

## Zone Change #967 – 430 Josephine Drive

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:

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

The proposed zoning will allow the owner to sell the property without the burden of a non-conforming use. The new owner can continue the commercial use of the property in conformance with the zoning regulations. The new owner, City Cab, needs a property where there is space to store the cab fleet, do minor repairs and maintenance on the vehicles and where the business owner can reside. This property provides these essential qualities. Cab and taxi service is in high demand in Billings, where the aging population will need to rely on alternative modes of transportation in the decades to come.

- Prosperity: A diversity of available jobs can ensure a strong Billings' economy; Retaining and supporting existing businesses helps sustain a healthy economy

The proposed zoning will allow the new owner to re-locate within the city limits in order to sustain and grow his business. Transportation services provides a strong economic foundation for the Billings community. Supporting and retaining existing transportation companies is a goal of the 2016 Growth Policy.

- Prohibit high intensity commercial development in residential areas by implementing the preferred future land use map for the Heights Neighborhood Plan to guide development through zoning requests.

The 2006 Billings Heights Neighborhood Plan adopted a preferred land use map. The area between Lake Elmo Drive and Main Street was designated as a commercial mixed use area. The proposed zoning aligns with the preferred land use map.



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

The new zoning, as do all standard zoning districts, requires separation between buildings and setbacks from property lines. This should 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 been a legally non-conforming use of land since 1973 – 45 years. A property with this type of legal limitation on its entitlement can bring down adjacent property values. Property owners tend not to invest, re-finance or upgrade these properties due to the inherent financial difficulties. Providing this property with a conforming zoning district will support the general welfare by taking this property out of financial jeopardy.

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 sewer and the Billings Heights Water District provides water 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 building separations to allow for 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 be sold without the legal and financial burdens of a legal non-conforming land use. The property, and the businesses located here, are part of the fabric of this area of Billings Heights. The area between Main Street and Lake Elmo Drive is recognized as an area for mixed uses including residential, offices, service businesses as well as retail businesses.

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 north of the subject property and is an appropriate zone with the adjacent businesses and collector streets.

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

The value of existing buildings and the parcel will be improved and conserved by the proposed zoning. The existing zoning would not allow the reconstruction or re-use of some of these building except for an identical use.

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

The proposed zoning will encourage the maintenance and sale of the property by allowing new and similar uses. This is the most appropriate use of the land at this location