exhibit.dwg

CERT. of SURVEY 983 AM.

UNPLATTED

Tr. 2-G

Tr. 2-H

Tr. 2-G

S 89°38'03" E

KING AVENUE WEST

1375.35'

1836.46'

48TH STREET WEST

N 00°16'50" W

2297.28'

LOT 1-A

UNPLATTED

AREA 2
PD-NC
±10.3 ACRES

AREA 3
PD-RMF
±15.3 ACRES

LOT 3-A

REAR

REAR

LOT 5

LOT 4
-BLOCK 1-
WESTERN SKY SUBDIVISION

LOT 3
-BLOCK 1-
WESTERN SKY SUBDIVISION

LOT 2A-1

AREA 4
PD - RMH
±31.1 ACRES

CERT. of SURVEY 2892

Tr. 1

UNPLATTED

SETBACK ORIENTATION (TYPICAL)

N 71°07'55" W

1452.15'

S 00°11'39" E

CERT. of SURVEY 2452

Tr. 1

LOT 5

NOTE:

ORIENTATION OF SETBACKS FOR ALL AREAS IN THIS PD ARE AS SHOWN ON THIS EXHIBIT UNTIL MODIFIED WITH A SUBDIVISION PLAT FILING.

SCALE 100 0 100 200 FEET



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SHEET 1

WESTERN SKIES
MONT VISTA, LLC
BILLINGS, MONTANA

PROPOSED ZONING EXHIBIT

PROJECT NUMBER 2615130
ISSUE DATE 2017

NO.	DATE	REVISION



WESTERN SKY
Zone Change Supplemental Information
04-25-2017

Growth Policy Statement and Guidelines:

Essential Investments

Guideline:

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

Guideline:

Developed parks that provide recreation, special amenities and active living opportunities are desirable for an attractive and health community

Response:

A significant component of the Western Sky development is to provide a significant portion of trail that will connect to the Shiloh Conservation Area. This interconnected trail system represents a significant contribution on the part of the developer to assist in the implementation of the Guidelines found in the Billings Growth Policy. Further, this dedication implements a significant component of the Billings Park and Trail Plan.

Guideline:

Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors.

Response:

Other than the minor modifications proposed by the Planned Development, the developer intends to implement the requirements imposed by the prevailing zoning regulations with respect to landscaping and vegetative buffers.

Placemaking:

Guideline:

A multi-use community recreation facility is desirable.

Response:

By default, the Shiloh Conservation Area has become a multi-use recreation facility. The developer is desirous of encouraging the utilization of this facility by ensuring that a major trail connector is incorporated into this project.

Community Fabric:

Guideline:

Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and health community.

Response:

In addition to the trail connector dedication, the developer is planning on a significant investment in parks and open spaces as part of the master property development plan. The full implementation of the parks and open space planning cannot be completed until the zone change request has been decided but the developer is committed to providing amenities to the residents of the development as these investments translate to the desire to remain long-term owners and residents of the development.

Strong Neighborhoods:

Guideline:

Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels.

Response:

The strongest neighborhoods provide not only a well-balanced mixture of housing types but a reasonable mix of commercial activity to accommodate the basic and intermediate needs of the residents. These services include but are not limited to; convenience items including motor fuels; a neighborhood grocery and a secure location to store seasonal and excess personal property.

Guideline:

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

Response:

The proposed zoning will further this guideline by incorporating a balanced mixture of uses connected by appropriate pedestrian walks and trails. The overall development plan, which cannot be finalized without zoning approvals will incorporate areas for parks, recreation, and social gatherings.

Home Base:

Guideline:

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

Response:

A mix of housing types not only influences and provides for a diverse population but it provides a developer with the ability to target more than a small segment of the housing market. Our Planned Development includes a proposed mixture of multi-family apartments, single family residences, twin homes, and the possibility of manufactured home development. This flexibility clearly meets the intent of the guideline and the strongest desire of the developer.

Guideline:

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

Response:

The planned development recognizes the importance of interconnectivity between this development and surrounding properties. This is evidenced by the trail connector along the southern boundary and that a minimum of one (1) connection point inclusive of sidewalks will be incorporated to adjoining properties as part of our development plan.



WESTERN SKY
Neighborhood MEETING

4/24/2017 1300 to 13:45

Name (Please Print)

Business/Organization

FORREST SANDERSON

Mont Vista

Kristin Barrie

KLT

Alan Lees

homeowner

David Don

Mont Vista

Mont Vista

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** CC, R-5000, RMF-R, R-9600, and P. See Attached Zoning Map.
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: Planned Development: CC (8.5 Ac.), NC (10.3 Ac.), RMF (15.3 Ac.), RMH (31.1 Ac.)
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** Lots 3 and 4 Western Sky Sub. S. 15, T. 01 S., R. 25 E.
5. **Neighborhood Task Force Area:** Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson: NO.
6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form ATTACHED
7. **A copy of the meeting notice.** please attach to this form ATTACHED
8. **A brief synopsis of the meeting results.** please attach to this form ATTACHED
9. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 24th, day of April, 2017.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Gareld and Barbara Krieg / Mont Vista L.L.C. Telephone: _____
Address: 3315 Sycamore Ln / P.O. Box 333 Email: _____
Billings MT 59102 / Reed Point MT 59069

Agent (s): KLJ c/o Travis Copper, PE Telephone: (406) 245-5499
Address: P.O. Box 80303 Email: travis.copper@kljeng.com
Billings, MT. 59108

Western Sky
Neighborhood Meeting
April 24, 2017
1300 to 1345

Meeting Attendees:

MontVista:

Preston Lees
Alan Lees
Rick Dorn
Forrest Sanderson, KLJ

Public:

Kristen Barrie

A white KLJ branded pickup was parked at the intersection of King Avenue West and 48th Street during the meeting so the public would know that they were at the advertised meeting. The vehicle remained on the site from 1245 until 1350.

The meeting kicked off at 1300 with a general description of the property and the requested zoning for the entirety of the property.

Ms. Barrie asked a question on the specifics of the CC designation and the types of uses that were under consideration.

Mr. Dorn and Mr. Lees (P) responded with the general type of development that could include a convenience type store with fuel and possibly a grocery store like a 'Lucky's or a Trader Joes.

General discussion between Ms. Barrie and the Mont Vista owners continued as to the benefits of a grocery type commercial use as well as convenience items with fuel continued for several minutes.

Ms. Barrie asked a question on the residential multi-family and the number of access points that were being considered along 48th.

Mr. Dorn responded, that their intent was to comply with the RMH zoning in terms of height limits and overall density with tie in for parks and the trail system along the southern property boundary.

Ms. Barrie thought that the trail tie in and common areas were very nice adds to the project and asked about sidewalks on both sides of 48th.

Mr. Dorn responded that sidewalks on his side were probable but not for both sides of 48th.

Ms. Barrie having her questions answered left the meeting at approximately 1325.

The development team waited for other public to arrive until 1345. No other persons arrived on the site and the meeting was adjourned.

It is the intent of the Owner's that this meeting summary along with the notice provided to surrounding property owners to comply with the requirement to conduct a neighborhood meeting per the UZR.

A handwritten signature in black ink, appearing to read 'Tracy Haag', is written over a horizontal line.

Tracy Haag, Mont Vista L.L.C.



City Zoning Commission

Meeting Date: 08/01/2017

SUBJECT: Zone Change 959 - Text Amendment - To Clarify Existing Language Regarding Medical Marijuana Dispenseries and Providers

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

City Zone Change 959 – Text Amendment – An amendment to Section 27-304 to clarify that land uses contrary to local, state or federal law will not be allowed by right or by conditional approval. This zoning code amendment is a companion amendment to BMCC Section 7-1700 regarding Medical Marijuana Storefronts. Presented by Nicole Cromwell, Zoning Coordinator

RECOMMENDATION

Planning staff recommends approval of the text amendment as proposed.

APPLICATION DATA

OWNER: NA
AGENT:
LEGAL DESCRIPTION:
ADDRESS:
CURRENT ZONING:
EXISTING LAND USE:
PROPOSED USE:
SIZE OF PARCEL:

CONCURRENT APPLICATIONS

The Assistant City Attorney, Gina Dahl, is preparing an amendment to Section 7-1700 concerning Medical Marijuana Storefronts. The City Council met this spring at a Work Session (March 6) to discuss the impact of the recent court decisions and Citizen's Initiative 182 approval as well as other emerging issues regarding Medical Marijuana in Montana. The City Council asked staff to move forward with amendments to not allow Medical Marijuana Providers/Dispensaries/or Storefronts of any kind within the City Limits.

APPLICABLE ZONING HISTORY

In 2010, the City Council adopted an interim Zoning ordinance prohibiting the location of any further medical marijuana storefronts in the City Limits. The interim ordinance expired and was not replaced with a permanent ordinance due to court challenges and state legislative activity regarding provisions in the Medical Marijuana Act.

SURROUNDING LAND USE & ZONING

NORTH:	Zoning: NA Land Use:
SOUTH:	Zoning: Land Use:
EAST:	Zoning: Land Use:

WEST:

Zoning:
Land Use:

BACKGROUND

Court challenges to the restrictions in the MMA as amended by Senate Bill 423 (2011) were successful. The court decision, in addition to CI 182 passage in November, required the City to consider updates to its adopted codes. Several options were proposed to the City Council in March 2017. The City Council direction in this matter was to prohibit dispensaries and sales of medical marijuana by providers within the City Limits. The proposed zoning regulation amendment will help to clarify that medical marijuana dispensaries and providers are not an allowed use or conditional use within the City Limits. The amendment is modeled after similar language in other Montana city codes that also prohibit dispensaries and providers.

RECOMMENDATION

Planning staff recommends approval of the text amendment.

Attachments

Ordinance

ORDINANCE NO. 17-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-304 – APPLICATION AND GENERAL RULES - TO ADD LANGUAGE TO CLARIFY THE REGULATION AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the proposed amendments to the City Zoning Regulations.

2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

3. ZONE AMENDMENT.

SEC. 27-304. APPLICATION AND GENERAL RULES.

Within the various zoning districts as hereinbefore defined and as indicated on the Official Zoning Map and subject to the requirements of BMCC Sections 27-301 through 27-1511, no building or structure shall be erected, reconstructed or structurally altered, nor shall any land, building or structure be used for any purpose except as they are allowed in the district in which such building, land or use is located. No use of land shall be permitted by right or conditionally permitted within the City of Billings that is in violation of federal, state or local law. The regulations set forth by this chapter within each zone shall be minimum regulations and shall apply uniformly to each class or type of structure or land except as hereinafter provided:

- (a) No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered after the effective date of this chapter unless in conformity with all of the regulations herein specified for the zone in which it is located except nonconforming uses and structures as provided in BMCC Sections 27-401, et seq.;
- (b) No building or other structure shall hereafter be erected or altered:
 1. To exceed the height limitation;
 2. To accommodate or house a greater number of families;
 3. To occupy a greater percentage of lot area; or

4. To have a narrower or smaller rear yard, front yard, side yard or other open space than herein required, or in any manner contrary to the provisions of this chapter.

(c) *Temporary Suspension of Various Zoning and other regulations.* Upon approval by resolution, the City Council may temporarily suspend the requirements and restrictions imposed by Sections 7-603, 15-602, 27-304, 27-305, 27-601 and 27-606 of the City Code in order to accommodate the temporary increase in visitor population created by large special events held within the City of Billings when the City's public lodging capability is actually or predicted to be at or near maximum capacity. The City Council may suspend ordinances related to the following general areas of regulation in any combination deemed appropriate under the circumstances created by a special event. The resolution of suspension shall become effective forty-eight (48) hours prior to the official start of the scheduled event and shall terminate forty-eight (48) hours after official conclusion of the event.

1. Parking
2. Camping
3. Business licensing and/or health department inspections.

4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading August 28, 2017

PASSED, ADOPTED AND APPROVED on second reading September 11, 2017.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: Denise Bohlman, City Clerk



City Zoning Commission

Meeting Date: 08/01/2017

SUBJECT: Zone Change 960 - 70th St West & Rimrock Road

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Zone Change 960 – 70th St West and Rimrock Road – A zone change request from un-zoned to Residential 7,000 (R-70) and Residential 5,000 (R-50) on Tract 2A of C/S 2465 (R-70) and Tract 1 of C/S 1871 (R-50) a 116.18 acre parcel of land generally located north of Rimrock Road and west of Copper Ridge Subdivision. A pre-application neighborhood meeting was held on June 26, 2017 at the Yellowstone Country Club, 3200 Paul Allen Way. A concurrent annexation petition has been submitted. Presented by Nicole Cromwell, Zoning Coordinator.

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 960.

APPLICATION DATA

OWNER: Gary Oakland and Marvin Hessler

AGENT: Sanderson Stewart, Mac Folgelsong, P.E.

LEGAL DESCRIPTION: Tract 2A, C/S 2465 (14.5 acres) and Tract 1, C/S 1871 (101.68 acres)

ADDRESS: None assigned

CURRENT ZONING: No zoning

EXISTING LAND USE: Agricultural lands

PROPOSED USE: New city subdivision

SIZE OF PARCEL: 116.18 acres

CONCURRENT APPLICATIONS

Annexation application (AN-17-05).

APPLICABLE ZONING HISTORY

Subject Property: The subject parcels are outside any City or County zoning jurisdiction.

Surrounding Property: The adjacent city subdivisions to the east - Copper Ridge and Falcon Ridge - were annexed to the City in 2002 and zoned R-96. In 2004 and 2005, the adjacent parcels were approved for zone changes to the current zoning of R-70-R, R-80, R-70, RMF-R, RMF, RP and CC. The R-70-R was a new zoning designation created in 2004 to allow smaller residential lots but keep the lots restricted to single family dwellings only.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: No zoning
Land Use: Railroad Right-of-Way and Agricultural lands

SOUTH: Zoning: No zoning and R-150
Land Use: Agricultural lands

EAST: Zoning: R-70-R
Land Use: Copper Ridge Subdivision - single family dwellings

WEST: Zoning: No zoning
 Land Use: Agricultural lands

BACKGROUND

This is a zone change request submitted concurrently with a petition to annex this 116+/- acre parcel into the City Limits. The City has considered previous annexation concepts for this property over the past 10 years. The City Council, on advice of its Annexation Committee, agreed to amend the City's Limits of Annexation Map this year to include this parcel for potential annexation within the next 5 years. An Urban Planning Study was completed in 2016, and accepted by the Committee and the City Council.

The requested zoning of R-70 (14.5 acres) and R-50 (101.68 acres) will allow the developer, Oakland Companies, to respond to market demands as needed. Both requested zoning districts allow single family and two-family dwellings as of right, but exclude multi-family dwellings (3 or more attached dwelling units). The 14.5-acre R-70 zoning district could support development of up to 55 two-family dwellings or 76 single family dwellings. A change to the zoning district requirements in 2012, now allows a two-family size parcel in the R-70 or R-50 zoning district to develop with either 2 detached or attached dwelling units. The 101.68-acre, R-50 zoning district could support 470 two-family dwellings or 752 single family dwellings. The proposed zoning and subsequent construction of new subdivisions will add a significant number of new residents to the City.

The Urban Planning Study prepared in the fall of 2016 predicted only 380 single family dwelling units for the subject property to estimate the impact from the proposed development on City services as well as tax revenue generation. The developer will determine through the subdivision process the total number of dwelling units within the new area. The City's adopted Annexation Policy requires new annexations to meet a minimum of 4 to 7 dwelling units per acre. The policy does not specify how this density is calculated, but a gross acre calculation of a minimum of 4 units per acre for the subject property yields 464 single family dwelling units. This number of dwelling units is estimated to generate about 4,600 new vehicle trips per day at full build out. The primary connection of this parcel to the City street network will be Rimrock Road, a collector street. The current construction of this road east of 70th Street West until its intersection with Copper Ridge Loop is a typical 2-lane county gravel road with barrow ditches on each side to collect storm water drainage. The City will require, through the subdivision process, a complete upgrade of Rimrock Road to City standards for a collector street, or provide a waiver of right to protest the future construction of the complete street improvements. Rimrock Road has only a 30 foot easement west of 70th Street West. A future subdivision of the subject property will require dedication of right of way for Rimrock Road on the north side. The latest traffic counts for the area indicate Rimrock Road just east of the intersection with Golden Acres Drive carries about 3,700 vehicles per day, Molt Road north of Ironwood Drive (Echo Canyon) carries about 1,770 vehicles per day, and 62nd Street West just south of Rimrock Road carries about 2,200 vehicles per day.

The 2016 Billings Growth Policy set guidelines for new development and land uses within the Billings City Limits. The subject property is directly adjacent to the current City Limits and extension of public utilities will not "leap frog" past property outside the City. This meets the guideline for Essential Investments within the Growth Policy: *"Prioritize public and private investment in areas, policies, programs and projects that achieve the community vision 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 proposed zoning also supports the Strong Neighborhoods and Home Base Guidelines: *"Create and enhance strong neighborhoods that are clean and safe with streets and public places that provide convenient access for our most vulnerable citizens – our children and grandparents. Enable a home environment for all residents that is healthy, safe and affordable, and offers a choice of housing options."* The proposed zoning allows the developer to provide a wider variety of housing options compared to a single-family-only zoning district and could facilitate provision of neighborhood amenities not normally available in a suburban subdivision.

The Planning staff has reviewed the requested zoning and is recommending approval based on the proposed findings of the 10 criteria. The proposed zoning meets many of the 2016 Billings Growth Policy guidelines and is supported by the City's Annexation Policy. It is likely full development of the new neighborhood will be completed over an 8 to 15 year period similar to the adjacent Copper Ridge neighborhood.

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 960.

Attachments

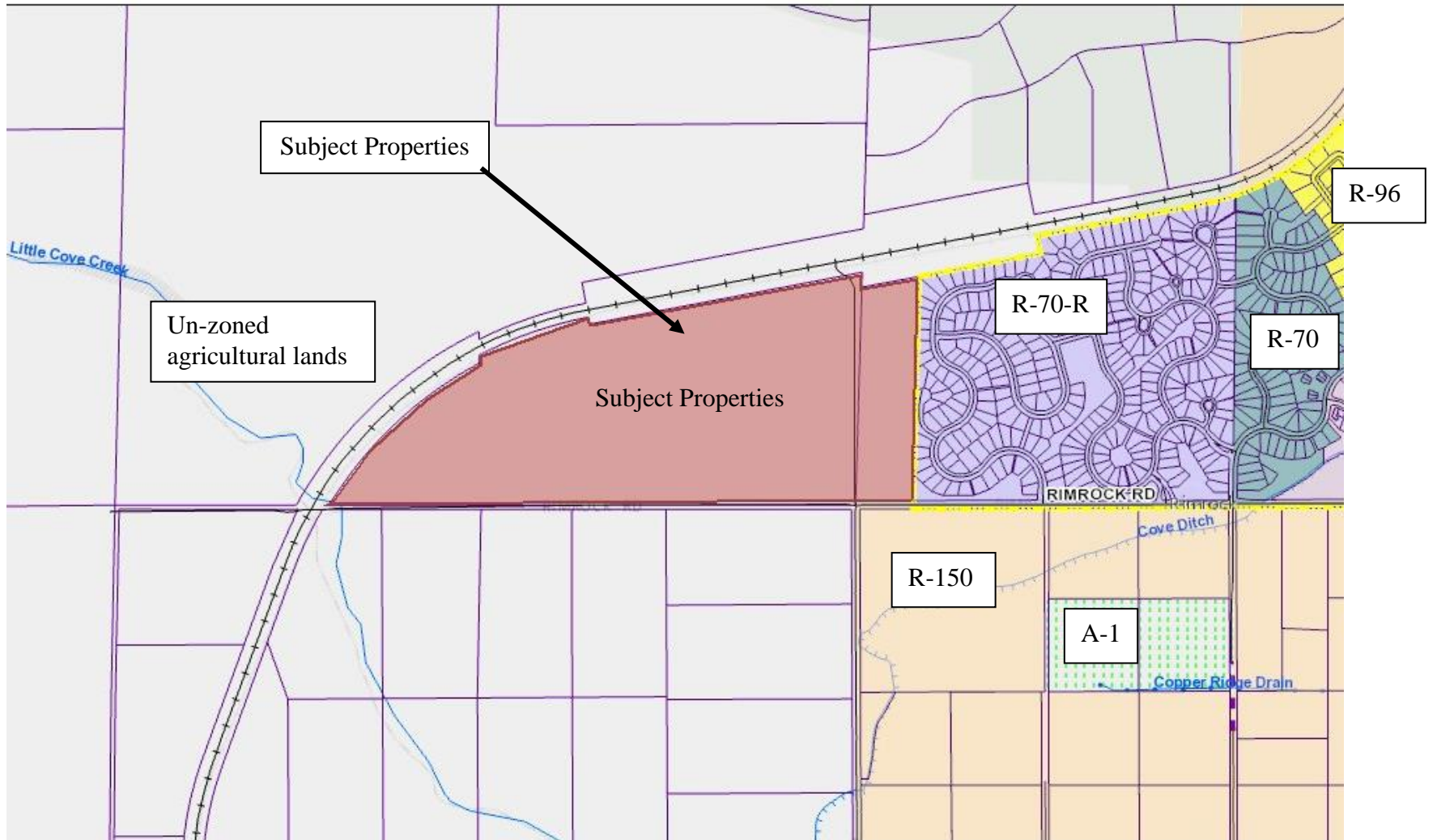
Zoning Map and Site Photos

Proposed Findings of the Review Criteria

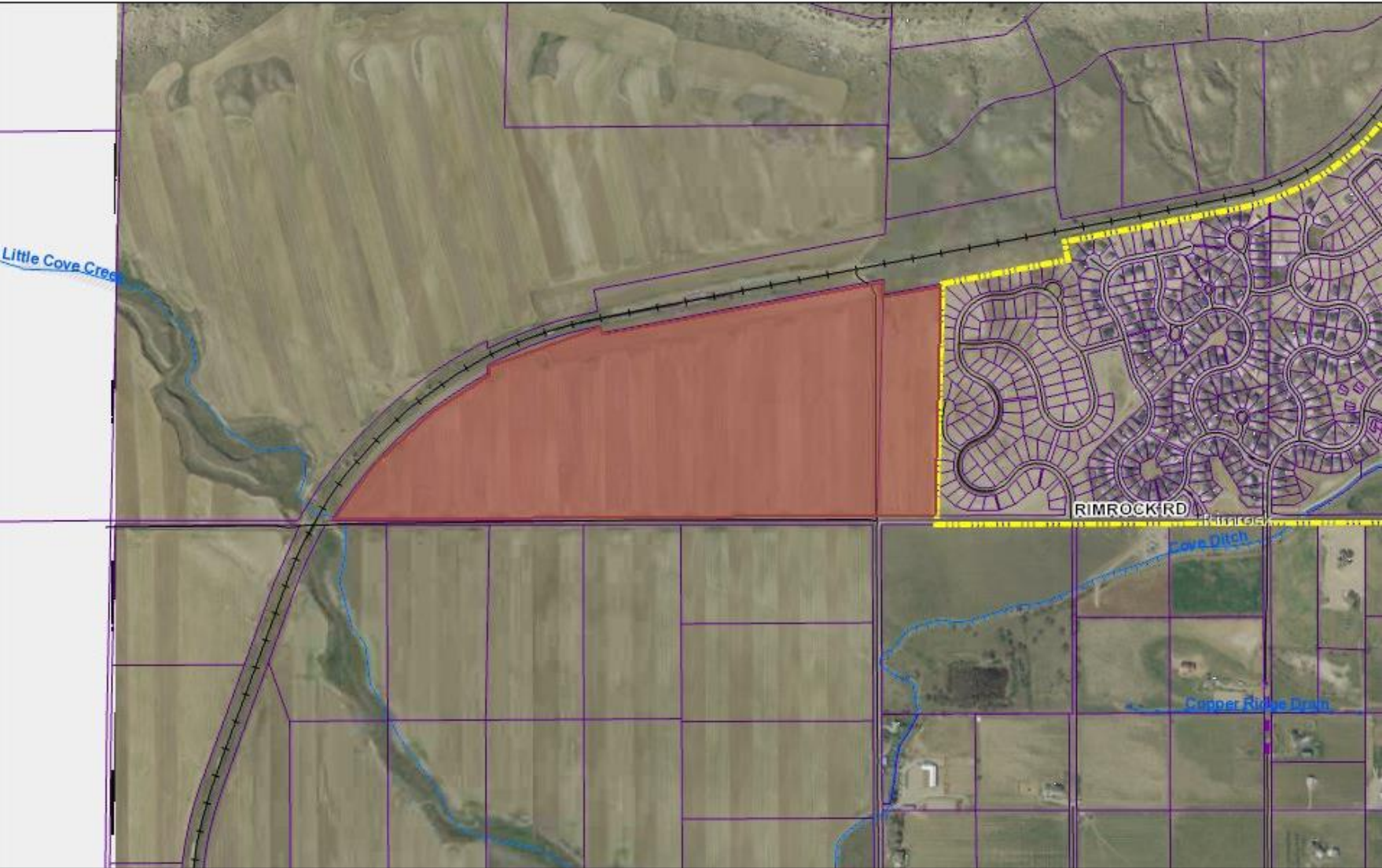
Applicant Letter and Pre-application meeting notes

Surrounding Zoning
Zone Change #960 – 70th St West and Rimrock Road

Staley/Forbes Zone Change



Staley/Forbes Zone Change





Subject Property – from western boundary of Copper Ridge Subdivision



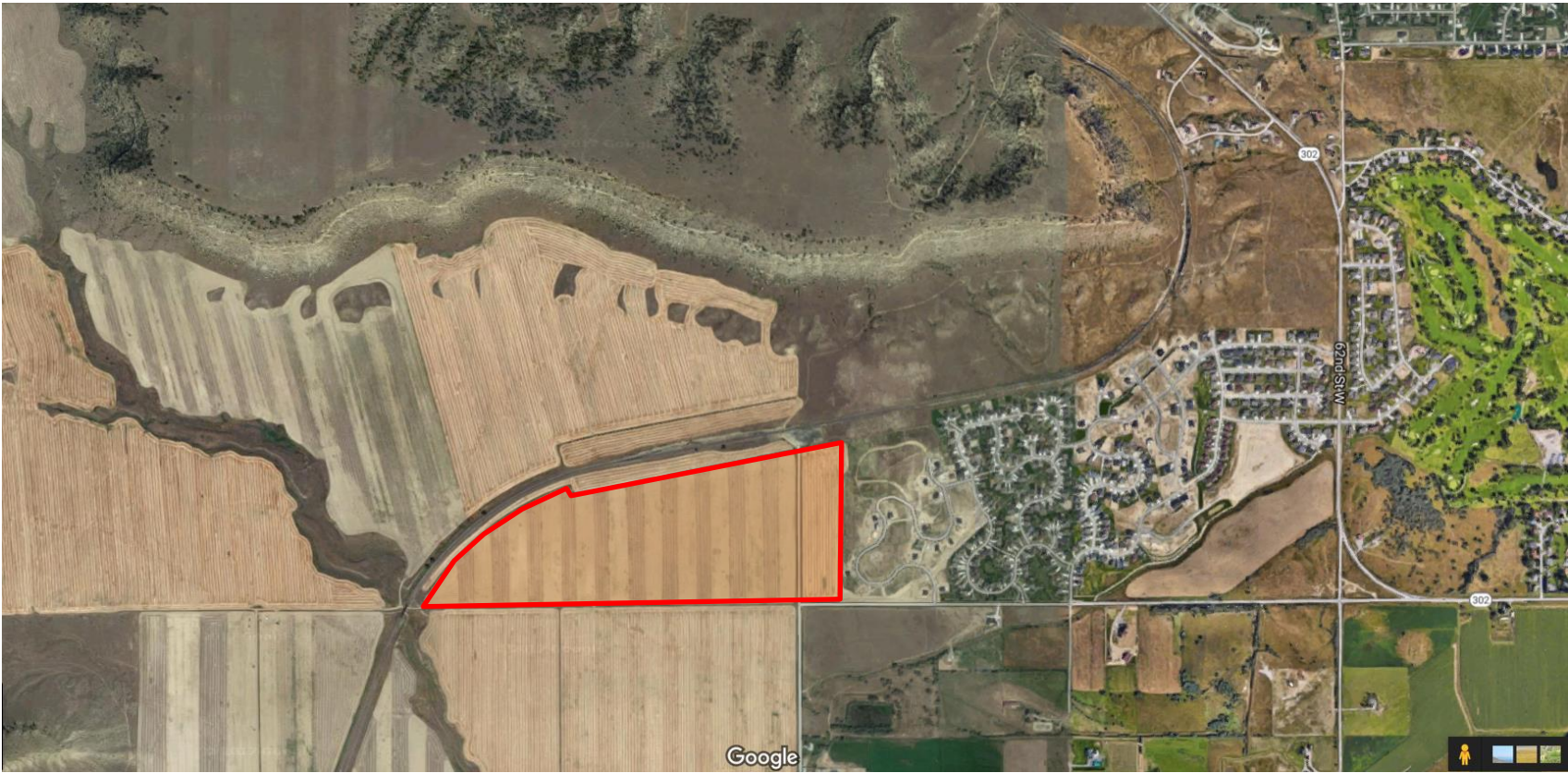
View north and west across subject property from Rimrock Road



View west from current “dead end” of Rimrock Road (70th Street West)



Rimrock Road just east of 70th Street West



Zone Change #960 – 70th St West and Rimrock 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 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 attainable housing choices in a high-demand area of West 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 and non-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. 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. Boulder Elementary may be at or over capacity based on the Urban Planning Study completed for the property. There are no public parks within the general area of the subject property with the exception of the linear neighborhood parks and trail system in the Copper Ridge Subdivision. The developer anticipates dedication of a park with area large enough for a programmed space such as playing fields and a playground.

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 minimum development density of 464 dwelling units for the entire parcel, this could add up to over 4,600+ 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 east within the Copper Ridge neighborhood trail system. The recently updated Billings Bikeway and Trail Master Plan shows a shared use path and future bike lane for Rimrock Road as well as a platted shared use path north west along the south boundary of Falcon Ridge Subdivision. The shared use path and the future bike lane on Rimrock Road would be part of the street improvements at the time of development or in a future SID.

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 similar to the zoning in the adjacent city subdivisions 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 and used for agricultural purposes. 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 collector street frontage will allow ready vehicle access to and from the new development without impacting adjacent land uses.

Application and pre-application meeting notes
Zone Change 960 – 70th St West and Rimrock Road



June 30, 2017

Ms. Nicole Cromwell
City of Billings Planning Department
2825 3rd Avenue North, 4th Floor
Billings, MT 59101

Reference: City Zone change application - Tract 2A, Amended Tract 2 and 3, COS 2465 (a 14.50-acre property, known as the Forbes Parcel); Tract 1, COS 1871 (a 101.68-acre property, also known as the Staley Parcel).
Sanderson Stewart Project No. 16064.01

Dear Ms. Cromwell:

Attached is the zone change application for the Forbes and Staley properties.

Statement of Proposal

The owners, Mr. Gary Oakland and Mr. Marvin Hessler are seeking a zone change for the Staley and Forbes properties. The two properties are located at the northwest and northeast corners of Rimrock Road and 70th Street West. The total area of the parcels is approximately 116.18 acres.

The properties are outside the existing zoning boundary. The applicants are requesting a zone change from un-zoned to a residential zoning, including R-5000 and R-7000. The applicant's intent is to plan a continuation of the Copper Ridge Subdivision and annex the property to develop single-family and duplex homes.

The site is currently non-irrigated agricultural land, and has been used to grow dryland grain. The owners are planning for the future use of this property and the recent request that the City's Limits of Annexation Map be amended to locate the site into the "red area" was granted on May 22, 2017, which would allow for future annexation this year.

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?



To Plan and Design
Enduring Communities...

www.sandersonstewart.com

Goal 1. ESSENTIAL INVESTMENTS - prioritize public and private investment in areas, policies, programs and projects that achieve the community vision as described in the Growth Policy Statement: "In the next 20 years, Billings 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."

The adjacent properties include a mix of zoning and uses. This proposed development will be an extension of the existing Copper Ridge Subdivision, located immediately east of the subject property. Copper Ridge Subdivision continues to grow and is close to being built out with few lots left for development. The location of the Copper Ridge Subdivision, and the product type offered in this project, has been very well received by the market. It is anticipated the demand for housing in the west end of Billings will continue to be strong. Since the subject property is anticipated to be an extension of the Copper Ridge Subdivision, the developer expects to continue his current development program on this subject property.

Currently, City of Billings infrastructure serves Copper Ridge Subdivision and services have been extended to the Forbes parcel. The services will be extended into the Forbes and Staley parcels with this development. The costs associated with providing on-site infrastructure and utility services to the project will be the responsibility of the developer.

Main water and sewer distribution lines will be sized to handle current and future needs to eliminate costly future replacement and/or upgrade costs. All subsequent plans will be required to design and construct improvements in accordance with City of Billings standards.

Goal 2: PLACE MAKERS - Enhance existing public places, create new ones, preserve natural and historic places, and maintain our agricultural landscape to define the community for its residents and improve the quality of life for everyone who lives or visits here.

The proposed development plan includes a neighborhood park area that would be the public gathering spot within the neighborhood. The proposed neighborhood park is approximately 4.5 acres in size. This neighborhood park was requested by the Parks Department in a recent meeting (October 2016) due to the demand that will be created by the development of the subject property.

Within a 2.5-mile radius of the property, there are several existing park lands identified on Map 1 of the Parks 2020 plan. These include the following city parks:

- Phipps Park
- Byron Nelson Park
- Yellowstone Meadows Park
- Cynthia Park

In addition to the parks described in the 2020 Plan, a new neighborhood park was constructed in 2016 for the adjacent Copper Ridge project east of the project site. This new addition to the City's park

program is a neighborhood park with several amenities intended to serve the newly developed projects in west Billings.

Another facility not identified on the 2020 Plan is an undeveloped regional park referred to as Cottonwood Park. As previously stated, the developer would dedicate the neighborhood park within the subject property and the remaining park dedication requirement would be met through a cash-in-lieu contribution. This cash-in-lieu contribution could be used for the development of Cottonwood Park, if acceptable to the Parks Department. The developer recognizes the need for park and open space amenities in the community.

Goal 3: COMMUNITY FABRIC - is what makes the City of Billings unique, attractive, a desirable place to live and aesthetically pleasing to residents and visitors. Community fabric can make Billings a draw to others looking for a place to call home.

The proposed zoning will provide multiple housing types, and provide a very walkable community. The development would provide rental and ownership housing options for the city's diverse workforce.

The Staley and Forbes properties are in an area already influenced by growth and development within the City of Billings. As the City expands toward the west, this area will become increasingly urbanized. As previously stated, the property immediately east of the of subject property is Copper Ridge Subdivision. Planning of this Staley and Forbes properties has already begun at a conceptual level and presumably would continue based on the findings of the Urban Planning Study and the subsequent annexation of the properties by the City of Billings.

Goal 4: STRONG NEIGHBORHOODS - create and enhance strong neighborhoods that are clean and safe with streets and public places that provide convenient access for our most vulnerable citizens - our children and grandparents. A strong neighborhood is a place where we will be comfortable no matter our age, income or heritage and provides gathering spaces to encourage everyday interaction between residents.

The zone change will provide for development of the property in a logical manner, fitting with the existing surrounding zoning. The intent is to provide a diversity of housing types within walking distance of future commercial amenities at the intersection of Rimrock Road and 62nd Street West. A neighborhood park area, connected by a network of sidewalks, will provide a public gathering spot for the new neighborhood.

Land planning practices used throughout the neighborhood result in a community character with a high level of connectivity. Each lot is positioned with careful consideration given to the stunning views and large open spaces abutting the streetscape. By meandering the placement of lots with deep setbacks at some locations and curving roadways offers residents increased green space while maximizing privacy. Winding pathways will lead to neighborhood parks and provide an easy and safe environment for walking throughout the neighborhood.

Goal 5: HOME BASE - Enable a home environment for all residents that is healthy, safe and affordable, and offers a choice of housing options.

The proposed development is intended to provide the City of Billings with affordable dwelling units. As stated above, the development will have sidewalks and trails to provide connectivity to the neighborhood park. The development will also be evaluated for traffic impacts to promote safety.

Upon annexation, the project site will receive police protection from the City of Billings Police Department and fire protection from the Billings Fire Department. Services provided include: fire suppression, emergency medical response, dispatch and communication services for local fire, police and ambulance services, hazardous materials response and vehicle accident extrication. The Billings Fire Department Fire Station No. 7, located at 1501 54th Street West, is the closest station to the subject property being approximately 2.5 miles from the study area. A satellite police station is also located in Fire Station No. 7. Fire Station No. 7 covers the newly developing western portion of Billings and the larger BUFSA. The emergency vehicles at this station include Engine 7, Brush 7 along with two additional reserve units.

Both Billings Clinic at 2813 Ninth Avenue North and St. Vincent's Hospital at 1233 North 30th Street would provide routine and emergency medical services for this area. Although a specific timeline has not been made public, both hospitals are planning new facilities to serve future west end development.

Goal 6: MOBILITY AND ACCESS - The transportation system is designed to be safer and more efficient for all users.

The proposed development is located north of a projected westward extension of Rimrock Road and west of 70th Street West. Rimrock Road is classified as a "Collector" from 70th Street West to 62nd Street West in the City of Billings Functional Classification System and as a "Major Arterial" to the east of 62nd Street West. From 70th Street West to West Copper Ridge Loop, Rimrock Road has an unpaved surface with a width of approximately 25 feet. To the east of West Copper Ridge Loop, Rimrock Road has a paved two-lane section with 1-foot shoulders (26-foot total width) and borrow pits for drainage conveyance. Rimrock Road west of West Copper Ridge Loop and all internal streets of the subject property will be paved and constructed to City of Billings standards

70th Street West is a county road that is classified as a local street by the City of Billings. It extends north from Grand Avenue as an unpaved road with a surface width of approximately 28 feet to its terminus at Rimrock Road.

The current conceptual layout for this project proposes construction of 380 residential lots. Using the *Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition*, which is the industry standard reference for projection of site-generated traffic, Sanderson Stewart projects that the Staley and Forbes properties project would generate approximately 3,618 one-way trips (1,809 entering/1,809 exiting) on a typical weekday.

During a typical morning peak hour for area traffic, the site is projected to generate 285 one-way trips (71 entering/184 exiting). During a typical evening peak hour for area traffic, the site is projected to generate 380 one-way trips (239 entering/141 exiting). Internal capture and pass-by trips are expected to be minimal given the purely residential nature of the development. As a result, most of the generated traffic will impact external streets and intersections.

Ms. Nicole Cromwell
June 30, 2017
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The majority of traffic will most likely come to and from the east along Rimrock Road, at least until 70th Street West is paved at some point in the future. Traffic with origins and destinations in the Laurel area may be more likely to utilize 70th Street West even in its current, unpaved state to get to Grand Avenue and beyond to the south.

Goal 7: PROSPERITY - enable "a diverse, welcoming community where people prosper and business succeeds."

School-aged children in this area will be served by School District No. 2 for elementary, middle, and high school.

The creation of new housing within these two parcels will not take away from other residential communities in Billings' west end. Development is anticipated to complement existing choices and for residents to have access to reasonable housing choices, thus helping to stabilize the employment base and provide better jobs to households. The intention is for this neighborhood to provide highly sought-after housing opportunities.

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 has been farmed for decades. Over time, the City of Billings has abutted the property and operation of the property as a farming unit is no longer feasible, nor is it the best use of the property.

As a project adjacent to a successful residential community, the proposed zoning has been designed to complement the neighboring properties, meet a demonstrated market demand for residential development, provide a variety of housing options, and provide an attractive overall development plan of which the applicant and the community can be proud.

If you have any questions, or need anything else from the applicant or me, please let me know at 406/656-5255.

Sincerely,



Mac Fogelsong, PE
Vice President | COO

GTO/hav

Enc.

P:16064.01_Cromwell_Zone_Change_PreApplication_Statement_Questions_Ltr_062717

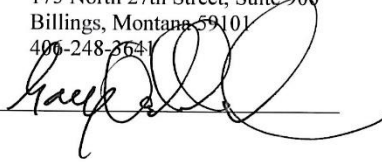
Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** Unzoned
2. **Written description of the Zone Change Plan:** Request to zone approximately 116.18-acre property from Unzoned to Residential zoning, including R-7000 and R-5000
3. **Subject Property Map:** Attached
4. **Legal Description of Property:**
 - 1) Tract 2A, Amended Tract 2 and 3, Certificate of Survey Number 2465 (a 14.50-acre property, known as the Forbes Parcel)
 - 2) Tract 1, Certificate of Survey Number 1871 (a 101.68-acre property, also known as the Staley Parcel).
5. **Neighborhood Task Force Area:** No
6. **Roster of persons who attended the pre-application neighborhood meeting:** Attached
7. **A copy of the meeting notice:** Attached
8. **A brief synopsis of the meeting results:** Attached
9. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 26th, day of June, 2017.
 - 2) The zone change application is based on materials presented at the meeting.

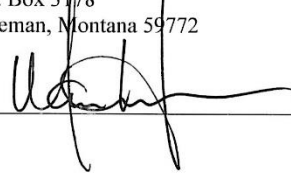
Owner(s): Mr. Gary Oakland
(Recorded Owner – COS 1871)
175 North 27th Street, Suite 900
Billings, Montana 59101
406-248-3641

X



Mr. Marvin Hessler
(Recorded Owner – COS 2465)
P.O. Box 3178
Bozeman, Montana 59772

X



Agent(s): Sanderson Stewart Attn: Mac Fogelsong

1300 North Transtech Way, Billings, MT 59102

(406) 656-5255

X



MEETING MINUTES

Project: Am Tract 2A, Am Tracts 2 & 3 of C/S 2465 & Tract 1 of C/S 1871 (Staley/Forbes Property)	
Project No: 16064.01	
Meeting Location: Yellowstone Country Club, 3200 Paul Allen Way	Meeting Date: 6/26/17 6:00 P.M.
Meeting Subject: Proposed Zone Change Neighborhood Meeting	Prepared by: Gary Owen
Attending: (see attached sign-in sheet)	
Date of Issue: 6/27/17	

Minutes:

The following topics were discussed:

- Overview and history of Copper Ridge Subdivision.
- For the last year, we have been studying the Staley/Forbes property. An Urban Planning Study was performed and submitted to the City of Billings.
- Discussed next steps for annexation and zoning process for the property
- The neighborhood meeting is a requirement of the zone change process.
- Current parcel is in the County and is unzoned with "no restrictions"
- Would like to annex into the City and zone the Forbes property as R-7000 and the Staley property as R-5000; each zoning would allow single family or duplex units. The City's growth policy promotes increased density.
- Opened the floor to questions.
 - Charles Henderson asked about R-5000 zoning. Response: No multi-family, but it will allow for increased density.
 - Barbara Wilson asked if there would be access across the railroad. Response: Yes, at 70th Street West
 - Barbara Wilson asked if Copper Ridge has a park. Response: Yes
 - Barbara Wilson expressed that dust from people driving on 70th Street West is a concern
 - Barbara Wilson asked if there were any issues selling the lot next of the railroad. Response: Not at all.
 - Barbara Wilson asked is there has been any talk about services to the south in 70th Street West. Response: Maybe someday, but not in the near future.

