



**COUNTY OF YELLOWSTONE ZONING COMMISSION**  
**AGENDA-Monday, August 13, 2018**  
**Billings Library Community Room, 1st Floor**  
**510 North Broadway, 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 the Yellowstone County Zoning Commission Members and Planning Department Staff.**

**Public Comment**

**Motion. Approval of Minutes: April 9, 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. **County Zone Change 689 - 56th and Neibauer** - The applicant is requesting a zone change from Agriculture Open-Space to Residential 15,000 (R-150) on the east 45 acres of C/S 3185, Parcel 2, an 87.36-acre parcel of land, generally located on the south side of Neibauer Rd between the BBWA Canal and S 54<sup>th</sup> St West. A pre-application neighborhood meeting was held on June 25, 2018, on Abby Road at the subject property. Presented by Karen Husman, Planner I
  
- b. **County Zone Change 690 – Grand and 50<sup>th</sup> St West – A-1 to NC & R-70** – A zone change request from Agriculture Open-Space (A-1) to Neighborhood Commercial (NC) for the northern 300 feet (~6.02 acres) and Residential 7,000 (R-70) for the southern 574 feet (~11.53 acres) of C/S 2990, Parcel 1B, a 17.77 acre parcel of land, generally located on the south side of Grand Avenue between 48<sup>th</sup> St W and 52<sup>nd</sup> St W. A pre-application neighborhood meeting was held on June 13, 2018, at the Grace Montessori School at 4809 Grand Avenue. Presented by Nicole Cromwell, Zoning Coordinator.

## **Other Business/Announcements**

### **Adjournment**

Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners. The **Board of County Commissioners** public hearing will be held **on Tuesday, August 28, 2018, at 9:30 a.m. at 316 N 26<sup>th</sup> Street – 3<sup>rd</sup> Floor, Commissioner’s Hearing Room**. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed zone changes.

Information on the preceding item may be obtained at the Yellowstone County Planning Department, 2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor or phone 657-8246. Anyone wishing to be heard on this matter may appear at this hearing. 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 Tammy Deines, Planning Clerk, at 247-8610 or e-mail at [deinest@ci.billings.mt.us](mailto:deinest@ci.billings.mt.us)

**County Zoning Commission**

**Meeting Date:** 08/13/2018

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**Information**

**Subject**

**Motion. Approval of Minutes: April 9, 2018**

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**Attachments**

YZC\_2018\_04\_09\_DRAFT

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**Yellowstone County Zoning Commission  
Minutes for the Meeting of  
Monday, April 9, 2018**

The County Zoning Commission met on Monday, April 9, 2018 at 4:15 p.m. in the Community Meeting Room, Billings Library, 1<sup>st</sup> Floor, 510 N Broadway, Billings, MT at 4:00 p.m.

Vice Chairman Troy Boucher participated via conference call. At 4:15 p.m., Vice Chairman Boucher opened the meeting and introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Tammy Deines, Planning Clerk

Commissioners and Staff		01/08/2018	02/12/2018	03/12/2018	04/09/2018	05/14/2018	06/11/2018	07/09/2018	08/13/2018	09/10/2018	10/08/2018	11/12/2018	12/10/2018
Jerry T. Ray	Commissioner	-	-	1	1								
Troy Boucher	Commissioner Vice Chairman	-	-	1	1								
Ryan Wittman	Commissioner Chairman		-	1	E								
Tyler Bush	Commissioner	-	-	1	1								
Vacancy	-----									-		-	

**Attending:** See attached attendance sheets.

**Public Comment**

Vice Chairman Boucher asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public can be heard on any subject is not on the agenda; the Yellowstone County Zoning Commission will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion. There was none.

**Disclosure of Conflict of Interest: YC Zone Change #688:** There was none.

**Disclosure of ExParte Communication: YC Zone Change #688:** There was none.

**Disclosure of ExParte Communication: YC Zone Change #688:** There was none.

The Commissioners reported no ExParte Communications. Zoning Coordinator Cromwell reported staff received additional public comment between the time the packets were mailed and the meeting. It is included in the public comment folder and was forwarded to the Board of County Commissioners via email prior to this meeting. Note: letters in favor or against YC Zone Change #687 received by the staff report deadline were included as a part of the staff report which was included in the Commissioners' meeting packets and posted on the City of Billings' website here:



**Yellowstone County Zoning Commission  
Minutes for the Meeting of  
Monday, April 9, 2018**

[http://agenda.ci.billings.mt.us/agenda\\_publish.cfm?id=&mt=ALL&get\\_month=3&get\\_year=2018&dsp=agm&seq=5606&rev=0&ag=632&ln=19188&nseq=&nrev=&pseq=&prev=#ReturnTo19188](http://agenda.ci.billings.mt.us/agenda_publish.cfm?id=&mt=ALL&get_month=3&get_year=2018&dsp=agm&seq=5606&rev=0&ag=632&ln=19188&nseq=&nrev=&pseq=&prev=#ReturnTo19188)

**Motion Approval of Minutes: July 17, 2018 Joint Meeting; March 12, 2018**

**July 17, 2018: Commissioner Bush made a motion and it was seconded by Commissioner Ray to approve the July 17, meeting minutes as submitted. The motion carried with a unanimous voice vote.**

**March 12, 2018: Commissioner Bush made a motion and it was seconded by Commissioner Ray to approve the July 17, meeting minutes as submitted. The motion carried with a unanimous voice vote.**

**Item #1: REQUEST**

County Zone Change 688 – Planned Development – Kramer Property – Grand Avenue & 50th St West – A zone change request from Agriculture Open-Space (A-1) to Planned Development with underlying zoning of Residential Multi-family-Restricted (PD-RMF-R) on the southern 11.69 acres and Neighborhood Commercial (PD-NC) on the northern 6.11 acres of C/S 2990, Parcel 1B, a 17.553 acre parcel of land generally located on the south side of Grand Avenue, between 48th St West and 52nd St West. A pre-application neighborhood meeting was conducted on December 26, 2017, and on January 29, 2018, at the Grace Montessori School located at 4809 Grand Avenue. A Preliminary Review meeting was held on Monday, March 5, 2018 at the Billings Library. Tax ID: D12489.

**RECOMMENDATION**

Planning staff is recommending the Zoning Commission grant the requested withdrawal. If granted, a new application for a zone change on this property may be submitted within the next 12 months.



**Yellowstone County Zoning Commission  
Minutes for the Meeting of  
Monday, April 9, 2018**

**Cromwell, Nicole**

Monday, March 19, 2018 4:33 PM

**From:** Scott Aspenlieder <[scott@performance-ec.com](mailto:scott@performance-ec.com)>**Sent:** To: Cromwell, Nicole  
**Cc:** Cal KUNKEL; [travis@bluewaterdesignmt.com](mailto:travis@bluewaterdesignmt.com)  
**Subject** Follow Up Flag: Flag Status: Kramer PD Agreement

Nicole

The owner/applicant for the Kramer PO zone change would like to formally remove the application from consideration by the Yellowstone County Zoning Commission and County Commissioners. Please let me know if you need anything further from me to close the process up. Thank you for your help and work as part of this process, I appreciate it.

Thanks,

Scott Aspenlieder, P.E.  
[scott@performance-ec.com](mailto:scott@performance-ec.com)  
Office: (406) 384-0080  
Mobile: (406) 461-8392



**PERFORMANCE**

7100 Commercial Ave., Suite 4 • Billings, MT 59101  
[www.performance-ec.com](http://www.performance-ec.com)

**Discussion**

Chairman Wittman called for questions from the Board. There were no objections or comments.

**Motion**

**Commissioner Ray made a motion to grant the requested withdrawal. If granted, a new application for a zone change on this property may be submitted within the next 12 months. The motion was seconded by Commissioner Bush.**

Name	Favor	Against	Abstain	Absent
Chairman Wittman				X
Commissioner Boucher	X			
Commissioner Ray	X			
Commissioner Bush	X			

**The motion passes 3-0.**

Zoning Coordinator Nicole Cromwell answered questions posed by the audience. She responded to Mr. Deines and stated the applicant can submit an application for a zone change within a one-year period. However, any new application within this 12-month time period cannot be withdrawn a second time. There is no annexation petition for this property and this application



## **Yellowstone County Zoning Commission Minutes for the Meeting of Monday, April 9, 2018**

will not go forward to the County Commissioners as there is no recommendation from the County Zoning Commission. The property is still under ownership by the Kramer Family Trust. When asked why the application withdrew, Ms. Cromwell replied the Applicant's agent stated they didn't want to proceed at this time.

She explained the Commissioners heard Zone Change #687 for the Heights project and found criterion to approve the zone change even though this Commission forwarded a recommendation of denial.

Connie Wardell thanked Ms. Cromwell and staff for their work on this application.

### **Other Business/Announcements**

a. Motion. Board Application/Nomination. Todd Hewett, Yellowstone County Zoning Commission. Ms. Cromwell noted the application submitted by Mr. Hewett, who is present.

### **Motion**

Commissioner Bush made a motion and it was seconded by Commissioner Boucher to forward a recommendation to appoint Mr. Todd Hewett to the Yellowstone County Zoning Commission. The motion carried with a unanimous voice vote.

b. Announcement: May 14, 2108 meeting is canceled due to a lack of applications.

**Adjournment:** The meeting adjourned at 4:34 p.m.

**DRAFT-TO BE APPROVED BY A MOTION June 11, 2018**



**City-County Planning Division  
Monday, April 9, 2018  
Yellowstone County Zoning Commission**

<i>Printed Name</i>	<i>Address</i>
ROBERT DEINES	3708 GANITZ DR
<del>Richard Mackenzie</del>	<del>5842 Foxtail Ln 59106</del>
<del>Lucy Patterson</del>	<del>7047 Vineyard Way 59106</del>
Gerard Heiser	4707 S. Warehouse Way 59106
Lane CARANO	5371 Sundance Mtn Cir 59106
Arian Miller	5371 Sundance Mtn Cir 59106
Donna Deines	4917 Grand Ave 59106
Karen Freeman	5120 Amherst Dr. 59106
Lonnie Wardell	Po Box 21432 / 59104
Michael White	1047 Vineyard Way Billings 59106
Kevin D Chippen	1513 Granite Peak Trail Billings 59106
Sharon Scharosch	1503 Granite Peak Tr. Bllgs 59106
Clayton Jenkinson	4824 HAZELNUT AVE 59106 1565
JUDY Jenkinson	14T
Todd Beth Hewett	625 Calypso 59106



**City-County Planning Division**  
**Monday, April 9, 2018**

**Yellowstone County Zoning Commission**

Printed Name	Address/email
Dean Welliver	5325 Cabernet Ln. dwellpen@bresnan.net
Rob Shald	4869 Cedar Ridge Cir. rob.shald@gmail.com
Erika Smith	4885 Cedar Ridge Cir erikaanne@msn.com
REGGIE HAGUE	5087 DOUGLASS AVE RHAGUE@hotmail.com
Robyn Driscoll	Biggs
TERESA Mielke	319 Rhubarb Ln Bill, MT 59106
RAWYD Mielke	319 Rhubarb Ln Bill, MT 59106
STEVE PASCAL	310 Rhubarb Lane
Daniel Cole & Joann Pirtz-Cole	5230 Cabernet Lane
Kaun + Gerard Heflner	4707 S. Woodhaven Way kheff76@hotmail.com
Natalie Bohlmann	4868 Cedar Ridge Cir nbohlmann@usa.net
John Soulsby	1501 Granite Pk Trail
Ernie Pawl	" " " "
Kathy Dubs	4910 Custer Ave, 59106



**City-County Planning Division**  
**Monday, April 9, 2018**

**Yellowstone County Zoning Commission**

<i>Printed Name</i>	<i>Address/email</i>
Roger Aldinger	4610 S. Woodhaven Way, Roger@mcn.net
Larry Ferguson	4623 N. Woodhaven Way Bldg, MT
Melanie Fried	4972 Duketul, Bldg MT kernelobresnan.net
Susan Smith	6133 Timbercove Dr Bldg MT
Cary Smith	" " "
Colette Edam	4637 S. Woodhaven Way. Bldg MT
Kenneth D. P.	4820 Verde Ln, Bldg 57106
R. Rex Dietz	1135 Vineyard Wy. Bldg 59106
Craig Busch	4737 S Woodhaven "
Susan Busch	" "
Barry Smith	4885 Cedar Ridge Circle



**County Zoning Commission**

**Meeting Date:** 08/13/2018

**SUBJECT:** Zone Change 689 - 56th & Neibauer

**THROUGH:** Monica Plecker

**PRESENTED BY:** Karen Husman

**Information**

**REQUEST**

**County Zone Change 689 - 56th and Neibauer** - The applicant is requesting a zone change from Agriculture Open-Space to Residential 15,000 (R-150) on the east 45 acres of C/S 3185, Parcel 2, an 87.36-acre parcel of land, generally located on the south side of Neibauer Rd between the BBWA Canal and S 54th St West. A pre-application neighborhood meeting was held on June 25, 2018, on Abby Road at the subject property. Presented by Karen Husman, Planner I

**RECOMMENDATION**

Approval of Zone Change #689 and adoption of the 11 criteria for this zone change.

**APPLICATION DATA**

**OWNER:** Samm LLC, David Wagner  
**AGENT:** Marshall Phil, BlueLine Engineering  
**LEGAL DESCRIPTION:** C/S 3185, Parcel 2  
**SIZE OF PARCEL:** 87.36-acres  
**EXISTING LAND USE:** Agricultural  
**PROPOSED LAND USE:** Residential  
**EXISTING ZONING:** A-1  
**PROPOSED ZONING:** R-150

**CONCURRENT APPLICATIONS**

Mackenzie Meadows Subdivision, 2nd filing, Preliminary Plat.

**APPLICABLE ZONING HISTORY**

<b>SUBJECT PROPERTY</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>
CS 3185 Parcel2	None			
<b>SURROUNDING PROPERTY</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>
Harvest Lane Sub	228	1/23/1979	ZC from A-1 to R150	Yes
Hamberg Sub	228	1/23/1979	ZC from A-1 to R150	Yes
2230 S 44th St. W	683	9/26/2017	ZC from A-1 to R150	Yes
C/S 1285 Tr 1	197	8/1/1978	ZC from A-1 to R150	Yes
C/S 1321	197	8/1/1978	ZC from A-1 to R150	Yes
C/S 1186 Tr1	197	8/1/1978	ZC from A-1 to R150	Yes
C/S 1186 Tr 4A	464	11/2/1995	ZC from A-1 to R150	Yes
C/S 1285 Tr 2,3,4	382	9/10/1985	ZC from A-1 to R150	Yes
McGuinness Sub	450	6/14/1994	ZC from A-1 to R150	Yes

**SURROUNDING LAND USE & ZONING**

NORTH: Zoning: A-1 & A-S  
Land Use: Residential/Agricultural  
SOUTH: Zoning: A-1  
Land Use: Agricultural  
EAST: Zoning: A-1  
Land Use: Agricultural  
WEST: Zoning: Un-zoned  
Land Use: Residential

**BACKGROUND**

The current zoning, A-1, has been in effect since 1973 when the County adopted jurisdictional zoning around the City of Billings. The applicant is requesting a zone change from A-1 to R-150 on the east 45 acres of C/S 3185, Parcel 2, an 87.36-acre parcel of land, generally located on the south side of Neibauer Rd between the BBWA Canal and S 54<sup>th</sup> St West.

The applicant intends to subdivide the property into residential lots within the zoning jurisdiction, with the remainder of the subdivision outside of the jurisdictional area to be used for residential and commercial development. A condition of preliminary plat approval for the subdivision requires the zone change be completed and approved prior to final plat approval, which would allow the creation of lots of less than 10 acres in area. The 10-acre minimum is required for A-1 zoning. The proposed R-150 zoning allows minimum lot sizes of 15,000 square feet.

A neighborhood meeting was conducted by the applicant on June 25, 2018, at Abby Way, with 18 members of the public in attendance. Marshall Phil with Blue Line Engineering explained the zone change request to R-150 was not for the entire property, but from approximately the middle of Abby Road to the east at the BBWA. The attendees were provided a copy of the major subdivision plan for 163 residential and 24 commercial lots proposed for the property. There was discussion regarding the residential use of the property. It was explained there would be restriction to one single family home per lot. There was discussion regarding the water supply to the new parcels and it was clarified there would be a combination of single and shared wells. There was discussion regarding the covenants and conditions that would place restrictions on the subdivision. There were concerns regarding DEQ requirements and the restrictions for drilling wells and establishing septic systems. The details of discussion at the pre application meeting are highlighted in the attachments.

**RECOMMENDATION**

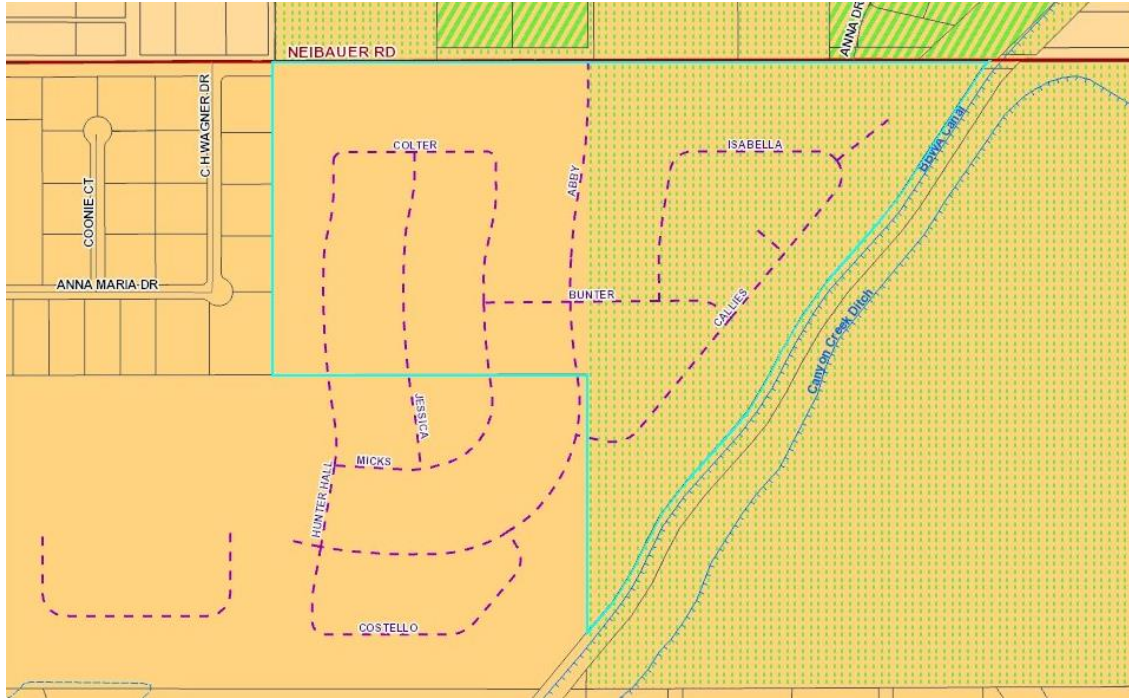
Planning staff has reviewed this application and is forwarding a recommendation of approval for the proposed zone change based on the 11 criteria for zone changes. The property is adjacent to low density residential and agricultural uses. It is in line with the existing growth in this area and would be compatible with what is already there. The proposed zoning would bring predictable land use with it.

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**Attachments**

- Zoning Map & Site Photos
  - Application, Applicant Letter & Pre App. Notes
  - Proposed Findings of the Review Criteria
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# Zoning Map



# Site Photos





Subject Property



Looking West



Looking North



Looking East

Application

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 689 - Project # PZ-18-00113

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

Present Zoning: Agricultural-Open (A-1)

Proposed Zoning: Residential 15,000 (R-150)

Tax ID # D00910A COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: S 28, T01 S, R25 E, C.O.S. 3185, Parcel 2

Address or General Location (If unknown, contact County Public Works): \_\_\_\_\_

Neibauer Road And 56th Street West - thKa MacKenzie Meadows Sub.

Size of Parcel (Area & Dimensions): 87.361 acres ~ 45 acres within zoning boundary

Present Land-Use: Agricultural Open (A-1)

Proposed Land-Use: Residential 15,000 (R-150)

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

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): Samm LLC / David Wagner

(Recorded Owner) 2225 S 54th Street W Billings, MT 59106

(Address) 406-656-0980 samsparks@elitemechanical.com

(Phone Number) (email)

Agent(s): Blueline Engineering Marshall Phil

(Name) 2110 Overland Avenue suite 119 B Billings MT, 59102

(Address) 406-294-2294 mphil@blueline-eng.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: Shirley Mae Wagner Date: 6-22-18  
(Recorded Owner)

July 2, 2018

Planning & Community Services Department  
2825 3<sup>rd</sup> Ave North, 4<sup>th</sup> Floor  
Billings, MT, MT 59101

To Whom It May Concern:

We are submitting this Zone Change Application for the following: C.O.S. 3185, Parcel 2, Section 28, T. 1S., R.25 E., P.M.M. in Yellowstone County, Montana (Tax ID # D00910A); The following paragraphs are in response to the questions found within the City Zone Change Application.

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

The rezoning of this property supports the Growth Policy in the following ways:

- a. Land use Element Goal #1 preserve neighborhood integrity with similar uses. Empower neighborhood groups with an HOA.
- b. Land Use Element Goal #3 using County resources and services by already patrolling the area. Schools have stated they have the capacity for this subdivision.
- c. Land Use Element Goal #4 BBWA buffer with adjacent trail will ensure the continued functionality of natural systems. Walking paths will create attractive communities.
- d. Land Use Element Goal#2 this subdivision was designed to be compatible uses of R-15 & Ag Sub.
- e. Economic Development Element #1 walking trails will be throughout the subdivision to improve quality of life.
- f. Economic Development Element #4 Storm water, sewer and water are all contained on the lots for efficient infrastructure. Public services are very close to existing homes to respond to public service needs in a timely manner.
- g. Economic Development Element #6 163 homes to be built in the subdivision which will create living-wage jobs and attract skilled labor position.
- h. Economic Development Element #9 HOA and trails will empower neighborhood.
- i. Aesthetics Element Goal # 1 A nice entrance, homes and trails into the subdivision will improve the image and install pride in the community.

- j. Aesthetics Element Goal # 2 there are no obstructed views of the rimrocks surrounding the City of Billings.
  - k. Natural Resources Element Goal #1 DEQ approval will ensure high quality water and trails will be a accessible for recreational use.
  - l. Natural Resources Element Goal #2 DNRC will protect public health. Groundwater recharge locations to reduce the cost of groundwater remediation.
  - m. Natural Resources Element Goal #3 controlled vegetation will minimize loss of life and property damage resulting from wildfires.
  - n. Natural Resources Element Goal #4 weed plan is in place to control the weed population.
  - o. Natural Resources Element Goal #6 area is already patrolled to protect public health in a cost-effective manner.
  - p. Open Space and Recreation Element #1 HOA and parks RSID will provide well maintained and equipped neighborhood parks.
  - q. Transportation Element #1 there are trails and sidewalks to separate pedestrians.
  - r. Transportation Element #5 there are multiple connections to Abby Road to improve internal traffic. Abby connects to two arterials.
  - s. Public Facilities and Services Element #2 covenants have been written to control building size and appearance to mimic neighborhood qualities.
  - t. Community Health Element #3 some of the roads in the subdivision will have sidewalks and there will be trails throughout the subdivision for pedestrians.
2. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

The existing zoning of C/S 3185, is listed as Agricultural-Open. The proposed subdivision does not adhere to the minimum lot size needed for dwelling units on an A-1 zoned parcel. Because this subdivision will be located outside of city limits and will have individual w54ater and sewer systems, the zoning required and requested will be Residential 15,000. There will be more public land dedicated than is required. As previously stated, the developments in the area consist of one acre lots and R-15,000. This subdivision will be consistent with this neighboring community.

Additional information and materials specified within the Application forms are included in those forms and/or attached to this letter. We thank you very much for your continued support on this request, and for your consideration of our re-zoning application. Please feel free to contact me at (406) 294-2294 if you have any questions.

Sincerely,



Marshall Phil

**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:** Agricultural Open \_\_\_\_\_
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: 87.361 acres is the size of the entire Parcel. The portion being rezoned from Agricultural Open (A-1) to Residential 15,000 (R-150) is 47 acres
3. **Subject Property Map:** please attach to this form \_\_\_\_\_
4. **Legal Description of Property:** S 28, T01 S, R25 E, C.O.S. 3185, Parcel 2
5. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form \_\_\_\_\_
6. **A copy of the meeting notice.** please attach to this form \_\_\_\_\_
7. **A brief synopsis of the meeting results.** please attach to this form \_\_\_\_\_
8. **The undersigned affirm the following:**
  - 1) The pre-application neighborhood meeting was held on the 25th, day of JUNE, 2018.
  - 2) The zone change application is based on materials presented at the meeting.

**Owner (s):** Samm LLC / DAVID WAGNER Telephone: (406) 656-0980  
**Address:** 2225 S 54th Street West Email: samsparks@elitemachanical.com  
Billings MT, 59106

**Agent (s):** Blueline Engineering Telephone: (406) 294-2294  
**Address:** 2110 Overland Avenue Suite 119B Email: mphil@bluelin-eng.com  
Billings MT, 59102

All attendees were handed a copy of the major subdivision plan.

Marshall Phil with Blueline Engineering explained that the Zone Change request was a change from Agricultural Open to Residential 15000. The Zone Change is not for the entire property, but from approximately the middle of Abby Road to the east at the BBWA.

There are 163 residential lots and 24 commercial lots.

Questions from people:

1. Pat Weber asked about duplex use. Answer, the intent of the subdivision is to limit development to single family homes. The DEQ approval for the subdivision will limit each lot to one single family home.
2. Deann Raey had a water question. Answer, there will be a combination of single and shared wells.
3. Wyneta had another water question. They have a 17 year old home. Put in a cistern when the Lorenz Subdivision came in. Answer, all water rights will be reviewed by the DNRC.
4. Follow up questions from Deann asking how many acres per well. Answer, the acres per well varies due to lot size. There will be single and shared wells.
5. Shirley Mansfield, are we filing with the state who gets water first? Answer, the DNRC determines water rights.
6. Nancy Harris, did we contact the city about extending water and sewer/What happens if the city annexes in the future? Answer, this area is outside of the City's planned Annexation and extension of water and sewer. It is possible that the property could be annexed in the future.
7. Sheila Hancock, wants well locations and requirements for wells being located. Answer, wells must be within 100' of the boundary of the subdivision and must be drilled to a depth of 25'.
8. Sharon T. When are the test well being drilled. Answer, they were drilled and test last week.
9. Don Rudio, made a comment about a little pump/didn't understand how the sewer system could be uphill from the home. Explained that there will be more than one pump test and that the sewer systems are pressurized, so it can flow uphill.
10. Debra Jullian, what was the recovery time on the wells/what if it doesn't pass? Answer, as I remember the full recovery was 8 hours. Then cisterns could be installed.
11. Donna B., what kind of sewer systems? Answer, most of the systems will be multi user pressure dosed designs. There will be several single-family systems that are gravity or pressure designs.
12. Shawn T., is there a formula for water wells and When can they see the pump test results. Answer, there are several formulas to use for the water rights process, but that is difficult to share in this meeting. The pump test results will be available soon.
13. Pat Weber, the date of the next meeting is August 13, we have concerns with water rights, wildlife, well water system and sewer. Answer, the DNRC controls water quantity and the DEQ controls water quality. We are following the rules and regulations that those departments require. There are many other subdivisions in the area and wildlife find their place in the environment.
14. Shirley M, what about lead in the sewer system. Answer, I am not sure how to answer the question, other than that lead in the sewer system is not a design criteria for the DEQ in residential design.
15. Jen, how was sewage and water system designed? Answer, we have worked with the DEQ on numerous projects and know what requirements they follow. All sewer and water designs follow their design Circulars.

16. John Caster, if DEQ turns us down, then what? Answer, then we will regroup and try a different approach.
17. Sheila Hancock, why no Geotech report? Answer, the County Regulations do not require one.
18. Rudio, what are we doing about weeds? The owner has contracted with a company to treat the entire property.
19. Deb, are you going to be cautious about using similar plant? Answer, a landscaping company has been contacted to make recommendations for plantings within the park areas.
20. Wanita Mace, is there a traffic study, what does it say? Answer, there was one completed in 2014 and an update to that study is being completed. It did not require any improvements to the offsite streets. We will see what the updated study says.
21. Sharon, if there is going to be a gym in the large commercial building, will all sewer and water be considered? Answer, yes, those flow rates are being factored into the designs and permitting.
22. Deb, what if there is traffic cutting through the main road. Answer, it is anticipated that there will be some traffic through the project. Abby is considered a collector road.
23. Tanya, we have some traffic coming through our subdivision, this project should pay for a gated roadway. Answer, if they have a traffic problem now, they can contact the county commissioners to see about a gate. Since it is an existing problem, this subdivision should not be required to pay for the request.
24. Pat W, what is an overview of the commercial area plan? Answer, the plan is for commercial uses with outside storage.
25. Jen, the area and schools are stressed now, would you add an impact fee to this subdivision? Answer, the increase in taxes that you are referring to should be a community issue.
26. Cindy Wagner, who is supporting the Wagners as the current landowner? Answer, SAMM, LLC is the developer that has a contract with the Wagners.
27. Cindy, if you are putting in the subdivision, who is doing the studys? Answer, Blueline is working on sewer, water and storm drain. Dowl is doing traffic.
28. Jerry Young, it is a pain to look at houses. This was more of a discussion about the unfinished home.
29. Tanya, we have to be patient? We have been looking at it for 5 years.
30. Jackie M., patient about water.
31. Unknown, walk us through the steps. Answer, DEQ and DNRC are reviewing the designs and we must wait for their review. Once the approval letters are in place we will file the plat.
32. Deb, is riverstone health involved? Answer, yes they are. In the review and construction processes. I see for sale signs, how much are the lots? Answer, in the range of \$75,000.
33. Tanya, you don't finish anything.
34. Jackie, is there going to be an ice arena? Answer, there has not been a commitment to anything at this time.
35. Pat W., is there any buffering consideration? Answer, the zone change is a type of buffering. There is no requirement for a buffering west of the zone change.
36. Darren, are there covenants? Answer, yes, but we don't have a copy here with us tonight. They are similar to the Greensleeves.
37. Sharon, follow up discussion on the same.
38. Tanya, who enforces covenants? Answer, they are between the homeowners.
39. Jen, is there a house completion requirement? Answer, there is something in the covenants about completion within a year, but the exact language would need to be reviewed.
40. Sharon, is there allowed business in the single family? Answer, a home office is allowed, but not a business with work vehicles and equipment.

41. Jen and Tanya, would you consider changing the park location? Answer, at this time we are too far along to make that change. It would require a complete resubmittal.
42. Pat W., will the grass be mowed? Answer, yes it will, through an RSID.
43. Sharon, what kind of septic system and bus pull over? The sewer designs are pressure dosed systems. There would be space within the subdivision for a bus to pull over.
44. Sharon, concern about doing this-cause they want their quality of life not to change. Answer, this subdivision will have similar uses the surrounding areas.
45. Jen, what quality will this subdivision be? Answer, would like to see home values in the area maintained.
46. Sharon, is this project a done deal? Answer, no, not until we have all approvals in hand.
47. Darren, what are the boxes near the entrance and mixing zones? Answer, the area near the entrance is for mail delivery/pickup. The mixing zones are the long lines that flow to the SE.
48. Clint, the road is turning on Neibauer, is there a turn lane? Answer, the traffic study does not indicate it is required.
49. Rudio, there is already traffic problems. Answer, the roads are designed to handle the traffic and at times there are improvements to the county roads as it is needed.
50. Tanya, wants the road report. Answer, all of the design is public record through planning, DEQ, etc. We can make them available to those interested.
51. Cindy, SAMM, LLC is the one doing the traffic study.
52. Jen, the roads are 60 mph and it is too fast. Answer, if you feel that the speed should be reduced, then as a neighborhood, you can approach the county to consider a reduction.
53. Sheila, zoning of the first 4 lots vs the rest? Answer, the first 4 lots are outside of the zoning jurisdiction.
54. Jen, will this be paved? Answer, yes.
55. Sheila, time line regarding covenants? Answer, they have been written and submitted to the county.
56. Sheila, thank you for your professional attitude.

Conclusion of the meeting.

PLAT OF  
**MACKENZIE MEADOWS SUBDIVISION, 1ST FILING**  
 BEING THE AMENDED TRACT 2, CERTIFICATE OF SURVEY NO. 3185  
 IN SECTION 28, T. 1 N., R. 25 E., P.M.A.  
 YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: S&M, LLC  
 SURVEYOR: NORTH STAR LAND SERVICES, P.C.  
 ENGINEER: BLUELINE ENGINEERING LLC  
 JULY 1, 2018  
 BILLINGS, MONTANA

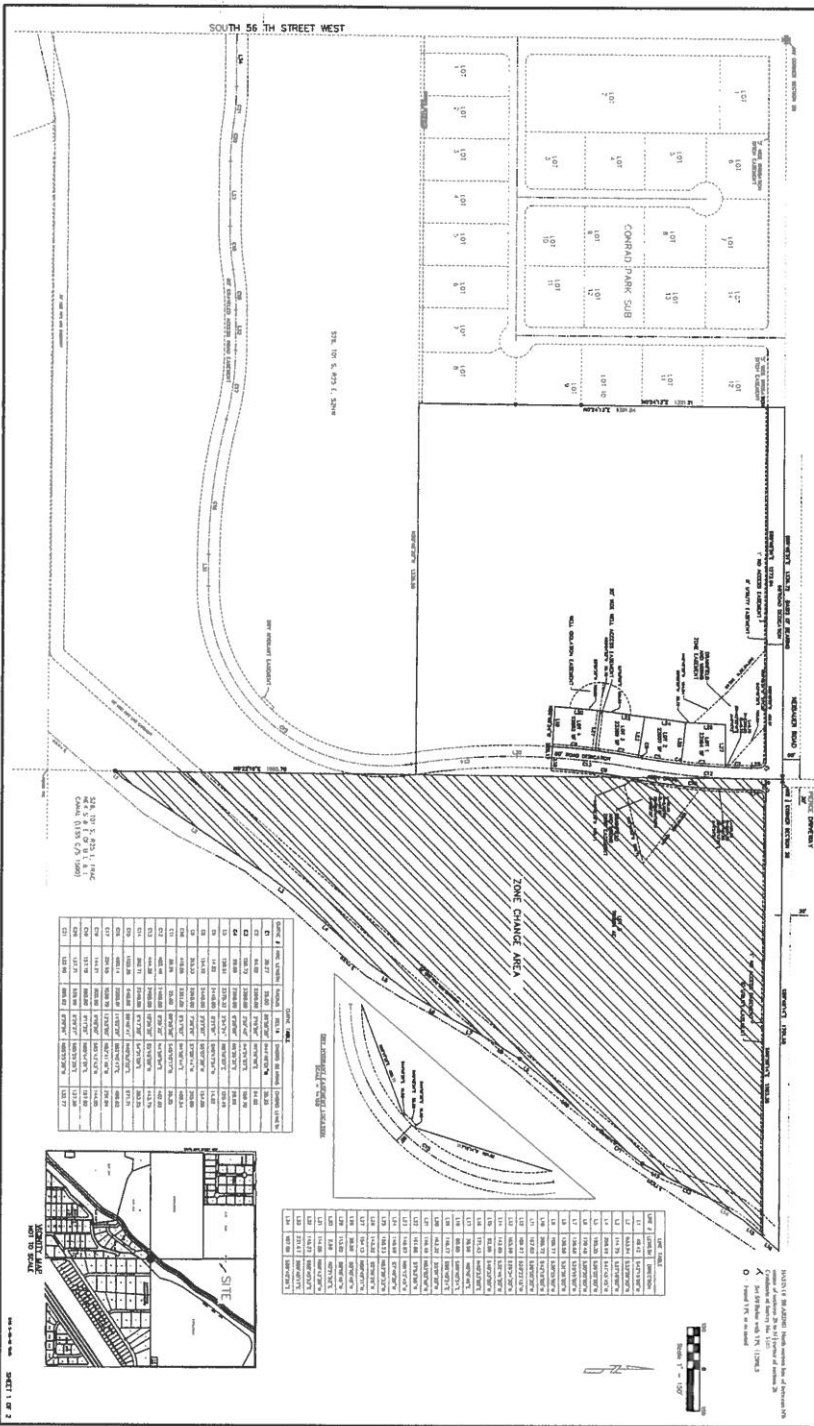


TABLE 1: LOT DATA

LOT NO.	AREA (SQ. FT.)	AREA (SQ. YDS.)
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2	10,000	0.23
3	10,000	0.23
4	10,000	0.23
5	10,000	0.23
6	10,000	0.23
7	10,000	0.23
8	10,000	0.23
9	10,000	0.23
10	10,000	0.23
11	10,000	0.23
12	10,000	0.23
13	10,000	0.23
14	10,000	0.23
15	10,000	0.23
16	10,000	0.23
17	10,000	0.23
18	10,000	0.23
19	10,000	0.23
20	10,000	0.23
21	10,000	0.23
22	10,000	0.23
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24	10,000	0.23
25	10,000	0.23
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28	10,000	0.23
29	10,000	0.23
30	10,000	0.23
31	10,000	0.23
32	10,000	0.23
33	10,000	0.23
34	10,000	0.23
35	10,000	0.23
36	10,000	0.23
37	10,000	0.23
38	10,000	0.23
39	10,000	0.23
40	10,000	0.23
41	10,000	0.23
42	10,000	0.23
43	10,000	0.23
44	10,000	0.23
45	10,000	0.23
46	10,000	0.23
47	10,000	0.23
48	10,000	0.23
49	10,000	0.23
50	10,000	0.23
51	10,000	0.23
52	10,000	0.23
53	10,000	0.23
54	10,000	0.23
55	10,000	0.23
56	10,000	0.23
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90	10,000	0.23
91	10,000	0.23
92	10,000	0.23
93	10,000	0.23
94	10,000	0.23
95	10,000	0.23
96	10,000	0.23
97	10,000	0.23
98	10,000	0.23
99	10,000	0.23
100	10,000	0.23

TABLE 2: LOT DATA

LOT NO.	AREA (SQ. FT.)	AREA (SQ. YDS.)
101	10,000	0.23
102	10,000	0.23
103	10,000	0.23
104	10,000	0.23
105	10,000	0.23
106	10,000	0.23
107	10,000	0.23
108	10,000	0.23
109	10,000	0.23
110	10,000	0.23
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113	10,000	0.23
114	10,000	0.23
115	10,000	0.23
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119	10,000	0.23
120	10,000	0.23
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122	10,000	0.23
123	10,000	0.23
124	10,000	0.23
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126	10,000	0.23
127	10,000	0.23
128	10,000	0.23
129	10,000	0.23
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134	10,000	0.23
135	10,000	0.23
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137	10,000	0.23
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139	10,000	0.23
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144	10,000	0.23
145	10,000	0.23
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150	10,000	0.23
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194	10,000	0.23
195	10,000	0.23
196	10,000	0.23
197	10,000	0.23
198	10,000	0.23
199	10,000	0.23
200	10,000	0.23



SEE SHEET 1 OF 2 FOR THE REST OF THE PLAT

## PROPOSED ZONING COMMISSION DETERMINATIONS

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County and City of Billings 2008 Growth Policy?*

The proposed zoning does comply with the following goals of the Yellowstone County Growth Policy and area plans:

- Prohibit high intensity commercial development in residential areas. Provide less intensive commercial development on arterial intersections within residential neighborhoods.  
*This zone change would only allow low density residential in an area of the county that has already seen low density housing developments.*
- Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (Land Use Element, page 6).  
*This zone change would allow for low density uses adjacent to existing low-density uses and neighborhoods. This is consistent with the neighborhood character.*
- Goal: New developments that are sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).  
*This property is adjacent to existing low density residential uses. This is compatible with the adjacent development.*

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

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The nearest fire station is located at 605 South 24<sup>th</sup> Street, approximately 5.7 miles north and west of the subject property. The majority of the property currently does not pay a BUFSA assessment since there are minimal structures on the properties to assess. If the property is improved with a subdivision and construction of homes, then assessment will go in to effect.

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

*Transportation:* The new zoning will increase traffic on Neibauer Road. The proposed use, residential development, may require a traffic study to be done, however if a recent study was completed with Mackenzie Meadows final plat, it may not be required.

*Water and Sewerage:* The property would have to be served by either individual septic systems or common septic systems. Any system would have to be reviewed and approved by Montana Department of Environmental Quality (MDEQ). These parcels are outside the city limits and any wastewater disposal system will need to be approved by Environmental Health prior to any development. Water will be supplied by wells and/or cistern.

*Schools and Parks:* The proposed zoning would impact three schools as it develops, Canyon Creek Elementary, Canyon Creek Middle School and West High School.

*Fire and Police:* The subject property is serviced by the Billings Fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan.

4. *Will the new zoning promote health and general welfare?*  
The new zoning will allow development of property that is adjacent to residential and agricultural property in all directions. The current zoning, A-1, allows low density single family dwellings, (1 per 10 acres) and agricultural uses. The proposed Residential 15,000 zoning will allow the owner to develop the property in a similar fashion as what is to the east and south. This will promote the health and general welfare of the area by developing in a similar manner as what is in the area.
5. *Will the new zoning provide adequate light and air?*  
The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.
6. *Will the new zoning effect motorized and non-motorized transportation?*  
The proposed zoning itself will not generate more traffic on adjacent streets. Future development will add to both motorized and non-motorized activity on the area street system. There are no pedestrian facilities currently on the area streets, but there are unmarked trails throughout the adjacent private property. There are plans for park land and some park connectivity in the subdivision that will help with pedestrian access and circulation.
7. *Will the new zoning be compatible with urban growth in the vicinity?*  
The proposed zoning is compatible with adjacent rural residential development. The current zoning and existing residential and agricultural development is consistent with the area and so would the proposed zoning should the zone change be granted.
8. *Does the new zoning consider the character of the district and the suitability of the property for particular uses?*  
The subject property is in an area that has low density residential development and agricultural uses. The property is suitable for R-150 uses directly adjacent to these residential and agricultural uses. There is a R-150 to the north east and north west, and A-1 and A-S zoning to the south and east, and directly west is outside of the zoning area. The character of the area will change with more density with the proposed residential uses which follow the goals and policies of the 2008 Growth Policy for Yellowstone County.
9. *Will the new zoning conserve the value of buildings?*  
The new zoning will allow the development of new residential uses adjacent to agricultural and residential uses. The new residential uses will result in market values for adjacent residential properties to remain stable or possibly increasing with new interest in living in the area.
10. *Will the new zoning encourage the most appropriate use of land in Yellowstone County?*  
The property is suitable for the proposed residential development. This area of West

Billings has been zoned agricultural and residential since 1973. This is the most appropriate use of land in this area of the County and will encourage similar residential development to what is already in this part of the County.

11. *Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?*

The proposed zoning is very compatible adjacent to the City of Billings.



**County Zoning Commission**

**Meeting Date:** 08/13/2018

**SUBJECT:** County Zone Change 690 - Grand & 50th St West

**THROUGH:** Nicole Cromwell

**PRESENTED BY:** Nicole Cromwell

**Information**

**REQUEST**

**County Zone Change 690 – Grand and 50th St West – A-1 to NC & R-70** – A zone change request from Agriculture Open-Space (A-1) to Neighborhood Commercial (NC) for the northern 300 feet (~6.02 acres) and Residential 7,000 (R-70) for the southern 574 feet (~11.53 acres) of C/S 2990, Parcel 1B, a 17.77 acre parcel of land, generally located on the south side of Grand Avenue between 48th St W and 52nd St W. A pre-application neighborhood meeting was held on June 13, 2018, at the Grace Montessori School at 4809 Grand Avenue. Presented by Nicole Cromwell, Zoning Coordinator.

**RECOMMENDATION**

Planning staff is recommending approval and adoption of the findings of the 11 review criteria for Zone Change 690.

**APPLICATION DATA**

OWNER: Larry, Gerald, Kenneth & Jack Kramer and Carolyn Gerondale  
 AGENT: Performance Engineering, Scott Aspenlieder, P.E.  
 LEGAL DESCRIPTION: C/S 2990, Parcel 1B  
 ADDRESS: None assigned  
 CURRENT ZONING: A-1  
 EXISTING LAND USE: Agricultural field  
 PROPOSED USE: Neighborhood services and residential dwellings  
 SIZE OF PARCEL: 17.77 acres

**CONCURRENT APPLICATIONS**

None

**APPLICABLE ZONING HISTORY**

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Grand Ave & 50th St West	Original Zoning 1973	Nov 3, 1973		NA	
Same	County ZC 688	Feb 5, 2018	from A-1 to PD-NC & PD-RMF-R	Withdrawn April 2018	underlying zoning of NC & RMF-R
Same	County ZC 677	Sept 6, 2016	from A-1 to PD-CC, PD-NC and PD-RMF-R	Withdrawn Sept 12, 2016	
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Bishop Fox Sub Grand & 54th St W	City ZC 756	May 9, 2005	A-1 to CC, Public, R-96 & R-70	Yes	New FS #7

Grand Peaks Sub 52nd St W & Grand	City ZC 794	May 14, 2007	A-1 to R-96, R-70, R-50 & RMF-R	Yes	New subdivision
Cottonwood Grove	City ZC 734	July 12, 2004	A-1 to R-70	Yes	New subdivision
MK Subdivision 54th St W & Grand	City ZC 798	Mar 12, 2007	A-1 to NC & CC	Yes	
MK Subdivision	City ZC 925	Nov 14, 2014	NC to CC	Yes	The Den
Mont Vista Sub 54th St W & Rimrock	City ZC 837	June 3, 2008	A-1 to PD	Yes	
Mont Vista Sub 54th St W & Rimrock	City ZC 851	Nov 24, 2008 July 13, 2009	PD to PD-CC, RMF-R, RMF, R-60, R-70, R-70-R & Public	Withdrawn Resubmitted and approved w/o the CC at the corner	
Daybreak Sub 56th St W & Grand	City ZC 920	June 9, 2014	A-1 to R-60	Yes	New subdivision
Trail West Sub 58th St W & Grand	City ZC 847	Oct 14, 2008	A-1 to R-60-R & R-96	Yes	New subdivision
Foxtail Sub 58th St W & Grand	City ZC 774	April 10, 2006	R-96 to R-70	Yes	New subdivision

## SURROUNDING LAND USE & ZONING

NORTH:	Zoning: A-1 Land Use: Agricultural land
SOUTH:	Zoning: A-1 Land Use: Agricultural land
EAST:	Zoning: A-1 Land Use: Agricultural land
WEST:	Zoning: A-1 Land Use: Agricultural land

## BACKGROUND

This is a zone change application to change from A-1, agricultural zoning, to Neighborhood Commercial (NC) and Residential 7,000 (R-70) for a 17.77 acre parcel of land on the south side of Grand Avenue between 48th Street West and 52nd Street West. The intent is to annex the property to the City at some time in the future to provide necessary services for this new subdivision.

This is the 3rd zone change submitted for this parcel of land. The first zone change was submitted in September 2016 for a Planned Development (PD) zoning with Community Commercial (CC), NC and Residential Multi-family-Restricted (RMF-R) as underlying zoning districts. This application was withdrawn before any public hearings were scheduled. The second zone change application was submitted in January 2018 also for a PD but this time with underlying zoning of NC and RMF-R. The zone change was withdrawn at the Zoning Commission hearing on April 9.

This zone change is for two standard zoning districts of NC and R-70. The R-70 zoning only allows single family or 2-family dwellings. Two family dwellings require a minimum lot area of 9,600 square feet. The NC zoning allows a wide range of neighborhood services, smaller retail establishments, medical and dental offices, professional offices, schools, day care facilities and similar commercial uses oriented to provide service to local residents. The NC zoning district generally does not allow more intense commercial uses such as retail over 10,000 square feet, vehicle sales or services, liquor licenses for on-premise service, or personal storage warehousing. The NC zone does allow for mixing of residential and commercial uses on the same lot or within the same building.

This parcel will have a controlled access to Grand Avenue. Grand Avenue is a principal arterial street with a posted speed limit of 50 miles per hour. Existing traffic on Grand is about 11,000 vehicle trips per day. The latest traffic count number available for 54th St W is in 2013 when about 2,300 vehicle trips were counted. It is likely a much higher trip count now due to the addition of new homes in Mont Vista, the completion of new phases in the Grand Peaks neighborhood and the opening of the new LDS stake house. Ben Steele Middle School also has been added to the neighborhood and draws new traffic from the east along Grand Avenue. In addition, there is the Grace Montessori School at 4809 Grand and the Billings Christian School at 4519 Grand Avenue.

The Planning Division completed a West End Multi Modal Planning Study in 2016. This study identified major intersections in Billings West End that currently need or are predicted to need safety improvements in a 20-year planning horizon. This study identified the intersections of Grand and 48th St West and Grand and 56th St West for traffic signal installation or round-a-bouts. In addition, the study found the Grand Avenue corridor from Shiloh Road to 52nd Street West is in need of reconstruction to a minimum 3-lane arterial street section. Another corridor section of Grand Avenue from Wilderness Dr to 62nd St West is also in need of reconstruction to a 3-lane street section. These were all near term traffic improvement recommendations. If the zoning is approved and the project constructed, participation in these traffic improvement projects will be required. It is likely the City Engineer Division will require a cash contribution to be held in escrow for future construction.

The West Billings Neighborhood Plan (2001) and the 2008 County Growth Policy goals are intended to guide and inform land use decisions in this part of the community. The West Billings Neighborhood Plan envisioned commercial "nodes" at major arterial intersections with higher density housing choices and professional offices along arterial streets between intersections. In 2001, 56th St West and Grand Avenue was intended to be a full 4-way arterial intersection. Due to development further east, the planned commercial node was not fully realized at 56th St West and was shifted east to the intersection of 54th St West and Grand Avenue. The subject property is just beyond the desired maximum distance from this intersection (1,500 feet) but can support a NC zoning district. As noted above, the NC zone allows mixing residential and commercial uses so it meets the intent of the 2001 West Billings Neighborhood Plan.

The 2008 County Growth Policy supports land use decisions consistent with neighborhood character and preferred land use patterns identified in the Growth Policy. The County Growth Policy also supports new developments that are sensitive to and compatible with the character of adjacent development. The NC zoning along the arterial street frontage is predictable given its proximity to the 54th St West intersection and the growing demand for neighborhood services. The subject property is surrounded on 3 sides by property owned in common by the applicant. This urban neighborhood development may experience some conflict with the existing or future agricultural uses on these adjacent parcels. This is not an uncommon condition in the growth areas of Billings West End. It is likely these surrounding parcels will eventually be annexed and developed as new urban neighborhoods. Property to the north across Grand Avenue is also zoned A-1 and is in active agricultural use. The placement of any access road into this new development will need to be done in consultation with the owners to the north. This drive approach location will be determined at the time of subdivision.

The Planning staff is recommending approval based on the proposed findings of the 11 review criteria for this zone change. The proposed zoning is in conformance with the goals of the West Billings Neighborhood Plan and with the 2008 County Growth Policy. Both plans encourage compatible uses and zoning for neighborhood services in proximity to major arterial intersections. The proposed zoning to allow only single family or 2-family dwellings on the southern 11.5 acres of the property is compatible with the nearby urban neighborhoods and zoning districts.

## **RECOMMENDATION**

Planning staff recommends approval and adoption of the findings of the 11 criteria for Zone Change 690.

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## **Attachments**

Zoning Map and Site Photos

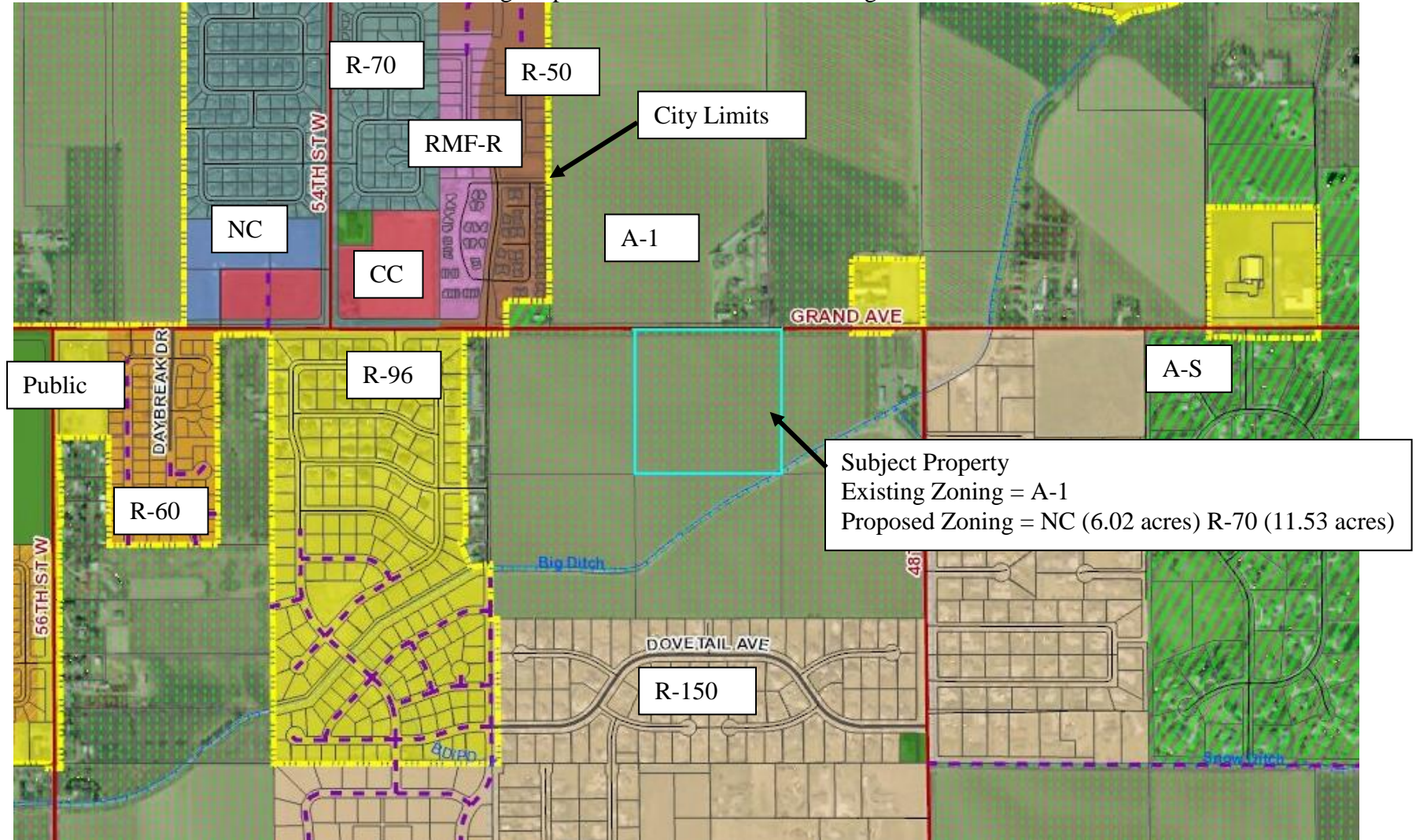
Application

Proposed findings of the Review Criteria

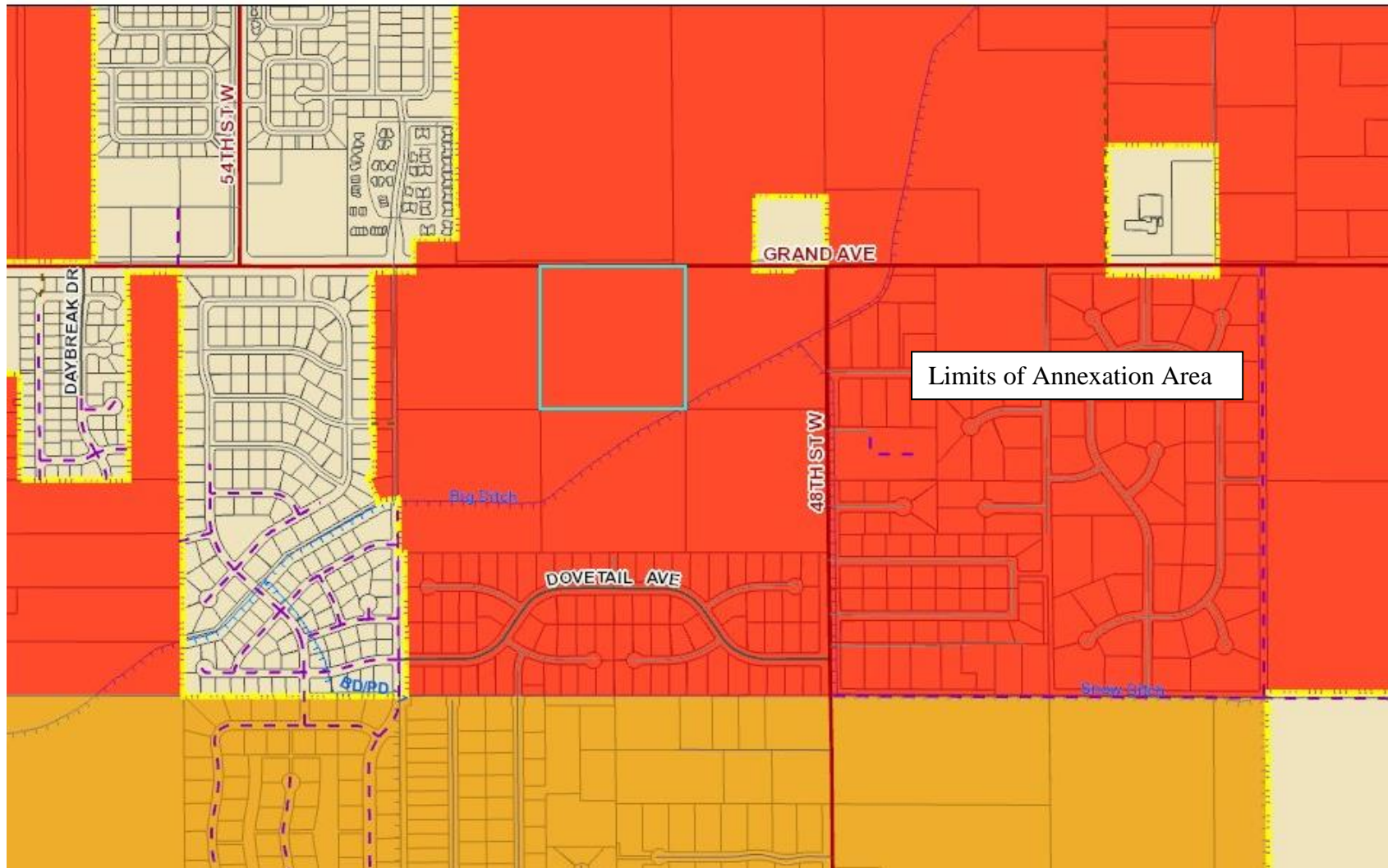
Letters of Comment

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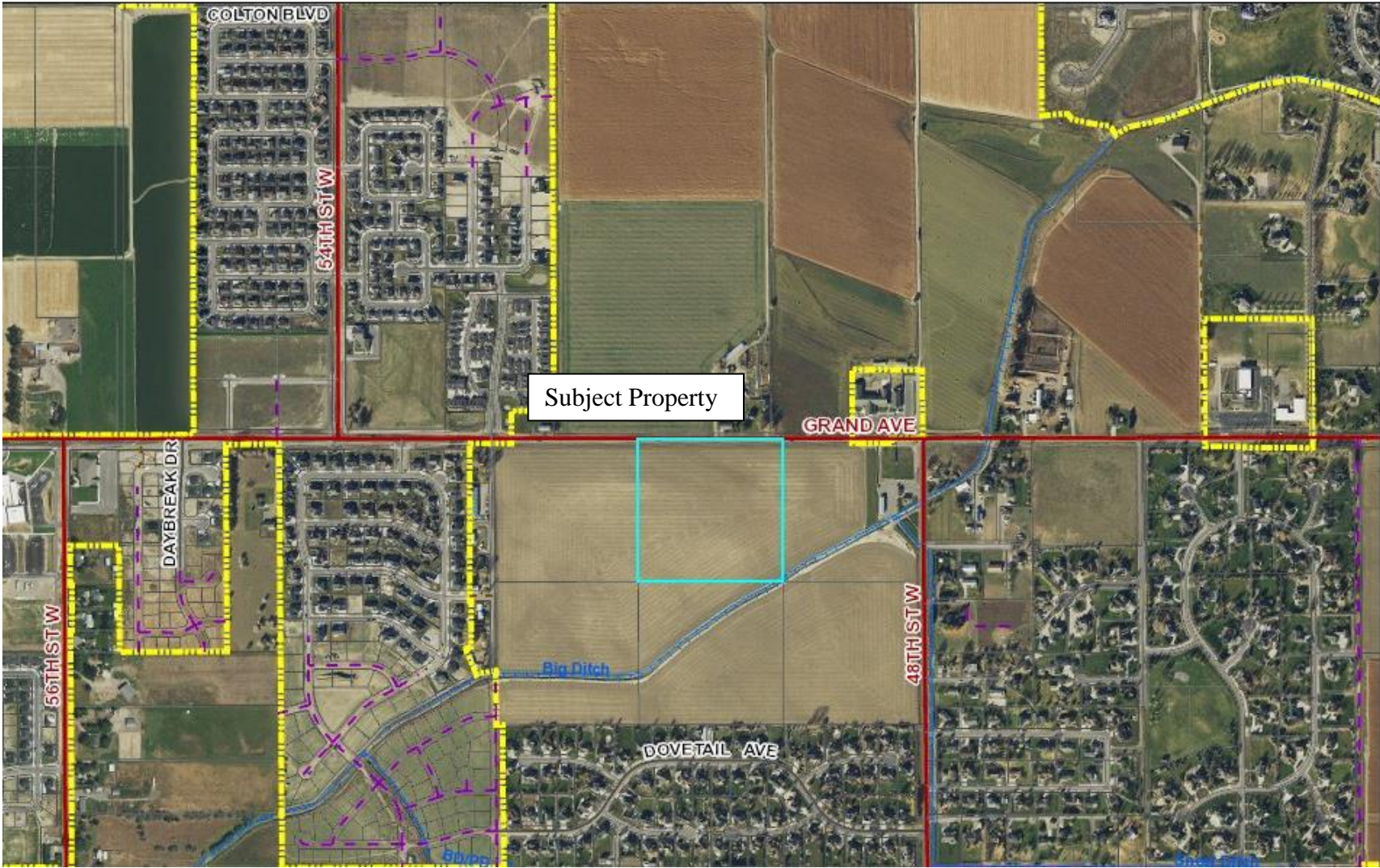
Zoning Map and Site Photos – Zone Change 690



# County ZC 690



County ZC 690





Subject property from Grand Avenue



View south and east across subject property



View south and west across subject property



View west along Grand Avenue



View north and west across Grand Avenue



View north and east across Grand Avenue

Application and pre-app meeting – Zone Change 690

APPLICATION FORM

County ZONE CHANGE

County Zone Change # 690 - Project # PZ-18-00114

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: Agricultural Open

Proposed Zoning: Residential 7,0000/Neighborhood Commercial

Tax ID # D12489

Comm DIST 3

Legal Description of Property: Section 4, Township 01S, Range 25E, C.O.S. 2990, Parcel 1B

Address or General Location (If unknown, contact County Public Works): Grand Avenue & 50<sup>th</sup> Street West

Size of Parcel (Area & Dimensions): 17.77 ACRES (874 FT X 876 FT)

Present Land-Use: Agriculture

Proposed Land-Use: Commercial/Residential

Covenants or Deed Restriction 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): Larry Kramer, Gerald Kramer, Kenneth Kramer, Jack Kramer, Carolyn Gerondale

(Recorded Owner)  
P.O. Box 80445, Billings, MT 59108

(Address)  
(406) 672-3390 dan@wellsbuilt homes.com

(Phone Number) (Email)

Agent(s): Scott Aspenlieder

(Name)  
7100 Commercial Ave., Suite 4, Billings, MT 59101

(Address)  
406-384-0080 scott@performance-ec.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.

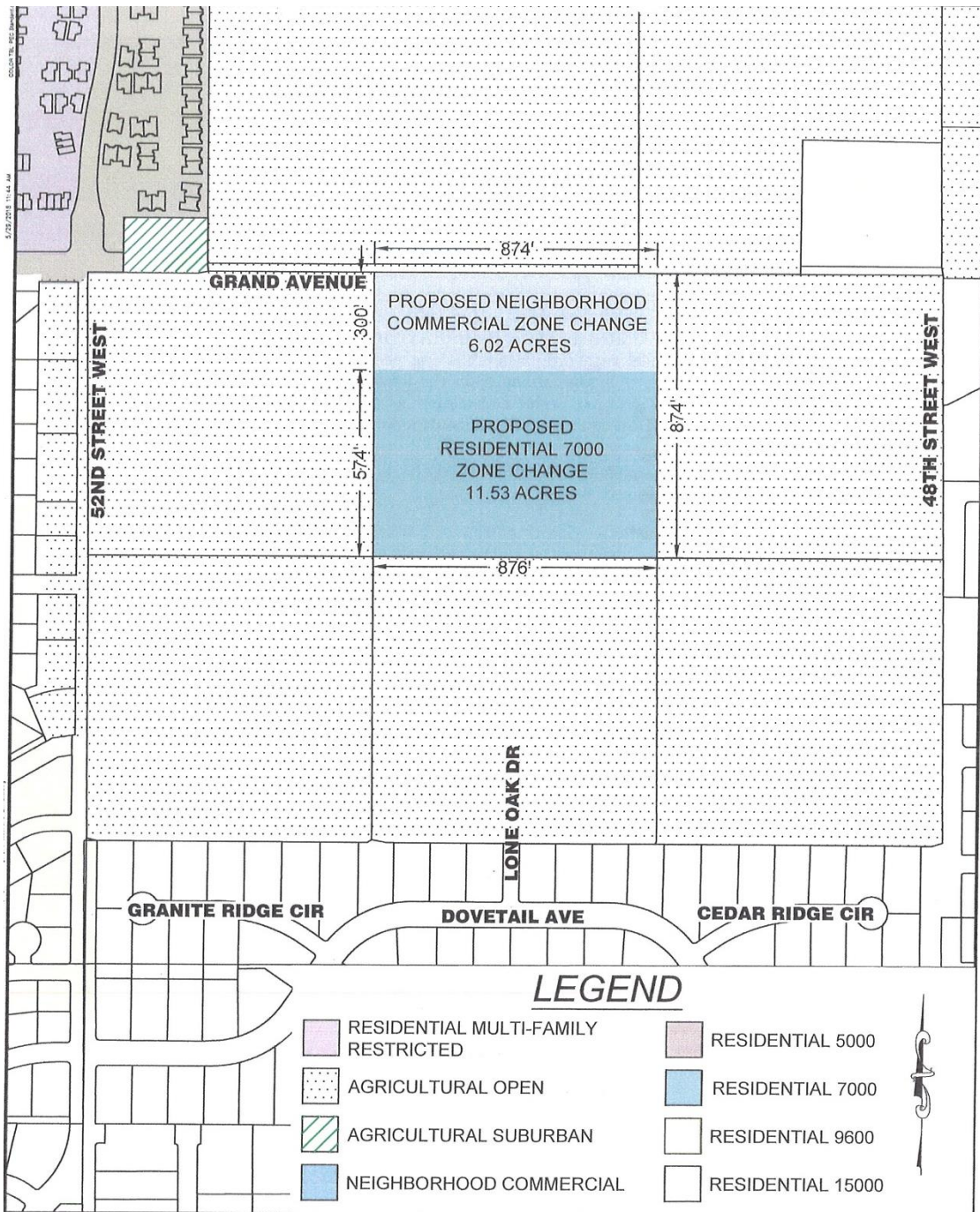
Signature: Carolyn Gerondale Date: 6-30-18  
(Recorded Owner)

Kenneth L. Kramer 6-30-18

Jack L. Kramer 6-30-18

Gerald Kramer 6-30-18

Larry Kramer 6-30-18



PROJECT TITLE  
**KRAMER DEVELOPMENT**

SHEET TITLE  
**ZONE CHANGE MAP**

DRAWN BY  
TFC

DATE  
May-18

CHECKED BY  
CPD

CLIENT  
**REGAL LAND DEVELOPMENT**

PO BOX 80445  
BILLINGS, MT 59108  
(406) 656-9000

**PERFORMANCE ENGINEERING**

7100 COMMERCIAL AVE., SUITE 4  
OFFICE - 406-384-0080

BILLINGS, MT 59101  
www.performance-ec.com

EXHIBIT  
**1**

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

The tract of interest is currently zoned Agricultural Open. The Growth Policy has several goals that would be met by changing the zoning of the property from Ag Open to Neighborhood Commercial and R-7000. The issues that will be addressed are described below.

Implementation of the Infill Policy is important to encourage development of underutilized properties. The proposed zone change will fit with the City's Infill Development Policy by reducing the cost of basic City services, providing housing choices, encouraging walkable communities and adding new energy to existing neighborhoods.

The Growth Policy calls for development of higher densities along arterial roads. The proposed zone change would match low-density, low-impact commercial fronting Grand Ave. while transitioning to a low to medium density residential development on the back portion of the lot. This allows for both buffering of the arterial street to the R-7000 neighborhood by the Neighborhood Commercial zoning and also allows for buffering and a transition of housing density between the existing neighborhoods at the proposed commercial along Grand Ave. The R-7000 zoning on the southern portion of the lot will fit well with the surrounding neighborhoods.

Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings. As part of the subdivision process, the developer will likely be required to either build or pay cash to the City of Billings for construction a sidewalk along the frontage of the property that will meet City Standards which currently do not exist. Additionally, the developer will be required to either build or make a cash payment for the proposed trail along the Big Ditch in the southeast corner of the property for public use.

Predictable, reasonable City taxes and assessments are important to Billings' taxpayers. The creation of 5 lots will add an array of new homes as well as commercial businesses within the City of Billings that will add to the assessments the City collects and increase the City's tax base.

**2. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.**

The proposed development plan is to subdivide the property and create a minimum of 5 lots. The current Agricultural Open zoning will not allow the property to be subdivided into 5 lots as proposed. The Neighborhood Commercial zoning would allow for community focused business which are not currently allowed in the Ag Open zoning. The Residential 7,000 zone (R-70) will allow the property to be developed into twin-homes that are attractive and appropriately sized fitting within the local neighborhood. The land surrounding the property is zoned Ag Open with zonings of R-5,000, R-9,600, R-15,000, and RMF-R in the outer reaches.

## PROPOSED ZONING COMMISSION DETERMINATIONS – Zone Change 690

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County 2008 Growth Policy?*

The proposed zoning does comply in part with the following goals of the Yellowstone County 2008 Growth Policy and area plans:

- Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in the growth policy. (Land Use Element, page 6).

*This zone change would allow for an overall zoning plan that is somewhat consistent and should remain consistent with growing West Billings neighborhoods. The existing A-1 zoning district is intended to preserve agricultural land uses and allow low density residential land uses. The areas surrounding this property are still in agricultural zones and use. But county low density subdivisions exist to the south and east. To the north and west are developing urban residential subdivisions. Neighborhood service businesses are lacking west of Shiloh Road. The subject property has been in active agricultural land use since irrigation water was provided in the early 1900s. The established pattern in this area is for new urban growth in areas designated for annexation.*

*In 2001, and then again in 2006, the City and County engaged in area planning for Billings West End. Both plans, the West Billings Neighborhood Plan and the Northwest Shiloh Area Plan, emphasize the need to contain intense commercial development around existing and proposed arterial street intersections or "nodes". The 2001 West Billings Plan preferred a maximum distance of 1,500 feet from an arterial intersection for commercial uses. The proposed zone change is slightly beyond this preferred maximum distance but the proposed zoning of NC does not allow "intense" commercial uses such as retail uses over 10,000 square feet. Additional neighborhood services from this zone change could include restaurants, specialty shops, medical & dental offices, day care, schools and assisted living. The proposed R-70 zoning for the southern 11.5 acres is a compatible zone for 1 and 2-family dwellings.*

- Goal: New developments that sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).  
*This property is surrounding by adjoining agricultural land owned in common by the applicant. This area of West Billings has seen a lot of urban conversion of agricultural land to neighborhoods, schools and places of worship over the past 15 years. In 2001, the Ironwood Subdivision off Molt Road was the opening of new Billings West End development beyond Shiloh Road. In the intervening years, the number and size of new city neighborhoods west of Shiloh Road has grown steadily. These new urban neighborhoods include Falcon Ridge, Copper Ridge*

*(now out beyond 70<sup>th</sup> St West), Augusta Ranch, Foxtail, Trails West, Daybreak, Cottonwood Grove, Mont Vista, Vintage Estates, Grand Peaks, Legends West, Silver Creek, River Rock Estates, and Twin Pines. The proposed zoning may have some conflict with the continuing agriculture uses of the adjacent property but should be compatible in the long term as West Billings continues to grow as an urban area of the city.*

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

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The service charges are based on the square footage on buildings on the property plus a base fee. The property currently only pays the base fee since there are no structures. The intent is to annex and develop the property within the city. The nearest fire station is located on 54<sup>th</sup> St West, Fire Station #7 about ½-mile north and west of the subject property. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.

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

*Transportation:* Any new development will increase traffic on the adjacent city and county roads. It is not known at this point the level of increase. The West End Multi-Modal Transportation Study completed in 2016 indicated there 2 intersections and 2 corridors near the subject property in need of improvements in the next 5 to 10 years. The intersections – 48<sup>th</sup> St West and 56<sup>th</sup> St West – on Grand Avenue will need traffic signals or round-a-bouts. The 2 corridors – from Shiloh Road to 52<sup>nd</sup> St West and from Wilderness Drive to 62<sup>nd</sup> St West – need reconstruction to a 3-lane road section to bring Grand Avenue to a reasonable arterial street section. Street improvements at this level require not only the participation of adjacent land owners and developers, but city financing from the arterial street construction fund and bonding. The further challenge along Grand Avenue is the checkerboard nature of governing responsibility between the city and county.

*Water and Sewerage:* The subject property is served by irrigation water. No on-site waste water system is required since there are no occupied buildings. Riverstone Health and the Montana DEQ will determine what new water or wastewater facilities may be required for new developments in the county. If the property is annexed, the city has water and waste water capacity and systems in place to serve this development.

*Schools and Parks:* The proposed zoning may have an impact on area schools when the urban residential neighborhood develops. Capacity of elementary schools and middle schools may be a short term concern as current class sizes are increasing.

*Fire and Police:* The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. If the property is annexed and developed in the city, the police and fire department can serve this area.

4. *Will the new zoning promote health and general welfare?*  
The new zoning will allow development of property that is adjacent to existing agricultural uses. New development tends to increase property value for adjacent property. The expansion of a new city neighborhood in this area will increase the likelihood of city service improvements in the area. New neighborhood commercial development will reduce the travel needed to get everyday necessities or services. Residents in the area now must travel many miles to buy groceries, go to work or get children to activities. This should promote the health and general welfare of the area.
5. *Will the new zoning provide adequate light and air?*  
The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.
6. *Will the new zoning effect motorized and non-motorized transportation?*  
The proposed zoning itself will not generate more traffic on any of the adjacent city or county roads. Development of the property for a new neighborhood services center and for new dwellings will increase traffic on Grand Avenue and the adjacent street network. Any new development will “trigger” a traffic analysis before any new construction and will be based on the actual uses. For example, single family and 2-family dwellings typically generate between 10 and 13 vehicle trips per day per dwelling unit. This includes not just the resident’s travel, but deliveries and service provider trips for these dwellings. The “trigger” for any new development is 500 or more new trips per day. A 50-home subdivision requires a traffic study to assess its impact on the surrounding street network and helps determine the best location or locations for access to the neighborhood.
7. *Will the new zoning be compatible with urban growth in the vicinity?*  
The proposed zoning is compatible with the adjacent urban zoning and developments. The proposed zoning is compatible with the urban zoning to the north and west, and should be compatible with urban development.
8. *Does the new zoning consider the character of the district and the suitability of the property for particular uses?*  
The subject property is in an area that has a mixture of rural and agricultural land uses and new urban neighborhoods. It is expected that agricultural uses will continue on for the immediately adjacent parcels for some time but will eventually be converted to urban developments. The property is suitable for the particular uses allowed within the proposed NC and R-70 zoning districts.
9. *Will the new zoning conserve the value of buildings?*  
There are no existing buildings on the property.
10. *Will the new zoning encourage the most appropriate use of land in Yellowstone County?*  
The property is suitable for the uses allowed in the proposed NC and R-70 zones. The

property has direct access to an arterial street between 2 major intersections. This is in an area the city has designated for petitioned annexations within the next 5 to 10 years.

11. *Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?*

The property is not directly adjacent to any City zoning districts. To the north and west are a variety of urban zoning districts including NC and R-70. These zoning districts are compatible.

## County ZC 690 – Letters of Comment

Billings West End Task Force  
[https://ci.billings.mt.us/676/West-End-Task\\_Force](https://ci.billings.mt.us/676/West-End-Task_Force)  
[billingswetf@gmail.com](mailto:billingswetf@gmail.com)

June 29<sup>th</sup>, 2018

Mr. Scott Aspenlieder  
Performance Engineering  
7100 Commercial Avenue, #4  
Billings, MT 59101

Dear Mr. Aspenlieder:

As Vice-Chair to the Billings West End Task Force, I am writing to you on behalf of our committee concerning the application to rezone Tract 1-B of Certificate of Survey No. 2990 in Section 4, Township 1 South, Range 25 East in Yellowstone County, near 50<sup>th</sup> Street West and Grand Avenue.

In a previous email to the Billings West End Task Force, you stated that you will be approaching this as a Planned Development and all items were preliminary in nature and subject to change based on the June 13<sup>th</sup> pre-application Neighborhood meeting. Unfortunately, the short notice given for these meetings does not allow us, as a Task Force, to compile the questions and concerns from the community, and neither you nor Mr. Wells was able to attend our June 19<sup>th</sup> Task Force meeting.

The following items are requests, recommendations and concerns the have been developed by residents from the Billings West End.

- 1) To follow the visions listed in the West Billings Plan, the West End Task Force would like to propose the developer to modify the Zone Change application to either a R-96 (Residential 9,600) or R-70R (Residential 7,000 Restricted) for the full 17 acres being developed at the location listed above. The West Billings plan is designed to support residential and multi-family housing along arterial streets. For example, the following subdivisions along Grand Avenue support either single family residential or multi-family housing: Clover Leaf, Granite Peak, Vintage Estates, Fox Tail, Day Break, Trails West or even Forest Park in the heart of the West End by 24<sup>th</sup> Street West. All of these properties have been developed with residential houses boarding Grand Avenue without the use of commercial buildings as a buffer. The proposed R-96 or R-70R for the entire 17 acres would follow the vision of family growth already established on this section of Grand Avenue.
- 2) If the full 17 acres is not able to be developed as an R-96 or R-70R residential, then the West End Task Force would like to have the 6 acres along Grand Avenue to be rezoned to RP (Residential Professional). This zoning would allow for businesses to be developed that are useful for family growth in this area. For example, medical business like dental and vision, insurance companies and other non-retail businesses similar to the development near Central Avenue and 29<sup>th</sup> Street West.

- 3) If the zoning proposal remains NC (Neighborhood Commercial), the West End Task Force would like to exclude the following businesses from this development: food-related businesses, casino's, a business selling any form of alcohol, convenience stores with or without gas sales, bars, car sales, storage facilities and strip malls. Please keep in mind, the development of commercial buildings at this location does not follow the West Billings Plan established by JGA Architects-Engineers-Planners to achieve planned growth.
- 4) To maintain the residential aesthetics already developed along this section of Grand Avenue, the West End Task Force recommends that any parking lots, whether residential or commercial, be hidden within this development and buildings are located along the north edge of this property line boarding Grand Avenue. This will simulate the nearby neighborhoods listed above and follow, "The Character of Commercial Development," listed on page 64 of the West Billings Plan.
- 5) To maintain the appearance of other developments along section of Grand Avenue and to follow the West Billings Plan, architectural signage at ground level in conjunction with landscaping is to be used at this location. Examples are located at the entrances to the following subdivisions: Granite Peak, Vintage Estates, Foxtail, Trails West, etc.
- 6) Similar to the parking lots and signage listed above, a CMU block fence in conjunction with landscaping is requested along the north edge of this development between the buildings and Grand Avenue. This will also simulate the nearby neighborhoods listed above and follow, "The Character of Commercial Development," listed on page 64 of the West Billings Plan.
- 7) A walkway or sidewalk is requested along the south side of Grand Avenue to protect pedestrians accessing the Grace Montessori School, the Ben Steel Middle School, or the new commercial center at the corner of 54<sup>th</sup> Street West and Grand Avenue. This is also an objective in the design review process of the West Billings Plan, page 63 section, "The Character of Sidewalks."
- 8) A turn lane is requested for both the East and West bound Lanes of Grand Avenue entering this development. The turn lane for west bound traffic will allow them to pull out of traffic and wait for a safe opportunity to cross the opposing traffic and allow the west bound traffic to continue without interruption. The turn lane for the east bound traffic will allow them to pull out of traffic and slow down for the turn without interrupting the already congested traffic on Grand Avenue.
- 9) To following the Yellowstone County and City of Billings 2008 Growth Policy Update, two accesses shall be provided for this development. It is the recommendation of the West End Task Force, to make a second access to 48<sup>th</sup> Street West. This would allow residents to enter or exit on both Grand Avenue and 48<sup>th</sup> Street West and reduce the flow on already congested arterial streets.
- 10) The West End Task Force would like to have some type of storm water management designed for this development to contain any runoff and protect our neighboring farms and existing wells in the area.
- 11) The West End Task Force recommends that this development complies with all goals, objectives and policies provided in the City of Billings and Yellowstone County 2008 Growth Policy Update as well as the Billings West Plan Summer 2001.

Billings West End Task Force  
[https://ci.billings.mt.us/676/West-End-Task\\_Force](https://ci.billings.mt.us/676/West-End-Task_Force)  
[billingswetf@gmail.com](mailto:billingswetf@gmail.com)

Please address each of these items so we can discuss them at the next Billings West End Task Force meeting scheduled for July 17<sup>th</sup> at 7:00 pm. We look forward to meeting with you and Mr. Wells at this time to discuss this proposal.

Sincerely,

A handwritten signature in black ink that reads "Robert Deines". The signature is written in a cursive style with a large, stylized initial "R".

Robert Deines  
Vice-Chair  
Billings West End Task Force

## Scott Aspenlieder

---

**From:** brian parkins <brianfcparkins@yahoo.com>  
**Sent:** Thursday, June 14, 2018 7:37 AM  
**To:** Scott Aspenlieder  
**Subject:** Proposal 6-13-18

Morning Scott,

I was the guy who came in there negative and thought it was going to be another Happy Homes deal, but I am happy that the land owner is going with at least a 275K town home. Business is business and I really don't see an issue with dentist offices and these nicer town homes. Sorry about being negative at first but the Happy Homes deal really pissed me off among others. I am calm now with this new proposal and I know you won't be able to make everyone happy but you won't get push back from me on this one.

Brian Parkins  
406 321 0518

## Scott Aspenlieder

---

**From:** Karen Freeman <kafreeman2017@gmail.com>  
**Sent:** Wednesday, June 06, 2018 8:18 AM  
**To:** Scott Aspenlieder  
**Subject:** Kramer land development

Hi Scott,

I'm writing today in response from the letter I received about the zone change. I would love to get together and discuss the options for this land. As a realtor, I hear a lot from the needs of the community. In fact, my back deck faces that piece of property.

You need to be ready for the neighborhood meeting. They will come loaded!

Concerns are:

1. Additional traffic on Grand
2. Cheap looking developments
3. Cheap looking retail
4. Cheap housing that attracts trouble makers

Solutions:

1. Be prepared with a traffic study of how much more traffic that area can handle
2. Have a great looking development planned with lots of trees
3. Make sure retail space looks upscale ( People would like a coffee shop and breakfast or sandwich place such as Great Grains or Grains of Montana, maybe a cleaners)
4. Make sure housing won't attract trouble (I have an idea on this)

This is the idea that might just make your plan work:

I have lots and lots of the aging population that are looking for one level single family homes that are around 1700 sq ft, 3bed/2bath with a walk in shower in the master. They don't want a duplex/townhouse that restricts their flower beds kind of thing. They are all looking under \$300K.

If you created a community that is a "senior" 55 and older type of single family places, then the neighbors wouldn't be worried about loud trouble makers. It would be a win/win.

If you'd like to meet, feel free to contact me. I do have a conflict on the 13th and won't make the meeting.

Sincerely,

Karen Freeman  
Century 21  
1605 Shiloh Road  
Billings, MT 59106  
876-1931

Deines Land & Livestock, Inc.  
4915 Grand Avenue  
Billings, MT 59106

June 13, 2018

Mr. Scott Aspenlieder  
Performance Engineering  
7100 Commercial Avenue, #4  
Billings, MT 59101

Dear Mr. Aspenlieder:

My name is Robert Deines and my family owns the property across Grand Avenue from the Tract 1-B of Certificate of Survey No. 2990 in Section 4, Township 1 South, Range 25 East in Yellowstone County that is being discussed tonight at a zoning pre-application neighborhood meeting.

I will be unable to attend this meeting, but have concerns that I would like to have mentioned and hopefully discussed at this meeting. I am also Vice-Chair of the Billings West End Task force and look forward to meeting with you at our next Task Force meeting as you requested.

Even though, I grew up at this location and would like the property to stay as is; I understand that Billings is growing and this property will be developed. I would like to see the property developed like all of the other surrounding subdivisions on Grand Avenue, large residential lots all the way to Grand Avenue without any commercial development just like Clover Leaf, Granite Peak, Vintage Estates, Fox Tail, Daybreak, Trails West or even Forest Park subdivision in the heart of the West End down by 24<sup>th</sup> Street West. I agree that this proposal is better than the last one made in relation to the Happy Homes, but I still do not see the need to place Commercial buildings along this section of Grand Avenue.

If you reference section PG1.A.4 of the West Billings Plan, established by the West End Task force in 2001, you will see that one of the implementation strategies for the Planned Growth Goal 1 is to prevent strip commercial development and focus more on commercial nodes located at intersections of Arterial Streets. Section PG1.B .1 of the same plan notes to, "Limit neighborhood commercial centers to compact "commercial villages" of approximately 15 to 20 acres in size. These centers are to be spaced no less than approximately one mile apart at intersection of arterial streets, unless otherwise approved by the governing bodies. And finally, Section PG1.B.5 states, "in order to eliminate strip commercial development, separation should be maintained between commercial nodes. To encourage compact commercial centers, no access to commercial use shall be allowed more than 1,000 feet from the intersection of arterial streets or as designated by a traffic access study consistent with the adopted Billings Urban Area Transportation Plan. Looking at your proposed layout, the neighborhood commercial portion of your development is less than 15 to 20 acres in size, is located less than a mile from the new commercial development on the corner of 54<sup>th</sup> Street West and Grand Avenue, and depending on your design, the access to your neighborhood commercial development will be right at the 1,000 foot limit from the intersection of the arterial streets 48<sup>th</sup> Street West and Grand Avenue.

Below are some of the requests that were made for the last zoning proposal that need to be address.

Deines Land & Livestock, Inc.  
4915 Grand Avenue  
Billings, MT 59106

- 1) A walkway or sidewalk needs to be provided along the south side of Grand Avenue to protect pedestrians accessing the Grace Montessori School, the Ben Steel Middle School, or the new commercial node at the corner of 54<sup>th</sup> Street West and Grand Avenue. This is also an objective in the design review process of the West Billings Plan, page 63 section "The Character of Sidewalks."
- 2) The Big Ditch drainage that runs along the Kramer property from 52<sup>nd</sup> Street West to 48<sup>th</sup> Street West presents a safety hazard for children and others in this development. It is recommended that this section of ditch be tiled shut with piping to prevent any injuries from pedestrians walking along the ditch bank. Please consult the Big Ditch Company on this request.
- 3) A second access to this development should be provided from 48<sup>th</sup> Street West. This would reduce the entry and exit of traffic on Grand Avenue, making it safer for other drivers as well as reducing the traffic at the already dangerous intersection of 48<sup>th</sup> Street West and Grand Avenue.
- 4) The signs for this development shall follow the recommendations given on page 64 section "The Character of Signs" of the West Billings Plan. An architectural sign in conjunction with landscaping is preferred and would match the surrounding neighborhoods at Granite Peak, Vintage Estates, Foxtail, Trails West, etc.
- 5) An architectural CMU Block fence or other type of landscaping separation shall be provided between the north edge of this development and Grand Avenue. The parking lot for the commercial buildings shall be located behind this separation and the commercial buildings located on the south edge of the parking lot. This would allow the commercial building to blend in more with the surrounding residential subdivisions. This is also an objective in the design review process of the West Billings Plan, page 64 section "The Character of Commercial Development."
- 6) The entrances to this development shall not line up with any of the driveways or housing located on the north side of Grand Avenue. The access to this development must be located west of the driveway/farm lane at 4917 Grand Avenue.

Please take the time to review these concerns and open them for discussion at tonight's preliminary meeting. I look forward to discussing them with you at the June 19<sup>th</sup> Task Force Meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Deines', with a stylized flourish at the end.

Robert Deines