



**CITY ZONING COMMISSION**  
**AGENDA-Tuesday, April 3, 2018, 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:**

The minutes of the Board meeting of March 6, 2018.

**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 Exparte 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. **City Zone Change 965 – 109 S 35th St** – CI to R-60 – A zone change request from Controlled Industrial (CI) to Residential 6,000 (R-60) on Lots 16 & 17, Block 7 of Yegen Second Addition, a 7,000 square foot parcel of land. A pre-application neighborhood meeting was held on February 13, 2018, at the offices of High Plains Architects at 2720 Minnesota Avenue. Tax ID: A18805. Presented by Karen Husman, Planner I
  
- b. **City Zone Change 964 – Council Initiated Text Amendment** – Gymnastics Instruction in RP zones – A zone change to Section 27-306 – Commercial and Industrial Uses – to allow Gymnastics Instruction in all Residential Professional (RP) zones. The City Council initiated the amendment on February 26, 2018.
  
- c. **City Special Review 963- Lenhardt Square PD – Georgina Drive – Multi-family** – A special review request to allow the construction of more than 4 attached dwelling units in the PD-MF-4 zone on C/S 2063, Parcel 2A in the Lenhardt Square Planned Development, a 19.13 acre parcel of land. The special review is required by Article IV.G of the PD zoning district. The proposed development will contain five (5) 5-unit buildings and two (2) 86-unit buildings. The total proposed number of dwelling units is 237 on the 19.13 acres. Presented by Monica Plecker, Planning Division Manager

## Other Business/Announcements

## Adjournment

**The City Council** has designated **Monday, April 23, 2018**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the **special review and zone changes**.

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

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 (April 20, 2018) 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 **special review and zone changes**. Testimony regarding the above mentioned item may also be submitted in writing to the Planning Division, 2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> 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](mailto:bartleyr@ci.billings.mt.us)

**City Zoning Commission**

**Meeting Date:** 04/03/2018

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**Information**

**Subject**

The minutes of the Board meeting of March 6, 2018.

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**Attachments**

BZC\_20180306\_draft

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## City of Billings Zoning Commission Meeting Minutes March 6, 2018

The City of Billings Zoning Commission met on Tuesday, February 6, 2018 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

Chairman Wagner called the meeting to order at 4:30 p.m. The City Council has designated **Monday February 26, 2018** 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		01/03/2018	02/06/2018	03/06/2018	04/03/2018	05/01/2018	06/05/2018	07/03/2018	08/07/2018	09/04/2018	10/02/2018	11/06/2018	12/04/2018
Dan Wagner	Chairman	1	1	1									
Dennis Ulvestad	Commissioner	1	1	E									
Mike Boyett	Vice Chairman	1	1	1									
Michael Larson	Commissioner	1	1	1									
James Mariska	Commissioner	1	1	1									
Wyeth Friday	Director, Planning & Community Services	-	-	-									
Monica Plecker	Division Planning Manager	-	-	-									
Nicole Cromwell	Planner Zoning Coordinator	1	1	1									
Tammy Deines	Planning Clerk	-	-	1									
Dave Green	Planner II	-	-	-									
Karen Husman	Planner I	-	1	1									
Robbin Bartley	Administrative Support	1	1	-									

Total Number of 2016 Applications	01/03/2018	02/06/2018	03/06/2018	04/03/2018	05/01/2018	06/05/2018	07/03/2018	08/07/2018	09/04/2018	10/02/2018	11/06/2018	12/04/2018	TOTAL
Zone Change	2		1										3
Special Review	1	1	1										3

Chairman Wagner introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator; Monica Plecker, Planning Division Manager, Karen Husman, Planner I and Tammy Deines, Planning Clerk.

**In Attendance:** Jeff Kanning, Collaborative Designs; Skip King, Ace Hardware; Bill Morgan, Sanderson Stewart; Roger Singh; applicant.

**Public Comment**

Chairman Wagner called for public comments. There were none.  
Chairman Wagner closed the public comment portion of the meeting.

**Approval of Minutes: February 6, 2018**

Chairman Wagner called for approval of the February 6, 2018 meeting minutes.

**Motion**

Commissioner Boyett made a motion and Commissioner Larson seconded the motion to approve the February 6, 2018 meeting minutes.

<b>COMMISSIONER</b>	<b>Yes</b>	<b>No</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner	<b>x</b>			
Mike Boyett	<b>x</b>			
Dennis Ulvestad	<b>x</b>			
Mike Larson	<b>x</b>			
James Mariska	<b>x</b>			

**The motion for approval then carried with a unanimous voice vote \*-0.**

Chairman Wagner called for disclosures of conflict of interest. There were none.

**Disclosure of Conflict of Interest**

<b>COMMISSIONER</b>	<b>Yes</b>	<b>No</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner		<b>x</b>		
Mike Boyett		<b>x</b>		
Dennis Ulvestad		<b>x</b>		
Mike Larson		<b>x</b>		
James Mariska		<b>x</b>		

**Disclosure of Outside Communication**

<b>COMMISSIONER</b>	<b>Yes</b>	<b>No</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner		<b>x</b>		
Mike Boyett		<b>x</b>		
Dennis Ulvestad		<b>x</b>		
Mike Larson		<b>x</b>		
James Mariska				

### **Public Hearings:**

At 4:50 p.m., 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 March 26, 2018. He then asked Nicole Cromwell to review the first agenda item.

Monica Plecker presented:

**City Special Review #962- 896 S 29<sup>th</sup> St West, Suite E – All Beverage with Gaming** – A special review request to allow the location of an existing All-Beverage Liquor License with Gaming in a Controlled Industrial (CI) zone on Lot 1J of Block 2, Midland Subdivision 4<sup>th</sup> Filing a 1.91-acre parcel of land. Suite E is @1,525 square feet in an existing 22,704 square foot multi-tenant building. Tax ID: A28821

### **RECOMMENDATION**

Staff is recommending conditional approval based on the 3 criteria for special review.

1. The special review approval is limited to Suite E, not to exceed 1,525 square feet in the existing multi-tenant building on Lot 1J, Block 2, of Midland Subdivision, 4<sup>th</sup> Filing. The special review approval is for an all beverage license with gaming within the 1,525 square foot tenant space. No other use is intended or implied by this approval.
2. The re-modeling of the tenant space shall require compliance with all Building division and Engineering Division. This includes requirements for off-street parking lots and solid waste storage. Compliance with other commercial site development standards such as landscaping, storm water management, and building codes will be reviewed at the time of building permit submittal.
3. There will be no construction activity before 7am or after 8pm daily.
4. The site will be developed in conformance with all applicable zoning and site development regulations.
5. No fascia of the building may have internal illumination.
6. The proposed development shall comply with all other limitations of Section 27-613 of the Zoning Regulations concerning special review uses, and all other City of Billings, regulations and ordinances that apply.
7. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

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

### **Questions for Staff:**

In response to a question by Commissioner Boyett, staff clarified and said there will be no outside patio activity or noise.

**Public Hearing**

Chairman Wagner opened the public hearing asked for the applicant of **Special Review #962**.

**Jeff Kanning, 1008 Poly Drive, Billings, Montana**

Mr. Kanning represents applicant, Mr. Roger Singh. He said explained this proposal includes no changes to utilities and the use is limited to this space. There will be no site work and the signage will be addressed with a sign permit. Construction will run during normal business hours. The project will begin once this application and the tenant improvement plans are approved. In response to question by Commissioner Mariska, Mr. Kanning stated security cameras will be installed.

**Opposed**

No one spoke in opposition to this application.

Chairman Wagner closed the public hearing and asked for a motion.

**Motion**

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to approve **Special Review E962** with recommended conditions by staff.

<b>Commissioner</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner	1			
Mike Boyett	1			
Dennis Ulvestad				A
Mike Larson	1			
James Mariska	1			

**The motion carried with a unanimous verbal vote of 4-0.**

Karen Husman presented:

**City Zone Change #963 – 4130 State Avenue – R-96 to NC –** A zone change request from Residential 9,600 (R-96) to Neighborhood Commercial (NC) on the easterly 195.83 feet of that part of Lot 2 of the Subdivision of Section 9, Township 1 South, Range 26 East, a 24,643 square foot parcel of land. A pre-application neighborhood meeting was held on January 29, 2018, at the Southside Community Center, 901 S 30<sup>th</sup> Street. Tax ID: D01590

**RECOMMENDATION**

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change #963.

**Questions for Staff:**

Per Commissioner Larson’s request, Staff confirmed the intent of this application is to construct building that is allowable in the proposed Neighborhood Commercial zoning.



**Public Hearing**

At 5:00 p.m. Chairman Wagner opened the public hearing and asked for anyone wanting to speak in favor or against Zone Change #963 4130 State Ave  
Chairman Wagner asked for the applicant of **City Zone Change #963**.

**Bill Morgan, Sanderson Stewart, 1300 N Trantech Way, Billings, Montana**

Mr. Morgan stated this request is consistent with adjacent neighborhood commercial zoning. The applicant's plan is to initially clean up the site and provide a fence buffer to prepare for economic development. This application fits the growth criterion with the new growth element adopted in 2016. He said there are no current plans for development of this parcel and thanked staff for their presentation. Commissioner Mariska commented this will address the blighted property issues. Nicole Cromwell stated this property has been the subject of several code enforcement cases. Commissioner Mariska noted the absence of a grocery store in this neighborhood. He asked regarding safe and essential services, if there anything that may come to mind as to the best use of the property.

**Skip King 734 Indian Trail, Billings, Montana**

Mr. King is the property owner of King's Ace Hardware State Avenue. He explained there are multiple reasons for failure of the former grocery store, and stressed the importance of maintaining businesses as a community stop with good customer service and conveniences. Mr. King wishes to have more parking for his business. In response to Commissioner Mariska, he there has been some collaborative discussion of need for a grocery store and he is meeting with the representatives of the Tax Increment Funding District to discuss feasibility. Commissioner Wagner asked if Mr. King is planning on means of securing the lot. Mr. King said clearing the property will be a deterrent to malicious activity. He hopes to make this property better for State Avenue and the community.

**Opposed**

No one spoke in opposition to City Zone Change #963.

**Motion**

Chairman Wagner asked for a motion.

Commissioner Boyett made a motion and Commissioner Larson seconded the motion to approve **City Zone Change #963** with recommended conditions by staff.

<b>Commissioner</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Dan Wagner	1			
Mike Boyett	1			
Dennis Ulvestad				1
Mike Larson	1			
James Mariska	1			

**The motion carried with a unanimous verbal vote of 4-0.**

**Other Business:**

**The next meeting will be April 3, 2018.**

**Adjournment:** The meeting adjourned at **5:15 p.m.**

**DRAFT:** To be approved by a motion: **April 3, 2018.**

**ATTEST:**

**Tammy Deines, Planning Clerk**



## City Zoning Commission

**Meeting Date:** 04/03/2018

**SUBJECT:** Zone Change 965- 109 S 35th St.

**THROUGH:** Monica Plecker

**PRESENTED BY:** Karen Husman

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### Information

#### REQUEST

**City Zone Change 965 – 109 S 35th St** – CI to R-60 – A zone change request from Controlled Industrial (CI) to Residential 6,000 (R-60) on Lots 16 & 17, Block 7 of Yegen Second Addition, a 7,000 square foot parcel of land. A pre-application neighborhood meeting was held on February 13, 2018, at the offices of High Plains Architects at 2720 Minnesota Avenue. Tax ID: A18805. Presented by Karen Husman, Planner I

#### RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 965.

#### APPLICATION DATA

OWNER: Dave Healow

AGENT: High Plains Architects

LEGAL DESCRIPTION: on Lots 16 & 17, Block 7 of Yegen Second Addition

ADDRESS: 109 S 35th St.

CURRENT ZONING: Controlled Industrial

EXISTING LAND USE: Residential

PROPOSED USE: Residential

SIZE OF PARCEL: 7,000 sf

#### CONCURRENT APPLICATIONS

None

#### APPLICABLE ZONING HISTORY

**Subject Property:** None – current zoning put in place November 1973.

**Surrounding Property:** There have been four zone change requests in the surrounding neighborhoods; Zone change #123, a request from R-60 to Community Commercial (CC) was withdrawn, Zone Change #183 from R-60 to Neighborhood Commercial (NC) was denied, Zone Change #515 from R-60 to HC was withdrawn, and Zone Change #783 from CI to R-60 was granted (109 S 39th Street).

#### SURROUNDING LAND USE & ZONING

NORTH: Zoning: CI  
Land Use: Single family residential & commercial/industrial  
SOUTH: Zoning: CI and R-60  
Land Use: Single family residential  
EAST: Zoning: CI  
Land Use: Single family residential  
WEST: Zoning: CI  
Land Use: Residential and commercial

**BACKGROUND**

This is an application to change from Controlled Industrial (CI) zoning to Residential-6000 (R-60) zoning to make the current use of the property - 2 residential dwellings - conforming to the zoning. The property to the north and east is CI and has developed as single-family homes with more commercial development to the north along 1st Avenue South. The property to the south is zoned primarily R-60 and is low density residential. The property directly south is zoned CI and has a single family dwelling (built in 1930). The property is in a subdivision that began building in the 1920’s and was in existence when zoning was implemented in 1972.

The current zoning of CI is intended to allow a variety of commercial and industrial uses. Under the CI zone, the property can be used for residential purposes with a Special Review approval. This requirement limits the ability to expand or rebuild into a larger residence. The property has two residential dwelling units on it that were constructed in 1920. The applicant intends to continue the residential use, improving the property and updating the existing structures. The proposed R-60 zoning would allow the existing residential use to be conforming to zoning.

**RECOMMENDATION**

The Planning staff has reviewed the application for Zone Change #965 and is recommending approval based on the findings of the 10 review criteria. The proposed zoning and use of the property is compatible with the adjacent and surrounding land uses. The 2016 Growth Policy supports the proposed zoning and use in this area of mixed uses and zoning.

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**Attachments**

Zoning Map & Site Photos  
Application, Applicant letter & Pre App. Notes  
Proposed Findings of the review criteria

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Site Photos



Subject property



Looking Northeast

Site Photos



Looking Southeast



Looking Southwest



Looking South



Alley looking Southwest

Application

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 965 - Project # PZ-18-00043

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning: CI (Controlled Industrial)

Proposed Zoning: R-60 (Residential 6,000)

TAX ID# A18805 CITY ELECTION WARD # 1

Legal Description of Property: Yegen Second ADD, S03, T01 S, R26 E, Block 7, lot 16-17

Address or General Location (If unknown, contact City Engineering): 109 S. 35th St.

Size of Parcel (Area & Dimensions): 7,000 SF, 140' x 50'

Present Land-Use: residential

Proposed Land-Use: residential (no change in the way the property will be used)

Covenants or Deed Restrictions on Property: Yes \_\_\_\_\_ No X

If yes, please attach to application

\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Dave Healow

(Recorded Owner)  
2508 Irving Pl, Billings, MT 59102  
(Address)  
(406) 855-1799 dhealow@bresnan.net  
(Phone Number) (email)

Agent(s): Emarie Skelton; High Plains Architects

(Name)  
2720 Minnesota Ave, Billings, MT 59101  
(Address)  
(406) 384-0144 eskelton@highplainsarchitects.com  
(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: David Healow Date: 022118  
(Recorded Owner)



## Applicant Letter to Board



Zone Change Application for 109 s. 35<sup>th</sup> St

Legal Description of the tract proposed to be Re-Zoned:

Yegen Second Add, S03, T01 S, R26 E, Block 7, Lot 16-17

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

The Billings growth policy emphasizes responsible growth within city limits, with a diversity of residential densities. Our proposed zone change just adjusts the zoning applied to the lot to align with the activity already occurring there.

In addition, the growth policy, for numerous reasons, references the need for more, smaller, lower-cost residential units, which this property is already providing. The zoning regulations are meant to allow for a mixture of housing types providing housing options for diverse types of people. Again, the lot is currently providing a residential density that is higher than single-family, and fits within the fabric of the neighborhood.

**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.**

The property is currently zoned CI, or Controlled Industrial. The controlled industrial zone is intended to accommodate a variety of business, warehouse and light industrial uses related to wholesale plus other business and light industries not compatible with other commercial zones, but which need not be restricted in industrial or general commercial zones, and to provide locations directly accessible to arterial and other transportation systems where they can conveniently service the business and industrial centers of the city and county.

This definition does not apply to the *actual* current use of the site. The property has 2 residential dwelling units on it, with the original structure being built in 1920. The zoning applied to the neighborhood makes sense in regards to location and arterial access, however, the property is not being used that way.

We would like to propose that the site be zoned R-60, which is consistent with the other lots on the block to the south. R-60; Residential 6,000 is a zone intended to provide for medium density residential dwellings on lots served by public water and sewer services, with provisions for duplexes.

It is our opinion that this definition matches more closely the way the lot is currently being used, and again, matches the residential zones on the rest of the block.

Pre-Application Minutes

**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:** CI (Controlled Industrial)
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: 7,000 square-foot (140'x50') lot with residences on it to be changed to R-60 (Residential 6,000). Entire lot to be included
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** Yegen Second ADD, S03, T01 S, R23 E, Block 7, Lot 16-17
5. **Neighborhood Task Force Area** ( Yes) // No . If Yes, Name of Task Force and mailing address of Chairperson: Southside Task Force, Marguerite Jodry, 414 S. 33rd St. Billings, MT 59101
6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
7. **A copy of the meeting notice.** please attach to this form
8. **A brief synopsis of the meeting results.** please attach to this form
9. **The undersigned affirm the following:**
  - 1) The pre-application neighborhood meeting was held on the 13<sup>th</sup> day of February, 2018.
  - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Dave Healow Telephone: (406) 855-1799

Address: 2508 Irving Pl. Email: dhealow@bresnan.net  
Billings, MT 59102

Agent (s): Emarie Skelton (High Plains Architects) Telephone: (406) 384-0144

Address: 2720 Minnesota Ave. Email: eskelton@highplainsarchitects.com  
Billings, MT 59101



## MEETING MINUTES

PROJECT: 109 S 35<sup>th</sup> St Zone Change

MEETING DATE: February 13, 2018, 5:30 pm

MEETING LOCATION: 2720 Minnesota Ave, Billings

MEETING SUBJECT: Zone Change Pre-App meeting

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In attendance:

Emarie Skelton – High Plains Architects

1. Emarie Skelton of High Plains Architects prepared the attached documents to review with any meeting attendants and was present for the scheduled meeting. There were no attendants. The meeting was adjourned at 6:00 p.m.

Zone Change #965 – 109 S 35<sup>th</sup> Street

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; Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe;

The proposed zoning would allow the existing residential use to be conforming to the zoning. The current zoning does not allow residential uses without a special review. Financing improvements or sale of the property is unnecessarily complicated by the current zoning. The property provides a desirable and needed housing choice in the area dominated by single family housing. The neighborhood is stable, safe and conveniently located near services.

- Strong Neighborhoods: Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels; 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; Neighborhoods that are safe and attractive and provide essential services are much desired.

The proposed zoning will allow the current residential use to remain and the owner to reconstruct the home on the property. The residential use will fit into the neighborhood. The property is within walking distance of City services.

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 property has an existing single family dwelling, the current zoning of the parcel does not provide certainty for future reconstruction of the residential structure.

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

Transportation:	The proposed zoning will not have any effect on the existing transportation system.
Water and Sewer:	The City provides water and sewer to the property. There will be no additional impacts to the system from the proposed zoning.
Schools and Parks:	Schools and parks should not be affected by the proposed zoning.
Fire and Police:	The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

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

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

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

The new zoning will have no effect on transportation systems.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to continue at this location and the use is compatible with the existing neighborhood.

8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning is identical to the zoning south of the subject property and is an appropriate zone with the adjacent residential neighborhood surrounding it.

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

The building on the property is currently in disrepair. Approval of the zone change will conserve the value of the property and will make the current development conforming to zoning and allow reconstruction of the existing dwelling. The value of existing buildings and the parcel will be improved and conserved by the proposed zoning

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

The proposed zoning will allow the existing dwelling to be re-constructed if necessary in the future. This is the most appropriate use of the land at this location



## City Zoning Commission

**Meeting Date:** 04/03/2018

**SUBJECT:** Zone Change 964 - Text Amendment - Allowing Gymnastics Instruction in Residential Professional Zoning

**THROUGH:** Monica Plecker

**PRESENTED BY:** Monica Plecker

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### Information

#### REQUEST

**City Zone Change 964 – Council Initiated Text Amendment** – Gymnastics Instruction in RP zones – A zone change to Section 27-306 – Commercial and Industrial Uses – to allow Gymnastics Instruction in all Residential Professional (RP) zones. The City Council initiated the amendment on February 26, 2018.

#### RECOMMENDATION

Planning Staff Recommends approval of the text amendment.

#### APPLICATION DATA

OWNER: N/A

AGENT: N/A

LEGAL DESCRIPTION: N/A

ADDRESS: N/A

CURRENT ZONING: N/A

EXISTING LAND USE: N/A

PROPOSED USE: N/A

SIZE OF PARCEL: N/A

#### CONCURRENT APPLICATIONS

None

#### APPLICABLE ZONING HISTORY

Section 27-306 of the Zoning Regulations have been amended from time-to-time since 1972. The Residential Professional zone was created from the previously existing Residential Multi Family - A (RMF-A) zoning district. RMF-A encouraged multi-family housing and professional office type uses. At the time of its inception, RP excluded uses classified in Major Group 79 of the Standard Industrial Classification Manual (SIC). Uses included in this group include all types of recreational services and some entertainment uses such as theaters.

In January 2000, the Planning Board initiated an amendment to the zoning regulations to allow Dance Studios and Martial Arts Instruction (2 Group 79 uses) in the RP zone. On February 28, 2000, the City Council considered this amendment following a positive recommendation from the City Zoning Commission. Information in the City Council minutes from 2000 states the amendment was brought forward as a "housekeeping item" and as a result of a number of requests for these uses. Both uses are non-retail and are mainly service-oriented uses. These are generally the type of uses found in the RP and Neighborhood Commercial (NC) zones. The City Council asked for the proposed ordinance change to be sent back to the Zoning Commission to consider size limitations or whether the use should be allowable by special review.

The Zoning Commission determined a size requirement and making these uses allowable by special review was

unnecessary. The City Council held a public hearing and first reading of Ordinance 00-5120 on April 24, 2000, to make martial arts instruction and dance studios allowable uses in Residential Professional (RP) and Neighborhood Commercial (NC) zones. The second reading and approval occurred May 8, 2000. There have been no changes since 2000 for uses classified in section 79 of the SIC.

## **SURROUNDING LAND USE & ZONING**

NORTH:	Zoning:
	Land Use:
SOUTH:	Zoning:
	Land Use:
EAST:	Zoning:
	Land Use:
WEST:	Zoning:
	Land Use:

## **BACKGROUND**

On February 26, 2018, Council Member Ewalt brought forward a Council Initiative and made a motion to have gymnastics instruction added as an allowable use to Residential Professional (RP) zones. The motion was seconded by Council Member Brewster. The vote carried unanimously.

The initiative was a result of a contentious zone change hearing for property located at 41st St West and Avenue C. The zone change from RP to Community Commercial (CC) was needed to allow a gymnastics academy to purchase and locate on the property. The zone change was denied by the City Council on January 8, 2018, although some Council members voiced support for the use at this location. The other potential uses in the CC zone were not as compatible with the surrounding neighborhood, including the potential to allow a bar or casino by special review approval.

## **RECOMMENDATION**

Staff recommends approval of the text amendment based on the 10 criteria as identified in Section 27-1052(d) of the BMCC.

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### **Attachments**

Review Criteria  
Ordinance

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Zone Change #964  
Council Initiated Text Amendment

Prior to making a 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 amendment is consistent with 2016 Growth Policy.*

**Essential Investments, Strong Neighborhoods and Community Fabric:** *Neighborhoods that are safe and attractive and provide essential services are much desired.*

- *The proposed zoning would allow neighborhood services in areas of the city that have a mix of uses to better serve neighborhoods. The proposed zoning amendment would create recreation opportunities in areas of town where other similar uses are currently allowable.*

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

Not Applicable

3. *Whether the new zoning will promote public health, public safety and general welfare?*

Public health and safety will be promoted through the text amendment.

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

**Transportation:** The proposed zoning may have some measurable effect on transportation. Residential professional zones are located on a variety of street types. Properties served by local streets will likely have the biggest impact. In some locations, additional traffic analysis may be required at the time of site development.

**Water and Sewer:** This text amendment affects properties within the City of Billings which are served by city water and sewer.

**Schools and Parks:** Schools should not be affected by the proposed zoning.

**Fire and Police:** RP zones within the City of Billings will be served by City Fire and Police Departments.

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

Not Applicable

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

A gymnastics facility may have some effect on the motorized and non-motorized transportation network. However, the addition of these types of facilities to Residential Professional zones should not impact the transportation network differently than other similar intensity uses such as elementary and secondary schools, daycare facilities, government administration buildings, and health services.

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

The zoning amendment promotes compatible urban growth in the areas of the City that are zoned Residential Professional. The intended use is not an intrusion to the areas zoned Residential Professional as similar uses are currently allowable.

8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*

The zoning amendment considers the character of the Residential Professional district and the suitability of the property for the proposed use. RP zones currently allow similar and even more intense uses than a gymnastics facility. Property size, access and other elements particular to a site may affect whether the use is able to be developed on some RP zoned property and the design of the property for such a use.

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

Not applicable

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 some RP zoned land in Billings.

Attachment A - Draft Ordinance  
**Add Gymnastics Instruction as an allowed use in RP zoning districts – City ZC 964**  
**ORDINANCE NO. 18 - \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27-306 – COMMERCIAL AND INDUSTRIAL USES - TO ADD LANGUAGE TO ALLOW GYMNASTICS INSTRUCTION IN RESIDENTIAL PROFESSIONAL ZONING DISTRICTS 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:

**Section 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.*

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

**Section 3.**    AMENDMENT.        That the Billings, Montana City Code be amended by revising Section 27-306 as follows:

**Sec. 27-306. District Regulations: Commercial and Industrial Uses.**

TITLES AND DESCRIPTION OF INDUSTRIES  SR - SPECIAL REVIEW A - ALLOWED	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
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<b>79</b> AMUSEMENT AND RECREATION SERVICES*: – 791, Dance studios, schools, and halls – 792 theatrical producers, bands, orchestras, and entertainers – 793, 799 Bowling centers; miscellaneous amusement and recreation services, and gambling operations* (except below): – Public swimming pools – Riding stables – Martial arts instruction – 7992 Public golf courses – 794 Commercial sports – <b>7999 Gymnastics instruction</b>	A	A	A	A	A	A	A		A
		A	A	A	A	A	A		A
			A	A	A	A	A	A	A
	A	A	A	A	A	A	A	A	A
	<b>A</b>		<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	A	<b>A</b>

\* See BMCC Section 27-612.

**Section 5. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

**Section 7. 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 April 23, 2018

PASSED, ADOPTED AND APPROVED on second reading May 14, 2018.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole, Mayor

ATTEST:

BY: \_\_\_\_\_  
Denise Bohlman, City Clerk  
Zone Change 964 – Text Amendment – Gymnastics Instruction in RP



## City Zoning Commission

**Meeting Date:** 04/03/2018

**SUBJECT:** Special Review 963 - Lenhardt Square PD - Georgina Drive

**THROUGH:** Monica Plecker

**PRESENTED BY:** Monica Plecker

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### Information

#### REQUEST

**City Special Review 963- Lenhardt Square PD – Georgina Drive – Multi-family** – A special review request to allow the construction of more than 4 attached dwelling units in the PD-MF-4 zone on C/S 2063, Parcel 2A in the Lenhardt Square Planned Development, a 19.13 acre parcel of land. The special review is required by Article IV.G of the PD zoning district. The proposed development will contain five (5) 5-unit buildings and two (2) 86-unit buildings. The total proposed number of dwelling units is 237 on the 19.13 acres. Presented by Monica Plecker, Planning Division Manager

#### RECOMMENDATION

Planning staff recommends conditional approval of five (5) 5-unit buildings and two (2) 86-unit buildings and adoption of the 3 criteria for Special Review 963.

#### APPLICATION DATA

OWNER: Lenhardt Farm, LLC, Lenhardt Enterprises, LLC, Lenhardt Property, LP

AGENT: Sanderson Stewart

LEGAL DESCRIPTION: COS 2063, Parcel 2A

ADDRESS: West of S 44th St West and north of Georgina Drive

CURRENT ZONING: Planned Development MF-4

EXISTING LAND USE: Vacant/Agricultural

PROPOSED USE: Residential Multi-Family

SIZE OF PARCEL: 19.13 acres

#### CONCURRENT APPLICATIONS

There are no concurrent applications.

#### APPLICABLE ZONING HISTORY

In 2008, the City Council approved Zone Change 862 which changed the zoning of the subject property from A-1 to Planned Development.

#### SURROUNDING LAND USE & ZONING

NORTH: Zoning: Agricultural Open Space (A-1)  
Land Use: Agricultural

SOUTH: Zoning: Planned Development (PD)  
Land Use: Agricultural and multifamily apartments

EAST: Zoning: Planned Development (PD)  
Land Use: Multi-family

WEST: Zoning: Agricultural Open Space (A-1)  
Land Use: Agricultural

#### BACKGROUND

This is a special review request to construct five, 5-plexes and two 86-unit apartment buildings on Parcel 2A of C/S 2063 in the Lenhardt Square Planned Development. This site is located north of Georgina Drive and west of Monad Road. The property is currently farmed. In 2008, the property was zoned to a Planned Development and annexed into the City. Adjacent properties to the south and east are also parcels within the Planned Development and identified as future multi-family housing which includes condominiums, townhomes and multifamily apartments. Apartments have already been constructed east and west of South 44th Street West on the parcel south of the subject property. The property to the north and west is presently farmed and zoned Agricultural Open-Space and remains outside of city limits.

The Planning Division has reviewed this application and is recommending conditional approval of five, 5-unit buildings and two 86-unit buildings. Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) The application complies with all parts of the Unified Zoning Regulations, 2) The application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2016 Growth Policy, and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria in so far that the Planned Development adopted by the City Council have designated all multi-family units in excess of four dwellings as an allowable use so long as they go through the special review process.

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

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

The proposed special review will promote development of a residential parcel in a residential neighborhood and has easy access to City services and infrastructure. This will provide an additional housing choices to residents within the neighborhood and throughout the west end.

- **Strong Neighborhoods:** Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. Implementation of the Infill Policy is important to encourage development of underutilized properties.

The proposed development will provide housing choices for residents of Billings and allow for better use of the property. Conditions of approval will be proposed to insure this development does not impact neighbors with excessive noise, light and other intrusions.

- **Home Base:** A mix of housing types that meet the needs of a diverse population is important.

The proposed special review will support a new housing option in this established neighborhood.

The application also meets the third criteria, staff has found the special review is compatible with surrounding land uses. The property is annexed and located within an already approved PD which contemplates a variety of housing choice including multi-family. The adjacent parcels to the south and east are currently developing as multifamily housing.

The Planned Development requires that additional factors be considered:

1. The proposed use is consistent with the terms, intent, and objectives of this Agreement.
2. The proposed use is compatible with surrounding uses.
3. The proposed use is not detrimental to other property in Lenhardt Square, whether it is currently developed or not.
4. The proposed use complies with other provisions of law and ordinances of the City of Billings.
5. Reviewer has given his written consent to the special use.
6. The proposed use will not attract large volumes of vehicular traffic or create traffic congestion that cannot be properly managed and regulated with traffic control equipment.
7. The proposed use is of similar architectural scale to existing development in the neighborhood.
8. Minimum visual and functional conflict will be created between the proposed use and nearby uses.

9. Anticipated noise and congestion created by the proposed use will be comparable to the levels created by other uses permitted on that unit.

The applicants agent has prepared a narrative describing how these factors are met. The narrative is included as an attachment to this report. Upon review, staff is in agreement with the findings related to the 9 factors of consideration.

## **RECOMMENDATION**

The Planning division recommends conditional approval.

## **PROPOSED CONDITIONS**

1. The special review approval is limited to Parcel 2-A of COS 2063.
2. The special review is for the construction of two apartment buildings and five, 5-plexes with associated open space and parking for the building residents. No other use is intended or implied.
3. The developer will meet the minimum required landscaping and parking requirements as outlined in the Planned Development Agreement.
4. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings, regulations and ordinances that apply.

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

## **Zoning Commission Action**

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

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

Before approving a special review use, the Zoning Commission shall find that the contemplated use:

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

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

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

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## **Attachments**

Applicant Letter  
Application Narrative



**Lenhardt Square Master Association  
Design Review**



5 March 2018

Nicole Cromwell, Zoning Coordinator  
City of Billings Planning Division  
2825 3rd Avenue North, 4th Floor  
Billings, Montana 59101

Dear Ms. Cromwell,

The applicant has requested a special review for Tract 2A regarding density and number of units per building in a proposed planned development project within Lenhardt Square.

This Special Review is being sought to allow the construction of two apartment buildings consisting of eighty-six units each, as well as five townhome clusters of five units each. The Planned Development Agreement (PDA) for Lenhardt Square indicates in Article IV.G that "Residential multi-family housing consisting of more than four (4) Dwelling Units" are a use allowed by Special Review in Tract 2A. These buildings are to be located along Monad Road and Georgina Drive; the remaining buildings are four units or less and are in compliance with the parcel's MF-4 designation.

The proposed plan contains 237 total units; according to Exhibit B of the PDA, the maximum average density in Tract 2A (zoned MF-4) is 10 dwelling units/acre. While the proposed density of 13.73 units/acre is greater than allowed per Exhibit B, the residential density of the overall Lenhardt Square development will remain within the density originally allowed per the PDA.

Per the applicant's proposed plan and documentation, the request is approved. We understand the proposed project will support and complement the existing and planned Lenhardt Square development, helping us achieve the vision of the Founders and the City of Billings.

Please keep in mind this consent by the Reviewer does not convey blanket approval for all other requirements for the development; all Lenhardt Square design standards and procedures must be adhered to and submitted by the applicant in the required drawing formats for review and approval.

Please let me know if you have any questions or need additional information.

Lenhardt Square Master Association Design Review

Daniel McElmurray  
821 Baronne Street  
New Orleans, Louisiana 70113  
504.644.8294  
danny@mcelmurray.co

## Lenhardt Square Tract 2A – Special Review Application Narrative

**Special Review Question D.** Written statement addressing what is intended to be done with the property.

Tract 2A is part of Lenhardt Square, a mixed-use Planned Development. Tract 2A which was planned as a lot conforming to buildings limited to four units each is proposed to be developed as a mixed residential lot consisting of townhomes, apartments over garages, and apartment buildings in general accordance with the attached concept plan. This development will support and complement the existing and planned Lenhardt Square development helping it to achieve the vision of the Founders and the City of Billings. See the attached Parcel 2A – Townhome & Apartment Concept.

The Planned Development Agreement (PDA) for Lenhardt Square indicates in Article IV.G that “Residential multi-family housing consisting of more than four (4) Dwelling Units” are a use allowed by Special Review in Tract 2A. A Special Review is being sought to allow the construction of two apartment buildings consisting of eighty-six units each, as well as five townhome clusters of five units each. These buildings are to be located along Monad Road and Georgina Drive. The remaining buildings are four units or less and are in compliance with the parcels MF-4 designation. The proposed plan contains 237 total units. See table below.

<b>DEVELOPMENT SUMMARY</b>			
Apartments		<b>Apartment Parking</b>	
Units in apt bldgs	172	Garage Spaces under Apt	40
Units above garages	4	Stand-alone garage spaces	132
<b>Total Apartments</b>	<b>176</b>	Surface spaces	102
		Total Apartment Spaces	274: 1.55 spaces per unit
Townhomes	61	Townhome Parking in Garages	122
<b>Total</b>	<b>237</b>	<b>Total</b>	<b>396*</b>

\*This parking calculation is in conformance with the parking requirements for Lenhardt Square for the proposed uses under this Special Review.

Although not a specific consideration item for this Special Review, it is important to note that the proposed density of Tract 2A is calculated per Article V.B.6, “...the total number of residential Dwelling Units in the subject Tract of the development shall be divided by the gross acres of the Tract excluding any open space / pathways...” For Tract 2A, that calculation is shown below.

Tract 2A Total Ac	19.13
Tract 2A Open Space / Pathways Ac	1.87
<b>Total Ac for Density Calculation</b>	<b>17.26</b>
Total Units	237
<b>Units Dived by Acres</b>	<b>13.73 Units Per Acre</b>



To Plan and Design  
Enduring Communities...

According to Exhibit B of the PDA the Maximum Average Density in Tract 2A (zoned MF-4) is 10 Dwelling Units/Acre). While the proposed density is greater than allowed per Exhibit B, the residential density of the overall Lenhardt Square development will remain within the density originally allowed per the PDA, thus allowing the change to be approved by the zoning coordinator per Article IX.A of the PDA.

**Special Review Question A.** In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy

The proposed Special Review is consistent with the goals and policies of the adopted Growth Policy by

- Supporting the Goal of Essential Investments by facilitating investment in the West End, where it is within the City limits
- Supporting the Goal of Community Fabric by providing small neighborhood parks where residents can enjoy access to outdoor activities and enjoyment of urban greenspace
- Supporting the Goal of Strong Neighborhoods by creating neighborhood green space that is safe and accessible for people to walk to, providing residential where it is accessible to everyday conveniences, expanding housing choices, creating a network of sidewalks, and providing attractive and safe neighborhood streets with on-street parking.
- Supporting the Goal of Home Base by increasing housing choice in the community for those residents who do not desire a single-family home
- Supporting the Goal of Mobility and Access by placing residents where they are close and accessible to the commercial and essential services at King Ave and Shiloh Rd, and those services are accessible through a variety of means.
- Supporting the Goal of Prosperity by providing housing for an increasingly diverse population that allows them to enjoy a high quality of life and social and economic advancement.

In addition to the overall Growth Policy, the Lenhardt Square PDA contains in Article IV.H a set of Factors to be Considered when reviewing a Special Review application. Those Factors are addressed below.

**Factor 1.** The proposed use is consistent with the terms, intent, and objectives of this Agreement

The proposed Special Review will allow for the construction of apartment buildings that will further the policy goals of the “West Billings Plan” that are highlighted in the Recitals section of the PDA.

- Recognition that it is not desirable for West Billings to develop with a low density, rural character (p. 14)  
*The apartments proposed will create urban scale development*

- More compact development patterns are desirable because they make full use of urban services, offer cost effective infrastructure, and hold down costs to the taxpayer (p.15)  
*The apartments represent a more compact development form*
- Concentrate multi-family, office, and non-retail uses between commercial nodes along arterial streets (p. 17)  
*Commercial nodes are being developed in close proximity to this site along King Ave and Shiloh/40th Street. While multi-family, office, and non-retail are being focused in the 44th Street West to 46th Street West area of Lenhardt Square.*
- Provide opportunities for a mix of housing types and mixed-use development by encouraging planned unit developments.  
*The apartments will increase the diversity of housing types in the West Billings Area*
- Increase residential densities and promote medium and high-density residential development within walking distance to commercial centers, medical facilities, and recreational amenities (pp 21-23)  
*Tract 2A is approximately a half mile, and therefore well within walking distance, from the commercial and medical centers at the corner of King Ave West and Shiloh Road.*

Additionally, Whereas Clause 4 of the PDA notes the importance of providing convenient living options near commercial districts, which this SR will promote.

Whereas Clause 7 of the PDA notes that single family housing is becoming increasingly cost prohibitive. This SR will provide additional housing options for working families, young professionals, and retirees.

The following Specific Goals for Tract Development from the PDA will also be particularly achieved through this Special Review:

1. To provide for an appealing architectural arrangement of buildings and spaces through the use of a wide variety of living opportunities, architectural sizing, and residential services.
2. To provide for well-configured squares, plazas, walkways, bikeways, greens / commons, landscaped streets and parks that are woven into the pattern of the entire development and dedicated to collective social activity, recreation, and visual enjoyment.

The Special Review is consistent with the Overall Community Goals included in the PDA, particularly the following:

1. Creating a planned development zone that permits single family, small and large scale multi-family, and residential-commercial mixed-use development uses in proximity to one another, while protecting and respecting the character and quality of adjacent uses.

2. Increasing urban densities to utilize land use efficiencies and economies to slow suburban sprawl.
3. Encouraging flexibility in design and use of mixed-use and residential zones to allow for economy, convenience, variety, and amenity.
4. Reducing traffic congestion and degradation of the existing air quality

**Factor 2.** The proposed use is compatible with surrounding uses

The proposed apartments are located across Georgina Drive from exiting apartment buildings of the same scale. The transition between the proposed apartments and the proposed townhomes is accomplished by placing garages between the uses. And the townhomes transition to the more suburban types of development to the north.

**Factor 3.** The proposed use is not detrimental to other property in Lenhardt Square

The proposed use will not cause a detriment to other property in Lenhardt Square, whether it is currently developed or not.

**Factor 4.** The proposed use complies with other provisions of law and ordinances of the City of Billings

The proposed use will comply with all applicable laws and ordinances of the City of Billings.

**Factor 5.** Reviewer has given his written consent to the special use

The Reviewers written consent is attached to this application.

**Factor 6.** The proposed use will not attract large volumes of vehicular traffic or create traffic congestion that cannot be properly managed and regulated with traffic control equipment.

While the apartments proposed in the Special Review will generate more traffic than townhomes, the road infrastructure in the area is sufficient to support the increased density.

**Factor 7.** The proposed use is of similar architectural scale to existing development in the neighborhood

The proposed apartments are located directly across Georgina Dr. from apartments of the same size and scale.

**Factor 8.** Minimum visual and functional conflict will be created between the proposed use and nearby uses

Nearby uses are of the same general type as proposed by this Special Review, therefore visual and functional conflict will be minimal.

**Factor 9.** Anticipated noise and congestion created by the proposed use will be comparable to the levels created by other uses permitted on that unit.

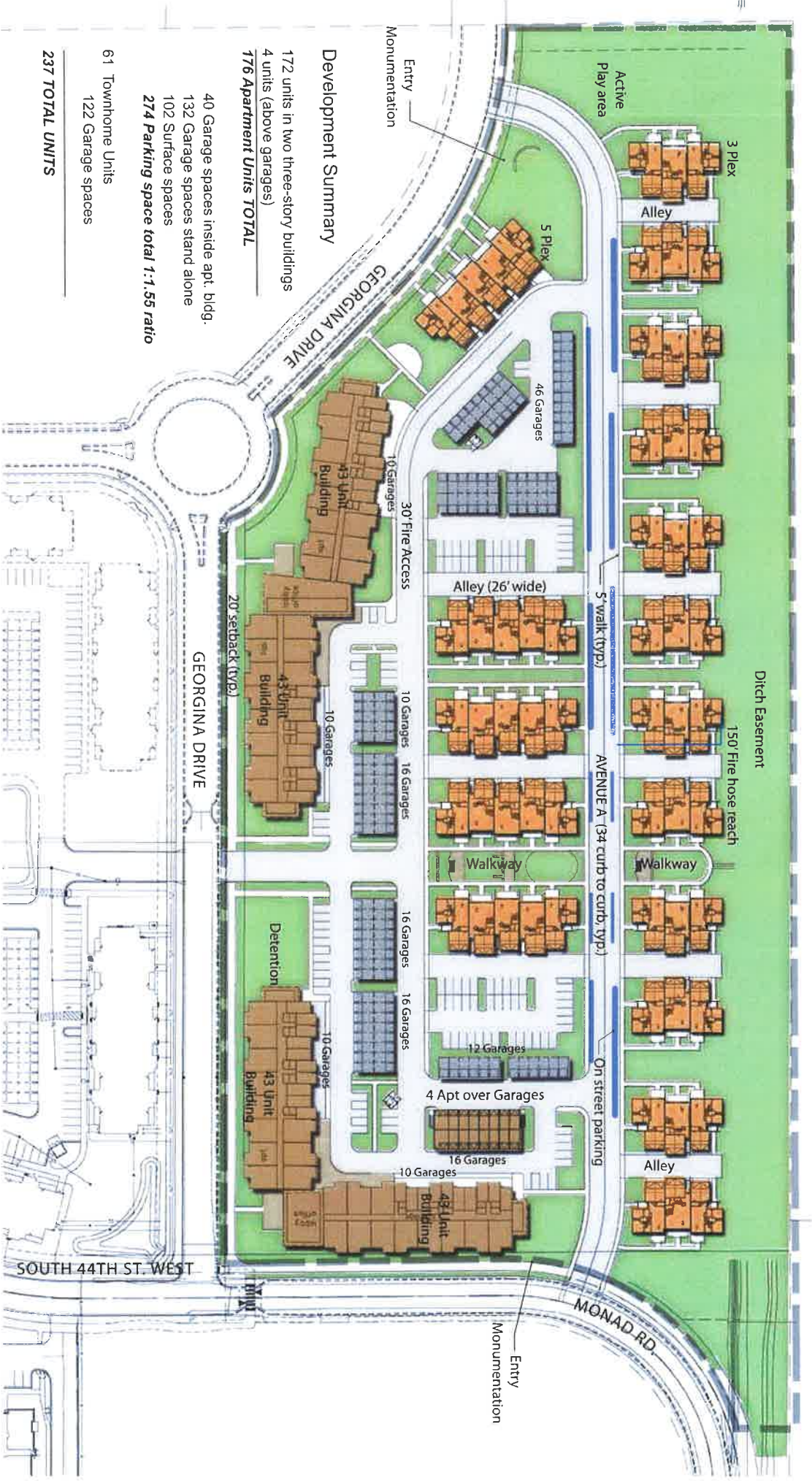
Nearby uses are of the same general type as proposed by this Special Review, therefore noise and congestion levels will be comparable with those created by other permitted uses.

**Special Review Question B.** Why is there a need for the intended use of the property at this location?

There is a need for the intended use of this property at this location because the Billings community benefits from having a diverse housing stock that provides options for people based on their needs, preferences and budgets. The construction of the apartments proposed in this Special Review would increase the housing stock diversity in Billings. This site is a good location for apartments because of its location within an area, either containing or planned to contain, a mix of housing types, near to the arterial street network, and near to commercial and medical amenities.

**Special Review Question C.** How will the public interest be served if the application is approved?

If the application is approved the public interest will be served by the placing of a mixture of multi-family and townhome dwelling units, types needed in the Billings Community, in a location that is appropriate for that use and places the future residents where they will easily be able to access needed jobs and services.

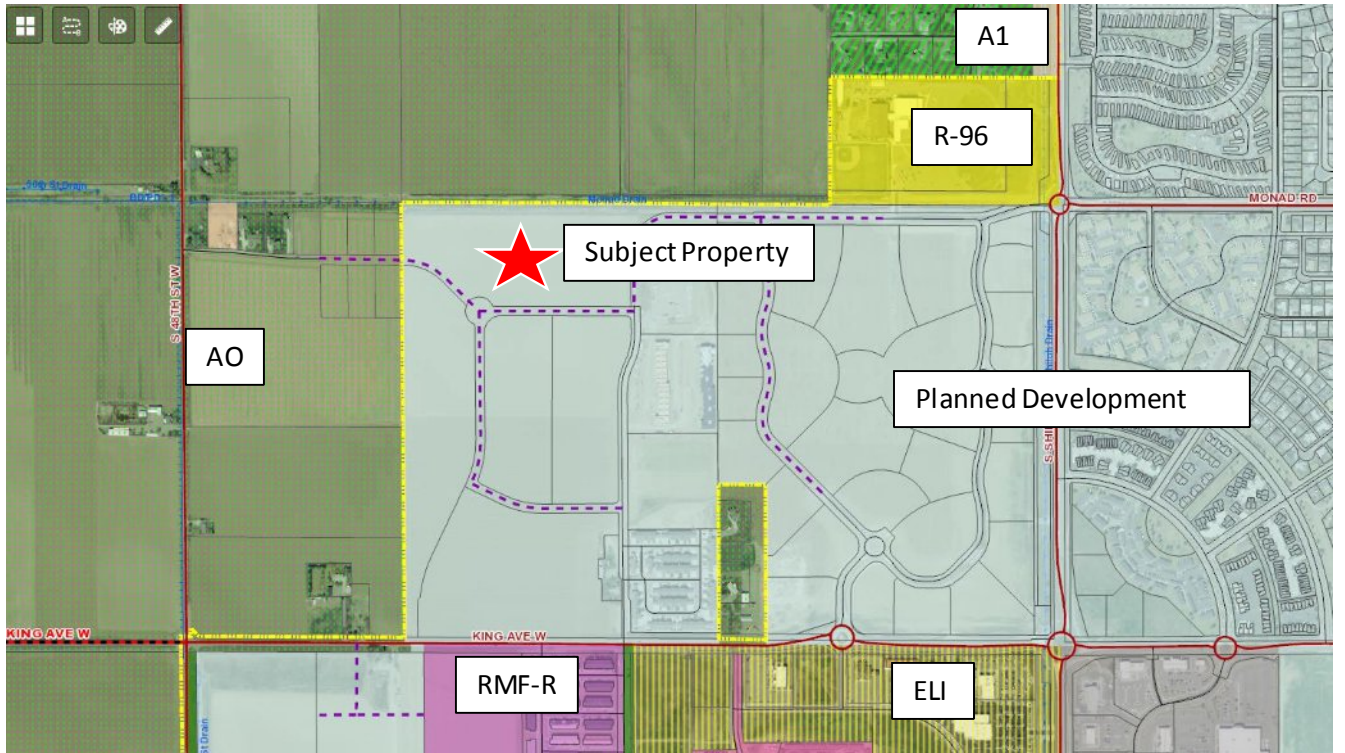


**Development Summary**

172 units in two three-story buildings  
 4 units (above garages)  
**176 Apartment Units TOTAL**

40 Garage spaces inside apt. bldg.  
 132 Garage spaces stand alone  
 102 Surface spaces  
**274 Parking space total 1:1.55 ratio**

61 Townhome Units  
 122 Garage spaces  
**237 TOTAL UNITS**



Zoning Map



*Looking North from Georgina*



*Looking East from Georgina*



*Looking East from Georgina*



*South*



*South*



*East towards intersection of Georgina and South 44th Street West*