



**CITY ZONING COMMISSION**  
**AGENDA-Tuesday, June 2, 2020, 4:30 p.m.**  
**Virtual Meeting via Zoom**

Notice is hereby given that the **Zoning Commission of the City of Billings, Montana will hold a public hearing on Tuesday, June 2, 2020, at 4:30 p.m.** Due to the COVID-19 health concerns, the format of the City Zoning Commission meeting will be held in a virtual videoconferencing environment. The normal hearing room on the 1<sup>st</sup> Floor at 2825 3<sup>rd</sup> Ave North (Miller Building) will be closed during the meeting and no one will be attending this hearing in person. Public comment will be taken only during the Public Comment periods as indicated on the agenda, and during the Public Hearings under the Regular agenda. Comments may be sent to Board via email before 1:00 PM on Tuesday, June 2, 2020. All emails received prior to this time will be read into the record for the public hearing. The Public may call in during specific Public Comment periods at **(406) 237-6165**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary. Live coverage can be viewed on the City of Billings Facebook page here;  
<https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks>

**Call the meeting to order.**

**Introduction of City Zoning Commission Members and Planning Department Staff.**

**Public Comment**

**Approval of Minutes:**

The minutes of the Board meeting of February 4, 2020.

a.

**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. **City Zone Change 977** - Modification to the Zone District Boundaries of Western Sky Planned Development - A zone change request to amend the zone district boundary lines within the Planned Development Agreement (PDA) for Western Sky Subdivision, more specifically increase the acres of underlying Community Commercial (CC) zoning from 8.5 acres to 11.5 acres; increase the acres of Neighborhood Commercial (NC) from 10.2 to 10.3 acres; decrease the acres of Residential Multi-family (RMF) from 15.3 acres to 15.2 acres and decrease the acres of Residential Manufactured Home (RMH) from 31.1 acres to 28.2 acres. The map amendment applies to all lots within Western Sky Subdivision. A pre-application neighborhood meeting was held on a virtual format on April 27, 2020, by the agent Sanderson Stewart, Billings MT. Presented by Karen Husman, Planner I.

## **Other Business/Announcements**

## **Adjournment**

**The City Council has designated Monday, June 22, 2020, at 5:30 p.m.** as the date and time to receive the Zoning Commission recommendation and hold the first reading of the zone change ordinance.

Before taking any action on an application for a **zone change**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a zone change other than the one advertised. The City Council shall take one of the following actions on the zone change requests: 1) approve the application; 2) deny the application; 3) allow withdrawal of the application; or 4) delay the application for a period not to exceed thirty (30) days. As provided in Montana Code Annotated, Section 76-2-305(2), in the event of a protest petition against such **zone change** signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, **one hundred fifty (150) feet from a lot included in a proposed change**, such proposed amendment shall not become effective except by the favorable vote of two-thirds ( 2/3) of the present and voting members of the city council. For purposes of this protest provision interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the Planning Division office by 5:00 p.m. on the Friday preceding the first reading of the amendment by the City Council. Testimony regarding the above mentioned item may also be submitted in writing to the Planning Division, 2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor, Miller Building, Billings, MT 59101 (247-8676) or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

Additional information on any of these items is available in the Planning and Community Services Office. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to [bartleyr@ci.billings.mt.us](mailto:bartleyr@ci.billings.mt.us)

**City Zoning Commission**

**Meeting Date:** 06/02/2020

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**Information**

**Subject**

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**Attachments**

2020\_02\_04\_BZC\_MIN

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## City of Billings Zoning Commission Meeting Minutes February 4, 2020

The City of Billings Zoning Commission met on Tuesday, February 4, 2020 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Avenue North, Billings, Montana.

Chairman Wagner called the meeting to order at 4:30 p.m. The City Council has designated Monday, February 24, 2020 at 5:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zoning applications.

Commission and Staff		0	0	0	0	0	0	0	0	0	0	1	1	1
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Mike Larson	Commissioner	1	1											
Daniel J. Brooks	Commissioner	E	1											
Jack King	Commissioner	1	1											
Greg McCall	Commissioner	1	E											
Vacant	Commissioner													
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-				
Monica Plecker	Division Planning Manager	-	-	-	-	-	-	-	-	-				
Nicole Cromwell	Planner Zoning Coordinator	1	1											
Tammy Deines	Planning Clerk	-	-											
Dave Green	Planner II	-	-	-	-	-	-	-	-	-				
Karen Husman	Planner I	1	1											
Robbin Bartley	Administrative Support	1	1											

<b>Total Number of 2019 Applications</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>T O T A L</b>
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	<b>7</b>	<b>4</b>	<b>3</b>	<b>7</b>	<b>5</b>	<b>2</b>	<b>7</b>	<b>4</b>	<b>1</b>	<b>6</b>	<b>4</b>	<b>1</b>	
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<b>Zone Change</b>	2	0											2
<b>Special Review</b>	0	1											1

Chairman Wagner introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, Karen Husman, Planner I, and Robbin Bartley, Administrative Assistant.

**In Attendance** : George Warmer, Todd Sherman, Derek Hall, Bryen Alexander

**Public Comment**

**Chairman Pro Tem Larson** called for public comments. There were no public comments.

**Chairman Pro Tem Larson** closed the public comment portion of the meeting.

**Approval of Minutes:**

**Chairman Pro Tem Larson** called for approval of the January 7, 2020 meeting minutes.

**Motion**

Commissioner King made a motion and Commissioner Brooks seconded the motion to approve the January 7, 2020 meeting minutes.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	X			
Daniel J. Brooks	X			
Jack King	X			
Greg McCall				X
Vacant				

**The motion for approval then carried with a unanimous voice vote 3-0.**

**Disclosure of Conflict of Interest**

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson		X		
Daniel J. Brooks		X		
Jack King		X		
Greg McCall				X
Vacant				

**Disclosure of Outside Communication**

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson		X		
Daniel J. Brooks		X		
Jack King		X		
Greg McCall				X
Vacant				

### **Public Hearings:**

Chairman Pro Tem Larson reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted and advised the audience this would be heard by the City Council on February 24, 2020.

### **Item #1**

Nicole Cromwell read aloud the legal notice for this application:

**City Special Review 981 – NW Corner of Shiloh Road and Central Ave. – Car Wash – A** special review request to allow a stand-alone car wash facility, on Lot 22A, Block 2 of Certificate of Survey 2727M, a 4.708 acre parcel of land. The parcel is currently outside the City limits of Billings, there is a pending annexation request.

### **Recommendation**

Planning staff is recommending conditional approval of **City Special Review 981.**

### **With the following 7 conditions:**

1. The special review approval is limited to on Lot 22A, Block 2 of Certificate of Survey 2727M, a 4.708 acre parcel of land generally located near the NW corner of Shiloh Road and Central Ave.
2. The special review is for the construction and operation of a stand-alone car wash. No other use is intended or implied.
3. The site shall be developed in substantial conformance with the site plan submitted.
4. To mitigate the long term impacts of this facility on the residential development to the west, a solid wall will be built screen the residences from light and buffer noise from the site.
5. There will be no construction activities, including site preparation such as grading or digging prior to 7 a.m. or after 8 p.m. daily.
6. The proposed development shall comply with all other limitations of Section 27-613 of the Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.
7. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

**\*\*NOTE\*\*** Approval of this Special Review does not constitute approval of a building permit, sign permit or fence permit. Compliance with all applicable local codes will be reviewed at the building permit level. This application is for a Special Review as noted above and no other request is being considered with this application. The Planning Division points out that the use and development of the property must be in accordance with the submitted site plan.

**Questions for staff:**

Commissioner King asked if the property to the north are residences and if any comments had been received from them. No comments were received from neighbors.

**Public Hearing** Chairman Pro Tem Larson opened the public hearing and asked for anyone wishing to speak in favor or against **City Special Review 981**.

**Applicant**

**Bryan Alexander, Sanderson Stewart**

Automatic car wash and manual car wash bays. Noisy dryers are pointed towards Shiloh, 300 feet away from residences; low noise dryers are being used.

Commissioner King asked if a block wall is being considered. Mr. Anderson explained it is now a condition, a visual and noise shield.

Are you aware of the car wash at Rehberg and Grand? How is it similar? Are there challenges? Mr. Anderson reported this carwash has all manual wash bays and is situated much closer to residences.

The facility is much different and I am unaware of any challenges.

Commissioner King asked what are the hours of operation. Mr. Anderson explained the tunnel car wash has a 12-hour operation, the manual bays would be operational 24 hours.

Commissioner King asked how is this compatible to the surrounding areas. Mr. Anderson answered the Zoning Commission may impose modifications. There is ingress and egress other than Central Ave. There is reciprocal access with Zip Trip, existing from Shiloh and Central. Commissioner King would like fencing, screening and landscaping and landscaping above and beyond the requirement. He would like as much as would be prudent, for aesthetic purposes. Signs and lighting? Adequate lighting for safety issues and shielding residences. Light pollution should be addressed. Mitigation is intended.

**Favor:**

NONE

**Opposed:**

NONE

Public Hearing CLOSED AT 4:52pm

**Discussion**

Chairman Pro Tem Larson called for questions and discussion from the Board.

**Motion**

**Commissioner King made a motion and Commissioner Brooks seconded the motion to approve City Special Review 981 with conditions proposed.**

**Commissioner Dan Brooks reiterated his concern for the outside lighting being mitigated.**

<b>COMMISSIONER</b>	<b>Yes</b>	<b>No</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Mike Larson	X			
Daniel J. Brooks	X			
Jack King	X			
Greg McCall				X
Vacant				

**The Motion carried with a 3- 0 vote.**

**Other Business**

Re:Code public hearings will begin in March. 4 meetings, topic focused. March 9 is the earliest possibility. End of the day.

**Adjournment: The meeting adjourned at 5pm.**

**ATTEST: To be Approved by a motion at the next scheduled meeting.**



**City Zoning Commission**

**Meeting Date:** 06/02/2020

**SUBJECT:** Zone Change 977 - Western Sky Planned Development Map Amendment

**THROUGH:** Karen Husman

**PRESENTED BY:** Karen Husman

**Information**

**REQUEST**

**City Zone Change 977** - Modification to the Zone District Boundaries of Western Sky Planned Development - A zone change request to amend the zone district boundary lines within the Planned Development Agreement (PDA) for Western Sky Subdivision, more specifically increase the acres of underlying Community Commercial (CC) zoning from 8.5 acres to 11.5 acres; increase the acres of Neighborhood Commercial (NC) from 10.2 to 10.3 acres; decrease the acres of Residential Multi-family (RMF) from 15.3 acres to 15.2 acres and decrease the acres of Residential Manufactured Home (RMH) from 31.1 acres to 28.2 acres. The map amendment applies to all lots within Western Sky Subdivision. A pre-application neighborhood meeting was held on a virtual format on April 27, 2020, by the agent Sanderson Stewart, Billings MT. Presented by Karen Husman, Planner I.

**RECOMMENDATION**

Planning staff recommends approval of Zone Change 977 for an amendment to the zoning district boundaries within the Planned Development agreement for Western Sky Subdivision.

**APPLICATION DATA**

OWNER: Mont Vista, LLC - Preston Lees  
 AGENT: Sanderson Stewart - Bill Morgan, P.E.  
 LEGAL DESCRIPTION: All lots in the Western Sky Subdivision  
 ADDRESS: King Avenue West and 48th St West  
 CURRENT ZONING: Planned Development  
 EXISTING LAND USE: Vacant  
 PROPOSED USE: Mixed  
 SIZE OF PARCEL: 65.2 acres

**CONCURRENT APPLICATIONS**

None.

**APPLICABLE ZONING HISTORY**

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Western Sky Sub	City ZC 975	Jan 27, 2020	Underlying zoning amendment	Y	
Western Sky Sub	City ZC 802	May 17, 2007	A-1 to CC, RMF-R, R-50, R-70, R-96 & Public	Y	Included entire NW section of 160 acres
Western Sky Sub	City ZC 957	Sept 11, 2017	CC, RMF-R, R-50, R-70, R-96 & Public to Planned Development	Y	Underlying zones CC, NC RMF & RMH
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA

Hoop Dreams – Apartments	City ZC 900	Aug 13, 2012	R-50 to RMF-R	Y	Apartment Developments at 44th St W and King Ave W
Hoop Dreams – Apartments	City ZC 912	July 8, 2013	Public & R-50 to RMF-R	Y	Additional apartments
Lenhardt Square 44th St W & north of King Ave W	City ZC 829	Feb 25, 2008	A-1 to Planned Development	Y	PD for mixed uses
St. Vincent Healthcare Shiloh Rd & King Ave W	City ZC 722	May 24, 2004	A-1 to Planned Development	Y	PD for healthcare & ancillary commercial uses
St. Vincent Healthcare Shiloh Rd & King Ave W	City ZC 870	Jan 24, 2011	PD Amendment	Y	Adjustment to allow flexibility
Montana Sapphire Sub	City ZC 673	July 9, 2001	A-1 to Entryway Light Industrial (ELI)	Y	New industrial park
Montana Sapphire Sub	City ZC 903	Sept 24, 2012	ELI to HC	Y	Affinity of Billings Fuel Fitness Divide Bar & Grill
Montana Sapphire Sub Long Beach Apts	City ZC 878	Aug 22, 2011	ELI to HC	Y	New apartments
3815 Hesper Road	City ZC 907	March 25, 2013	A-1 to CI	Y	New FedEx Ground Terminal

## SURROUNDING LAND USE & ZONING

NORTH:	Zoning: PD - Lenhardt Square and A-1 Land Use: Vacant land and Agriculture
SOUTH:	Zoning: Public and R-70 Land Use: Hogan's Slough and Vacant land
EAST:	Zoning: RMF-R, Public and R-70 Land Use: Vacant land
WEST:	Zoning: A-1 Land Use: Agricultural and single family residence

## BACKGROUND

Planned Development zoning is a customized zone district developed and applied to specific properties. The PD zone is a recorded document that includes a master plan of the zone districts and the specific requirements for each district. In addition, the developer often includes enforceable and specialized regulations for landscaping, trails and parks, screening and buffering of uses to mitigate potential conflicts. Several PD zone districts exist in the immediate area including Lenhardt Square (2008) north of King Avenue West, St Vincent's Health Care at King Ave West and Shiloh Road (2004 and updated 2015), Olympic Park on the northeast corner of King Avenue West and Shiloh Road (1981) and Golden Meadows at King Avenue West and 32nd St West (1978). Currently, the City of Billings administers 41 Planned Development zone districts.

Minor adjustments to approved Planned Developments can be administratively approved for issues such as slight increases in density or reductions in open space. Major changes to the zone district boundaries requires a new zone change application. This underlying zoning boundary adjustment, as with all zone changes, including Planned Development zone changes, must have findings of the ten review criteria that support the proposed change including whether the zoning is conforming to the adopted growth policy, allows for adequate and efficient provision of city services, and is generally compatible with the surrounding land uses and districts.

Planning staff conducted a Preliminary Review meeting as required for any Planned Development zone change on Thursday, May 21, 2020. The surrounding property owners and city staff are invited to the meeting to discuss the specifics of the proposed zoning and if concerns or conflicts are identified how the developer may adjust the zoning to eliminate or mitigate the issues. No surrounding property owners attended the review meeting and Planning staff did not received communication from any owner prior to the meeting. City Engineering provided comment prior to the meeting to request the developer review its current traffic analysis to realign it with the Subdivision Improvement Agreement (SIA) for the 2nd amended subdivision and to make sure both are consistent with the proposed zoning. The West End Task Force concurred with this request and supported the installation and maintenance of the pedestrian trail on the north side of Hogan's Slough and along the east side of S 48th St West. These requirements are not part of the zoning document but are contained within the SIA with the City of Billings and the developer. No other comments from city staff were received.

## SUMMARY

Planning staff recommends approval based on the following findings of the ten review criteria.

Prior to any recommendation to the City Council, the Zoning Commission shall consider these proposed findings:

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

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy and the West Billings Neighborhood Plan (2001):

The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed PD map amendment is consistent with the following adopted Policies of **Planned Growth Goal 1: Establish Development Patterns that Use Land More Efficiently**

*Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."*

- The proposed adjustments to the underlying zoning map are compatible with goals of the West Billings Neighborhood Plan. The proposed amendment will accommodate uses that are compatible in a mixed-use environment. The proposed development will also have good access to outdoor activities and is in close proximity to commercial centers and transportation options.

The proposed amendment is also in line with the adopted 2016 Growth Policy goals for:

**Prosperity:**

- 1) A diversity of available jobs can ensure a strong Billings' economy
- 2) Successful businesses that provide local jobs benefit the community
- 3) Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- 4) Retaining and supporting existing businesses helps sustain a healthy economy
- 5) Continued workforce training benefits the community and helps attract and retain businesses

The proposed zoning would accommodate a growing business and retail market, these types of businesses are sustainable and will help create and stabilize the economic base for Billings. Along with the proposed inter-connected system of trails and paths in Western Sky, the diverse housing choices and other commercial service options, Western Sky will help create a solid neighborhood in this area of West Billings. The concept development plan includes cottage court residential areas, a clubhouse and outdoor area, trail connections to the Shiloh Conservation Area and will be compatible with the intended development to the west. The proposed landscaping and streetscape will ensure the livability of this neighborhood .

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

The zoning requires minimum setbacks, open and landscaped areas and building separations. The zoning realignment would not change provisions for adequate building separations and density limits to provide security from fire and other dangers.

3. *Whether the new zoning will promote public health, public safety and general welfare?*

Public health and public safety will be promoted by the proposed change. The proposed amendment will allow safe and appropriate traffic flow, including ingress and egress to and from the public right of way.

4. *Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?*

**Transportation:** The city has reviewed a traffic study for the entire subdivision and proposed uses. The developer will be implementing the required mitigation and traffic improvements stipulated by Engineering. City Engineering has requested the developer ensure the proposed change be aligned with the traffic analysis and SIA.

**Water and Sewer:** The City will provide water and sewer to the property. There will be no additional impacts to the system from the proposed changes.

**Schools and Parks:** Schools and parks will not be effected by the proposed amendment.

**Fire and Police:** The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5. *Will the new zoning provide adequate light and air?*

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. *Will the new zoning effect motorized and non-motorized transportation?*

The traffic study prepared by the applicant for the city will be amended to reflect the changes and the developer will implement the recommendations of the study. Non-motorized travel – walking and biking – is an essential part of the circulation plan both within the proposed development and connecting to adjacent areas including Hogan’s Slough, Hoop Dreams development to the north and the Shiloh Conservation Area Trail system to the east. The Subdivision Improvement Agreement (SIA) for this new subdivision has conditions for trail and sidewalk improvements as well as pedestrian safety measures.

Traffic counts in the area on King Ave West and 48<sup>th</sup> St West are well below the expected volume on a principal arterial street. King Avenue West has an average daily traffic volume of 8,010 vehicles per day at this location, less than Poly Drive at 13<sup>th</sup> Street West. 48<sup>th</sup> Street West is less than most local streets with about 860 vehicles per day. As development increases in the area, these 2 arterial streets will need to build in additional controls, management facilities and safety features. MDT retains jurisdiction over the management of King Avenue West and the City will manage 48<sup>th</sup> St West where it has been annexed to the city. The traffic analysis includes contributions to improvements as well as improvement required as development phases are initiated.

7. *Will the new zoning will promote compatible urban growth?*

The proposed amendment will slightly expand the area for commercial uses at the intersection of 48th St West and King Avenue West. The zone district boundary will align with the proposed street access from 48th St West. The area zoned RMH will be reduced to accommodate the increase commercial zone. The proposed zone district boundaries are consistent with the urban growth in this area and will be compatible with the surrounding neighborhood.

8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. This area between Shiloh Road and 48<sup>th</sup> St West is an area undergoing rapid urban development and growth. Demand for local neighborhood and commercial services is increasing. Increasing the area for these services is suitable for this location.

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

The property is currently undeveloped. Approval of the zone change will continue to provide certainty to surrounding land owners and may help to maintain property values of adjacent buildings.

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

The proposed amendment may encourage the most appropriate use of this land in Billings.

**RECOMMENDATION**

Planning staff has reviewed the proposed amendment and is recommending approval to the Zoning Commission based on the findings of the ten review criteria detailed in the Summary section of this memo.

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**Attachments**

- Zoning Map & Site photos
  - Pre app information and application
  - Existing & Proposed Boundaries
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**PROPOSED ZONING**

**MAP AMENDMENT**  
WITHIN

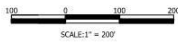
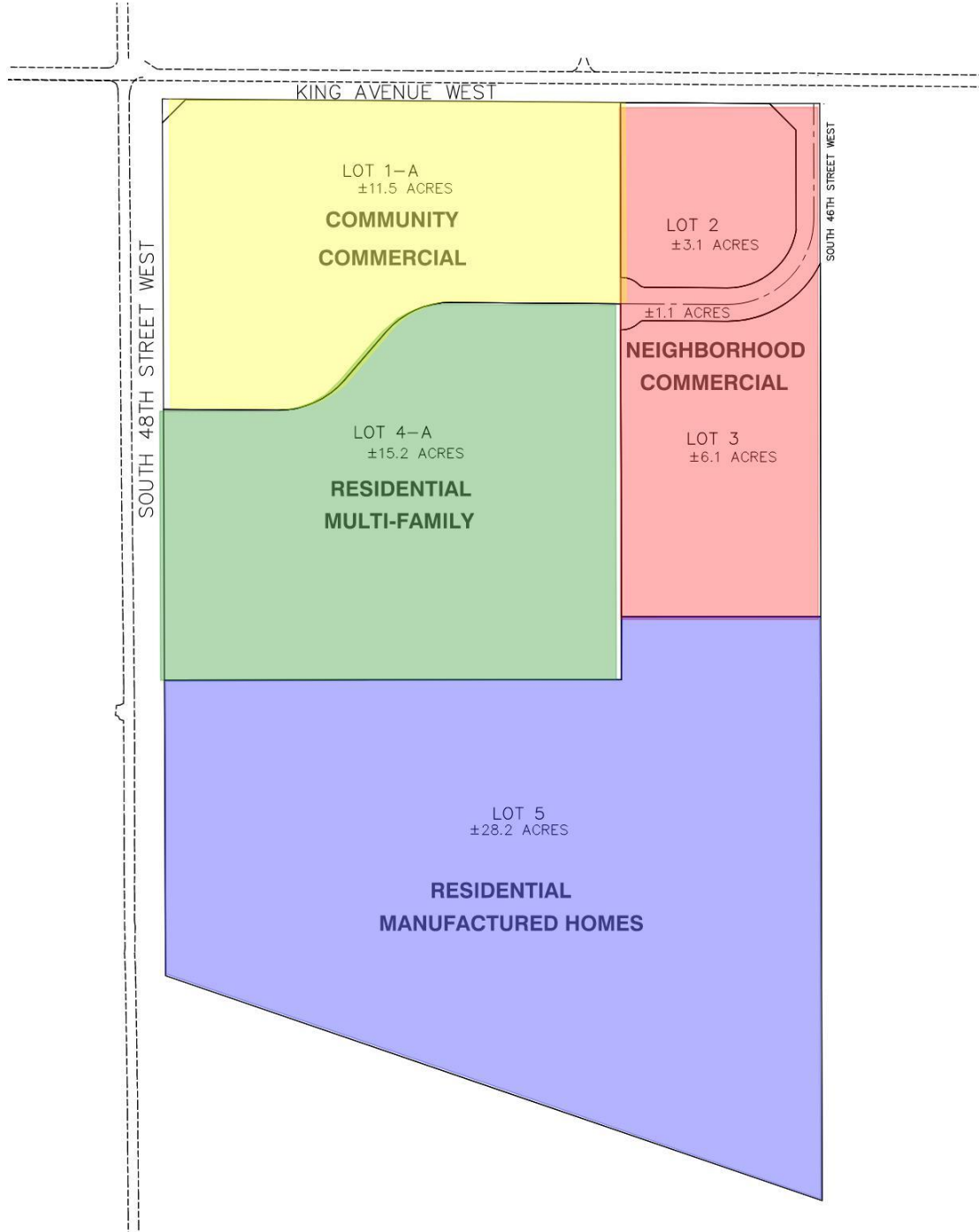
WESTERN SKY SUBDIVISION, 2ND AMENDED

PREPARED FOR : MONT VISTA LLC.

PREPARED BY : **SANDERSON STEWART** 

APRIL, 2020

BILLINGS, MONTANA











**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

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**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

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**\*\*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](mailto: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](mailto:bmorgan@sandersonstewart.com)

Sincerely,



Bill Morgan, PE,  
Associate/Project Manager

TRT/bc  
c: Karen Husman – Planner I, City of Billings - [husmank@billingsmt.gov](mailto:husmank@billingsmt.gov)  
P:05082.10\_Western\_Sky\_PreApp\_Ltr\_042020

## MEETING MINUTES

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

**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 48<sup>th</sup> 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.**

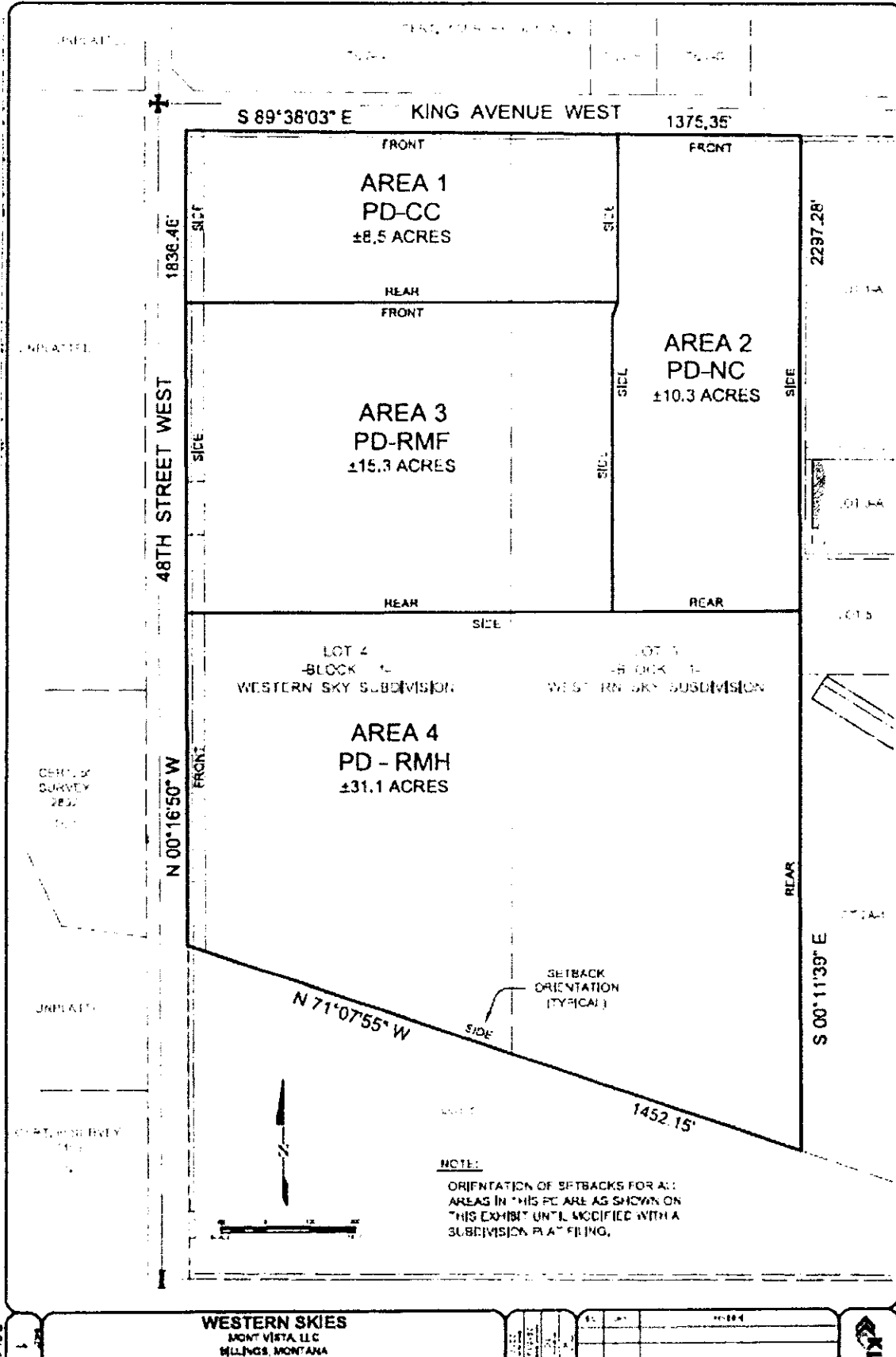
The zone change for this subdivision comprises of a map amendment of land uses previously approved under a 2017 Planned Development Agreement. There are no other changes to the underlying agreement such as allowable or designated land uses, setbacks, landscaping requirements, or building design standards. 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

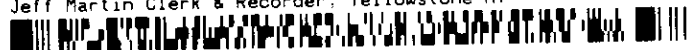
The map amendment reflects the current plans to develop the subdivision and will allow for better interconnectivity between allowed access points. This map change will better accommodate the owners' planned vision for the subdivision and does not change the allowable land uses in the underlying Planned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

# EXISTING ZONING

## Planned Development Exhibit



**WESTERN SKIES**  
 MONT VISTA, LLC  
 BILLINGS, MONTANA



**PROPOSED ZONING**

**MAP AMENDMENT**  
WITHIN  
WESTERN SKY SUBDIVISION, 2ND AMENDED

PREPARED FOR : MONT VISTA LLC.

PREPARED BY : **SANDERSON STEWART** 

APRIL, 2020

BILLINGS, MONTANA

KING AVENUE WEST

SOUTH 48TH STREET WEST

SOUTH 46TH STREET WEST

LOT 1-A  
±11.5 ACRES

**COMMUNITY  
COMMERCIAL**

LOT 2  
±3.1 ACRES

±1.1 ACRES

**NEIGHBORHOOD  
COMMERCIAL**

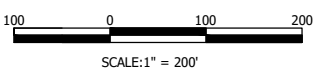
LOT 3  
±6.1 ACRES

LOT 4-A  
±15.2 ACRES

**RESIDENTIAL  
MULTI-FAMILY**

LOT 5  
±28.2 ACRES

**RESIDENTIAL  
MANUFACTURED HOMES**



SCALE: 1" = 200'

