

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 962 - Project # P2-17-00192

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

Present Zoning: Residential Professional

Proposed Zoning: Community Commercial

TAX ID# A31454 CITY ELECTION WARD # 4

Legal Description of Property: _____

SE 1/4 of S33, T1 N, R25 E, Goodman Subdivision, Fourth Filing Amended, Block 2, Lot 4a

Address or General Location (If unknown, contact City Engineering): 4046 Ave C
1557 41st Street West, Billings, MT

Size of Parcel (Area & Dimensions): 67,110 SF 220.5'x304.96'

Present Land-Use: Undeveloped

Proposed Land-Use: Gymnastics Facility

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): Randy Swenson

(Recorded Owner) 1533 Clark Ave Billings, MT 59102

(Address) 406.855.9990 randy@tendernest.com

(Phone Number) (email)

Agent(s): EEC Inc.

(Name) 720 Lohwest Lane Billings, MT 59106

(Address) 406.839.9151 info@eecmt.com

(Phone Number) (email)

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

Signature: Randall D. Swen Date: 11-3-17
(Recorded Owner)



RESIDENTIAL
9600

RESIDENTIAL
MULTI-FAMILY
RESTRICTED

41ST ST WEST

RESIDENTIAL
PROFESSIONAL

LOT 4A
67,110 SF
1.54 ACRES

220'-8"

305'-0"

AVENUE C

COMMUNITY
COMMERCIAL

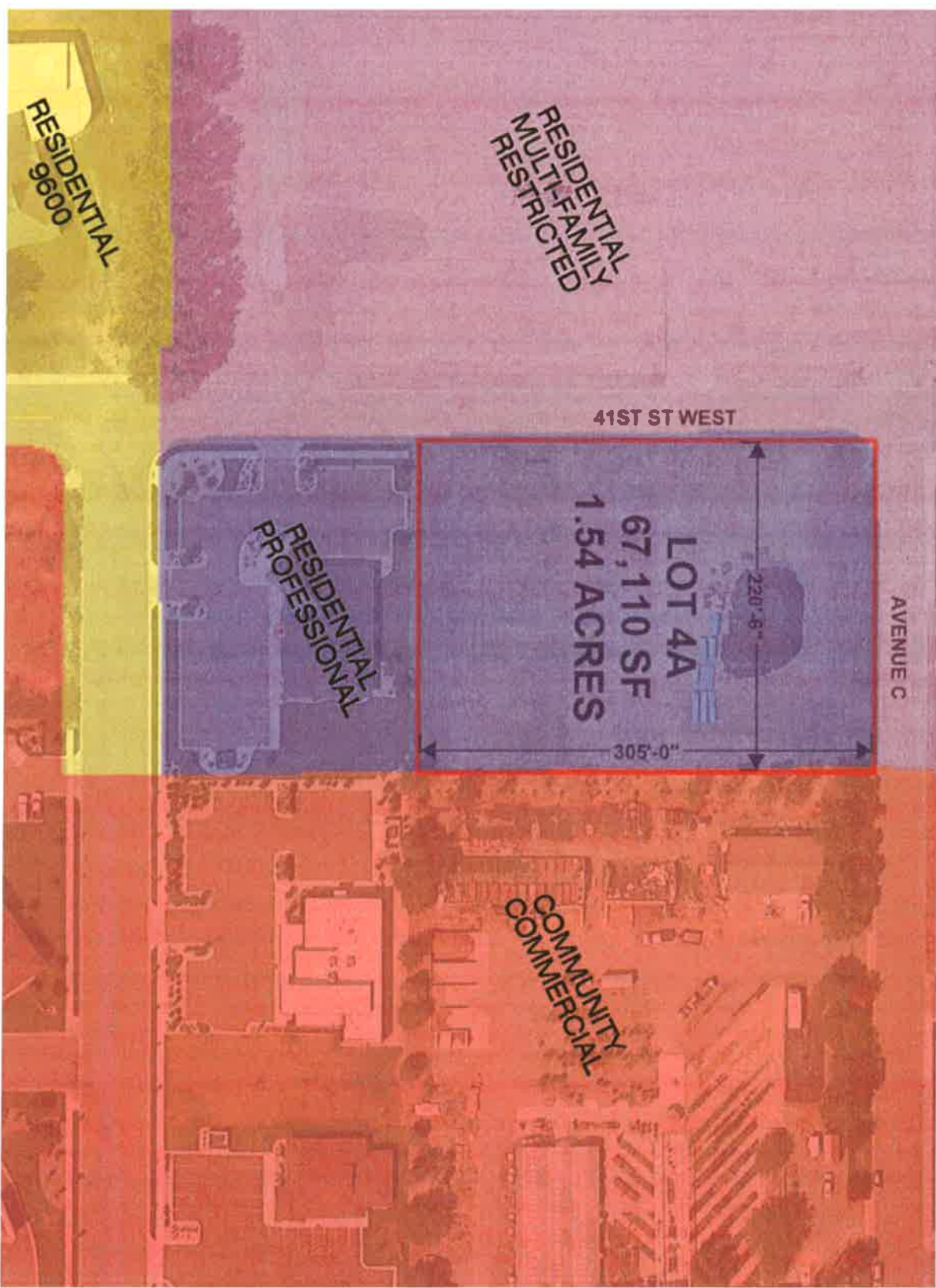


Exhibit A:



ZONE CHANGE APPLICATION
CITY OF BILLINGS

1. Questions:

- a. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?
 - i. The proposed zone change from Residential Professional to Community Commercial at 1557 41st Street West, Billings MT, would allow for a gymnastic facility. The following is a list of how the proposed zone change is consistent with the goals and policies of the adopted growth policy.
 1. Essential investments:
 - a. The proposed project would add planning and construction of safe and affordable interconnected sidewalks and trails because they are important to the economy and livability of Billings. The zone change would provoke landscaping of public rights-of-way and entryways creating a more visually appealing frontage to residence and visitors. It is a cost effect approach through infill development. Allowing for gymnastic facility would create a neighborhood that is safe and attractive because it provides essential services that are desired in the area.
 2. Place Making
 - a. The zone change would allow for a positive multi-use community recreation facility to thrive in a community that desires children to be active and healthy.
 3. Community Fabric
 - a. The proposed project would add planning and construction of safe and affordable interconnected sidewalks and trails because they are important to the economy and livability of Billings. The developed landscaping for the new gymnastic facility will encourage more pedestrian activity and vibrant commercial activity. The development of cost-effective landscaping of public rights-of-way and entryways gives the community a visually appealing connection.
 4. Home Base
 - a. The proposed project would add planning and construction of safe and affordable interconnected sidewalks and trails because they are important to the economy and livability of Billings.
 5. Mobility and Access
 - a. The proposed project would add planning and construction of safe and affordable interconnected sidewalks and trails because they are important to the economy and livability of Billings.

6. Prosperity

- a. The new project would allow a diversity of available jobs surrounding the sites location, this can ensure a strong community economy. The zone change would provide local jobs from a successful business.
- b. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.
 - i. We are proposing to change the property from Residential Professional to Community Commercial in order to allow the construction of a gymnastics facility. Under the Residential Professional zoning, dance studios and schools are allowed, but a gymnastics facility is not. A Community Commercial zone designation would allow a gymnastics facility.
 - ii. The properties to the North, East, and South are currently zoned Community Commercial, the proposed new zoning designation for the subject property. This change would expand the Community Commercial zone that follows Shiloh and Grand Avenue. This change would allow the construction of a gymnastics facility, encouraging infill development. A gymnastics facility would provide a play space to support the residential districts to the west. This play space would be a safe and comfortable place for children to be active; a necessary component of a Strong Neighborhood.
2. Photographs may be submitted and are often helpful. They should be of a size adequate to show the nature of the property.
 - a. See attached photographs of existing property, Exhibit A.
3. Pre-Application Statement of Owner(s) or Agent(s) affirming pre-application meeting was held, and included the following: 1) the pre-application neighborhood meeting was held, and 2) the zone change application is based on materials presented at the meeting. Include a copy of the meeting notice, written materials mailed or provided at the meeting, the sign-in sheet of attendees, and a brief synopsis of the meeting results.
 1. Neighborhood Meeting was held on Monday, October 30th, 2017, at 6:00 PM at the TenderNest Office, 4040 Parkhill Drive.
 2. This zone change is based on the materials presented at the meeting. See Exhibit B for a copy of the meeting notice, written materials mailed or provided at the meeting and the sign in sheet of attendees.
 3. See Exhibit C for meeting notes explaining a Brief synopsis of the meeting.
4. Obtain from the Planning & Community Service Department a three hundred (300) foot radius map showing all property which lies within 300 feet of the exterior boundaries of the subject property.
 - a. See attached, 300 Foot Radius Map, showing all property which lies within 300 feet of the exterior boundary of the property
5. Obtain a certified list of names and addresses of the owners of all property shown within the 300 foot radus on the map as provided by the Planning & Community Services Department. The

first step is to take the radius map to the Montana Department of Revenue. The Department of Revenue is located on the 14th Floor of the Wells Fargo building at the southeast corner of North 27th Street and 2nd Avenue North. The Department of Revenue will generate a list of property owners and forward this list and notify you when it is complete. There is a certification charge, payable to the County Clerk & Recorder, of .50 cents per certified name. This list of names and mailing addresses must then be placed on gummed mailing labels and must be typed or neatly printed.

- a. See attached, Certified list of names and addresses of the owners of all property shown within the 300 foot radius.
6. A filling fee must accompany all application for Zone Changes.
- a. See attached Commercial fee: \$1,215.00
 - b. \$45.00 Deposit for sign.


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:** RESIDENTIAL PROFESSIONAL
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: The 1.54 acre property is currently zoned Residential Professional. We are proposing to change it to Community Commercial.
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** SE ¼ OF S33, T1 N, R25E, Goodman Subdivision, Fourth Filing, Block 2, Lot 4a
5. **Neighborhood Task Force Area:** Yes/// No . If Yes, Name of Task Force and mailing address of Chairperson: West End Task Force- Nike Bemer
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 30, day of October, 2017.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Randy Swenson Telephone: 406.855.9990
Address: 1533 Clark Ave Email: randy@tendernest.com
Billings, MT 59102

Agent (s): EEC, INC. Telephone: 406.839.9151
Address: 720 Lohwest Lane Email: info@eecmt.com
Billings, MT 59106

Signature: 
Chuck Henrichs
VP of Engineering EEC INC.

Date: 11/6/2017

NEIGHBOR HOOD MEETING ATTENDANCE ROSTER

<u>NAME</u>	<u>ADDRESS</u>	
1. Chuck Herricks	720 Lohwest Lane	EEC INC.
2. Nate Swenson	4040 Parkhill Dr.	
3. KEVIN LUNDIN	720 LOHWEST LANE	EEC INC.
4. Quentin Eggert	720 LOHWEST LANE	EEC INC.
5. Rebecca Power	4033 4033 Ave B	Ophthalmic Assoc of Billings
6. Michael Power	4033 Ave B	Ophthalmic Assn
7. Darcey Frewin	3530 Timberline Dr	
8. Erin & Nancy Jennings	1639 41st St W.	
9. Bill Enright	1617 41st W.	
10. Don & Laurie Hege	1619 41st W	

Exhibit C:

Date: October 30th, 2017

Meeting Minutes
Pre-Application Neighborhood Meeting
Location: 4040 Parkhill Drive, Bldg. #1
Time: 6:00 PM



Attendees:

Name:	Address:	Misc.:
Chuck Henrichs	720 Lohwest Lane	EEC Inc.
Nate Swenson	4040 Parkhill Drive	
Kevin Lundin	720 Lohwest Lane	EEC Inc.
Quentin Eggart	720 Lohwest Lane	EEC Inc.
Rebecca Power	4033 Ave B	Ophthalmic Associates of Billings
Michael Power	4033 Ave B	Ophthalmic Associates of Billings
Darcey Frewin	3530 Timberline Dr.	
Ernest & Nancy Jennings	1629 41 st St West	
Bill Enright	1617 41 st St West	
Don & Laurie Hege	1614 41 st St West	

Synopsis of Meeting:

The meeting started with Chuck Henrichs, Vice President of Engineering with Eggart Engineering & Construction, giving a broad overview of the proposed Zone Change for Lot 4a, Block 2 of Goodman Subdivision, Fourth Filing. The 1.54 acre property is currently zoned Residential Professional. We are proposing to change it to Community Commercial in order to allow the construction of a gymnastics facility. Under the Residential Professional zoning, dance studios and schools are allowed, but a gymnastics facility is not. A Community Commercial zone designation would allow a gymnastics facility. Chuck also gave a brief overview of the attached preliminary site plan, floor plan, and elevations.

Ernest & Nancy Jennings questioned the exterior look of the proposed gymnastics building. They had concerns on the ascetical appearance of the proposed large steel building in in the residential area. Chuck Henrich's explained that the lean -to office would have residential lap siding, cultured stone at the entryway and metal siding and trims to try and better tie

Michael Power asked if the Zone Change was approved and this gymnastics facility was not constructed would the Zone change stay in affect. Kevin with EEC confirmed that if the gymnastics facility failed to be constructed that and the Zone Change was approved the property would remain Community Commercial and other facilities meeting the requirements of Community Commercial could be constructed on the site. Michael noted he liked the look of the preliminary building plans for the gymnastics facility.

Bill Enright asked about the Traffic

- Proposed hours of operation, 9am to 9pm
- The current preliminary plans show 99 onsite parking stalls proposed.
- There is an existing shared parking agreement with Fuller Medical to the south that would allow for overflow parking after office hour parking. In addition there is significant space along 41st Street and Ave C for over flow street parking.

Bill Enright noted the developing the lot would reduce teenage drinking that occurs on the street around the lot.

Bill Enright questions Landscaping and would like to see some greenery around the building. Responded that landscaping will meet or exceed City of Billings requirements.

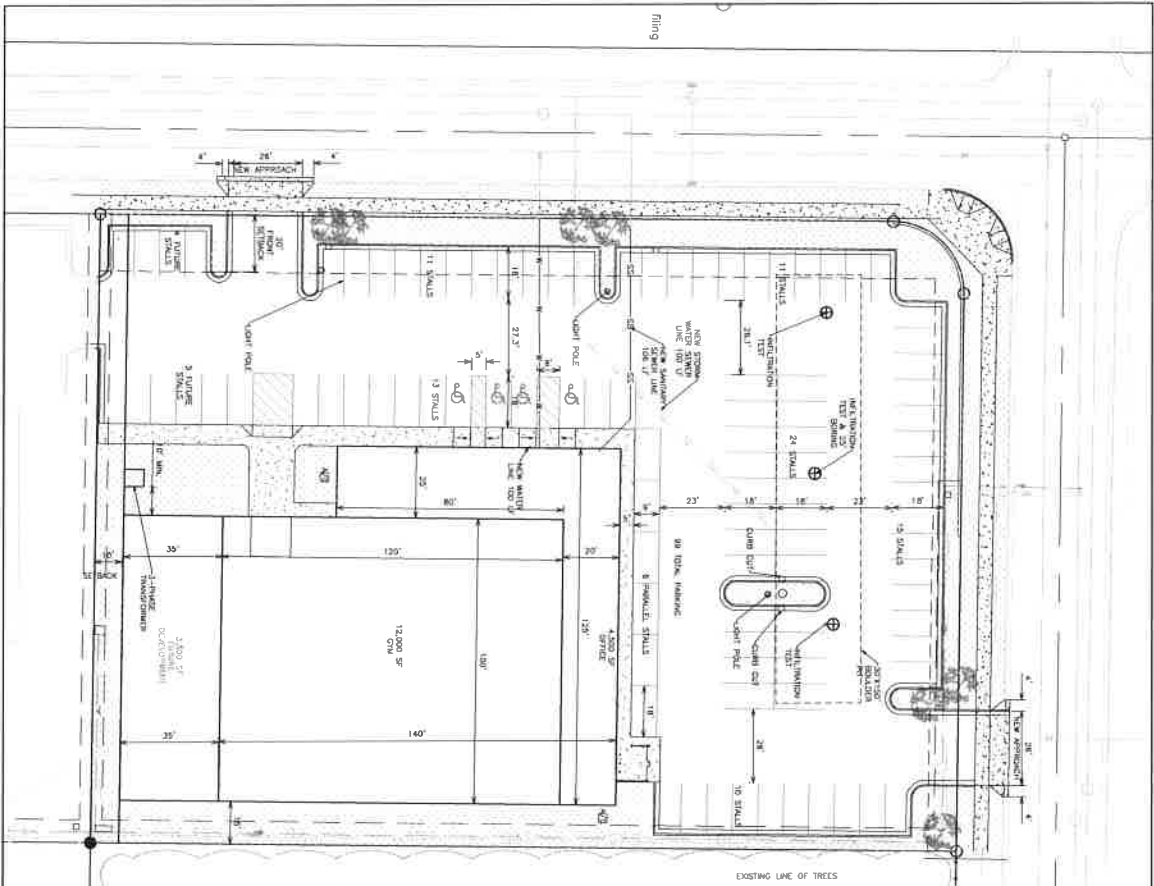
Ernest mentioned the lot is currently only mowed once a year and the cuttings end up clogging up the gutters and causing drainage issues. He was pleased that the development of this lot would eliminate this issue.

Kevin Lundin mentioned that the Pedestrian pathway would be improved neighborhood by installing city sidewalks along the entire property abutting 41st Street West and Ave C. In addition 2 Handicap Ramps would be installed at the corner of 41st St W and Ave C.

Meeting Concluded at 6:25 pm.

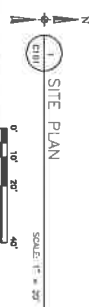
Summary of Main Concerns from Adjacent Land Owners:

- The need for nice landscaping and green space for the proposed development
- Parking was discussed and with the proposed 99 onsite parking spaces, the shared parking agreement with Fuller Medical and the available on street parking adjoining the lot on the west and north sides.
- The general conscience is the lot has been an eye sore and the proposed development would be a great improvement for the neighborhood.
- While not objecting to the overall project the neighbors would like to see the steel building esthetics improved to better tie into the neighborhood.



Tr 1A-1
Certificate of survey No. 1876 Amended

- LEGEND:**
- NEW TREE
 - LANDSCAPED AREA
 - CONCRETE
 - ASPHALT
- NOTE:** TREES LOCATED WITHIN THE CLEAR VISION ZONE ON THE BOULEVARD SHALL HAVE A MAXIMUM FROM DIAMETER OF ONE (1) FOOT MEASURED FROM THE TRUNK TO THE BRANCHES AND SHALL BE TRIMMED OF ALL BRANCHES BETWEEN THE GROUND LINE AND EIGHT (8) FEET IN HEIGHT.
- ZONING:**
- EXISTING: RESIDENTIAL PROFESSIONAL (RP)
- SETBACKS FOR FRONT:**
- SIDE ADJACENT STREET: 10
 - SIDE ADJACENT STREET: 10
 - MAXIMUM HEIGHT: 34'
 - MAX LOT COVERAGE FOR RMF-R: 50%
 - ACTUAL LOT COVERAGE: 22.3%
- ON-SITE LANDSCAPING:**
- (10% OF LOT LESS BUILDING AREA)
 - 67,129 - (18,500+3,500) = 47,129 X 0.1 = 4,713 SF
 - REQUIRED ADJACENT TO ROW LANDSCAPING: 2,357 (50%)
 - RED OFF ST. PARKING LOT LANDSCAPING: 2,055 SF
 - ACTUAL ADJ TO ROW LANDSCAPING: 3,030 SF
 - ACTUAL OFF ST. PARKING LOT LANDSCAPING: 2,547 SF
 - ACTUAL ADJACENT LANDSCAPING: 5,577 SF
 - TOTAL LANDSCAPING: 9,206 SF
- TREES:**
- REQUIRED 1/10 PARKING SPACES: 11
 - ACTUAL NUMBER OF TREES: 11
- CONCRETE:**
- APPROACH: 3,020 SF
 - APPROACH: 440 SF
 - SIDEWALKS: DRIVE: 1,439 SF
 - DETECTABLE WARNING PANELS: 4,000 LF
 - DRIB AND OTTERS: 1,000 LF
- ASPHALT:**
- ASPHALT PAVING: 36,400 SF
- SEWER:**
- 6" SEWER SERVICE: 88 LF
 - STORM WATER SERVICE: 133 LF
- WATER:**
- 4" WATER SERVICE: 100 LF
- PARKING:**
- BUSINESS/GYMNASIUMS BUILDING
 - BUSINESS REQ. 1 PER 300 SF OF GROSS FLOOR AREA
 - OVN. REQ. 1 PER 200 SF OF GROSS FLOOR AREA
 - EXPANSION 3,600/200 = 18 STALLS
- PARKING REQUIRED:**
- 75 STALLS
 - PARKING PROVIDED WITH EXPANSION: 83 STALLS
 - ADDITIONAL PARKING PROVIDED WITH EXPANSION: 9 STALLS
 - PARKING PROVIDED WITH EXPANSION: 99 STALLS
 - HANDICAP PARKING: 4 STALLS



Drawn By: CH
Checked By: CH
Date: 10-16-2017
Project #:
Cadd file:



EGGART ENGINEERING COMPANY
720 LOHWEST LANE
BILLINGS, MT 59106
OFFICE: 406-839-9151
FAX: 406-839-9150
www.eecmt.com

GYMNASIUMS
GOODMAN SUBDIVISION
BLOCK 2, LOT 4A
BILLINGS, MT

PRELIMINARY
SHEET#: **C101**

Exhibit B:



DATE: 10/20/2017

FROM: EEC, INC.

RE: Notice of Zone Change Meeting

To Whom It May Concern,

This is the official notice of a pre-application neighborhood meeting for a proposed City of Billings Zone Change. The 1.54 acre property is currently zoned Residential Professional. We are proposing to change it to Community Commercial in order to allow the construction of a gymnastics facility. Under the Residential Professional zoning, dance studios and schools are allowed, but a gymnastics facility is not. A Community Commercial zone designation would allow a gymnastics facility.

Property Location:

SE ¼ OF S33, T1 N, R25E, Goodman Subdivision, Fourth Filing, Block 2, Lot 4a
(South East corner of 41st Street West and Avenue C, reference attached map for exact location)

Meeting time, date, and location:

6:00 PM

Monday, October 30th, 2017

**TenderNest Office
4040 Parkhill Dr
Billings, MT 59106**

Regards,
EEC, Inc.
406.839.9151



406.839.9151 • www.eecmt.com • 720 Lohwest Lane, Billings, MT 59106
ENGINEERS • ARCHITECTS • SURVEYORS • BUILDERS

DATE: 10/20/2017

FROM: EEC, INC.

RE: Notice of Zone Change Meeting



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**TenderNest Office
4040 Parkhill Dr
Billings, MT 59106**

Regards,
EEC, Inc.
406.839.9151