

Zone Change 678
Pre-application meeting notes and Applicant Letter

**Pre-Application Neighborhood Meeting Minutes
Sunday, October 30, 2106**

Location: Hampton Inn, 5110 Southgate Drive – 2 p.m.

Owner Presenter: Michael Burke – HGFA-Architects, PLLC – Owner Agent
Adjacent Property Owner Presenter: Gary Blain

The handout attachments that were provided at this meeting have been made part of the Zone Change Application submittal.

Attendees: Refer to Attendance Sheet Attached

- This meeting was to inform the property owners within the prescribed area as identified by City/County Planning of a proposed zone change request from Residential 9600 to Entryway General Commercial
- A Powerpoint presentation was given which reviewed information that was submitted in the package mailed to residents within the boundary as prescribed by City/County Planning along with site photos.
- Summary – In lieu of developing the property at 743 Calhoun Lane in Yellowstone County, Montana for Residential 9600 which cannot be accomplished without road access that does not exist, the developer is requesting the property be re-zoned to Entryway General Commercial to allow for uses as defined under this category.
- The following is a summary of the discussion that transpired:
 - Owner has no current use planned for how the property is going to be developed. Michael Burke read off a list of possible commercial uses that the re-zoning would allow under Entryway General Commercial.
 - Issues discussed from property owners:
 - Restriction of quiet times – Michael indicated the need to press for enforcement of existing ordinances.
 - Does the owner have to have another meeting to present to community? No, all future meetings (hearings) will be part of the Zone Change Application process.
 - Attendees did not want a casino or bar. Michael indicated that the zoning would only allow what is listed as permitted uses for the intended zone change. Any other uses would require a special review.
 - Zoning – Setbacks would be required and are listed under Entryway General Commercial site development requirements for setbacks as it relates to being adjacent to residential areas.
 - Location of property requesting zone change – Both pieces of property are in the county.

- Concerned about traffic and noise on the alley. There are City/County ordinances for these issues if they exceed the ordinance requirement. Traffic access off the alley to the proposed Entryway General Commercial zoning would only be allowed if it were allowed by the engineering requirements related to Entryway General Commercial use next to a residential area.
- How do you guarantee safety requirements? Michael indicated that he was unsure anyone could guarantee safety but that development of the properties to the south and west of the existing residential areas under the Entryway General Commercial requirements will most likely provide a safer, more well-lit overall property when it is developed.
- Can alley be used as access? Michael indicated the site development requirements indicate a fence would be required along the alley. It is his understanding that any access request through that fence at the time of the site's development would require a special review that typically allows comment from the residents.
- What happens next with City/County Planning? The Zoning Application deadline is November 7, 2016. If the applicant meets that deadline, the subsequent hearings are as follows:

Zoning Commission Hearing	December 12, 2016
County Commission Hearing	December 27, 2016

- Does our vote count? The whole intent of this meeting was to inform the residents within the 300 foot radius of what our request was. These minutes will be passed onto City/County Planning as part of the process. If they have other issues, the residents need to contact City/County Planning or attend the hearings listed above. If there is something we can help answer we will be happy to.
- Gary Blain explained what he thought the property could be – the property is expensive so it would probably be a high value development
- Mike Burke will contact Nicole Cromwell with Planning to answer questions
 - What would happen to value of homes? One property owner indicated their property value went up. This property owner, we believe, lived off of King Avenue East. One was concerned it would go down. This property owner, we believed, lived north of the requested property change in the Residential 7000. There was no data to support a decrease other than speculation/ concern from that property owner.
- Notification:
 - A public hearing shall be held in all petitions for a change in zone classification. As part of the notification procedure, the Zoning Coordinator will notify all persons identified as owners of property within 300 feet of the property proposed to be rezoned by mail not less than 15 days prior to the date of the public hearing before the County Zoning Commission.
 - Notification of the proposed rezoning shall be posted in a conspicuous place on the property.

- Legal notice shall be published not less than 15 days prior to the public hearing in a newspaper of general circulation.
- Mike Burke stated that he believes that engineering will be looking at traffic on Calhoun Lane, quantity, etc. and its long-term impact on the area as it relates to the sites when a development plan is determined and submitted.
- City/County Planning will receive minutes of this meeting. Mike indicated that he would be happy to provide meeting minutes to the attendees if they were not being made available as part of the submittal. If they are available through the submittal, City/County Planning will notify the property owners on how to access the minutes.

Meeting was concluded at approximately 2:35 p.m.

Please sign in
01/30/2016 2 p.m.

<u>Name</u>	<u>Address</u>	
Ellen & Ted Bideo	4504 Murphy Ave	
GARY BLAIN	6309 Jellison Rd	Garth
SAM HANDEL	4139 JAS. W. A	Lyndee
FLOYD L. MARTIN	4645 Phillips	Floyd L. Martin TEF
FRED FABER	4520 Murphy Ave	Alfy
Angela Smart	4528 Murphy Ave	
Michael & Donna	4427 RING AVE E.	Mike & Donna
Mike & Donna		
Daniel Watkins	737A Key City D.	
Michael & Donna		
- scheduled wouldn't sign		
Michael Burke - ngfa architects	- 222 N. 32nd St	
	Ste # 306	
Sheril Burke - ngfa - architects	"	

Yellowstone County Zone Change Application

1. Answer the following questions:

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

Response: The request for changing R9600 zoning to Entryway General Commercial makes a consistent transition between the existing R7000 and the existing Entryway General Commercial. The R9600 is now an island unto itself unserved by a street access, thus rendering it an extremely awkward zoning within the two consistent existing zones surrounding it.

Having the ability to develop tax code lots D01588, D01588A and D01589 as one combined zoning area allows:

- Site Development required under Entryway General Commercial and their associated public rights-of-way and entryways to make Billings more visually appealing to residents and visitors.
- The use of natural landscapes being important because they define the uniqueness of Billings and help protect the environment as well as beautify the neighborhood.
- The assistance in making the neighborhood safe, attractive and provide essential services allowed under Entryway General Commercial and the site development requirements.

This zoning will allow the possibility of integrating the following through and including use of the site development requirements:

- Landscaped areas in commercial zones that encourage more pedestrian activity and vibrant commercial activity.
- Streetscapes that provide a pleasant and calming travel experience in the zoning neighborhood.
- Allowing this parcel into the greater Entryway General Commercial zoning will further allow diversity of available jobs and services ensuring a strong Billings economy.
- It will allow for businesses within the allowed zoning to provide local jobs benefiting the community.
- It will allow for community investments that attract and retain a strong, skilled and diverse workforce.

- b. 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 of the immediate area.

Response: The existing property on the corner of Calhoun Lane and King Avenue East to the south of the requested zone change is Entryway General Commercial. It is the

long-term intent to absorb the new property currently zoned R9600 into the overall Entryway General Commercial parcel allowing a better use for that parcel which is more consistent with the discussion and documents provided by the City and County Growth Policy. This was further evident with the placement of the curb cuts on Calhoun when Calhoun was further developed. The current zoning is, in our belief, undevelopable in a true R9600 format. There is no street access to Parcel A2. Parcel A1 extends to the road deeper to the west than a more traditional R9600 format and since there is no existing roads to access both parcels A1 and A2, we believe the proper zoning classification should be changed to Entryway General Commercial.

2. Photographs may be submitted and are often helpful. They should be of a size adequate to show the nature of the property.

Response: See attached photos of the site requesting the zone change.

3. Pre-Application Statement of Owner(s) or Agent(s) affirming pre-application meeting was held and include the following: 1) the pre-application neighborhood meeting was held, and 2) the zone change application is based on materials presented at the meeting. Include a copy of the meeting notice, written materials mailed or provided at the meeting, the sign-in sheet of attendees, and a brief synopsis of the meeting results.

Response: Attached please find the following:

- Pre-Application State of Owner(s) or Agent(s) affirming pre-application meeting was held
 - Materials mailed to adjacent property owners along with a copy of the meeting notice
 - Sign-In Sheet of Attendees
 - Meeting minutes of the Pre-Application Meeting
4. A filing fee must accompany all applications for Zone Changes. No application for a Zone Change will be accepted until the filing fee is paid in full. Commercial: \$1,103.00. A \$45.00 deposit for posting of zoning request signs is required at the time the application is received. The deposit will be returned when the sign is returned by the applicant or agent at the first public hearing.

Response: Attached find a check made payable to the *City of Billings* in the amount of \$1,103.00. Also attached find a check made payable to the *City of Billings* in the amount of \$45.00 for the deposit for posting of zoning request signs.

5. Once the pre-application neighborhood meeting has been conducted the applicant or his/her agent may submit a zone change application and it shall include, but not be limited to, the following information:

- a. A legal description of the tract(s) proposed to be rezoned.

Response: 743 Calhoun Lane – Parcels A1 & A2 (Amended) of COS 775 (S09, T01 S, R26E) in Yellowstone County, Montana

- b. A map showing the dimensions, acreage, and location of the tract(s) and adjacent land uses.

Response: See attached Aerial Image Map of Site indicating Acreage and Property as well as a Current Zoning Map of the Site and adjacent properties.

- c. The present and proposed classification for the tract(s).

Response: The zone change is a request to change the existing parcels from Residential 9600 to Entryway General Commercial.

Currently Zone: Residential 9600
Requested Zone Change: Entryway General Commercial

- d. A certified list of the names, addresses and legal description of the owners of property within a radius of three hundred (300) or more feet, as determined by the zoning coordinator, of the exterior boundaries of the tract(s).

Response: Attached find the certified list of property owners as provided by the Clerk & Recorder's office.

- e. Gummed mailing labels with the names and mailing addresses typed or printed neatly of all of the property owners indicated on the certified list.

Response: Attached find the gummed mailing labels with the names and mailing addresses typed of all of the property owners indicated on the certified list.

- f. The names and addresses of the owner(s) of the land and their agents, if any, along with the recorded property owner's signature.

Response: See attached County Zone Change Application Form.