



ZONE CHANGE PRE-APPLICATION STATEMENT OF OWNER(S) OR AGENTS
 The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a zone change application.



Check one: City of Billings Zone Change Yellowstone County Zone Change

Property Address SE Corner of King Ave W and 48th St W

Legal Description Western Sky Subdivision, 2nd Amended

Present Zoning Choose One

Proposed Zoning Choose One

Neighborhood Task Force Area? Westend Task Force

Task Force Chairperson Tiffany Wardell

Task Force Chairperson Mailing Address In c/o City of Billings

Written description of the Zone Change Plan including square footage or acres of proposed new zoning.

Fields are character limited to 280 characters. Attach additional documents to the project attachments.

See Attached Pre-Application Statement of Owners Form

Affirmation:

1) The pre-application neighborhood meeting was held on: 04/27/20

2) The zone change application is based on materials presented at the meeting.

Required Uploads to Project Attachments:

- Subject Property Map
- Roster of persons who attended the pre-application neighborhood meeting
- Meeting Notice
- A brief synopsis of the meeting results

Recorded Owner(s) Mont Vista, LLC c/o Preston Lees

Owner's Address P.O. Box 333, Reed Point, MT 59069

Owner's Phone Number 406-839-7611 E-mail preston@beartoothholding.com

Applicant/Agent Sanderson Stewart c/o Bill Morgan

Applicant/Agent's Address 1300 N Transtech Way, Billings, MT 59102

Applicant/Agent's Phone Number 406-869-3357 E-mail bmorgan@sandersonstewart.com

Date 05/04/20

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



ZONE CHANGE REQUEST



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

Check one: **City of Billings Zone Change** **Yellowstone County Zone Change**

Address SE Corner of King Ave W and 48th St W

Legal Description Western Sky Sub, 2nd Amended

Fields are character limited to 280 characters. Attach additional documents to the project.

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

See Attachment

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.

See Attachment

3. Required Uploads: Pre-Application Statement of Owner(s) or Agent(s) affirming pre-application meeting was held, and include 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.

4. See the Citizen Access Requirements tab for a complete listing of required uploaded attachments

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. I attest that all the information presented herein is factual and correct.

Recorded Owner(s) Mont Vista, LLC c/o Preston Lees

Owner's Address P.O. Box 333, Reed Point, MT 59069

Owner's Phone Number 406-839-7611 E-mail preston@beartoothholding.com

Applicant/Agent Sanderson Stewart c/o Bill Morgan

Applicant/Agent's Address 1300 N Transtech Way, Billings, MT 59102

Applicant/Agent's Phone Number 406-869-3357 E-mail bmorgan@sandersonstewart.com

Signature of Recorded Owner(s) See Attached Form

Date 05-04-20

AUTHORITIES: Procedures and Review Criteria for Zone Change requests Billings Montana City Code (BMCC) Section 27-1502 et seq. **SEC. 27-1502. AMENDMENTS TO CHAPTER.** (a) General. This chapter, including the official zoning map, may be amended only by the city council but no amendment shall be finally approved by the city council unless it has been submitted to the city zoning commission for review and recommendation. Proposals to amend this chapter, including the official zoning map, may be initiated by the city council or by the board of planning. Proposals to amend this chapter, except for the official zoning map, may also be initiated by the city zoning commission. Before enacting an amendment to this chapter, the city council shall give public notice and hold a public hearing thereon. Before enacting on its own motion an amendment to the official zoning map, the city council shall provide written notification by mail of such amendment to each property owner whose name appears on the last tax record of the property subject to the amendment. The notification shall include what the proposed amendment is, the time, date and place of the public hearing on the proposed amendment. Such notification shall be made no less than fifteen (15) days nor more than thirty (30) days in advance of the date of public hearing.

AUTHORITIES: Procedures and Review Criteria for Zone Change requests **Unified Zoning Regulations Section 27-1508 et seq. SEC. 27-1508. AMENDMENTS TO CHAPTER.** (a) General. Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this chapter to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this chapter and the objectives of the comprehensive plan. ****Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.**

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:** Planned Development Recorded 10/13/17 - Doc. No. 3830283
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: See Below
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** Western Sky Subdivision 2nd Amended
5. **Neighborhood Task Force Area:** (Yes) // No. If Yes, Name of Task Force and mailing address of Chairperson: Tiffany Wardell
6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form (Roster shown in Attached Meeting Minutes)
7. **A copy of the meeting notice.** please attach to this form (Notice Attached)
8. **A brief synopsis of the meeting results.** please attach to this form (Meeting Minutes Attached)
9. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 27th day of April, 2020.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Mont Vista, LLC c/o Preston Lees Telephone: 406-839-7611

Address: P.O. Box 333, Reed Point, MT 59069 Email: preston@beartoothholding.com

Owner Signature [Signature] Date: 5/4/2020

Agent(s): Sanderson Stewart c/o Bill Morgan Telephone: 406-869-3357

Address: 1300 N Transtech Way, Billings, MT 59102 Email: bmorgan@sandersonstewart.com

Agent Signature _____ Date: _____

The zone change request for this property involves a Map Amendment to the approved Planned Development Agreement as recorded on October 13, 2017. There are NO other changes to the underlying agreement such as allowable or designated land uses, setbacks, landscaping requirements, or building design standards. The map amendment will simply adjust the area of certain zoning types which is as follows:

<u>Zoning Area</u>	<u>Original Area</u>	<u>Proposed Area</u>	<u>Net Change</u>
Community Commercial	8.5 acres	11.5 acres	3.0 acres
Neighborhood Commercial	10.2 acres	10.3 acres	0.1 acres
Residential Multi-Family	15.3 acres	15.2 acres	0.1 acres
Residential Manufactured Homes	31.1 acres	28.2 acres	2.9 acres

April 20, 2020

Reference: Notice of Pre-Application Neighborhood Meeting for Planned Development Agreement Zoning Map Amendment Western Sky Subdivision, 2nd Amended

Dear Neighbors:

You are receiving this letter because the City of Billings requires a pre-application neighborhood meeting for any zone change request on property located with the city. By City Code, the surrounding property owners within 300 feet are notified of this meeting so you can ask questions of the materials described in this letter. This is not your last time to comment on this proposal, as future public hearings by the Zoning Commission and City Council will be scheduled.


The zone change request for this property involves a Map Amendment to the 2017 Planned Development Agreement. There are **NO** other changes to the underlying agreement such as allowable or designated land uses, setbacks, landscaping requirements, or building design standards. The map amendment will simply adjust the area of certain zoning types as follows, and as depicted on the attached maps:

<i>Zoning Area</i>	<i>Original Area</i>	<i>Proposed Area</i>	<i>Net Change</i>
<i>Community Commercial</i>	8.5 acres	11.5 acres	3.0 acres
<i>Neighborhood Commercial</i>	10.2 acres	10.3 acres	0.1 acres
<i>Residential Multi-Family</i>	15.3 acres	15.2 acres	0.1 acres
<i>Residential Manufactured Homes</i>	31.1 acres	28.2 acres	2.9 acres

The Neighborhood Pre-Application Meeting will be held on **Monday, April 27, 2020 at 5:30 PM**. Due to current required social distancing measures, the meeting will be held via video/voice call-in. If you want to join us by video, please email Teri Tritz at tritz@sandersonstewart.com and you will be sent a specific link with instructions to join a Microsoft Teams meeting. If you are unable to participate with a video call, you can also dial (406) 318-5453; PIN: 180-053-893# to call into this meeting, but you will be unable to see presented information.

Please plan on attending this Neighborhood Pre-Application meeting if you have comments or questions regarding the proposed Map Amendment. If you have immediate questions or cannot attend the meeting, please contact me at 406-869-3357 or via my email at bmorgan@sandersonstewart.com

Sincerely,



Bill Morgan, PE,
Associate/Project Manager

TRT/bc
c: Karen Husman – Planner I, City of Billings - husmank@billingsmt.gov
P:05082.10_Western_Sky_PreApp_Ltr_042020

MEETING MINUTES

PROJECT: Planned Development Agreement Zoning Map Amendment Western Sky Subdivision, 2nd Amended			
Project No: 05082.10			
Meeting Location: Virtual Video/Call meeting via Microsoft Teams		Meeting Date: 04/27/20 5:30 P.M.	
Meeting Subject: Neighborhood Meeting/Zoning Map Amendment		Prepared by: Teri Tritz	
Attending:	(see attached sign-in sheet)		
Bill Morgan	Sanderson Stewart		
Jane Kukes-Penney	McDonald Land Holdings LLC	Teri Tritz	Sanderson Stewart
Preston Lees	Mont Vista, LLC		
Date of Issue: 05/01/20			

Minutes:

- In addition to Bill Morgan, three other parties attended the meeting.
 - Preston Lees, representing the ownership, Mont Vista, LLC.
 - Jane Kukes-Penney, who was representing the McDonald Land Holdings LLC who own a tract of land south of the subdivision.
 - Teri Tritz, with Sanderson Stewart taking notes.
- Mr. Morgan gave a general overview of the purpose for this neighborhood meeting, which is that the City of Billings requires a pre-application neighborhood meeting for any zone change request on property located within the city. He further clarified that the proposed zone change request for this property only involves a **Map Amendment** to the 2017 Planned Development Agreement. There are no other changes to the underlying agreement, such as allowable or designated land uses, setbacks, landscaping requirements, or building design standards.
- Jane Kukes-Penney asked about the proposed new lot line between lots 1 and 4 as depicted in the letter, and why it was curved. We discussed the curved lot line is to acknowledge that there could be a future road easement and/or right of way that would connect the current terminus of Crescent Street to the approved and platted access from 48th Street West. A boundary line relocation plat amending these lots is currently in process in concurrence with this Map Amendment.

- Jane Kukes-Penney also asked if the property owner had any known development plans for the Community Commercial zoned area, to which Preston responded there were no current development plans in the works.
- No other questions regarding the Map Amendment were received or brought up by anyone else on the mailing invitation list.
- The meeting adjourned at 6:10pm.

May 1, 2020
Project No. 05082.10

**PLANNED DEVELOPMENT AGREEMENT ZONING MAP
AMENDMENT
WESTERN SKY SUBDIVISION, 2nd AMENDED**

Statement of Proposal

The owner, Mont Vista, LLC, is seeking a zone change Map Amendment for Western Sky Subdivision, 2nd Amended, which is located at the southwest corner of S. 48th Street West and King Ave West. The overall property is 65.161 acres in size, and the proposed map amendment allows for better connectivity of the access points permitted for the subdivision.

The zone change request for this property involves a Map Amendment to the 2017 Planned Development Agreement. There are **NO** other changes to the underlying agreement such as allowable or designated land uses, setbacks, landscaping requirements, or building design standards. The map amendment will adjust the area of certain zoning types as follows, and as depicted on the attached maps:

<i>Zoning Area</i>	<i>Original Area</i>	<i>Proposed Area</i>	<i>Net Change</i>
<i>Community Commercial</i>	8.5 acres	11.5 acres	3.0 acres
<i>Neighborhood Commercial</i>	10.2 acres	10.3 acres	0.1 acres
<i>Residential Multi-Family</i>	15.3 acres	15.2 acres	0.1 acres
<i>Residential Manufactured Homes</i>	31.1 acres	28.2 acres	2.9 acres

Accompanying Responses to Questions in Zoning Application Form

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

Essential Investments (Relating Public and Private Expenditures to Public Values)

- *Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors*

New development in this subdivision will be subject to the City of Billings requirements for site development, including landscaping. This will ensure the visual appeal of the project development.

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

This property is annexed and has existing City infrastructure adjacent to the site and extended into the development. This zone change map amendment will allow for efficient use of City infrastructure improvements and assure that it is secure from fire and other dangers.

- ***Neighborhoods that are safe and attractive and provide essential services are much desired***

With the requested map amendment, essential development will occur to support surrounding neighborhoods and accommodate the needs of the community to include the uses approved in the original Planned Agreement of 2017. There will be no adverse impact to the public health, safety and welfare from the proposed map amendment.

Place Making (Enhance, Maintain, Preserve, and Improve Existing Public Places)

- ***Enhancements and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community***

The proposed map amendment does not change the underlying zoning land uses as approved between the City and the landowner. The proposed uses help to accommodate an important subdivision planned in the west end of Billings. The development area has adequate transportation, water, sewerage, schools, parks and public lands planned in and around it and will promote better a better sense of community to the ever-growing neighborhood by allowing staff to find work where they live.

- ***The history and heritage of Billings are cornerstones of our community***

Billings has always adapted to the changes in economic drivers and been welcoming of businesses and services that allow the community to continue to grow and prosper. This map amendment will follow that trend by adjusting allowable zoning classifications within an existing planned development.

Community Fabric (Attractive, Aesthetically Pleasing, Uniquely Billings)

- ***Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors***

The nature of the proposed map change calls for a much more harmonious placement and access among the land uses associated with this subdivision. These uses will be subject to all City zoning and building regulations within the zonings district and as such will continue to promote adequate light, air and aesthetically pleasing facilities in and along our commercial rights of way.

Strong Neighborhoods (Livable, Safe, Social and Resilient Neighborhoods)

- ***Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction***

By allowing the amended map change, the development can capitalize on the unique character of the underlying zoning that supports Commercial, Neighborhood Commercial, Residential Multi Family, and Residential Manufactured Home. This blend of zoning uses will allow staff who live nearby to drive and/or walk to their place of employment, thereby fostering and supporting better uses of urban growth.

- ***Neighborhoods that are safe and attractive and provide essential services are much desired***

By allowing the proposed map amendment for the existing planned subdivision, essential services can be better provided in Billings. This in turn, will provide a safer and more attractive focus for area community development and cohesion.

- ***Implementation of the Infill Policy is important to encourage development of underutilized properties***

The property considered under this map amendment is already annexed and subdivided, with an accompanying Subdivision Improvements Agreement approved by City Council. By allowing a simple map amendment to reflect the current plans for enhanced connectivity for the subdivision, the community is promoting use of existing parcels and accesses to promote infill of an underutilized property.

Prosperity (Promoting Equal Opportunity and Economic Advancement)

- ***Successful businesses that provide local jobs benefit the community***

There are business's looking to locate to and/or expand into areas such as the Western Sky Subdivision 2nd Amended. This will help to promote local jobs that bring benefit to the overall community while protecting the integrity and value of the localized development area.

- ***Retaining and supporting existing businesses helps sustain a healthy economy***

By supporting this zone change amendment, existing businesses that help sustain and build a healthy economy will be retained and supported.

1B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses in the immediate area.

The zone change for this subdivision comprises of a map amendment of land uses previously approved under a 2017 Planned Development Agreement. There are no other changes to the underlying agreement such as allowable or designated land uses, setbacks, landscaping requirements, or building design standards. The map amendment will simply adjust the area of previously approved zoning types, primarily off-setting small acreage modifications between Community Commercial and Residential Manufactured Home zoning areas, as further identified below:

<i>Zoning Area</i>	<i>Original Area</i>	<i>Proposed Area</i>	<i>Net Change</i>
<i>Community Commercial</i>	8.5 acres	11.5 acres	3.0 acres
<i>Neighborhood Commercial</i>	10.2 acres	10.3 acres	0.1 acres
<i>Residential Multi-Family</i>	15.3 acres	15.2 acres	0.1 acres
<i>Residential Manufactured Homes</i>	31.1 acres	28.2 acres	2.9 acres

The map amendment reflects the current plans to develop the subdivision and will allow for better interconnectivity between allowed access points. This map change will better accommodate the owners' planned vision for the subdivision and does not change the allowable land uses in the underlying Planned Development Agreement between the City of Billings.