



CITY ZONING COMMISSION
AGENDA-Tuesday, December 4, 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 November 7, 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 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. **Special Review 971-1801 Majestic Lane** -This is a special review request to activate the gaming license attached to an existing all-beverage liquor license currently located in the Big Horn Resort on Lot 10A, Block 1 of Broso Valley Park Subdivision, an 11.179 acre parcel of land located in a Controlled Industrial (CI) zone and within the South Shiloh Corridor Overlay district, at 1801 Majestic Lane. No waiver of the 600-foot separation distance from a church, school or public park is required. The license will be located in a 1,369 square foot existing tenant space within the 76,868 square foot building. Presented by Karen Husman, Planner I

- b. **Special Review 972 - 2420 13th St West - Verizon Wireless** - A special review request to allow the installation of a 50-foot tall faux tree as a camouflaged wireless facility on C/S 846, a 1.304-acre parcel of land located in a Residential 9,600 (R-96) zone at 2420 13th St West. Presented by Karen Husman, Planner I.

- c. **City Zone Change 972 – S 44th St West - Western Sky Subdivision – RMF-R, Public & R-70 to RMF-R, RMH & Public** – A zone change request from Residential Multi-family-Restricted (RMF-R), Residential 7,000 (R-70) and Public (P) to Residential Multi-family-Restricted (RMF-R), Residential Manufactured Home (RMH) and Public (P) on Lot 2A-1, Block 1 of Western Sky Subdivision (tbka 44 West Subdivision) a 29.97 acre parcel of land generally located west of S 44th St West and south of King Avenue West. Presented by Nicole Cromwell, Zoning Coordinator

Other Business/Announcements

Adjournment

The City Council has designated Monday, January 14, 2019, at 5:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the special reviews and zone change.

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 (January 11, 2019) the first reading of the amendment by the City Council.

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: 12/04/2018

Information

Subject

The minutes of the Board meeting of November 7, 2018.

Attachments

BZC_20181107_draft

City of Billings Zoning Commission Meeting Minutes November 7, 2018

The City of Billings Zoning Commission met on Wednesday, November 7, 2018 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 November 26, 2018** at 5:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zoning applications.

Commission and Staff		0	0	0	0	0	0	0	0	0	1	1	1
		1	2	3	4	5	6	7	8	9	0	1	2
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		3	6	6	3	1	5	0	7	4	2	7	4
		/	/	/	/	/	/	/	/	/	/	/	/
		2	2	2	2	2	2	2	2	2	2	2	2
		0	0	0	0	0	0	0	0	0	0	0	0
		1	1	1	1	1	1	1	1	1	1	1	1
		8	8	8	8	8	8	8	8	8	8	8	8
Dan Wagner	Chairman	1	1	1	1	1	1	1	1	1	-	1	
Dennis Ulvestad	Commissioner	1	1	E	1	1	1	A	1	1	-	1	
Mike Boyett	Vice Chairman	1	1	1	1	1	E	1	1	1	-	1	
Michael Larson	Commissioner	1	1	1	E	1	1	1	E	1	-	1	
James Mariska	Commissioner	1	1	1	1	E	1	1	1	1	-	1	
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-	-	-	
Monica Plecker	Division Planning Manager	-	-	-	1	1	-	-	-	-	-	1	
Nicole Cromwell	Planner Zoning Coordinator	1	1	1	1	1	1	1	1	1	-	1	
Tammy Deines	Planning Clerk	-	-	1	1	-	-	-	-	-	-	-	
Dave Green	Planner II	-	-	-	-	-	-	-	-	-	-	-	
Karen Husman	Planner I	-	1	1	1	-	1	1	1	1	-	-	
Robbin Bartley	Administrative Support	1	1	-	-	1	1	1	1	1	-	1	

Total Number of 2018 Applications	0	0	0	0	0	0	0	0	0	1	1	1	T O T A L
	1	2	3	4	5	6	7	8	9	0	1	2	
	/	/	/	/	/	/	/	/	/	/	/	/	
	0	0	0	0	0	0	1	0	0	0	0	0	
	3	6	6	3	1	5	0	7	4	2	7	4	
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8	8	8	8	8	8	8	8	8	8	8	8		
Zone Change	2		1	2	0-R	2	2	0	1		1		11
Special Review	1	1	1	1	0	3	0	2	1				10

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

In Attendance: Mike Schmechel, Ty Schmechel, John Woods, Terra Pierce, Brandon Zielinski, Patricia Kramer, Tiffany Wardell

Public Comment

Chairman Wagner called for public comments.

Chairman Wagner closed the public comment portion of the meeting.

Approval of Minutes September 4, 2018

Chairman Wagner called for approval of the September 4, 2018 meeting minutes.

Motion

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to approve the September 4, 2018 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 5-0.

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

Disclosure of Conflict of Interest

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Dan Wagner		X		
Mike Boyett		X		
Dennis Ulvestad		X		
Mike Larson		X		
James Mariska		X		

Disclosure of Outside Communication

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Dan Wagner		X		
Mike Boyett		X		
Dennis Ulvestad		X		
Mike Larson		X		
James Mariska		X		

Nicole Cromwell advised the board and attendees of the 3 ring binder containing all of the Public Comments received prior to the staff report.

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 November 26, 2018. He then asked Nicole Cromwell to review the first agenda item.

Monica Plecker presenting:

Return Item - Special Review 970 – 1595 Grand Avenue Suite 235 – Beer and Wine License with gaming – Applicant has Requested Withdrawal - A special review request to allow the location of a beer and wine license with gaming and a waiver from the required 600 foot separation – measured property line to property line – from a church (Central Christian Church @ 1221 16th St W) and from a public park with playground equipment (Evergreen Park @ 15th St W and Avenue D) . The APPLICANT has requested WITHDRAWAL.

Discussion

Chairman Wagner asked for a motion.

Commissioner Ulvestad made a motion and Commissioner Boyett seconded the motion to approve **The withdrawal of City Zone Change 970.**

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

The motion carried with a unanimous vote to allow withdrawal, 5-0.

Nicole Cromwell presented:

City Zone Change 971 – Hawk Creek Avenue and Chy Way - Planned Development - A zone change request from Neighborhood Commercial (NC) to Planned Development with underlying NC, to allow 1 microbrewery license and 1 restaurant beer & wine license (no gaming) on Lot 4, Block 1 of MK Subdivision, a 3.6 acre parcel of land. A pre-application neighborhood meeting was held on August 27, 2018, at Grace Montessori School. A Preliminary Review meeting was held on Wednesday September 26, 2018 at 5:30 pm Tax ID: A31805C

RECOMMENDATION

Planning Staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 971.

- Proposed zone is in conformance with 2016 Growth Policy and 2001 West Billings Neighborhood Plan
- PD has special stipulations regarding a wide buffer yard along the entire north property line, signage & lighting restrictions, and outdoor activity restrictions
- Existing zoning could allow uses with more impact on adjacent neighbors including laundromats, auto repair & supply and EMD signs and similar lighting
- Draft PD has protections and agreements in place to protect adjacent and nearby residences and businesses

Questions for Staff:

Member Ulvestad asked if the same person owns all the lots. Staff confirmed and stated all restrictions apply to the entire property regardless if it is 1 lot or, as proposed, 3 lots.

Member Mariska asked if this is a new concept to controlled development and will we see more. Staff replied using our current Zoning Code, in order to use land in a zoned area that is not an allowed use, the owner must request a Zone Change. This particular request is trying to keep the NC in tack while allowing addition use and restricting other uses.

Member Boyett stated this is a 3 acre lot, only 1 acre in use, confinement will be required for outside drinking areas. Family entertainment will be offered outside. All outdoor activity will cease at 9pm.

Member Ulvestad asked if a traffic study has been completed. A traffic study was completed some time ago when the subdivision was done.

In favor

Scott Aspenlieder, Performance Engineering, agent

A PD was implemented to work with community and neighborhood concerns. The PD document will hold the developer accountable to that which is promised.

Member Ulvestad asked why this kind of business is moved to this area. This is a start to providing services close to home as the West end develops. Small businesses are aware they need to be where the roof tops are.

Member Ulvestad is concerned about this kind of development.

John Woods, 3521 Tommy Armor Circle

Mr. Woods welcomes good commercial businesses in the area.

Mike Schmechel, 1806 Poly Drive, owner

A Planned Development is a way to allow a brew pub, walkability is a concern is a trending concern. This will be very family friendly, it is not designed to be a bar but instead a restaurant with beer and wine, closing at 9pm.

Opposed

Terra Pierce, 3623 Quimet Circle, business owner directly to the south

A Micro brewery is not a bar however, Breweries act like a bar. She is an owner of a full liquor license which met with a tremendous amount of resistance from the locals. CC zoning allows liquor sales. They are wanting to change from NC to PD to allow this brewery. She believes that purchasing a lower cost property and changing the zoning is unethical. Approving this Zone Change will be setting the precedence to all coming applicants.

Tiffany Wardell, 1309 Daybreak

She is grateful for the notifications to the surrounding neighbors. Neighbors don't know what can be suggested for a PUD. She does not believe this sort of business fits the character of something she would like to see on that location. She is opposed to the zone change. The neighborhood does not agree with this kind of development in family friendly areas. She has no problem driving the distance to meet her retail and other needs.

REBUTTAL

Zoning decisions are difficult. The easy areas have been developed in Billings. There are people wanting closer services and others who like the distance. It is not good for our infrastructure to have rooftops only on the Westend with no commercial services. We have worked very hard to structure a proposal to meet the neighborhoods desires and concerns.

Chair Wagner stated he does not want commercial venues in his subdivision.

Ty Schmechel, owner

Mr Schmechel believes the opposition by Terra Pierce is simply competitive in nature. Regarding Ms. Wardell's comments, he states he grew up in Billings, MT and has seen first hand the positive results of Micro Breweries in development areas.

Public Hearing was closed at 5:34 pm.

Discussion

Chairman Wagner asked for a motion.

Member Larson was delighted when development came to his area at Grand and Rehberg. The PD is unique. He is concerned a PD is a way to get around the Zone issue of NC verses CC.

Member Ulvestad asked why not another lot. He is voting opposed.

Member Boyett believes that PD is the wave of the future. He is concerned that a precedence is being set with approval.

Commissioner Larson made a motion and Commissioner Boyett seconded the motion to approve **City Zone Change 971**.

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

The motion to approve failed with a 4-0 vote.

Other Business:

The next meeting will be December 4, 2018.

Adjournment: The meeting adjourned at **5:40 p.m.**

DRAFT: To be approved by a motion **December 4, 2018.**

ATTEST: Robbin Bartley, Administrative Support



City Zoning Commission

Meeting Date: 12/04/2018

SUBJECT: Special Review 971-1801 Majestic Lane

THROUGH: Monica Plecker

PRESENTED BY: Karen Husman

Information

REQUEST

Special Review 971-1801 Majestic Lane -This is a special review request to activate the gaming license attached to an existing all-beverage liquor license currently located in the Big Horn Resort on Lot 10A, Block 1 of Broso Valley Park Subdivision, an 11.179 acre parcel of land located in a Controlled Industrial (CI) zone and within the South Shiloh Corridor Overlay district, at 1801 Majestic Lane. No waiver of the 600-foot separation distance from a church, school or public park is required. The license will be located in a 1,369 square foot existing tenant space within the 76,868 square foot building. Presented by Karen Husman, Planner I

RECOMMENDATION

The Planning Division recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 971.

Special Review applications are reviewed using City Code criteria referenced in the Alternatives Analyzed section of this memo. Special Reviews do not require an ordinance for approval, are not zone changes on property; rather, are tied to specific uses that are allowed in a given zoning district but are subject to a review by the City prior to the use being allowed. Special Reviews, unlike zone changes, may be conditioned to mitigate possible impacts from the use on the subject property or surrounding properties.

APPLICATION DATA

OWNER: CB Industries, LLC
AGENT: Carol Brosovich
LEGAL DESCRIPTION: Broso Valley Park Sub., Block 1, Lot 10A
ADDRESS: 1801 Majestic Lane
CURRENT ZONING: CI, Shiloh Overlay District
EXISTING LAND USE: Big Horn Resort
PROPOSED USE: All Beverage with Gaming
SIZE OF PARCEL: 1,396 Square Feet Vacant Tenant Space

CONCURRENT APPLICATIONS

There are no concurrent applications.

APPLICABLE ZONING HISTORY

Subject Property

None

SUBJECT PROPERTY	Special Review	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
3042 King Ave W.	City SR 757	May 24, 2004	Beer & Wine with gaming	Yes	Johnny Carinos
3429 Transtech	City SR 772	November 22, 2004	All bev. with gaming	Yes	The Windmill
1251 S. 32nd	City SR 788	June 27, 2005	Beer & Wine with gaming	Yes	Doc & Eddys's
4121 Kari Lane	City SR 823	July 24, 2006	Beer & Wine with gaming	Yes	Hollywood Casino
3398 Brosco Park Dr.	City SR 828	September 25, 2006	Add Gaming to existing all bev.	Yes	Rib & Chop House

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Controlled Industrial (CI)
Land Use: Restaurant

SOUTH: Zoning: Controlled Industrial (CI)
Land Use: Railroad ROW

EAST: Zoning: Controlled Industrial (CI)
Land Use: Vacant

WEST: Zoning: Controlled Industrial (CI)
Land Use: Vacant

BACKGROUND

This is a special review request to activate the gaming license for an existing all-beverage liquor license currently located in the Big Horn Resort, in a Controlled Industrial (CI) zone and within the South Shiloh Corridor Overlay district, at 1801 Majestic Lane. No waiver of the 600-foot separation distance from a church, school or public park is required. The license will be located in a 1,369 square foot tenant space within the 76,868 square foot building.

This property is surrounded by a mix of undeveloped property and new commercial uses. The Wingate Hotel is under construction to the east and new developments exist to the south, west and north. The Controlled Industrial district is meant to allow a variety of commercial and industrial uses. There are no schools, churches, or play grounds with equipment within 600 feet of the proposed location.

The Planning Division has reviewed this application and is recommending conditional approval. This appears to be an appropriate use considering the location of the property, the type of facility proposed, the character of the surrounding properties, and the existing uses in the building and area.

Planning staff is recommending conditions for this special review based on the approval criteria for special review uses. This property is adjacent to Interstate-90 and Zoo Drive and will be developed as a major commercial area at this entryway into Billings. Planning staff has provided recommended conditions of approval in the Recommendation section below to address the compatibility and the aesthetics of the property. This application conforms to the first criteria in so far that the zoning regulations adopted by the City Council have designated that any on-premise liquor license in a CI zone may apply for a special review. The proposed site plan meets all the requirements of the zoning regulations for setbacks, building height, clear vision areas and lot coverage.

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

Essential Investments:

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

The proposed special review will be located in an already developed commercial park and will have little

negative impact on any

surrounding residential neighborhoods. There are many other established commercial businesses that operate in the area along with one

other gaming/liquor establishment already placed in the adjacent Rib & Chop House.

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

This development will allow a previously existing business to expand and create new local jobs. This development will help support and sustain the tax base for Billings.

The application also meets the third criteria in that it is compatible with surrounding land uses in the area. This site is in an already established area of Billings, with good access to transportation choices. The area provides access to essential everyday services such as restaurants, retail shopping, convenience shopping and services. There are minimal impacts from the proposed use that need to be mitigated. The conditions recommended with the special review should mitigate impacts on the site and the surrounding properties.

RECOMMENDATION

The Planning Division recommends conditional approval.

1. The special review approval is limited to Big Horn Resort on Lot 10A, Block 1 of Broso Valley Park Subdivision. The special review approval is for activation of the gaming license already attached to an all-beverage liquor license currently at this location. The approval is limited to the 1,396 square foot tenant space requested. No other use is intended or implied by this approval.
2. Any re-modeling of the tenant space shall require compliance with all Building Division and Engineering Division regulations and codes that apply. 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.

Zoning Commission Action

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

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

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

1. Complies with all requirements of this Article (27-1500);
2. Is consistent with the objectives and purposes of Chapter 27 and the Comprehensive Plan;

3. Is compatible with surrounding land uses or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.

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

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

RECOMMENDATION

The Planning Division recommends conditional approval of SR 971.

Attachments

Zoning Map & Site Photos
Application, Applicant letter
Site Plan

Site Photos



Subject property



Southwest



West



South



North

Application & Applicant letter

APPLICATION FORM
CITY SPECIAL REVIEW Billings Special Review# 971 - Project # PZ-18-00182

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

Present Zoning: C1 - Shiloh Overlay
Special Review Requested: Add Gaming to existing All Beverage

TAX ID# A30687 CITY ELECTION WARD # V

Legal Description of Property: 03-0926-23-1-01-50-0000 BVA Brose Valley Park Sub
Brose Valley Park Sub, S23, T4S, R25E, Block 1, Lot 10A, AM11.179 AC (07)

Address or General Location (If unknown, contact City Engineering):
1801 Majestic Lane, Billings, Montana 59102

Size of Parcel (Area & Dimensions): 1396 sq. ft.

Present Land-Use: vacant tenant space

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): CB Industries LLC
(Recorded Owner)
1833 Iris Lane, Billings, Montana 59102
(Address)
406-698-7193 (Phone Number) cbrosovich@icloud.net (email)

Agent(s): Carol Brosovich
(Name)
1833 Iris Lane, Billings, Montana 59102
(Address)
406-698-7193 (Phone Number) cbrosovich@icloud.net (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 Special Review. Also, I attest that all the information presented herein is factual and correct.

Signature: Carol Brosovich (Recorded Owner) Date: 10-31-2018



SPECIAL REVIEW APPLICATION CITY OF BILLINGS

Planning & Community Services Department
2825 3rd Ave North, 4th Floor
Billings, MT 59101
Phone: 247-8676 Fax (406) 657-8327
Website: <http://ci.billings.mt.us>

NOTICE TO PETITIONER

The Zoning Coordinator will check the application for completeness after the deadline date. If the application is unacceptable, you will be notified as to what changes need to be made. Incomplete and/or unacceptable applications may delay the review process by four weeks or longer. Make sure your application is totally complete or your request will be delayed.

INSTRUCTIONS

All applications shall be submitted to the Planning & Community Services Department, 2825 3rd Ave North, 4th Floor. The filing fee must accompany the application in order for it to be accepted. All questions must be answered fully. Please type or print. You may attach further pages if additional space is needed. All plans and other exhibits submitted with this application will be retained as a part of the permanent record.

1. Answer the following questions:

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

A) Essential Investments – The purposed approval of the license for CB Industries LLC will do little to upset the essential investments growth guidelines Billings has adopted. The area that the license will be utilized will not cost the city or its taxpayers any utility costs or upset any other areas that could be used to grow city infrastructure. With the placement being in an existing business it has zero negative impact on items such as the history and heritage of our city, public health and safety, emergency services, public active living spaces, or our school systems. Strong Neighborhoods – The location of the purposed license will fall into an already developed commercial park and will have little negative impact on any surrounding residential neighborhoods. There are many other established commercial businesses that operate in the area along with one other gaming/liquor establishment already placed in the Montana Club Restaurant. Mobility and Access – The purposed location fits this policy by being placed in an already established area where public transit along with interstate and city streets are easily maneuvered. Prosperity – This policy is one that we feel makes the strongest point to approve our proposal. The city has several similar licenses throughout and can attest to the benefit when it brings when speaking about taxes and the revenue production from these similar businesses. Immediately this business will create long term established jobs that benefit the population of Billings and help grow our economy without any cost to the tax payers. The current business owner and purposed location owners are local residents that spend locally and want help drive local employment and boost our economy.

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

B) There is a need to approve this addition to the location to promote the growth and capitalization of market conditions at 1801 Majestic Lane Billings, MT. This would be considered an added amenity to the travelers coming through Billings and make the current location an even more desirable stopping point for transient and destination tourists

1
C. How will the public interest be served if this application is approved?

C) The public interest will be served directly with the increase in foot traffic spending in our locally owned west end retail and hospitality businesses. This addition will drive more stays and spending to the Broso Park area which directly boosts our economy.

D. Prepare a written statement addressing what is intended to be done with the property, including new construction or change in the use of the property, and why the special review is being sought.

D) This review is being sought to obtain an approval in zoning to allow CB Industries LLC to lease space and concession with Billings Ventures LP (Big Horn Resort) to add a casino operation to an already established bar/lounge in a high traffic location. CB Industries LLC already operates the bar/lounge at the hotel and services all the hotel and convention guests along with the three other hotel properties that don't have a lounge establishment. This would be placed in an already existing room that will be converted to a casino to provide the current and future guests of the resort and other hotels another desirable amenity.

2. Prepare a dimensioned site plan as follows:

A. One full sized site plan and one reduced copy of the site plan at 8½"x11" or 11"x17".

B. Scale of the full sized site plan shall not be less than 1" = 40'.

3. If applicable, the site plan must also include but not necessarily be limited to the following:

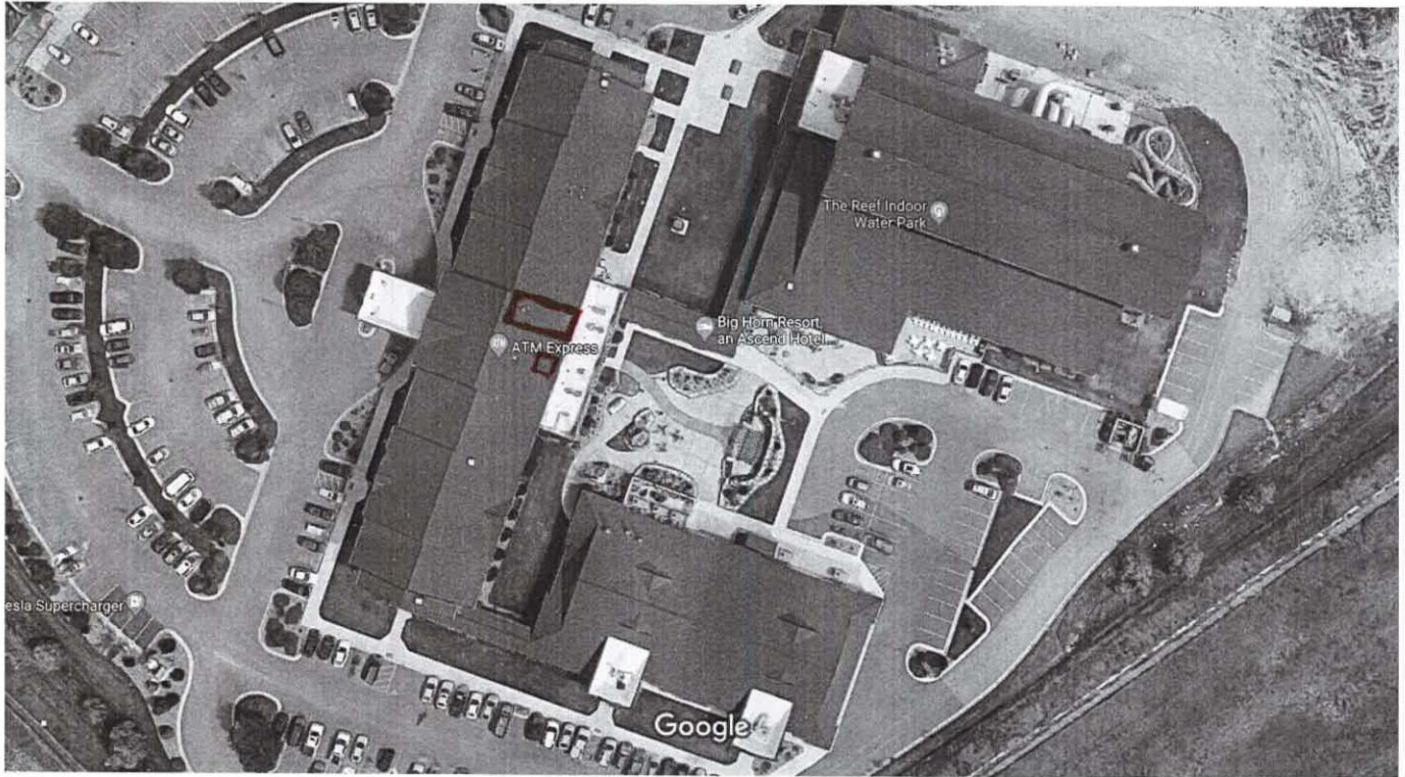
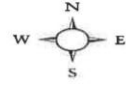
A. North arrow.

B. The locations and dimensions of all vehicular points of ingress and egress, drives, alleys, off-street parking spaces and loading spaces.

C. Illustrate lot size showing lot line dimensions.

D. The locations and dimensions of all existing and proposed buildings, structures, and improvements including those which will be removed. Please label all information.

E. Show setbacks from all property lines for existing and proposed buildings. City Special Review Packet 2018_2019 update Sept 7, 2018





City Zoning Commission

Meeting Date: 12/04/2018

SUBJECT: Special Review 972 - 2420 13th St West - Verizon Wireless

THROUGH: Monica Plecker

PRESENTED BY: Karen Husman

Information

REQUEST

Special Review 972 - 2420 13th St West - Verizon Wireless - A special review request to allow the installation of a 50-foot tall faux tree as a camouflaged wireless facility on C/S 846, a 1.304-acre parcel of land located in a Residential 9,600 (R-96) zone at 2420 13th St West. Presented by Karen Husman, Planner I.

RECOMMENDATION

The Planning Division recommends conditional approval and adoption of the findings of the 3 criteria per BMCC 27-1503 for Special Review 972.

Special Review applications are reviewed using City Code criteria referenced in the Background section of this memo. Special Reviews do not require an ordinance for approval, are not zone changes on property; rather, are tied to specific uses that are allowed in a given zoning district but are subject to a review by the City prior to the use being allowed. Special Reviews, unlike zone changes, may be conditioned to mitigate possible impacts from the use on the subject property or surrounding properties.

APPLICATION DATA

OWNERS: Presbyterian Church
AGENT: Verizon Wireless, Kevin Howell
PURPOSE: To allow a 50-ft camouflage wireless facility – a faux tree – next to an existing structure
LEGAL DESCRIPTION: COS 846
ADDRESS: 2420 13th St. West
EXISTING LAND USE: Church
PROPOSED LAND USE: Church
EXISTING ZONING: Residential- 9600

CONCURRENT APPLICATIONS

There are no concurrent applications.

APPLICABLE ZONING HISTORY

Subject Property- None

Similar Wireless Facilities- SR #965, 2512 Shiloh Road, 50-ft camouflage wireless facility – a faux tree in an RP Zone. Approved July, 2018.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Public
Land Use: Veteran's Park
SOUTH: Zoning: R-96
Land Use: BBWA and Residential
EAST: Zoning: R-96
Land Use: Residential
WEST: Zoning: Rocky Village Planned Development
Land Use: Rocky Plaza Condominiums and Commercial

BACKGROUND

This is a special review request to allow a 50-ft camouflage wireless facility – a faux tree – next to an existing structure. The Planning staff has reviewed the proposed location for the wireless facility and is recommending conditional approval. Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria as required by BMCC 27-1503: 1) The application complies with all parts of the Zoning Regulations, 2) The application is consistent with the objectives and purposes of the Zoning Regulations and the 2016 Growth Policy, and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the *first* criteria in so far that the zoning regulations adopted by the City Council have designated that any wireless facility that does not conform to certain provisions of Section 27-620 may apply for a special review. The property is not a school, government or government utility site where wireless facilities may be allowed by right. The proposed facility meets all the requirements of the zoning regulations.

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

Essential Investments: Neighborhoods that are safe and attractive and provide essential services are much desired. The proposed special review will provide reliability to an essential service in the Billings west end neighborhoods. Verizon Wireless needs to increase its capacity in this area of Billings.

Strong Neighborhoods: Neighborhoods that are safe and attractive and provide essential services are much desired. The proposed special review will allow the applicant to remain outside of the denser residential area while still providing an essential service to those areas. Conditions are being recommended to buffer neighboring properties from adverse impacts. Sight obscuring screening will be required to disguise the entire equipment cabinet.

The application also meets the *third criteria* in that it is compatible with surrounding land uses in the area. This site is in an area of Billings, with residential zoning and residential uses surrounding. There are minimal impacts from the proposed use that need to be mitigated. The conditions recommended with the special review should mitigate impacts on the site and the surrounding properties.

PROPOSED CONDITIONS

1. A special review request to allow a 50-ft camouflage wireless facility – a faux tree – next to a detached structure in a Residential-9600 zone on C/S 846. No other use is intended or implied.
2. Any generator on site will use "whisper quiet" technology so adjacent land uses are not disturbed.
3. The ground equipment cabinet and shelter must be buffered with screening or enclosure so that it cannot be seen from the neighboring properties.
4. The location of the new facility shall be as shown on the submitted site plan.
5. There shall be no construction before 7 am or after 8 pm daily.
6. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.
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 level. This application is

for a Special Review as noted above and no other request is being considered with this application. The Planning Division points out that the use and development of the property must be in accordance with the submitted site plan.

Zoning Commission Action

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

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

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

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

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

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

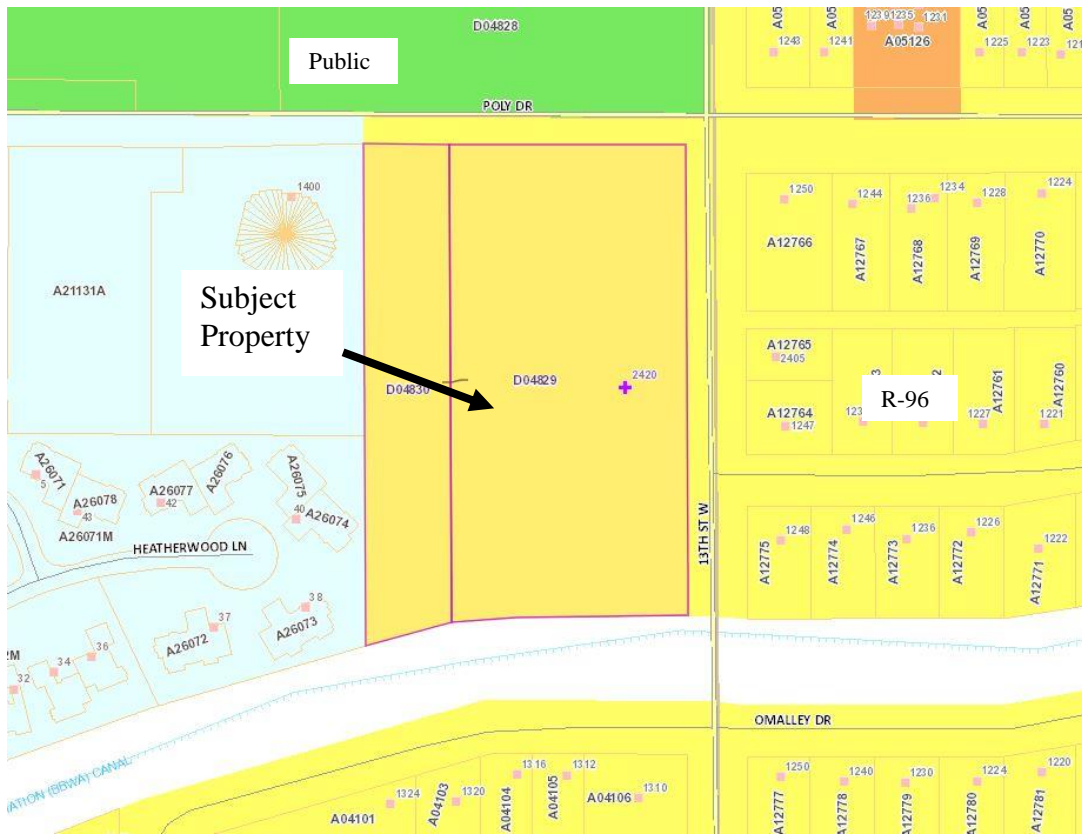
RECOMMENDATION

The Planning Division recommends conditional approval of Special Review 972.

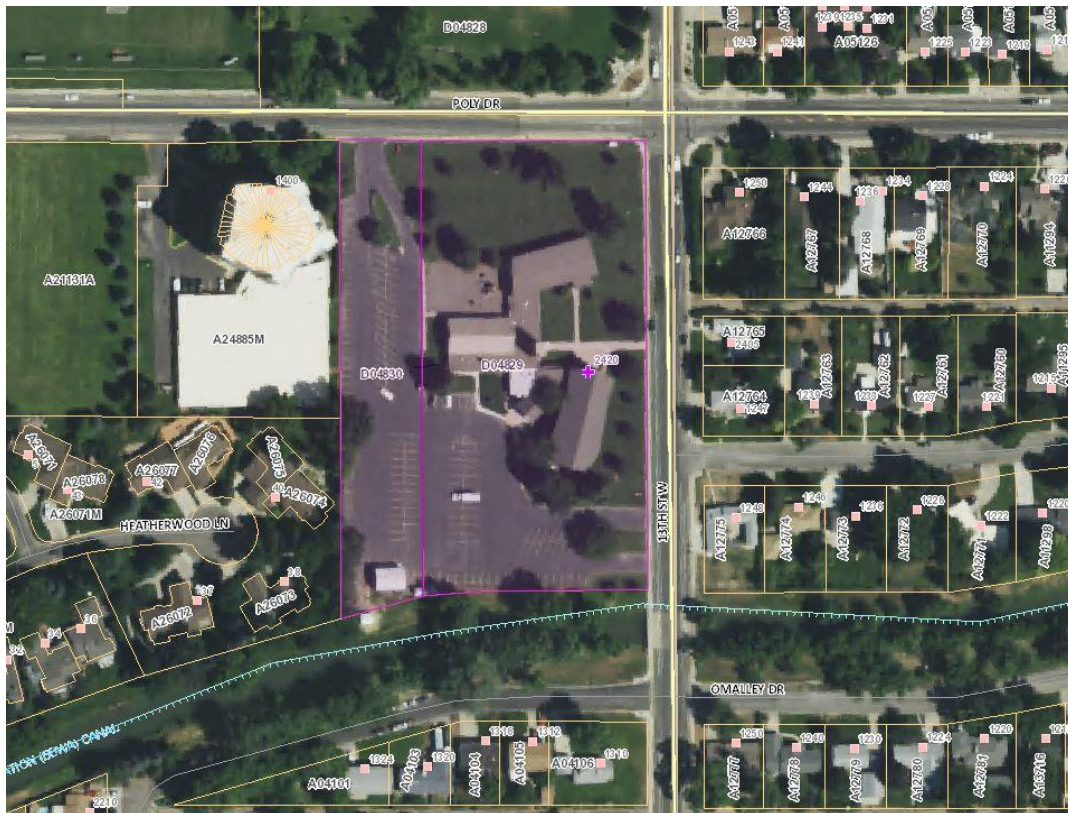
Attachments

Zoning Map & Site Photos
Application, Applicant letter & Site plan

ATTACHMENT
Surrounding Zoning & Site Location



Surrounding Zoning



Ariel View

ATTACHMENT
Site Photographs



Subject Property.



South



West View



Facing north

ATTACHMENT
Applicant Letter & Site Plan

APPLICATION FORM

CITY SPECIAL REVIEW Billings Special Review# 972 - Project # PZ-18-00171

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

Present Zoning: R96

Special Review Requested: Verizon Wireless would like approval to install a 50' faux tree in the southwest corner of the property with equipment cabinets located at the base of the tree. Both the tree and equipment cabinets will be enclosed within a city approved rhinorock fence.

TAX ID# D04830 CITY ELECTION WARD # 4

Legal Description of Property: S36, T01 N, R25 E, C.O.S. 846

Address or General Location (If unknown, contact City Engineering): 2420 13th St W, Billings, MT 59102

Size of Parcel (Area & Dimensions): 1.304 Acres

Present Land-Use: Church

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

attached

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

Owner(s): Presbyterian Church

(Recorded Owner)
2420 13th St W, Billings, MT 59102-2428
(Address)
Dave Thompson, Pastor (406) 252-3434 pastordave@fpcbillings.org
(Phone Number) (email)

Agent(s): Kevin Howell, representing Verizon Wireless

(Name)
C/O Digital Skylines, Inc., 11340 N 105th Place, Scottsdale, AZ 85259
(Address)
(480) 425-9353 Khowell@digitalskylines.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 Special Review. Also, I attest that all the information presented herein is factual and correct.

Signature: *Chad W. Leggett* Date: 10/2/2018

(Recorded Owner)





**City of Billings
Special Review Application
Poly Drive / Verizon Wireless site BIL Poly**

Supplemental Information Enclosed:

1. Answer the following questions:

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

The proposed Verizon Wireless facility is consistent with the goals and policies of the adopted Growth Policy in three ways:

- i. Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors – Today over half of homes have only wireless service and no landline. This means that they must rely on their wireless service to call 911 or make other emergency calls. As such, it is more important than ever that cities have strong and reliable wireless service.
- ii. Neighborhoods that are safe and attractive and provide essential services are much desired – Home buyers are actively seeking neighborhoods with dependable and consistent wireless service. The lack of a strong signal can deter them from the area.
- iii. Economic Development – Wireless coverage and capacity is a necessity in today's world. Consumers and businesses expect their phone and internet connection to work everywhere. This site is intended to serve northwest Billings including the residential and residential professional properties on Poly Drive as well as the Rocky Mountain College campus across the street. In order to attract and keep businesses in the area, Billings must have accessible and reliable wireless service.

b. Why is there a need for the intended use of the property at this location?

Verizon Wireless has determined that this area along Poly Drive is growing short on wireless capacity on the Verizon Wireless network. A lack of capacity will eventually block calls, delay emergency responses, and slow down wireless data rates. According to the most recent national study, just

over one half of homes rely solely on wireless phones. This means that over two in every four homes are relying on wireless service to reach 911.

Full disclosure: Verizon Wireless is building a 4G LTE site, which means voice calls will be carried over their LTE network. This is a change and will require customers to have a device capable of advanced calling.

What is a 4G LTE site? A Verizon Wireless 4G LTE cell site uses the latest technology to carry both voice and data. Voice service is provided over VOLTE or Voice Over Long Term Evolution technology through a service Verizon Wireless calls Advanced Calling 1.0.

Advanced Calling offers high-definition or HD voice and video calling. To complete calls on this new cell site, customers' phones must be capable of Advanced Calling and that feature must be activated in the phone itself. Both customers on a call must be served by 4G LTE and have the Advanced Calling feature activated to experience HD voice and video service. Customers with older 1X, 3G or 4G devices without Advanced Calling will not experience a change in voice service.

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

Verizon Wireless is the largest wireless carrier in the United States. The Verizon Wireless customers, including the City of Billings, rely on Verizon Wireless to continually invest in wireless infrastructure to prevent reduced functionality as the demand for wireless services (smartphones, tablets, etc.) increases. By locating this site on a faux tree, Verizon Wireless is able to install a wireless telecommunications facility with minimal visual impact on the surrounding community.

- d. Prepare a written statement addressing what is intended to be done with the property, including new construction or change in the use of the property, and why the special review is being sought.

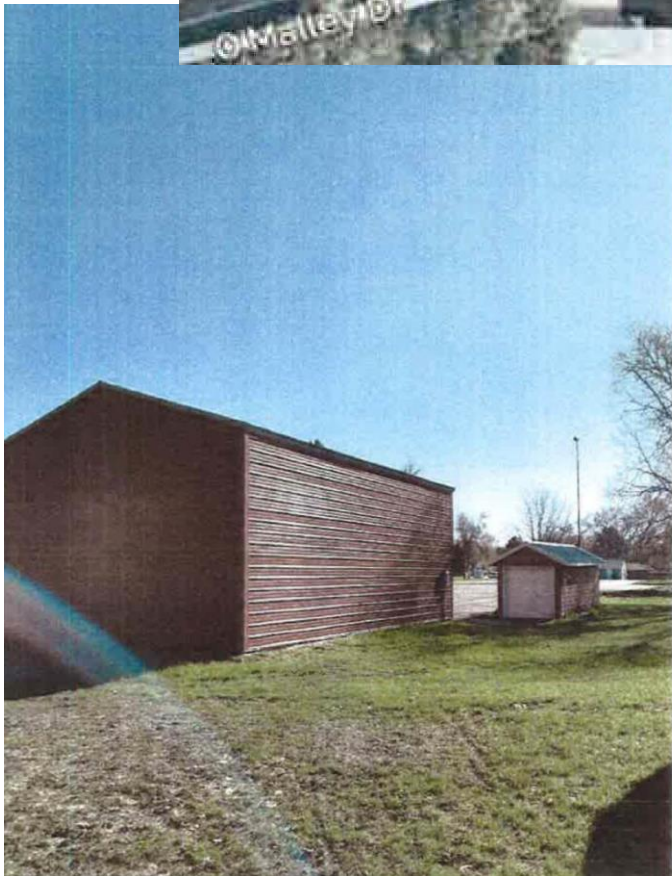
Verizon Wireless is proposing a faux tree installation on the southwest corner of a piece of property owned by First Presbyterian Church located at 2420 13th St. W. A Special Review is required because the parcel is zoned RP.

2. Prepare a dimensioned site plan as follows:
 - a. One full sized site plan and one reduced copy of the site plan at 8 ½" x 11" or 11" x 17".
Per Nicole Cromwell, attached are two 11" x 17" site plans.
 - b. Scale of the full sized site plan shall not be less than 1" = 40'.
See attached site plans (scale is not less than 1"=40').

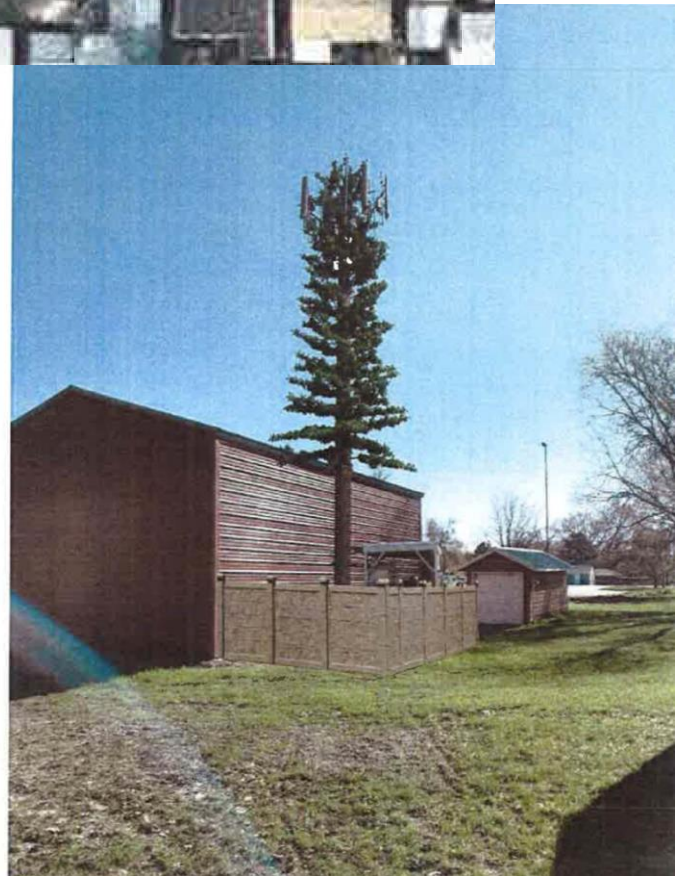
3. If applicable, the site plan must also include but not necessarily be limited to the following:
 - a. North arrow.
Included on attached site plans.
 - b. The locations and dimensions of all vehicular points of ingress and egress, drives, alleys, off-street parking spaces and loading spaces.
Included on attached site plans.
 - c. Illustrate lot size showing lot line dimensions.
Included on attached site plans.
 - d. The locations and dimensions of all existing and proposed buildings, structures, and improvements including those which will be removed. Please label all information
Included on attached site plans.
 - e. Show setbacks from all property lines for existing and proposed buildings.
Included on attached site plans.
 - f. Show the centerline of principal and minor arterial streets.
Included on attached site plans.
 - g. Illustrate the square footage of existing and proposed buildings and structures.
Included on attached site plans.
 - h. Names and locations of adjacent streets, alleys, properties, etc.
Included on attached site plans.
 - i. Illustrate the height of any proposed structures.
Included on attached site plans.
 - j. A detailed landscaping plan of the site.
There is no landscaping proposed for this site.
 - k. Location and description of proposed signs.
No signs are proposed for this site.
 - l. Other pertinent features as determined by the Zoning Coordinator.
See attached site plans.



4. Photographs may be submitted and are often helpful. They should be of a size adequate to show the nature of the property.
See attached photo simulations showing the existing and the proposed views.
5. Obtain from the Planning and Community Services Department a three hundred (300) foot radius map showing all property which lies within 300 feet of the exterior boundaries of the subject property.
300 foot radius map is attached.
6. Obtain a certified list of names and addresses of the owners of all property shown within the 300 foot radius on the map as provided by the Planning and Community Services Department.
Certified list of names and address and gummed mailing labels are attached.
7. A filing fee must accompany all applications for Special Review.
Check # 6216 in the amount of \$1,337 for the nonrefundable filing fee is attached.
A \$50.00 deposit for posting of zoning request signs is required at the time the application is received.
Check # 6217 in the amount of \$50 for the refundable zoning request signs is attached.
8. A public hearing shall be held for all applications submitted for a Special Review.
Based on the published schedule, please add the Special Review Hearing for this application to the December 4, 2018 agenda for the Zoning Commission Public Hearing.
9. Application Form
In addition to the above information the Special Review Application Form is attached.



Existing



Rendering



City Zoning Commission

Meeting Date: 12/04/2018

SUBJECT: Zone Change 972 - Western Sky - 44th St West

THROUGH: Monica Plecker

PRESENTED BY: Nicole Cromwell

Information

REQUEST

City Zone Change 972 – S 44th St West - Western Sky Subdivision – RMF-R, Public & R-70 to RMF-R, RMH & Public – A zone change request from Residential Multi-family-Restricted (RMF-R), Residential 7,000 (R-70) and Public (P) to Residential Multi-family-Restricted (RMF-R), Residential Manufactured Home (RMH) and Public (P) on Lot 2A-1, Block 1 of Western Sky Subdivision (tbka 44 West Subdivision) a 29.97 acre parcel of land generally located west of S 44th St West and south of King Avenue West. Presented by Nicole Cromwell, Zoning Coordinator

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 972.

APPLICATION DATA

OWNER: CK Land LLC, Cal Kunkel

AGENT: Sanderson Stewart, Byran Alexander and Propriedad, Rob Morehead, prospective buyer

LEGAL DESCRIPTION: Lot 2A-1, Block 1, Western Sky Subdivision, tbka 44 West Subdivision

ADDRESS: South of King Ave West and West of 44th St West

CURRENT ZONING: RMF-R, R-70 and Public

EXISTING LAND USE: Vacant - agricultural land

PROPOSED USE: New mixed use subdivision

SIZE OF PARCEL: 29.97 acres

CONCURRENT APPLICATIONS

A preliminary subdivision plat has been submitted.

APPLICABLE ZONING HISTORY

The property was annexed and zoned in May 2007 from A-1 to R-70, R-50, RMF-R and Public zoning along with other original parcels in the proposed subdivision. The subdivision, King Meadows, was never filed as a final plat. Subsequently, Lot 1 and Lot 2 were sold and are under development by CK Land, LLC. Two additional 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.

SUBJECT PROPERTY	Zone Change Special Review	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Lot 2, Western Sky Subdivision	City ZC 802	May 17, 2007	A-1 to R-50 & R-70	Yes	Proposed King Meadows Sub
	City ZC 900	July 23, 2012	R-50 to RMF-R	Yes	Western One Condos
	City ZC 912	July 8, 2013	R-50 & Public to RMF-R & Public	Yes	Re-arrangement of Park land and development area
SURROUNDING PROPERTY	Zone Change Special Review	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA

Lots 3 & 4 Western Sky Sub	City ZC 957	Sept 11, 2017	CC, RF-R, R-70 & R-96 to PD	Yes	Planned Neighborhood
Montana Sapphire	City ZC 673	July 9, 2001	A-1 to ELI	Yes	New City Sub
4215, 4020 & 4110 MT Sapphire Drive	City ZC 903	Oct 9, 2012	ELI to HC	Yes	Billings Affinity Apts
4300 MT Sapphire Drive	City ZC 878	Sept 12, 2011	ELI to HC	Yes	Long Beach Apts
Lenhardt Square	City ZC 829	Feb 25, 2008	A-1 to PD	Yes	New development
Lenhardt Square	City ZC 909	June 11, 2013	Increase PD density	Yes	
St Vs Healthcare	City ZC 722	May 24, 2004	A-1 to PD	Yes	New Medical Campus and Business Park
St Vs Healthcare	City ZC 870	Jan 24, 2011	Amend PD	Yes	
Shiloh Conservation Area	City ZC 923	Oct 14, 2014	A-1 to Public	Yes	Annexation and development of storm water facility

SURROUNDING LAND USE & ZONING

NORTH:	Zoning: RMF-R Land Use: Western One Apartments
SOUTH:	Zoning: R-70 Land Use: Agricultural land
EAST:	Zoning: Public Land Use: Shiloh Conservation Area - Storm Water Treatment Facility
WEST:	Zoning: Planned Development Land Use: Agricultural land and new subdivision for a mixed use neighborhood

BACKGROUND

This is an application to change the existing zoning on Lot 2A-1 in the Western Sky Subdivision from the current zoning scheme based on an expired subdivision plan (King Meadows). The owners are proposing a mixture of housing choices including cottage court residences and a manufactured home park. The proposal includes outdoor amenities such as trail connections to the Shiloh Conservation Area, an active recreation area for residents and a club house where residents could host neighborhood gatherings. The proposed zoning will re-align the RMF-R zoning to include the north half of Lot 2A-1 and eliminate most of the the Public zoning. The trail corridor along Hogan's Slough will remain in a Public zone. The new development will pay cash in lieu of park land dedication, but will develop the trail along the waterway that will connect to the trail system in the City's Shiloh Conservation Area to the east. The south half of the existing lot is proposed to be zoned Residential Manufactured Home (RMH), to allow a new area for either manufactured homes or single family dwellings similar to the cottage court proposal to the north.

The applicant held a pre-application neighborhood meeting as required by the zoning regulations. The agent, and prospective buyer, Rob Morehead, and 1 surrounding property owner attended the meeting to review the specifics of the proposed zone change and development. According to the submitted pre-application meeting notes, there were questions about the type of manufactured home park and how the community park and clubhouse would be developed and managed. Based on the answers to these questions, the one property owner had no objections to the proposed development or zoning.

The Planning Division has reviewed this application and is recommending approval based on the attached ten (10) criteria as required by BMCC 27-1502 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. The development of dwellings for ownership in this area will fill a housing choice not currently available except at the top of the market in West Billings. 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 insuring connections between this development and adjacent areas to the north, east and west. 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 north and a proposed similar manufactured home park to the west. The overall proposed residential dwelling

density is about 10 dwelling units per gross acre of land using the proposed configuration for 1 and 2 family dwellings in the RMF-R zone and 1 family dwellings in the RMH zone. In contrast, the Hoop Dreams and Western One apartments to the north are developed at a density of 21 units per acre.

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 criteria (BMCC 27-1502) for Zone Change 972.

Attachments

- Review Criteria Findings
 - Zoning Map and Site Photos
 - Applicant Letter and Pre app materials
-
-

Zone Change #972 – Western Sky Lot 2A-1

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 compatible uses and offer a range of housing choices and development densities the West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed zone change is consistent with the following adopted Policies of **Planned Growth Goal 1: Establish Development Patterns that Use Land More Efficiently**

- *Policy A “Promote efficient utilization of land within the West Billings planning area by promoting well designed, more pedestrian friendly, urban development patterns with a mix of uses and an efficient, creative use of land.”*
- *Policy K “Increase residential densities within the West Billings planning area by approving requests for residential zoning that are consistent with this plan.”*
- *Policy M: “Development in the West Billings planning area shall provide for a variety of residential types and densities.”*
- *Policy N: “Medium and high-density residential development (including elderly and disabled housing) should be located nearby and within walking distance to commercial centers, medical facilities parks, and recreational amenities.”*
 - The proposed zoning of RMF-R and RMH is conforming and compatible with goals of the West Billings Neighborhood Plan. This lot is located south of the developments that front on King Ave West, a principal arterial street. The parcels north of the subject property are developed with a single housing choice. The proposed zoning will allow this developer to offer a different mix of housing choice and development density. The proposed development will have good access to outdoor activities and is in close proximity to commercial centers and transportation options.

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 expand an existing neighborhood with more housing choices for smaller households 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 concept development plan includes cottage court residential areas, a clubhouse and outdoor area, trail connections to the Shiloh Conservation Area and will be compatible with the intended development to the west. The proposed landscaping and streetscape will ensure the livability of this neighborhood .

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 occurred over a number of years after the original subdivision, King Meadows, was abandoned. The new zoning will allow a greater variety of housing choices and will not increase the overall density of this lot. In fact, there is a 1-acre reduction in area zoned RMF-R. If the site is developed as proposed a total of 291 new dwelling units would be added to the neighborhood. The 13 acre lot to the north – Hoop Dreams Apartments – there are 304 dwelling units. The parcel with frontage on King Ave West is 9.6 acres and is developed for 198 apartment dwelling units.

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 that has been 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 may 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 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, Hoop Dreams development to the north and the Shiloh Conservation Area Trail system to the east. The Subdivision Improvement Agreement (SIA) for this new subdivision has conditions for trail and sidewalk improvements as well as pedestrian safety measures.

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. 44th Street West is already entirely included within the city limits.

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 north has a much higher density than the proposed density of this development. The proposed development plan is to offer a variety of housing choices, with services available to the residents and the public. North and 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 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. The proposed zoning will provide these housing options and it is compatibility with adjacent property. The property is suitable for the proposed use given its location in the area.

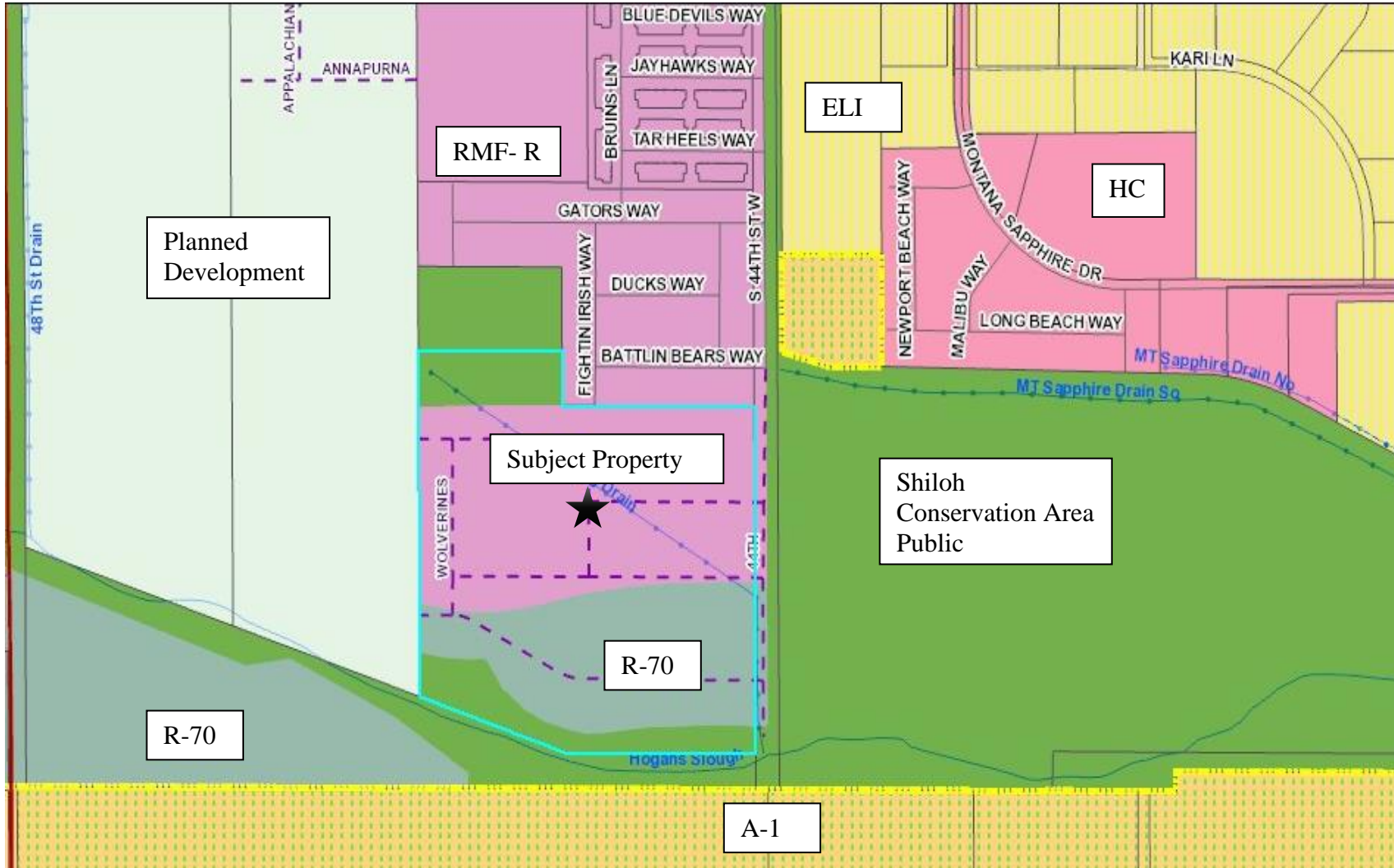
9. *Will the new zoning conserve the value of buildings?*

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.

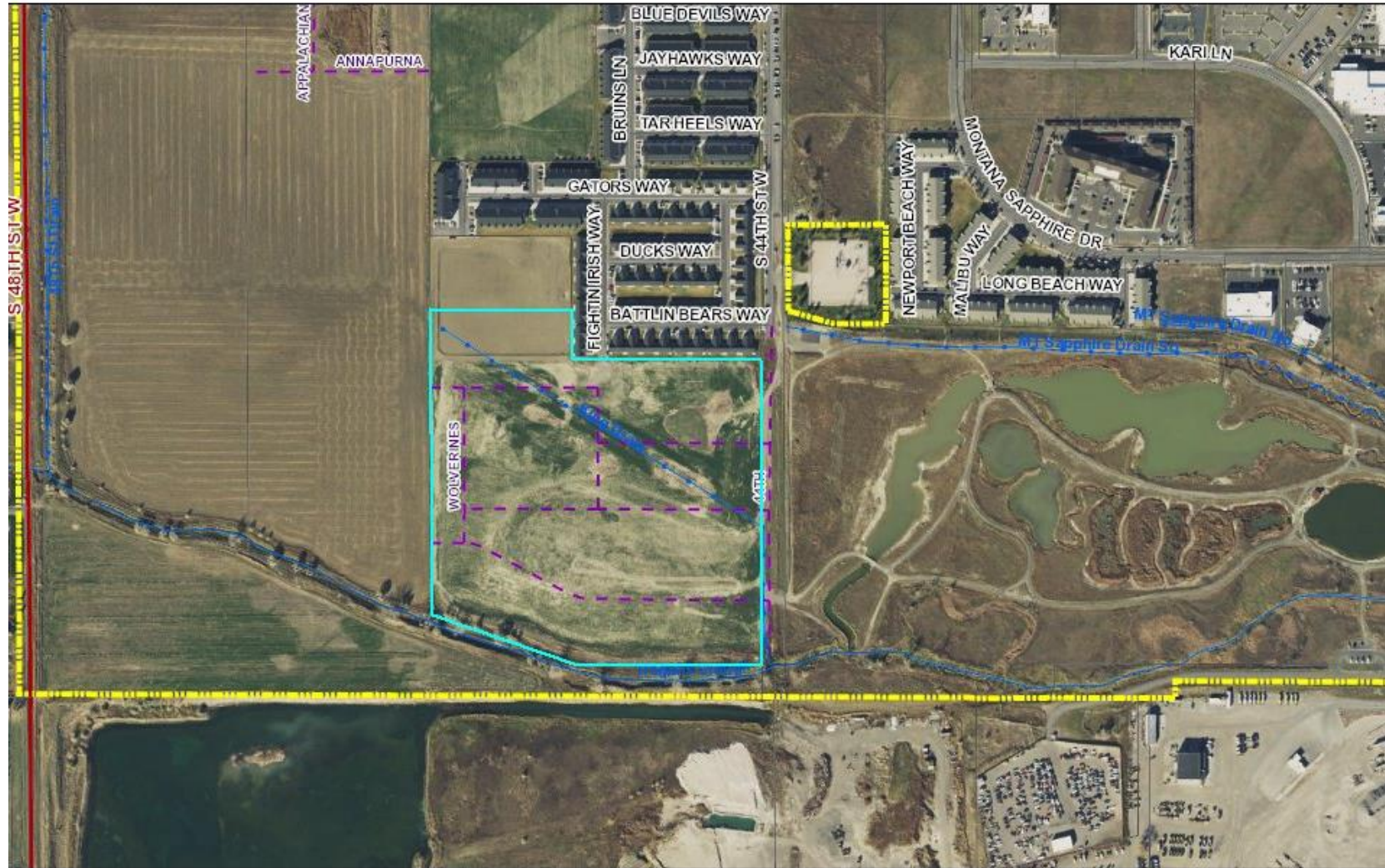
10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*

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

Surrounding Zoning
Zone Change 972 – Hawk Creek PD



Zone Change 972



Subject Property Photos



Subject Property – from dead-end of S 44th St West



View south and west from S 44th St West

Subject Property Photos



View east to “back” entrance of Shiloh Conservation Area



View north along S 44th St West

Subject Property Photos



View west at the intersection of S 44th St West and Battlin Bears Way



View north and east across S 44th St West
Long Beach Apartments in Montana Sapphire

Subject Property Photos



View south across subject property

**Applicant Letter and Pre app materials
Zone Change 972 – Western Sky Lot 2A-1**

**Propriedad, LLC.
ZONE CHANGE APPLICATION FROM RMF-R, R-7000, AND PUBLIC
TO RMF-R, RMH, AND PUBLIC**

Statement of Proposal

The owner under contract, Propriedad, LLC., is seeking a zone change for Lot 2A-1, Block 1 of Western Sky Subdivision. The property is located south of King Avenue West on the west side of 44th Street West, east of the Shiloh Conservation area, and is approximately 30 acres in size.

The property is currently located inside the City Limits of Billings. The existing zoning is a combination of Residential Multi-Family Restricted (RMF-R), Residential 7000 (R-7000), and Public. The applicant is requesting a zone change to Residential Multi-Family Restricted (RMF-R), Residential 7000 (R-7000), and Public. The limits of the RMF-R are proposed to adjust to conform with the proposed minor subdivision for 44 West Subdivision, which is in process concurrent with this application. The applicant wishes to change the existing R-7000 zoning to RMH to allow for a residential manufactured home park on the south half of the parcel. The Public zoned areas are proposed to be limited to the trail corridor adjacent to Hogan's Slough on the south edge of the parcel.

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?

GROWTH GUIDELINES

ESSENTIAL INVESTMENTS

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

Development of the property will include improvements for public sidewalks proposed along 44th Street West and along all proposed public access roads. Sidewalks are part of the contemplated common elements associated with each of the five proposed developments associated within the proposed minor subdivision. A multi-use path or trail is proposed on the south end of the parcel that parallels the Hogan's Slough. Sidewalks and trails proposed in the development will tie into the Shiloh Conservation area, which has several internal trails. The pedestrian connection to the Shiloh Conservation area will greatly enhance the livability of the future development.

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

The proposed development is annexed and located adjacent to existing public roads and infrastructure. Public water, sewer, and storm drain facilities are located immediately adjacent to the development in 44th Street West. Existing infrastructure includes a 12-inch water main and 12-inch sewer main available in 44th Street West. The existing water, sewer, and storm drain lines must be extended south along the east boundary of the property to provide service.

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

The proposed development currently contemplated will be condominium/townhome developments within the RMF-R zone consisting of duplex and single-family residential units and common elements including, but not limited to, private roads, sidewalks, infrastructure, and open space. A residential manufactured housing park is contemplated in the south half of the site to be zoned RMH. A traffic impact study has been completed in conjunction with the preliminary plat, which identifies traffic impacts to ensure the development does not negatively impact traffic safety of the existing City and County road network.

As mentioned above, the proposed development is to be a condominium/townhome and manufactured housing. The neighborhood will have consistent landscape design and maintenance throughout, making the development an attractive neighborhood.

The neighborhood will consist of essential services such as public water, public sewer, and a stormwater management system meeting the requirements of the City of Billings Stormwater Management Manual. The neighborhood will also have nearby access to the existing multi-use public trail system within the Shiloh Conservation area and proposed trail improvements along the Hogan's Slough.

COMMUNITY FABRIC

Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods.

The proposed development is to be a condominium/townhome and manufactured housing. The neighborhood will have consistent landscape design and maintenance throughout making the development an attractive neighborhood. Streetscapes will include boulevard sidewalk and plantings in the boulevard to provide a pleasant and calming travel experience.

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 development will include common elements such as a club house, open space, a multi-use trail along Hogan's Slough, and sidewalks as amenities to the neighborhood. The development will have trail access to the Shiloh Conservation area and convenient access to services in Montana Sapphire and Shiloh Crossing Subdivisions.

Outdoor public spaces provide casual and relaxing gathering areas for people.

As mentioned above, the proposed development is to include common elements such as a club house, open space, a multi-use trail, and sidewalks. These public spaces will provide casual and relaxing areas for the neighborhood. The open spaces are intended to be common to all unit owners for walking, gathering, and recreating. One objective of the landscape design of the open space will be to provide relaxing areas for people to gather and for connection to the Shiloh Conservation area.

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

The neighborhood will have sidewalks along public access roads and internal to site developments. The development will include construction of a trail along the Hogan's Slough that will connect to the existing multi-use trails in the Shiloh Conservation area. The trails within the Shiloh Conservation area connect to the city-wide trail system at Shiloh Road, which extends the length of the Shiloh Road corridor and beyond.

STRONG NEIGHBORHOODS (LIVABLE, SAFE, SOCIABLE AND RESILIENT 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.

As previously stated, the proposed development will construct common elements such as a club house, open spaces, a multi-use trail along Hogan's Slough, and sidewalks to create a strong neighborhood. Open spaces will be designed to foster health, good will and social interaction. The development will have trail access to the Shiloh Conservation area and convenient access to services in Montana Sapphire and Shiloh Crossing Subdivisions.

HOME BASE (HEALTH, SAFE AND DIVERSE HOUSING OPTIONS)

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

The proposed development is intended to provide a mixture of duplex and single-family dwelling units on the north half of the property and manufactured housing on the south half. The north half of the development will provide small-footprint dwellings that will be a cost-effective option for transitional housing for young families and other individuals. The development provides an option for maintenance-free living as common elements such as lawns, landscaping, streets, and sidewalks will be maintained by a homeowner's association (HOA).

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

The proposed development is intended to provide affordable dwellings that are small and in a dense urban environment. As stated above, the development will be well-landscaped and have sidewalks and connectivity to nearby walking trails. A traffic impact study has been completed, which identifies traffic improvement needs to promote safety of the public transportation system.

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

The neighborhood will have sidewalks along public access roads and internal to site developments. The development will include construction of a trail along the Hogan's Slough that will connect to the existing multi-use trails in the Shiloh Conservation area. The trails within the Shiloh Conservation area connect to the city-wide trail system at Shiloh Road, which extends the length of the Shiloh Road corridor.

Homes that are safe and sound support a healthy community.

Dwellings in the proposed development will be of new construction and meet code requirements for building construction, energy conservation, and other trades. Adopted codes and permit inspections should provide reasonable assurance that dwellings within the development are safe and sound. Manufactured homes in the proposed manufactured home park will be restricted to newer and well-maintained homes. Strict restrictions are proposed to preserve the integrity of the park and uphold a high standard for quality of the units as well as the park.

MOBILITY AND ACCESS (TRANSPORTATION CHOICES IN PLACES WHERE GOODS AND SERVICES ARE ACCESSIBLE TO ALL)

Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors.

In addition to vehicular transportation options, the neighborhood will have internal sidewalks and also have nearby access to the existing multi-use public trails in the Shiloh Conservation area and to the trail system along Shiloh Road. The MET transit system has Bus Route 13 WESTEND that can be accessed in the nearby Montana Sapphire Subdivision. It should be noted, however, that pedestrian access from the property along King Avenue West has portions where no sidewalks are constructed between the site and Montana Sapphire Subdivision. There are also no formalized trail connections from the Shiloh Conservation area to Montana Sapphire Subdivision other than at Shiloh Road.

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

The neighborhood will have sidewalks along public access roads and internal to site developments. The development will include construction of a trail along the Hogan's Slough that will connect to the existing multi-use trails in the Shiloh Conservation area.

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.

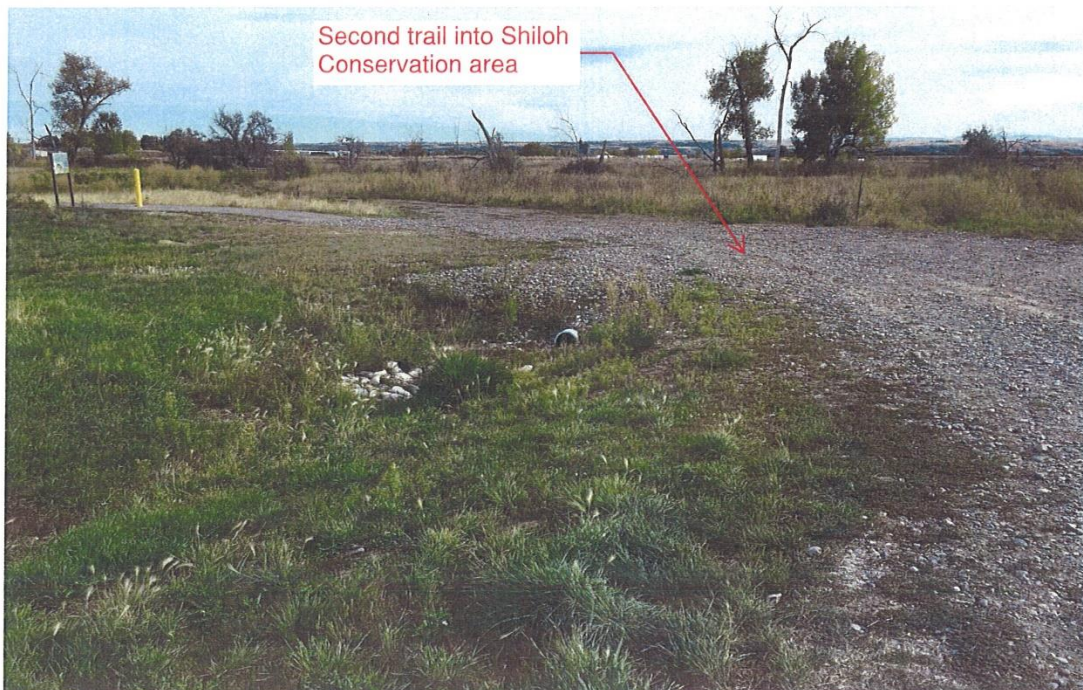
The property has zoning consistent with what is contemplated on the north half of the property, which is RMF-R. As proposed, the zoning boundary is to be relocated to match the lot lines of the minor subdivision that is being reviewed concurrently with the zone change application. A zoning variance to allow an increased density is also being requested to allow for a more efficient use of the land while providing a mix of single-family and duplex homes with common elements (Bungalows). The proposed development of the RMF-R area is consistent with recent local, regional, and national urban development trends. The RMF-R zone best fits the proposed development model. The City of Billings currently has no zoning designations that allow for the proposed density. Adjacent properties are also zoned RMF-R to the north, which consist primarily of larger apartment buildings.

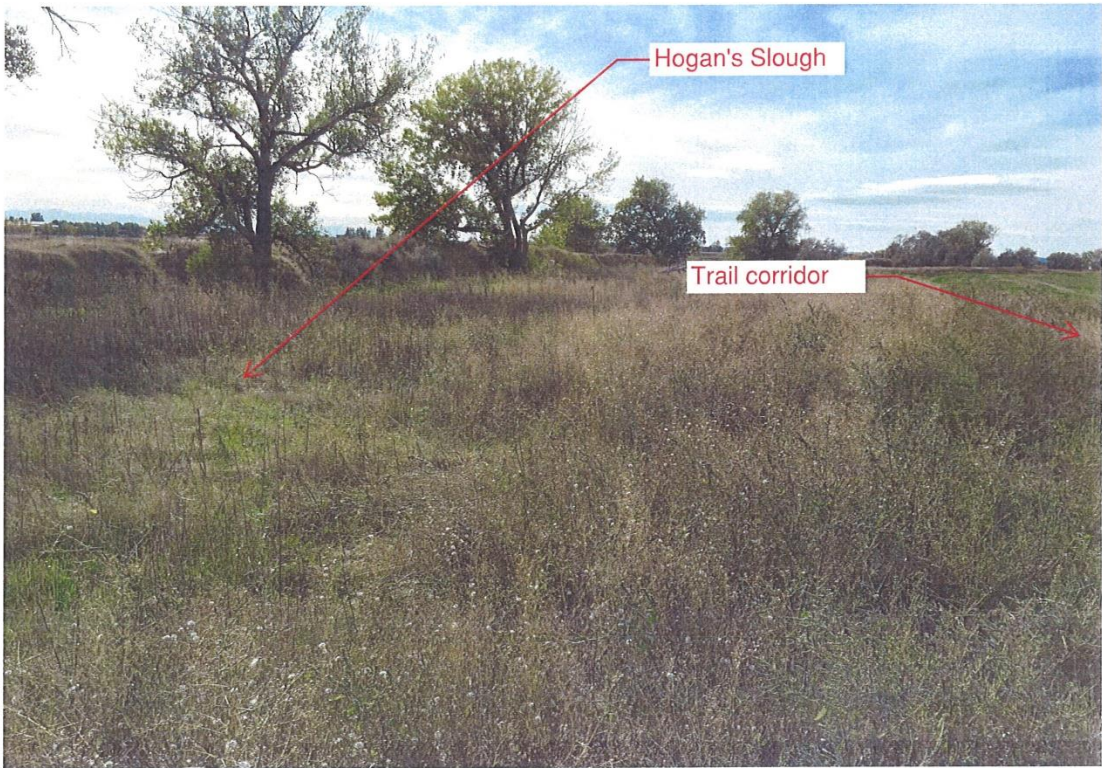
The south half of the property is zoned R-7000, which allows for medium density single-family and duplex housing. A residential manufactured home park is contemplated within the proposed RMH-zoned property. The proposed RMH zone would allow for the manufactured home park and for the development of single-family dwellings. A zoning variance to allow an increased density is also being requested to allow for a more efficient use of the land while providing an affordable density under today's urban design standards. The existing property located immediately to the west of the

property is zoned Planned Unit Development with a defined RMH land use, so the proposed RMH zoning is consistent with land use designations in the vicinity.

The area of Public zoning will match the proposed trail improvements along the Hogan's Slough. In addition, cash-in-lieu will be provided for the required park contribution as part of the minor subdivision process. The site is adjacent to significant existing and proposed public open spaces including the Shiloh Conservation area and the future City Lakes project.







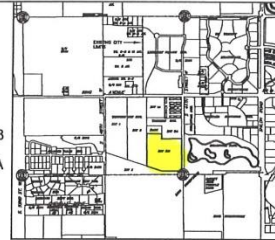
PRELIMINARY PLAT OF
44 WEST SUBDIVISION
 BEING LOT 2A-1, BLOCK 1, WESTERN SKY SUBDIVISION
 SITUATED IN THE NW1/4 OF SECTION 15, T. 1 S., R. 25 E., P.M.M.,
 IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : PROPRIEDAD LLC

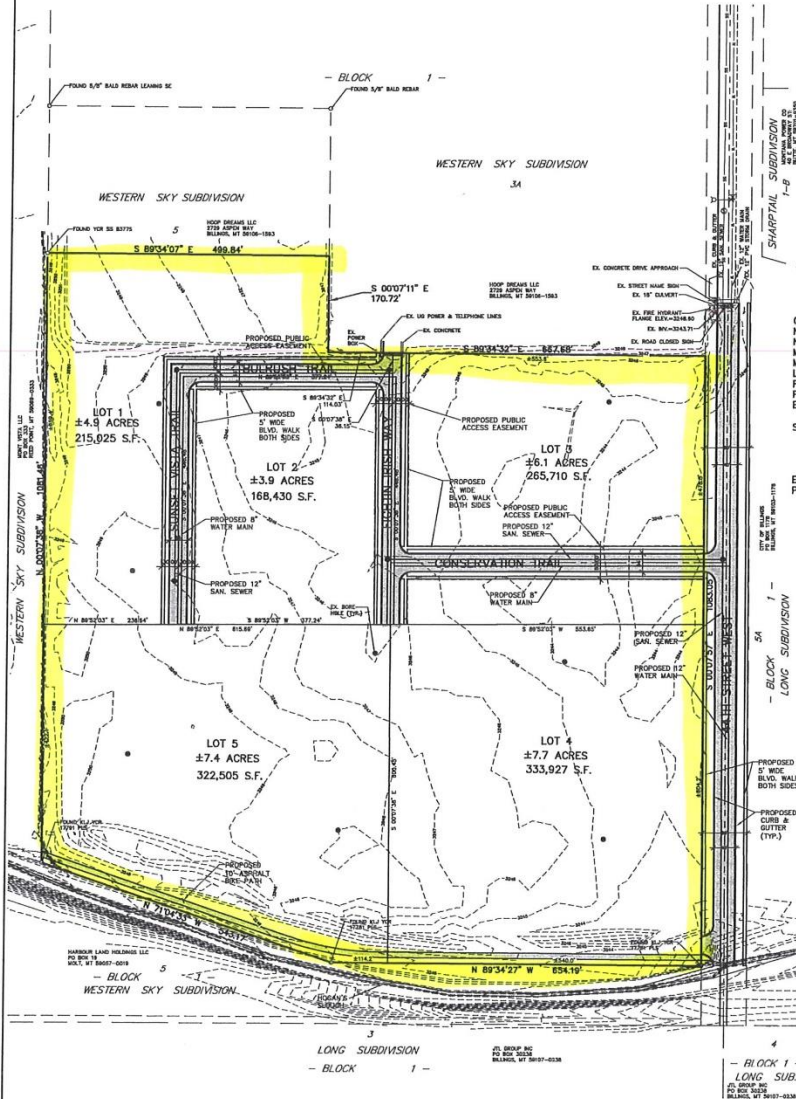
OCTOBER, 2018

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



VICINITY MAP
 NOT TO SCALE



PLAT DATA

GROSS AREA	=	29.97 ACRES
NET AREA	=	29.97 ACRES
NUMBER OF LOTS	=	5 LOTS
MINIMUM LOT SIZE	=	±3.9 ACRES
MAXIMUM LOT SIZE	=	±7.7 ACRES
LINEAL FEET OF STREETS	=	0
PARKLAND REQUIREMENT	=	3.30 ACRES
PARKLAND DEDICATION	=	0
EXISTING ZONING	=	RMF-R/R7000 /PUBLIC

SURROUNDING ZONING:

NORTH	=	RMF-R/PUBLIC
SOUTH	=	PUBLIC
EAST	=	PUBLIC
WEST	=	R8500
EXISTING LAND USE	=	AG
PROPOSED ZONING	=	RMF-R/RM

EXHIBIT A

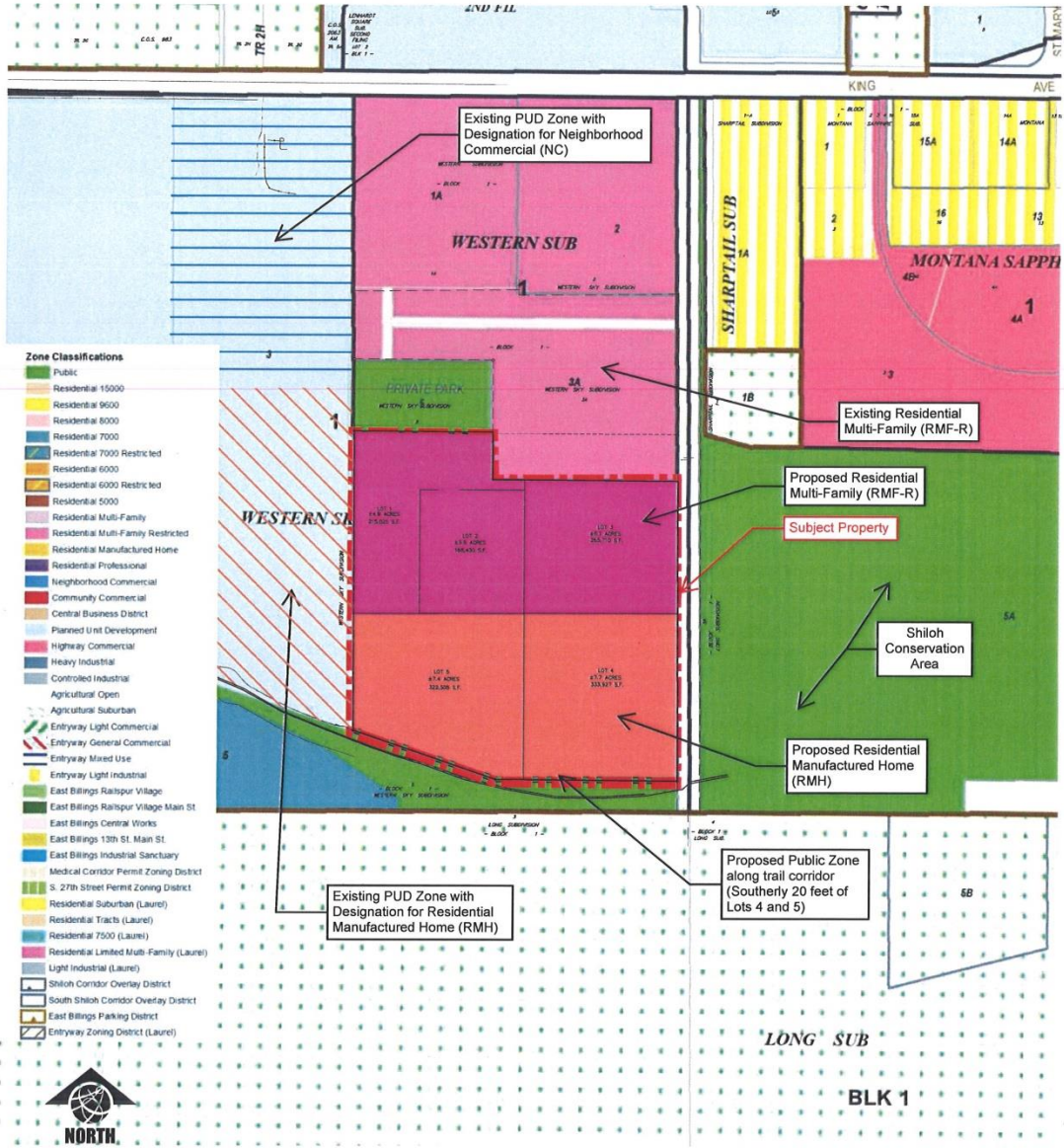
ZONE CHANGE EXHIBIT

PREPARED FOR : PROPIEDAD, LLC.

OCTOBER, 2018

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



- Zone Classifications**
- Public
 - Residential 15000
 - Residential 9600
 - Residential 8000
 - Residential 7000
 - Residential 7000 Restricted
 - Residential 6000
 - Residential 6000 Restricted
 - Residential 5000
 - Residential Multi-Family
 - Residential Multi-Family Restricted
 - Residential Manufactured Home
 - Residential Professional
 - Neighborhood Commercial
 - Community Commercial
 - Central Business District
 - Planned Unit Development
 - Highway Commercial
 - Heavy Industrial
 - Controlled Industrial
 - Agricultural Open
 - Agricultural Suburban
 - Entryway Light Commercial
 - Entryway General Commercial
 - Entryway Mixed Use
 - Entryway Light Industrial
 - East Billings Railspur Village
 - East Billings Railspur Village Main St
 - East Billings Central Works
 - East Billings 13th St Main St
 - East Billings Industrial Sanctuary
 - Medical Corridor Permit Zoning District
 - S. 27th Street Permit Zoning District
 - Residential Suburban (Laurel)
 - Residential Tracts (Laurel)
 - Residential 7500 (Laurel)
 - Residential Limited Multi-Family (Laurel)
 - Light Industrial (Laurel)
 - Shiloh Corridor Overlay District
 - South Shiloh Corridor Overlay District
 - East Billings Parking District
 - Entryway Zoning District (Laurel)

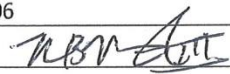


Pre-Application Statement of Owner(s) or Agent(s)

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:** RMF-R, R-7000, and Public
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: RMF-R 14.9 acres; RMH 14.5 acres; Public 0.55 acres
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** Lot 2A-1, Block 1 Western Sky Subdivision
(Proposed 44 West Subdivision Lots 1-5, Block 1)
5. **Neighborhood Task Force Area:** Yes // No . If Yes, Name of Task Force and mailing address of Chairperson: Tiffany Wardell, Westend Task Force; 1309 Daybreak Dr.; Billings, MT 59106
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 29th, day of October, 2018.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): CK Land, LLC. Telephone: _____
Address: 2729 Aspen Way Email: _____
Billings, MT 59106

Owner (s): Propriedad, LLC.  Telephone: (406) 208-7691
Address: P.O. Box 20853 Email: rmorehead@bigskyed.com
Billings, MT 59104

Agent (s): Sanderson Stewart Telephone: (406) 869-3343
Address: 1300 N. Transtech Way Email: balexander@sandersonstewart.com
Billings, MT 59102

MEETING MINUTES

PROJECT: 44 West Subdivision			
Project No: 18080			
Meeting Location: Sanderson Stewart		Meeting Date: 10/29/18	
Meeting Subject: Zone Change		Prepared by: Bryan Alexander	
Attending:	(see attached sign-in sheet)	Bryan Alexander	Bill Morgan
Rick Leuthold	Rob Morehead	Jane Kukes-Penny	
Date of Issue: 10/30/18			

Minutes:

Bryan Alexander presented the following information:

EXISTING PROPERTY

- Lot 2A-1, Block 1 of Western Sky Subdivision
- 30 Acres in size
- Existing surrounding development
 - North is existing residential multi-family housing
 - East is 44th Street West right-of-way and the Shiloh Conservation Area
 - South is the Hogan's Slough and Knife River pit (future Montana Lakes city project) and undeveloped property to the southwest (Harbour Land Holding)
 - West is undeveloped property (Mont Vista LLC)
- Existing zoning
 - Site currently is zoned RMF-R on north half, R-7000 south of that, and Public in the northwest corner and along Hogan's Slough
 - Adjacent zoning:
 - North is RMF-R
 - East is Public
 - South is Public along Slough and Agricultural Open Space in the Knife River pit
 - Southwest is R-7000 (Harbour Land Holding)
 - West is PD zone with RMH immediately adjacent with other areas NC, CC, and RMF (Mont Vista LLC)

PROPOSED PROPERTY

- 5-lot Minor Subdivision called “44 West Subdivision”
- Zoning:
 - Proposed zone change maintains existing RMF-R zoning but adjusts boundary to match proposed property lines.
 - The existing R-7000 zone is to be replaced by RMH
 - The Public Zone in the northwest corner will become part of the RMF-R zone and the limits of the Public Zone along Hogan’s Slough will be adjusted to the limits of the trail corridor.
 - Cash-in-lieu for Parks will be provided as part of the platting process.
 - Density Variance or Planned Unit Development to increase density to allow more urban/high-density development similar to what McCall Development is doing in Josephine Crossing and Annafeld
- Development Plans:
 - The developer intends to develop the northerly 3 lots (15 acres; RMF-R zone) into small single-family and twin homes. Each lot will be a separate project that will be reviewed under the City’s master site plan process.
 - The developer intends to develop the southerly 2 lots (15 acres; RMH zone) into a residential manufactured home park.
- Preliminary Plat application includes TIS, Geotechnical Report, and Storm Report that will be part of that package. Preliminary plat submittal will occur on November 1st.
- Zone change application will be submitted on November 5th.

QUESTIONS

Jane Kukes-Penney (*representing McDonald Land, which owns triangular property to the southwest of the site*):

- Will there be certain specifications or requirements for homes in the manufactured housing park?
- Rob Morehead answered:
 - They desire a higher end park with strict CC&Rs. Rob suggested the Shiloh Village is a similar park that is a high-end and well-managed park though it is starting to get somewhat dated.
 - Manufactured homes would be single and double-wide of newer construction.
 - The homes on the north portion of the property will be 700 – 1,200 SF houses with walkways and landscape. The target demographic for these homes is transitional housing such as young families and older people prior to the need for assisted living.
 - A clubhouse is also planned for the neighborhood.
 - A primary objective of the development is to tie into the Shiloh Conservation area with trails and walkways.

Jane Kukes-Penney:

- Is there a vision for fences, landscape, or trees to screen the park?
- Rob Morehead answered:
 - Prefer not to use fences, but instead utilize trees and landscaping including berming and stone blocks to create an aesthetic buffer around the park.
 - Internal to the park and to the small home developments, they want to utilize landscape, hardscape, and walks to create common spaces for the residents.
- Jane stated that the family (McDonald Land) will likely have no problem with the project as presented.

