



CITY ZONING COMMISSION
AGENDA-Tuesday, September 1, 2020, 4:30 p.m.
Virtual Zoom Meeting

NOTICE TO THE PUBLIC

Public Comment:

Notice is hereby given that the **Zoning Commission of the City of Billings, Montana will hold a public hearing on Tuesday, September 1, 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 1st Floor at 2825 3rd 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, September 1, 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 August 4, 2020.

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 982 – 1127 Alderson Ave - RP to RMF - A zone change request from Residential Professional (RP) to Residential Multi-Family (RMF) on Block 4, Lot 4-8, Sunset Subdivision, a 39,793 square foot parcel of land. A pre-application neighborhood meeting was held on July 23, 2020, at 1127 Alderson Ave. Presented by Karen Husman, Planner I

- b. **City Zone Change 983 – Cherry Creek Loop - Public to R-80** - A zone change request from Public (P) to Residential- 8000 (R-80), on the southern 3.42 acres of Lot 2, Block 1, Cherry Creek Estates Sub., a 20.196 acre parcel of land. A pre-application neighborhood meeting was held on July 27, 2020, at the subject property on Cherry Creek Loop. Presented by Nicole Cromwell, Zoning Coordinator.

Other Business/Announcements

Adjournment

The City Council has designated Monday, September 28, 2020, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation on each **zone change** request.

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 3rd Avenue North, 4th Floor, Miller Building, Billings, MT 59101 (247-8676) or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

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

City Zoning Commission

Meeting Date: 09/01/2020

Information

Subject

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

Attachments

2020_08_04_BZC_MIN

City of Billings Zoning Commission Meeting Minutes August 4, 2020

The City of Billings Zoning Commission met on Tuesday, August 4, 2020 in the Virtual Zoom meeting,

Chairman Larson called the meeting to order at 4:30 p.m. The City Council has designated **Monday, August 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
		1	2	3	4	5	6	7	8	9	0	1	2	
		/	/	/	/	/	/	/	/	/	/	/	/	
		0	0	0	0	0	0	0	0	0	0	0	0	
		7	4	3	7	5	2	7	4	1	6	4	1	
		/	/	/	/	/	/	/	/	/	/	/	/	
		2	2	2	2	2	2	2	2	2	2	2	2	
		0	0	0	0	0	0	0	0	0	0	0	0	
		2	2	2	2	2	2	2	2	2	2	2	2	
		0	0	0	0	0	0	0	0	0	0	0	0	
Mike Larson	Commissioner	1	1	-	-	-	1	1	1					
Daniel J. Brooks	Commissioner	E	1	-	-	-	1	1	1					
Jack King	Commissioner	1	1	-	-	-	1	1	1					
Greg McCall	Commissioner	1	E	-	-	-	1	1	1					
Trina White	Commissioner		-	-	-	-	1	1	1					
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-	-	-	-	
Monica Plecker	Division Planning Manager	-	-	-	-	-	-	-	-	-	-	-	-	
Nicole Cromwell	Planner Zoning Coordinator	1	1	-	-	-	1	1	1					
Tammy Deines	Planning Clerk	-	-	-	-	-	-	-	-	-	-	-	-	
Dave Green	Planner II	-	-	-	-	-	-	-	-	-	-	-	-	
Karen Husman	Planner I	1	1	-	-	-	1	-	1					
Robbin Bartley	Administrative Support	1	1	-	-	-	1	1	1					

Total Number of 2019 Applications	0	0	0	0	0	0	0	0	0	1	1	1	T O T A L	
	1	2	3	4	5	6	7	8	9	0	1	2		
	/	/	/	/	/	/	/	/	/	/	/	/		
	0	0	0	0	0	0	0	0	0	0	0	0		
	7	4	3	7	5	2	7	4	1	6	4	1		
	/	/	/	/	/	/	/	/	/	/	/	/		
	2	2	2	2	2	2	2	2	2	2	2	2		
	0	0	0	0	0	0	0	0	0	0	0	0		
	2	2	2	2	2	2	2	2	2	2	2	2		
	0	0	0	0	0	0	0	0	0	0	0	0		
	Zone Change	2	0	-	-	-	1	2	1					6
	Special Review	0	1	-	-	-	0	2	2					5

Chairman Larson introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, and Robbin Bartley, Administrative Assistant.

In Attendance : Dusty Sims, Russ Cherry, Kevin Iffland

Public Comment

Chairman Larson called for public comments. There were no public comments. **Chairman Larson** closed the public comment portion of the meeting.

Approval of Minutes:

Chairman Larson called for approval of the July 7, 2020 meeting minutes.

Motion

Commissioner Brooks made a motion and Commissioner King seconded the motion to approve the July 7, 2020 meeting minutes. Correct Commissioner White's misspelled name on page 8.

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

The motion for approval then carried with a unanimous voice vote 5-0.

Disclosure of Conflict of Interest

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

Disclosure of Outside Communication

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

Public Hearings:

Chairman 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 August 24, 2020.

Item #1

Nicole Cromwell read aloud the legal notice for this application:

City Special Review 984– 1804 Grand Avenue - New Billboard – A special review request to allow placement of a 372 square foot billboard sign, using a single sign face credit for a billboard removed at 1943 Main Street, but less than 200 feet from a residential zone, in a Community Commercial (CC) zone, on Block 1, Lots 19-24, Tietz Sub., a 21,267 sf parcel of land. Tax ID: A17066.

Applicant has requested a withdrawal of this application.

Questions for staff:

None

Discussion

Chairman Larson called for questions and discussion from the Board.

Motion

Commissioner King made a motion and Commissioner Brooks seconded the motion to allow Withdrawal of City Special Review 984.

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

The Motion to allow withdrawal of City Special Review 984 carried with a 5-0 vote.

Item #2

Nicole Cromwell read aloud the legal notice for this application:

City Special Review 985 – 446 Grand Ave - Drive Through Service – A special review request to allow a drive through service for a new 860 square foot coffee shop, in a Neighborhood Commercial (NC) zone, on Block 35, Lot 24A, & Lt 25-28 & the W ½ of Lot 29 Suburban Homes Addition, a 17,837 sf parcel of land. Tax ID: A18200

Recommendation

The Planning Division recommends conditional approval, per Section 27-1503, based on the criteria for Special Review, with the following conditions:

1. Approval is limited to Blk 35, Lt 24A, & Lt 25-28 & the W ½ of Lot 29 Suburban Homes Addition, generally located at 446 Grand.
2. For the construction & operation of a drive through service window on the east side of a coffee shop restaurant. No other use
3. The drive through service window will not be open 24-hours a day.
4. Any outdoor announcement system shall not be audible at any property line
5. No internally illuminated signage will be placed parallel to the south property
6. A sight obscuring fence shall be placed on the south property line to buffer residents across the alley.

7. The proposed development shall comply with all other limitations of the Zoning Regulations all other City regulations and ordinances that apply.
8. These conditions shall run with the land described.

Questions for staff:

Commissioner Brooks asked if the 6am to 10pm hours condition is a standard condition or arbitrary. Staff replied it is a standard condition that can be amended in the motion. Commissioner Brooks thinks 5am to 10pm is more appropriate.

Commissioner White expressed concerns for traffic and a Q traffic study. Staff replies engineering will certainly address the traffic concerns. Commissioner McCall explains the double Q line and probable right turn only restrictions from engineering. Staff did explain in the presentation engineering will be requiring a Q analysis because of their concerns about access in this busy intersection.

Public Hearing Chairman Larson opened the public hearing at 4:43PM and asked for anyone wishing to speak in favor or against **City Special Review 985**.

Applicant:

Lawrence Smith, 435 Clark Ave

It is a blighted site. They will be improving the site tremendously and making it community friendly. It will be drive thru and walk up only. With careful consideration of foot traffic crossing any vehicle lanes.

Favor:

Jared Smith, 1131 North 27th Street

Mr. Smith indicated they would appreciate the earlier opening of the store. There will be no sit down accommodations. City Brew is committed to fast service.

Commissioner King asked if they anticipate a high number of customers thereby making a traffic problem and stated this will be a nice upgrade to the area. He explores them to do as much appropriate landscaping and set a good example for the rest of Grand Avenue businesses.

Mr. Smith stated the customers themselves will regulate. If there is a problem with speed, flow or convenience they will, statistically, motor on to find better convenience.

James Kordonowy, A&E Design

Esthetics are paramount. This is more than just a drive thru kiosk. It is a building with design. They are committed to safety for traffic and pedestrians. There is some outdoor seating options. Retaining walls if necessary to protect pedestrians.

Opposed:NONE

Public Hearing CLOSED at 4:58PM

Discussion

Chairman Larson called for questions and discussion from the Board.

Motion

Commissioner Brooks made a motion and Commissioner King seconded the motion to approve City Special Review 985 with Staff recommendations, changing Condition #3 to 5am-10pm.

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

The Motion carried to approve City Special Review 985 with a 5-0 vote.

Item #3

Nicole Cromwell read aloud the legal notice for this application:

City Zone Change 980 – 759 Newman Lane & 766 Calhoun Lane - from EGC to NC - A zone change request from Entryway General Commercial (EGC) to Neighborhood Commercial (NC), on Block 5, Lot 1, (less N 110 ft & less 7,847.3 ft for King Ave.), Pinnick Sub. 3rd Filing, and Lot 24 (S 310 ft) of Sugar Subdivision, a 4.418 acre parcel of land. A pre-application neighborhood meeting was held on Monday, June 29, 2020 at 7:00 pm, at 759 Newman Lane. Tax ID: A20196 & D01587

Recommendation

Planning staff recommends approval of the zone change based on the findings of the 10 review criteria.

- ✓ The proposed zone change is compatible with existing development in the immediate neighborhood.
- ✓ Is Consistent with 2016 Growth Policy
- ✓ Essential Investments: Upgrade of site, infill development, near existing infrastructure
- ✓ Community Fabric: New development on the site with new landscaping will be more visually appealing
- ✓ Existing city services to the area can accommodate the proposed use.

Questions for staff: NONE

Public Hearing Chairman Larson opened the public hearing at 5:03PM and asked for anyone wishing to speak in favor or against **City Zone Change 980**.

Applicant: Kieth Myhre, 234 Yellowstone Ave

Shares the proposed site plans.

Favor:

Michael Verseman, 613 Agate Ave

He is a congregation member and officer of the church.

Opposed:

NONE

Public Hearing CLOSED AT 5:08PM

Discussion

Chairman Larson called for questions and discussion from the Board.

Motion

Commissioner McCall made a motion and Commissioner White seconded the motion to approve City Zone Change 980 with conditions proposed.

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

The Motion to approve City Zone Change 980 with conditions proposed carried with a 4-0 vote.

Item #4

Nicole Cromwell read aloud the legal notice for this application:

City Zone Change 981 – 750 Broadwater Ave. – Yellowstone PD-NC – add auto sales - A zone change request to add auto sales as an allowed use in the Yellowstone Planned Development - Neighborhood Commercial zone, on Block 4, Lot 27-31 & 26A 26B (1st Add to Blk 4)(Less 50 SF Street)of the Yellowstone Addition Subdivision, a 24,450 sf parcel of land. A pre-application

neighborhood meeting was held on Monday, June 29, 2020 at 5:30 pm at 750 Broadwater. Tax ID: A18912

- Planned development zone changes allow developers and owners to customize a proposed zoning to allow flexibility in uses, enforce design criteria, and place limitations on future uses the “standard” zoning districts might allow
- An applicant can choose an underlying zoning district and set standards based on the underlying zoning
- The proposed amendment to the Yellowstone Addition PD, will allow auto sales as an additional use
- Car rental, a car wash and auto repair are also approved uses on this property
- These agreements and stipulations, if approved, are enforceable by City of Billings as zoning regulations
- This PD, if amended, cannot be modified administratively to include additional uses or change setbacks or building heights without another zone change application

Recommendation

Planning staff recommends approval of the requested amendment to the Planned Development – Neighborhood Commercial zone to allow auto sales at 750 Broadwater Avenue and adoption of the findings of the 10 criteria.

Planning staff recommends approval of the zone change request based on the findings of the 10 review criteria

- Proposed zone is in conformance with 2016 Growth Policy and 1999 Central Terry Neighborhood Plan
- Draft PD amendment has protections and agreements in place to protect adjacent and nearby residences and businesses
- Draft PD has stipulations for continuous improvements over time

Questions for staff:

Commissioner Brooks showed concerns for security lighting at the site.

Commissioner King stated most used car lots are not very pleasing to the eye and is hoping Mr. Sims will do better in landscaping and esthetics. He also asked how many cars will be on the lot. He expressed appreciation for the small and very tidy appearance of Mr. Sims current location.

Public Hearing Chairman Larson excused himself and Vice Chair McCall opened the public hearing at 5:19PM and asked for anyone wishing to speak in favor or against **City Zone Change 981**.

Applicant, Dusty Sims, 3514 Stone Brook Drive

Mr. Sims is excited to own and maintain this new location for his business. Having once owned a landscaping business, he, also is concerned with the appearance and will be painting and landscaping the property. He would also like to put a fence on the alley side. In regards the lighting concerns, there will be upgrades to that as well. Currently he may have as many as 10-12 cars on site and projects a maximum of 20-30 cars at this location.

Commissioner Brooks then reiterated his concerns for additional security lighting and commented on Mr. Sims business model and his current location aesthetics. He stated the neighbors were likely to be pleasantly surprised with this car sales lot.

Favor:

Russ Cherry, current owner, 601 Luther Circle

Mr. Cherry has owned this for many years, it has always been involved in auto business. The neighbors are great and Mr. Cherry is very happy Mr. Sims is purchasing this property.

Opposed:

NONE

Public Hearing CLOSED AT 5:28PM

Discussion

Vice Chairman McCall called for questions and discussion from the Board.

Motion

Commissioner Brooks made a motion and Commissioner King seconded the motion to approve City Zone Change 981.

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

The Motion carried with a 4- 0 vote.

Other Business:

Deputy City Administrator Kevin Iffland gave a presentation regarding the upcoming Public Safety Mill Levy. The powerpoint is attached.



PSML
presentation.pptx

Adjournment: The meeting adjourned at 5:48PM.

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



City Zoning Commission

Meeting Date: 09/01/2020

SUBJECT: Zone Change 982 - 1127 Alderson Ave

THROUGH: Monica Plecker

PRESENTED BY: Karen Husman

Information

REQUEST

City Zone Change 982 – 1127 Alderson Ave - RP to RMF - A zone change request from Residential Professional (RP) to Residential Multi-Family (RMF) on Block 4, Lot 4-8, Sunset Subdivision, a 39,793 square foot parcel of land. A pre-application neighborhood meeting was held on July 23, 2020, at 1127 Alderson Ave. Presented by Karen Husman, Planner I

RECOMMENDATION

The Planning staff has reviewed the application and is recommending approval based on the findings of the 10 review criteria detailed in the summary section of this report. The proposed zoning and use of the property are compatible with the adjacent and surrounding land uses. The 2016 Growth Policy supports the proposed zoning and use in this area of mixed uses and zoning.

APPLICATION DATA

OWNER: 1127 Alderson, LLC
 AGENT: Michael Burke, HGFA Architects
 LEGAL DESCRIPTION: Blk 4, Lots 4-8, Sunset Subdivision
 ADDRESS: 1127 Alderson Avenue
 CURRENT ZONING: RP
 EXISTING LAND USE: Residential
 PROPOSED USE: Residential
 SIZE OF PARCEL: 39,793 sf

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1107 Alderson	8	3/27/1973	R-60 to RMF-R	Y	
828 Grand Ave	595	6/12/95	RMFR to NC	Yes	
808 Grand Ave	932	3/9/95	R-70 to CC	Yes	
743 Broadwater	262	7/23/79	R-72 to NC	No	
507 Broadwater	407	8/22/83	R-72 to RP	Yes	
Suburban Homes Sub, L3	579	2/28/94	R-70 to RP	Yes	
1025 Grand Ave	115	3/22/76	RMF to CC	Yes	
1413 Colorado	538	8/20/90	R-60 to CC	No	

SURROUNDING LAND USE & ZONING

NORTH: Zoning: CC
Land Use: Offices, Auto Zone
SOUTH: Zoning: R-70
Land Use: Residential
EAST: Zoning: RMF-R
Land Use: Apartments
WEST: Zoning: CC
Land Use: Big B Bingo & Casino 1

BACKGROUND

This is a zone change request from Residential Professional (RP) to Residential Multi-Family (RMF) on Block 4, Lots 4-8, Sunset Subdivision, a 39,793 square foot parcel of land. The applicant is requesting a change to allow infill development of this property. The new zoning would allow the applicant to renovate the existing structures to accommodate 29 dwelling units. The adjacent property to the east is currently RMF-R (changed in 1973 from R-60) and has 21 dwelling units in one apartment building, constructed in 1965 on a 27,188 square foot parcel of land.

SUMMARY

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

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

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Neighborhoods that are safe and attractive and provide essential services are much desired

Home Base:

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- To provide safe, good quality and affordable housing and develop patterns that are compatible with existing neighborhoods. Maintain similar housing in established neighborhoods.

The proposed zoning will allow another housing choice in an area with primarily only one housing choice. This is a diverse area with different zoning districts of commercial and residential. The new zoning will allow a use that is similar to the adjacent parcel to the east and other similar developed parcels in the area.

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

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

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

Public health and public safety will be promoted by the proposed zoning. The additional dwelling units will help increase the number of rate payers to the city utility systems and increase the taxable value of the property.

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

Transportation: The proposed zoning will have an effect on the existing transportation system. More vehicle trips may be generated with the residential development of the property as opposed to the commercial office use.

Water and Sewer: The City provides water and sewer to the property.
Schools and Parks: Schools and parks should not be significantly affected by the proposed zoning.
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?*

Traffic generation from 29 dwelling units would increase the vehicle trips per day. Including trips to the new residences for services such as mail, deliveries, solid waste as well as trips by the occupants.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to re-develop into a housing need and is compatible with the existing 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. The proposed zoning will allow a housing choice that is in demand in the area. The proposed zoning will allow the existing structure to be redeveloped into a housing choice that fits into the existing area.

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

Approval of the zone change will conserve the value of the property by allowing redevelopment and renovation of the existing property, potentially increasing the value of the existing building.

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

The proposed zoning will allow re-development of the land and upgrade the current use. This is the most appropriate use of the land.

RECOMMENDATION

The Planning staff has reviewed the application and is recommending approval based on the findings of the 10 review criteria detailed in the summary section of this report. The proposed zoning and use of the property are compatible with the adjacent and surrounding land uses. The 2016 Growth Policy supports the proposed zoning and use in this area of mixed uses and zoning.

Attachments

Zoning Map & Site Photos
Application
Neighborhood Mtg info
Site Plan

ZC 982 ATTACHMENTS



Zoning Map



Aerial Photo

Site Photos











Application & Applicant Letter



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 1127 Alderson Avenue

Legal Description SUNSET SUBD, S05, T01 S, R26 E, BLOCK 4, Lot 4 - 8

STATEMENT: Answer the following questions on a separate document and upload to the online project attachments.

- 1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?
2. Explain your need for the intended zone change and why the property cannot be used under the existing zoning.
3. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

REQUIRED UPLOADS Online Applications: https://services.billingsmt.gov/citizenaccess/

--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.

--Signed Application and Zone Change Statement (Zone Change questions)

--Site Plan

--Typed Mailing Labels Certified Surrounding Property Owners

--Radius Map & Certified List of Property Owners

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) 1127 Alderson LLC

Owner's Address 1010 Central Avenue, Ste. 1, Billings, Montana 59102

Owner's Phone Number 406-690-2070 E-mail max@griffindvlp.net

Applicant/Agent Michael Burke, AIA

Applicant/Agent's Address 222 North 32nd Street, Ste. 800, Billings, Montana 59101

Applicant/Agent's Phone Number 406-248-7811 E-mail hgfa@hgfa.net

Signature of Recorded Owner(s) [Handwritten Signature]

Date 7-29-20

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.

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.



ZONE CHANGE PRE-APPLICATION MEETING AFFIRMATION

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 1127 Alderson Avenue

Legal Description SUNSET SUBD, S05, T01 S, R26 E, BLOCK 4, Lot 4 - 8

Present Zoning RP Residential Professional Proposed Zoning Choose One

Neighborhood Task Force Area? Central Terry Task Force

Task Force Chairperson L.A. Trudeau

Task Force Chairperson Mailing Address 930 Miles Avenue, Billings, Montana 59101

Required Uploads to Online Project Attachments:

- o Zone Change Pre-application Meeting Affirmation Form
- o STATEMENT:
Written description of the Zone Change Plan including square footage or acres of proposed new zoning.
- o Subject Property Map
- o Roster of persons who attended the pre-application neighborhood meeting
- o Meeting Notice and a brief synopsis of the meeting results

Affirmation:

- 1) The pre-application neighborhood meeting was held on: Thursday, July 23, 2020
- 2) The zone change application is based on materials presented at the meeting.

Recorded Owner(s) 1127 Alderson LLC

Owner's Address 1010 Central Avenue, Ste. 1, Billings, MT 59102

Owner's Phone Number 406-690-2070 E-mail max@griffindvlp.net

Applicant/Agent Michael J. Burke, AIA

Applicant/Agent's Address 222 North 32nd Street, Ste. 800, Billings, Montana 59101

Applicant/Agent's Phone Number 406-248-7811 E-mail hgfa@hgfa.net

Date 7.30.2020

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

July 16, 2020

RE: Pre-Application Neighborhood Meeting
Proposed Zone Change

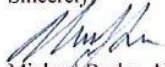
To Whom It May Concern:

Please accept this letter as notification of a pre-application neighborhood meeting regarding a zone change from Residential Professional to Residential Multi-Family. Please see the information below regarding description of the lot as well as date, time and location of the meeting.

- Date, time and location of the meeting
 - Date: Thursday, July 23, 2020
 - Time: 3 p.m.
 - Location: 1127 Alderson Avenue
- Legal description of the subject parcels along with a map showing the dimensions, acreage and location of the parcels
 - 1127 Alderson Avenue – Sunset Subdivision, S05, T01 S, R26 E, Block 4, Lot 408 in the City of Billings, Yellowstone County, Montana
- The names and addresses of the owner(s) of the subject property
 - 1127 ALDERSON LLC
 - 1010 CENTRAL AVENUE, STE. 1
 - BILLINGS, MONTANA 59102-5812
- A zone change plan with a written description of the proposed zone change including the area in square footage or acres to be included in the zone change
 - The zone change is a request to change the existing parcels from Residential Professional to Residential Multi-Family
 - Zoned – Residential Professional
 - Changed to – Residential Multi-Family
 - There is no area or square footage adjustment as part of this request.
 - Lot Size: 39,793 s.f.

We look forward to the opportunity to meet and share our thoughts related to the zone change and why we believe it to be beneficial to the residents and the 2016 City of Billings Growth Policy.

Sincerely,



Michael Burke, AIA
Owner Agent

attach.

Pre-Application Neighborhood Meeting Minutes

Thursday, July 23, 2020

Location: 1127 Alderson Avenue – 3 p.m.

Owner Agent Presenter: Jeff Winkler and Sherril Burke, HGFA-Architects, PLLC
Property Owner Presenter: Max Griffin

Handouts were provided at this meeting that have been made part of the Zone Change Application submittal.

Attendees: Refer to Attendance Sheet Attached

- This meeting was to inform the property owners within the prescribed area as identified by City Planning of a proposed Zone Change Request from Residential Professional to Residential Multi-Family.
- Presentation Boards were shown which reviewed information that was submitted in the package mailed to residents within the boundary as prescribed by City Planning along with site photos.
- Summary – In lieu of developing the property at 1127 Alderson Avenue in the City of Billings as a commercial or professional project, the owner is requesting the property be re-zoned to Residential Multi-Family to allow for uses as defined under this category.
- The following is a summary of the discussion that transpired:
 - A short history of the building, its tenants and uses was given by the property owner, Max Griffin.
 - Jeff Winkler presented the proposed project with visual aids that showed the property's current zoning, Residential Professional with its allowed uses as well as the proposed zoning, Residential Multi-Family with the proposed use for the 29 unit apartment building. The existing building will be remodeled to accommodate the new residential units. The majority of the apartments will be either Single bedroom apartment units (15) or Studio apartment units (12) or two Double bedroom apartment units.
 - The following are questions asked by adjacent property owners:
 - Will the apartment tenants be parking on the street?
 - Answer: No on-street parking is intended. The owner is providing more on-site parking than is required per Billings Municipal Code (BMC) 6-1203 – Off-Street Parking Requirements for Residential Multi-Family are required one parking stall per bedroom dwelling unit and one and one half parking stalls per two or more bedroom dwelling units.

Studio Units	=	12 x 1	=	12 parking stalls required
1 Bedroom Units	=	15 x 1	=	15 parking stalls required
2 Bedroom Units	=	2 x 1.5	=	3 parking stalls required

Total for 29 Units	=		=	30 parking stalls required
Actual On-Site	=		=	44 (+/-) parking stalls provided

The project will provide 147% more parking than required. Each tenant will have a designated parking spot. The owner intends the extra parking stalls to be used for tenants and tenant visitors to eliminate the need to park on the street. The owner has also offered to allow after business hours overflow parking on their property directly north at 1116 Grand Avenue to aid in eliminating the tenants from parking on the street.

- What is the apartment's policy on dogs and pets?
 - Answer: The owner would prefer to have the building pet free but is considering limiting pets to one pet under 30 pounds per apartment unit.

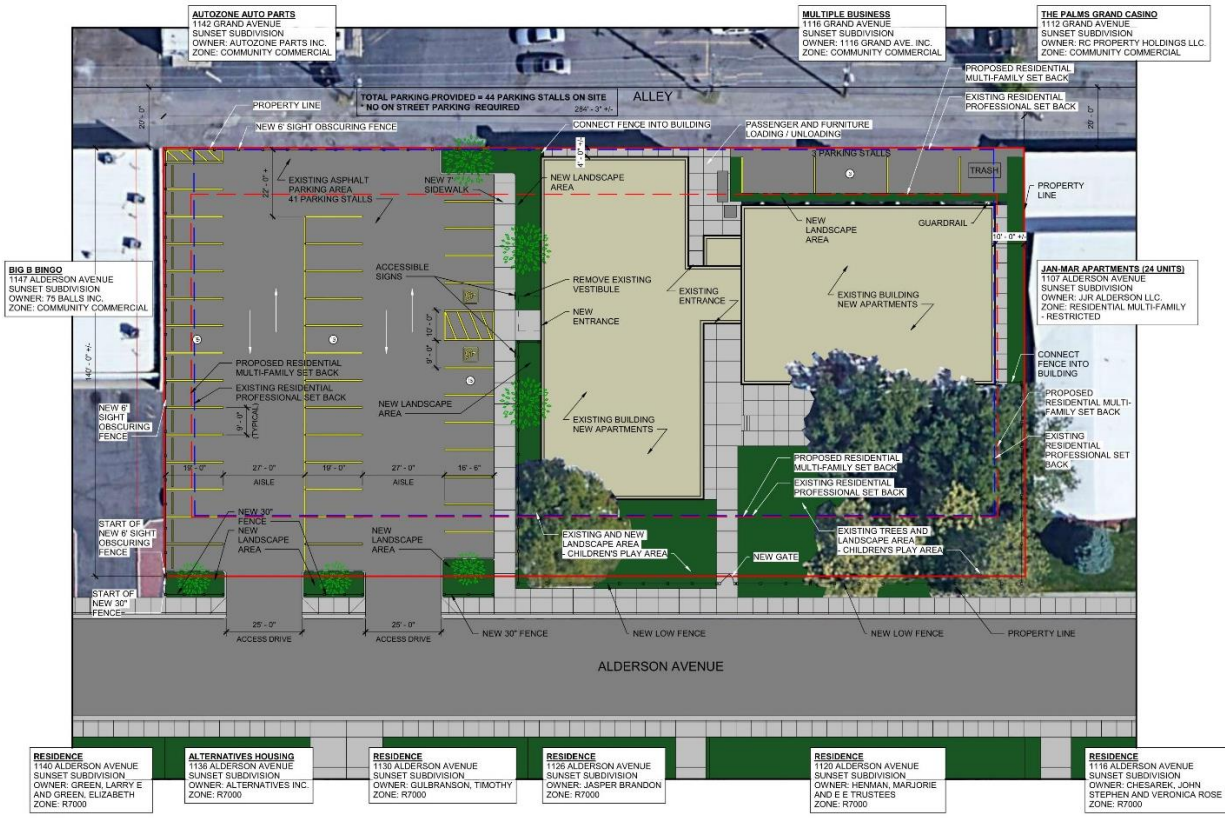
Pets would be allowed within the fenced area but final rules and regulations have not been determined at this time.
- How is the owner going to manage the facility, i.e., rental property management company or by owner? Indicated concern over the management and clientele of the adjacent rental property due to non-existent owner oversight.
 - Answer: Max stated that the property will be managed by him, not a management company. If there are any items or concerns that needed to be addressed, he will be handling them for the property and tenants.
- Will tenants be allowed to store trailers, boats, etc. on-site?
 - Answer: No. The owner is not going to allow trailers, boats, or other towable items to be stored on-site. These items will need to be stored off-site and not on the street.
- If the zone change is not approved by the City, what does the owner plan to do with the building/site? Will the current building be removed?
 - Answer: Max stated that they will have to look at "Plan B". What that is exactly is not known at this time but the building will remain and it will not be left unoccupied.
- Concern: It was brought up by one of the property owners that there has been an increase in the transient foot traffic through the neighborhood along with vandalism and vehicle break-ins.
 - This is a concern of Max's as well. He thought this was something that everyone in the neighborhood should get together and discuss with the City to find a solution. Max felt that with the new apartment building adding an additional 30+ people to the neighborhood would add additional eyes to watch out for vandalism and vehicle break-ins. He is also going to add security cameras on the property to monitor around the building.
- Is there a plan for the apartment building's security?
 - Answer: Yes. The building's entrances will be secured and monitored electronically. Interior and exterior security cameras will be installed,

monitored and digitally recorded. Additional site lighting will be installed to illuminate the parking area as well as around the building to eliminate dark, shadowy corners, but not overdone so as to not be overtly bright. Max said that he has found that these simple measures usually helps, if not eliminates, undesirable activities in and around the building.

- What was the owner's opinion about removing residential trash collection from the alley and putting them on the street?
 - Answer: The owner is not a big fan of moving trash collection from the alleys to the front of the residences but with the trash collection requirements for a building this size (commercial or residential) an alley trash collection would most likely still pertain.
- Concern: It was brought up that the amount of vehicle traffic along Alderson Avenue has increase as well as the speed of the vehicles. What can be done about this?
 - Answer: It was suggested that the neighborhood, all of the surrounding property owners including Max Griffin, can and should talk with the City about options to reduce vehicle speeds along Alderson Avenue with speed bumps, stop signs, etc.
- What is the owner's thoughts on the current state of the alley to the north of this building?
 - Answer: Max would like to have this fixed and is willing to help pay for the alley's repair, especially since he has two properties that backup onto the alley.

Note: About 20 minutes into the meeting a lady arrived. She would not identify herself, sign the attendance sheet or list her address. She asked some questions and stated that this area was her "oasis" and she did not want additional residences, i.e., a 29-unit apartment building, becoming a part of it. She enjoyed the fact that this area has so many nice amenities (grocery store, pharmacy, restaurants, schools, public transportation, etc.) within walking distance and did not want the addition of 30+ more people in her "oasis".

Meeting was concluded at approximately 3:40 p.m.



1 SITE AND PARKING PLAN
SCALE: 1/8" = 1'-0"

ZONING:
 EXISTING ZONING - RESIDENTIAL PROFESSIONAL
 PROPOSED ZONING - RESIDENTIAL MULTIFAMILY





City Zoning Commission

Meeting Date: 09/01/2020

SUBJECT: Zone Change 983 - Cherry Creek Loop - Public to R-80

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

City Zone Change 983 – Cherry Creek Loop - Public to R-80 - A zone change request from Public (P) to Residential- 8000 (R-80), on the southern 3.42 acres of Lot 2, Block 1, Cherry Creek Estates Sub., a 20.196 acre parcel of land. A pre-application neighborhood meeting was held on July 27, 2020, at the subject property on Cherry Creek Loop. Presented by Nicole Cromwell, Zoning Coordinator.

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the ten criteria for Zone Change 983.

APPLICATION DATA

OWNER: Cherry Island, LLC
 AGENT: Blueline Engineering, Marshall Phil, P.E.
 LEGAL DESCRIPTION: South 3.42 acres of Lot 2, Block 1 Cherry Creek Estates
 ADDRESS: Cherry Creek Loop
 CURRENT ZONING: Public
 EXISTING LAND USE: Vacant
 PROPOSED USE: Townhome Development
 SIZE OF PARCEL: 3.42 acres of 20.196 acre parcel

CONCURRENT APPLICATIONS

County Zone Change 703 - for acreage outside city limits and south of Cherry Creek Loop - a zone change from R-96 to R-80.

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Lot 2, Block 1 Cherry Creek Estates	County ZC 496	Feb 1998	A-1 to R-70 and RMH	Withdrawn	
	City ZC 633	April 1998	A-1 to R-70	Withdrawn	Northern lot on Wicks Lane
	County ZC 506	August 1998	A-1 to R-96	Approved	Riverview Estates east of Cherry Creek
	County ZC 524	Dec 1999	A-1 to PD with RMH & Public zones	Denied	BOCC recommended annexation
	County ZC 541	April 2001	A-1 to R-96 & Public	Approved	Subject Property
	County ZC 543	May 2001	A-1 to RMH & Public	Approved	Litigated & BOCC Decision Affirmed
	County ZC 551	March 2002	Clarifying Zone Boundaries R-96 & Public	Approved	
	City ZC 696	April 2002	A-1 to RMH, RMH to Public & R-96 to Public	Withdrawn	Mistaken submittal by agent

	City ZC 702	July 2002	RMH & Public to R-96	Denied	City Council initiated after annexation in June 2002
	County ZC 562	July 2003	A-1 to R-96	Approved	Small area east of MHP
	County ZC 673	March 2016	R-96 to RMH	Withdrawn	Subject Property
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1922 – 1950 Mary St	County ZC 85	4/27/1976	R-70 to RMH	Y	Court reversed ZC
1415 Yellowstone River Rd	County ZC 312	1/22/1982	R-70 to Public	Y	Eagle Cliff Nursing Home
1817 Bitterroot Dr	County ZC 371	11/84	R-70 to R-60	Withdrawn	Annexed
Bitterroot Dr & Walter Rd	County ZC 505	9/28/1998	R-70 to R-96	Y	Multiple owners adjacent to Cherry Creek
1601 – 1747 Wicks Ln	City ZC 637	9/14/1998	R-70 to R-96	Y	Multiple owners adjacent to Cherry Creek
Caleb Park Hawthorne & Wicks Ln	City ZC 761	9/20/2005	R-70 to R-50	Y	Townhomes

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-96
Land Use: Vacant

SOUTH: Zoning: Public
Land Use: Yellowstone River

EAST: Zoning: RMH
Land Use: Cherry Creek Manufactured Home Park

WEST: Zoning: R-70
Land Use: Single family dwellings and a storage warehouse (1123 Bitterroot Dr)

BACKGROUND

This is a zone change request for the southern 3.42 acres of Lot 2, Block 1, Cherry Creek Estates Subdivision, from Public to Residential 8,000 (R-80). There is a concurrent County zone change for the portion of Lot 2 north of the city limits up to the northern leg of Cherry Creek Loop (8.62 acres). The proposed development plan will include a future annexation and subdivision of the property for the development of two-family townhomes. The townhomes would be sold to individual owners.

The current zoning is Public in the city limits and Residential 9,600 (R-96) in the county portion. The current zoning of Lot 2 was approved in May 2001 as County Zone Change 541. The Public zone portion was intended to accommodate an extension or connection to the bike & trail system along the Yellowstone River and for potential future park dedication to the city. All large subdivisions for residential purposes are required to either dedicate parkland or pay cash in lieu of dedication. The Public zoned portion of this lot was never offered as parkland dedication and is still owned by Cherry Island, LLC. The Cherry Creek Manufactured Home Park developed and maintains a neighborhood park within the court and Danube Court, the last phase of Cherry Creek, paid cash in lieu of parkland dedication.

The proposed zoning of R-80 will allow one and two-family dwellings on lots of 8,000 square feet for a one-family home and 10,000 square feet for a two-family dwelling. The developer intends to build primarily two-family dwellings and presented a concept site plan at the pre-application neighborhood meeting. The concept plan shows an internal road connecting the northern and southern legs of Cherry Creek Loop with 33 two-family dwellings (66 dwelling units total). The total lot area in the proposed development is about 12 acres. The proposed 66 dwelling units would have about 7,900 square feet of lot area per unit or 5.5 dwelling units per acre. The Aspen Cove Townhomes to the north at the intersection of Wicks Lane and Bitterroot Drive are zoned Residential 7,000 (R-70). There are 34 townhomes on this 4.88 acre parcel and have a density of about 7 dwelling units per acre. The directly adjacent properties to the west are outside the city limits and developed at much lower densities of 1 to 1.5 dwellings per acre.

The Cherry Creek Estates development started in 1998 when the first of 11 zone change applications was filed with the Planning Division. Four of the zone changes were withdrawn, two were denied and five were approved. The

County zone change that approved the Residential Manufactured Home (County ZC 543) zoning was litigated in district court. The suit did not overturn the County Commissioners' decision to approve the zone change. The property including this Public zoned portion of Lot 2 was subsequently annexed to the city in 2002. The City Council agreed to annex the property with the intent to initiate a zone change after the annexation. The Council initiated the zone change in July 2002 to change the RMH and Public zoning to Residential 9,600 (R-96). The owners protested the zone change triggering the requirement for a super-majority vote to approve the zone change. The Council failed to achieve a super majority vote in favor of the zone change so the RMH and Public zoning stayed in place.

The subject property has remained un-developed for the last 22 years while the Cherry Creek Manufactured Home Park and Danube Court were developed. An early zone change application for a Planned Development (County Zone Change 524) proposed an underlying zoning of RMH for the manufactured home park and Public for all of Lot 2. In this proposal, Lot 2 would remain vacant and be developed as a natural area park with landscaping and trails. The Zoning Commission recommended denial. The County Commissioners denied the Planned Development zone change in early 2000. The next approved zone change for the property was in May 2001 and the zoning has remained the same since that time.

The Planning staff has reviewed the application and is recommending approval of the zone change to R-80. The 2006 Billings Heights Neighborhood Plan and the 2016 City Growth Policy encourage the development of infill property where city services already exist and new neighborhoods can be served efficiently. The Heights Neighborhood Plan adopted a general statement encouraging new neighborhoods and developments that are similar in nature to existing neighborhoods. Both plans encourage a mix of housing choices in neighborhoods. The proposed development of townhomes expands the housing options in this area of Billings Heights, and should be a good fit between the manufactured home park and the low density county residences to the west. Water and sewer are readily available to the property. Public safety services are fiscally constrained, but the adjacent neighborhoods are already served and this new development can be served as well.

SUMMARY

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

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

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Neighborhoods that are safe and attractive and provide essential services are much desired

Home Base:

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe

The proposed zone change is consistent with the following goals of the 2006 Billings Heights Neighborhood Plan:

- To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Encourage high density multi-family development along arterial routes. Maintain similar housing in established neighborhoods.

The proposed zoning will allow another housing choice in an area with limited housing choices – either manufactured homes or large lot single family dwellings. There are a few townhomes at the intersection of Wicks Lane and Bitterroot Drive but the market is under-represented for this high-demand housing choice. The Emma Jean Heights Subdivision to the north and west is zoned for one or two-family dwellings but is developing mostly

as single family dwellings. Subdivisions further north and west have allowed similar housing choices by mixtures of zone districts. Existing demand for housing choice is going up for all ages of buyers including “boomers” and millennials just buying a first home. The proposed zoning would allow a townhome choice in an area where two choices pre-dominate – a manufactured home or a detached single family residence on a larger lot. The overall density of 4 to 6 dwelling units per acre will remain essentially the same throughout the Cherry Creek Subdivision.

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

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

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

Public health and public safety will be promoted by the proposed zoning. The additional dwelling units will help increase the number of rate payers to the city utility systems and increase the taxable value of the property.

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

Transportation: The proposed zoning will not significantly increase post-development traffic volume. The applicant will be required to prepare a Traffic report to accurately assess the capacity of the surrounding street network to handle the increased traffic from the townhome development. Any improvements or mitigation will be determined by the City Traffic Engineer.

Water and Sewer: The City will provide sewer to the property. Billings Heights Water will provide water service.

Schools and Parks: Schools and parks should not be affected by the proposed zoning.

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?*

Traffic generation from 66 new dwelling units will be between 650 to 800 new vehicle trips per day. This trip count includes trips to the new residences for services such as mail, deliveries, solid waste and similar as well as the trips by the occupants. The new subdivision will have sidewalks and will connect to other sidewalks and pedestrian facilities in the neighborhood. The new zoning will not have any increase effect on the transportation system.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to provide new housing compatible with the existing neighborhoods to the west and east.

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. The proposed zoning will allow a housing choice that is in demand in the area.

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

There are no existing buildings on the property. Manufactured homes to the east will be the closest to the new development but there is a significant planted buffer yard and 6-foot high screening fence. To the west, most these home will be 160 to 200 feet from the back of the new townhomes. In general, new construction tends to increase adjacent building and property values.

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

The proposed zoning will allow the development of another housing choice in this area of Billings Heights. This is

the most appropriate use of the land.

RECOMMENDATION

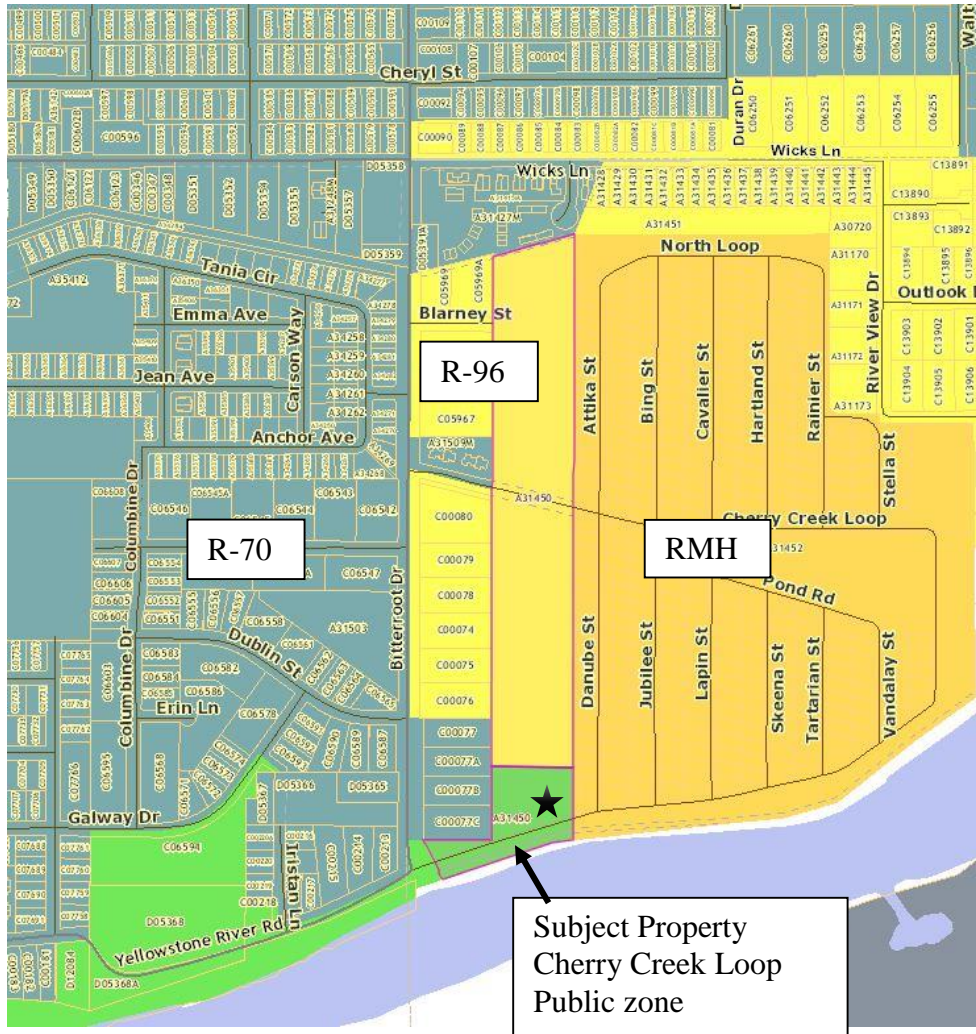
Staff recommends approval of Zone Change 983 and adoption of the findings of the ten criteria.

Attachments

Zoning Map & Site Photos
Application and Letter

Surrounding Zoning

Zone Change 983 – Cherry Creek Estates Lot 2, Block 1





Subject Property

Subject Property Photos



Subject Property – from Cherry Creek Loop South



View east to the entrance of Cherry Creek Estates MHP



View south and east across Cherry Creek Loop



View west along Cherry Creek Loop South



Subject property view north



Subject Property view north and east



Subject property view north and west

Zone Change 983 – Cherry Creek Loop – Public to R-80

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 983 - Project # P2-20-00183

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: Public

Proposed Zoning: R-8000

TAX ID# A31450 CITY ELECTION WARD # Outside City Limits, & 2

Legal Description of Property: _____

CHERRY CREEK ESTATES SUB. S24, T01 N, R26 E, BLOCK 1, Lot 2, ACRES 20.196, **MULTIPLE DISTRICTS**-(SD 02-16.77 AC,SD 2-3.42 AC) (04 AMND ANNEX RESOL #03-17967 (04)

Address or General Location (If unknown, contact City Engineering): Cherry Creek Loop

Size of Parcel (Area & Dimensions): 86,505, 308' x 338.76' x 203.73' x 354.73 3.42 acres

Present Land-Use: None

Proposed Land-Use: Duplex Housing Development

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

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

Owner(s): Cherry Island LLC

(Recorded Owner)
5855 Elysian Rd Billings MT, 59101

(Address) _____
(Phone Number) 254-2106 (email) jelausa@wmc-i.com

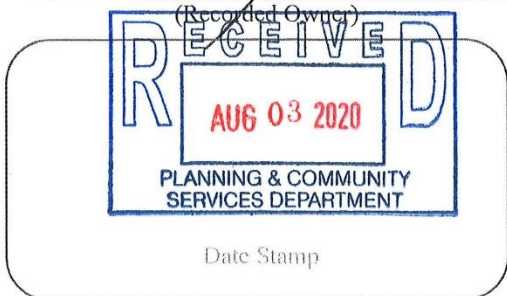
Agent(s): BLUELINE ENGINEERING

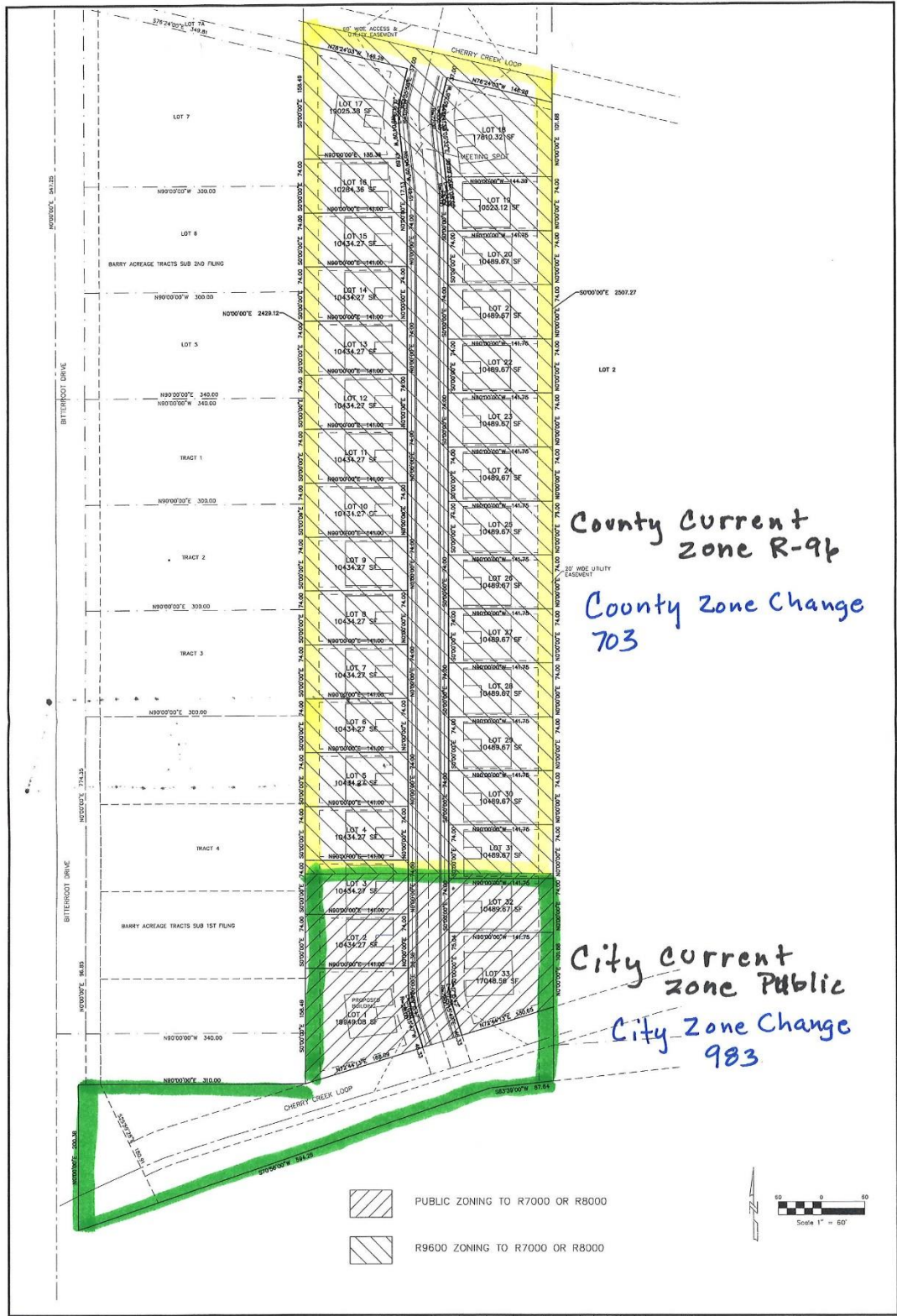
(Name)
724 1ST AVE N, BILLINGS MT 59101

(Address) _____
(Phone Number) 406-284-2284 (email) MPHIL@BLUELINE-ENG.COM

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: [Signature] Date: 8-3-20





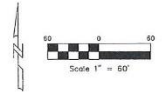
County Current
zone R-9b

County Zone Change
703

City current
zone Public

City Zone Change
983

- PUBLIC ZONING TO R7000 OR R8000
- R9600 ZONING TO R7000 OR R8000

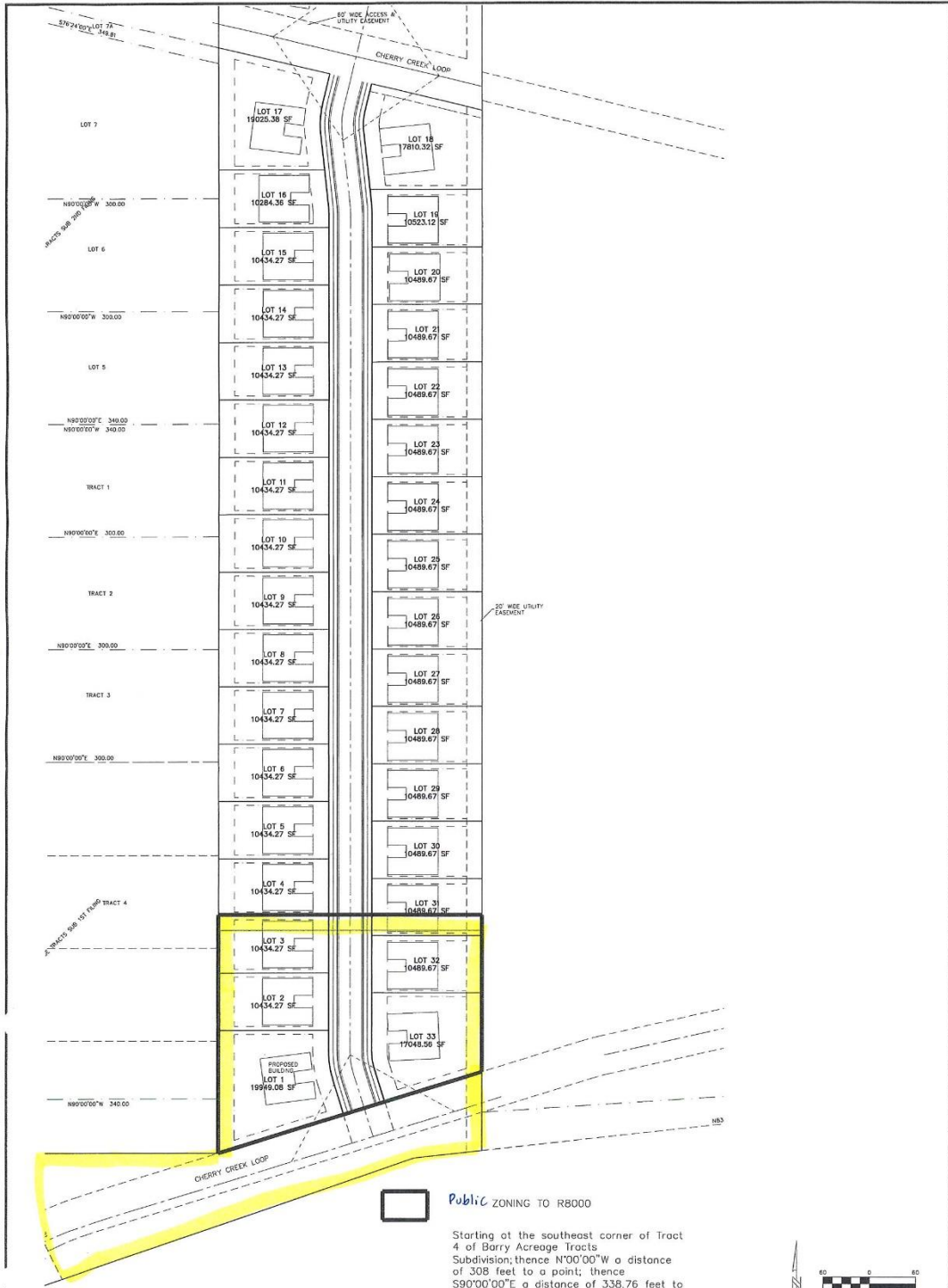


1
SHEET
1

LOT 2, BLOCK 1,
CHERRY CREEK ESTATES SUB
SITE PLAN

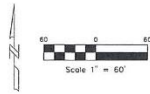
NO.	REVISED	DATE
1		
DATE	5/22/20	
DESIGNED BY	KLP	
CHECKED BY	MLP	
SCALE	1" = 60'	
DRAWN BY	STRECH DVA	
JOB NO.	18091	



blueline ENGINEERING
724 1ST AVENUE N
BILLINGS, MT 59101
PHONE (406) 294-2294
FAX (406) 294-2295



 Public ZONING TO R8000

Starting at the southeast corner of Tract 4 of Barry Acreage Tracts Subdivision; thence N⁰⁰⁰⁰⁰⁰W a distance of 308 feet to a point; thence S90⁰⁰⁰⁰⁰⁰E a distance of 338.76 feet to a point; thence S0⁰⁰⁰²⁰⁰W a distance of 202.73 feet to a point; thence S72⁴⁴¹²⁰⁰W for a distance of 354.73 feet to the point of beginning containing 1.986 acres or 86,505 square feet.



 ~SHEET~ ~1~	LOT 2, BLOCK 1, CHERRY CREEK ESTATES SUB R9600 TO R8000	DRAWING: SITE30.DWG SCALE: 1"=60' CHECKED BY: MJP DRAWN BY: MJP DATE: 7/27/20 JOB: 18081	<div style="display: flex; align-items: center;">  <div> <p>724 1ST AVENUE N BILLINGS, MT 59101 PHONE (406) 294-2294 FAX (406) 294-2295</p> </div> </div>
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July 31, 2020

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

To Whom It May Concern:

We are submitting this Zone Change Application for the following: the area zoned Pubic in the southern half of Lot 2, Block 1, Cherry Creek Estates Subdivision, Section 24, T1N, R26E, P.M.M. in Yellowstone County, Montana (Tax ID # A31450);

This Zone Change is being submitted to you after several discussions with Staff, neighbors, and the Heights Task Force. It is clear from these discussions that the neighborhood wants to see a project that protects against rundown appearances, reduces crime, and preserves land values. Therefore, a Zone Change of R-8000 has been requested to provide the largest lots available in Zoning, while still being able to build duplex townhomes. The single-family zoning of R-9600, drives the costs above the target market to achieve affordable housing. Single-family homes are not the best transitional zoning from the RMH property. Past zone changes in the area have shown that the higher density uses are not what planning and the neighborhood desire.

To help achieve the desires of these residents, we are preparing documents to allow the townhomes to be owned with individual water and sewer services. An HOA will be formed that will provide for oversight of building and property appearances, lawn and snow removal services. An HOA also helps form a strong neighborhood with pride of ownership. Other concerns with utility and street maintenance will be dealt with by that infrastructure being owner and maintained by the City of Billings and the Heights Water District.

Zone change #673 was a request to change this site from R-96 to RMH and the staff recommended denial. Item 8 in the zoning consideration stated that the request "may not be the best match for the character of the area." It further stated that "A zoning of R-70 on the subject property might be more suitable in density and lot size per unit to transition from the RMH zoning on the east to the R-96 zoning to the west, as well as fit with the existing R-70 zoning in the area." This staff recommendation has been used in helping make the decision to request R-8000 zoning.

The following paragraphs are in response to the questions found within the County 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:

Essential Investments (relating public and private expenditures to public values)

- a. *The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans*

The road serving this development being owned and maintained by the city through tax on the proposed lots. Being a public access from N Cherry Creek Loop to S Cherry Creek Loop would be further improve connectivity as the connecting roads to the east are private.

- b. *Public transit and commercial air service are critical to ensure access to and around the City*

Public transit would benefit from the ability to enter either N Cherry Loop to pick up passengers from the nearby housing and then loop around through a public street and leave via S Cherry Loop.

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

To ensure the development has safe and interconnected sidewalks the new public road would have 5' boulevards and 5' sidewalks on both sides. The sidewalks will be maintained, cleaned, and snow removed by the HOA.

- d. *Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community*

It is anticipated that the Parks Department will request cash-in-lieu for this development.

- e. *Natural landscapes are an important part of Billings heritage and help protect the environment.*

The Development includes ample backyards and encourages planting trees and grasses. In addition, a "no build" zone will run the length of the west boundary and will be landscaped with trees.

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

The public right of way will have a 5' boulevard that will be more visually appealing to residents and visitors. The boulevard will be landscaped and maintained by the HOA.

- g. *Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors*

Public health and safety will benefit from a public road bridging North and South Cherry Creek roads that will be maintained by the city. This is also a public turn around in closer vicinity to the more remote Stella St N, Erin St, and Vandalay St. Giving emergency vehicles easier access.

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

Infill development is preferred when possible near existing City infrastructure. This development is a prime example of an infill project with infrastructure existing on the north, south, and running through the middle. The development is also has existing development on all sides.

- i. Accessibility, friendly and cost effective government are important public value.*

This will not apply to this development

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

The history and heritage of Billings are cornerstone of our community and few things are as crucial to our history as the Yellowstone River. This development borders right on the river and many residents would travel and experience Yellowstone River Road's beautiful view every day. New development in this area could spark more interest and, in the future, and extension of Yellowstone River Road, and N Cherry Creek Loop could become a scenic drive location.

- k. Neighborhoods that are safe and attractive and provide essential services are much Desired*

A well-developed HOA with the means to enforce its rules and regulations will ensure this development will be and remain a safe and attractive neighborhood.

- l. Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable*

Permanent "stick built" homes would be an improvement over the mobile home courtyard to the east. In addition, the new crossroad would provide another cross connection of utilities from N Cherry Loop to S Cherry Loop to provide redundant service in case of incident.

- m. It is important to factor in maintenance costs when programming public spaces and infrastructure*

Maintenance of infrastructure will be paid for by tax on the developed lots.

- n. Integrated, long range water planning that better utilizes existing resources and treatment options, and when necessary acquires new ones, is vital.*

the development in an infill project and will not be extending city water service beyond its current reaches.

- o. Regulatory compliant water and wastewater treatment plants that provide sufficient capacity will help sustain community growth*

The development will be on city water and sewer. These will be maintained by the tax provided by the developments lots.

- p. A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community*

The school system has been contacted and adequate school space has been confirmed. The new influx of residents to the area also means an increase in revenue for any school bond measures passed.

Place making (Enhance, maintain, preserve, and improve existing public places)

- a. A multi-use community recreational facility is desirable*

It is anticipated that there will be no community recreational facilities as part of this development.

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

The road, will be the city's and can be enhanced and maintained through their Stewardship.

- c. Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims*

The development will provide another access point to N Cherry Creek Loop which runs parallel to the bank of the Yellowstone River. The development is adjacent to Two Moon Park, is 0.5 miles from Hawthorne Park, 0.33 miles From Primrose Park, and 0.8 miles from the Billings Bike Trail network.

- d. Public and private partnerships are valuable for creating enhanced entryways into Billings*

The entryway into the subdivision will have an enhanced design including landscaping and signage.

- e. Locally grown foods help sustain agriculture, provide healthy options, and support local businesses*

Locally grown foods can help sustain agriculture and foster healthier lifestyles. This development includes ample backyard space that would be ideal for home gardens. The lot currently has a lush mix of trees, bushes, and grasses without any irrigation.

f. The history and heritage of Billings are cornerstones of our community

The history and heritage of Billings are cornerstone of our community and few things are as crucial to our history as the Yellowstone River. This development borders right on the river and many residents would travel and experience Yellowstone River Road's beautiful view every day. New development in this area could spark more interest and, in the future, an extension of Yellowstone River Road, and N Cherry Creek Loop could become a scenic drive location.

g. Natural landscapes are important because they define the uniqueness of Billings and help protect the environment and beautify neighborhoods

Natural landscapes are an important part of Billings heritage and help protect the environment. The Development include very ample backyards and encourages planting trees and grasses. In addition a "no build" zone will run the length of the west boundary and will be landscaped with trees.

h. Encouraging the installation of art in public spaces enhances the places and showcases the talents and diversity of the community

No art is currently planned for this development.

i.

j. Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City

No public building will be part of this development and the public right-of-way will be owned by the city.

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

a. Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity

There are no commercial areas as part of this development

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

The streets will be maintained by the city and the sidewalks and boulevards will be maintained by the HOA to ensure a pleasant streetscape.

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

There will be no outdoor public spaces in this development.

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

To ensure the development has safe and interconnected sidewalks the new public road would have 5' boulevards and 5' sidewalks on both sides. The sidewalks will be maintained, cleaned, and snow removed by the HOA.

- e. *Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community*

It is anticipated that the Parks Department will request cash-in-lieu for this development.

- f. *Natural landscapes and parks are important because they define the uniqueness of Billings and help protect the environment*

Natural landscapes are an important part of Billings heritage and help protect the environment. The Development include very ample backyards and encourages planting trees and grasses. In addition, a "no build" zone will run the length of the west boundary and will be landscaped with trees.

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

The public right of way will have a 5' boulevard that will be more visually appealing to residents and visitors. The boulevard will be landscaped and maintained by the HOA and encouraged to use landscaping or low impact landscaping.

Strong Neighborhoods (livable, safe, sociable, and resilient neighborhoods)

- a. *Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels*

The housing for this development will be affordable duplex style home units. Will affordable they will have individual water and sewer services so they can each be privately owned and sold. This will provide a transition of affordable homes between the neighboring mobile home court to the neighboring single family homes.

- b. *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*

There will be no public gathering locations as part of this development but there will be full sidewalk access on all sides of the street.

- c. *Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces*

The development will have complete streets with 5' sidewalks and 5' boulevards maintained by the HOA.

- d. *Zoning and subdivision regulations that utilize Crime Prevention Through Environmental Design (CPTED) strategies result in safer neighborhoods*

Because the HOA will be enforcing landscaping rules and home maintenance rules it will be following the CPTED #3 principal: territorial reinforcement, and #4 principal: maintenance.

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

This development is an infill project.

- f. *Public safety and emergency service response are critical to the well-being of Billings' residents and businesses*

Public health and safety will benefit from a public road bridging North and South Cherry Creek roads that will be maintained by the city. This is also a public turn around in closer vicinity to the more remote Stella St N, Erin St, and Vandalay St. Giving emergency vehicles easier access.

Home Base (healthy, safe, and diverse housing options)

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

This development is a transitional project from the mobile home court to the east to the single-family homes to the west. This will provide a diverse mix of housing options in the local areas as a whole.

- b. *The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development*

The Billings Housing Needs Assessment clearly states that Billings' population is on the rise and the need for more housing is as critical as ever. This is especially true of lower income housing for 1st time renters/owners, low income households, elderly retired persons, and minority groups. One of the benefits of developing duplex homes instead of single-family homes is an increase in affordability and availability. The duplexes in this development will have individual water and sewer services to each half and thus they can be bought individually. This gives an opportunity, especially to young couples and first-time buyers, to own a home rather than rent. Owning one's

home is always preferable to renting. Another advantage to the duplex system is that it allows caretakers and family members of disabled and elderly people to live close by while giving both parties a large degree of independence.

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

This development will provide affordable housing with an HOA designed to keep the neighborhood healthy, clean, and safe.

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

To ensure the development has safe and interconnected sidewalks the new public road would have 5' boulevards and 5' sidewalks on both sides. The sidewalks will be maintained, cleaned, and snow removed by the HOA.

- e. *Public safety and emergency service response are critical to the well-being of Billings' Residents*

health and safety will benefit from a public road bridging North and South Cherry Creek roads that will be maintained by the city. This is also a public turn around in closer vicinity to the more remote Stella St N, Erin St, and Vandalay St. Giving emergency vehicles easier access.

- f. *Homes that are safe and sound support a healthy community*

The duplexes proposed for this development are locally designed and will be built by local contractors to City of Billings and national standards of safety.

- g. *Accessory dwellings units provide an important type of affordable housing options if compatible*

No accessory dwellings will be part of this development.

- h. *Energy efficient housing can reduce energy consumption*

The duplexes proposed for this development are designed to be energy efficient and according to the newest home insulation regulations.

Mobility and Access (transportation choices in places where goods and services are accessible to all)

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

The development will provide another public road loop access for busses to pick up passengers from this development as well as the nearby trailer court.

b. Safe and accessible transportation systems benefit everyone's quality of life

This development will have sidewalks on both sides and the HOA will ensure they will be safe and clear of snow and debris.

c. Affordable public transit is much desired

No dedicated public transit will be part of this development but it will be accessible by bus.

d. Development oriented to transit routes will provide more transportation choices and is Preferred

Public transit would benefit from the ability to enter either N Cherry Loop to pick up passengers from the nearby housing and then loop around through a public street and leave via S Cherry Loop.

e. "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation

To ensure the development has safe and interconnected sidewalks the new public road would have 5' boulevards and 5' sidewalks on both sides. The sidewalks will be maintained, cleaned, and snow removed by the HOA. This would provide a safe route for children within the development and those passing through from the southern end of the mobile home court.

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

To ensure the development has safe and interconnected sidewalks the new public road would have 5' boulevards and 5' sidewalks on both sides. The sidewalks will be maintained, cleaned, and snow removed by the HOA

g. On-street bike facilities promote predictability for all users

No on-street bike facilities are planned as part of this development.

h. Expanded air service ensures that Billings remains a competitive and an accessible destination

No air-services are planned as part of this development.

- i. Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings*

There are no railroad crossings in this development.

Prosperity (promoting equal opportunity and economic development)

- a. Predictable, reasonable City taxes and assessments are important to Billings' taxpayers*

Predictable and reasonable City taxes and assessments are important to Billings taxpayers. This development would add 33 new duplexes with a total of 66 taxable units.

- b. A diversity of available jobs can ensure a strong Billings' economy*

The development would be built by local contractors and designed by local architects and engineers. Once finished the development's HOA would contract local business for lawn care and snow removal creating more local jobs opportunities.

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

There will be no commercial development as part of this subdivision.

- d. Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses*

New affordable housing opportunities give new workers a foot in the door to start their life in Billings and advance through the job force.

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

New workers moving into the affordable housing of this development would most likely shop in local businesses.

- f. Continued workforce training benefits the community and helps attract and retain Businesses*

This does not apply to this development

- g. Strategically placed industrial parks will encourage a more diverse city economy, and will better help manage effluent and emission from industrial processes*

There will be no industrial parks as part of this development.

1. 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 R-9600 is not the most compatible adjacent zoning to RMH zoning. Affordable duplex housing is the perfect transitional zoning to buffer the neighbors to the west.

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,

A handwritten signature in blue ink that reads "Marshall Phil". The signature is written in a cursive, flowing style.

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:** Public
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: Change to R-8000,
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** _____
5. **Neighborhood Task Force Area:** Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson: Jennifer Owen 906 Royal Ave. Billings MT, 59105
6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
7. **A copy of the meeting notice.** please attach to this form
8. **A brief synopsis of the meeting results.** please attach to this form
9. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 27, day of July, 2020
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Cherry Island LLC Telephone: 254-2106
Address: 5855 Elysian Rd Email: jclawce@wmc-i.com
Billings MT, 59101

Agent (s): Blueline Engineering Telephone: 406-244-2294
Address: 724 1st Ave. N Email: mphil@Blueline-eng.com
Billings MT 59101

CHERRY CREEK ESTATES SUB, S24, T01 N, R26 E, BLOCK 1, Lot 2, ACRES 20.196, **MULTIPLE DISTRICTS**-(SD O2-16.77 AC,SD 2-3.42 AC) (04 AMND ANNEX RESOL #03-17967 (04)

CHERRY CREEK ZONE CHANGE MEETING

Held on location of property in question on 7/27/2020 6:00 PM

Participants

Leon Clause – Owner/Developer

Jeff Engel – Contractor/Consultant

Marshall Phil – Engineering Consultant

Joseph LaFountain – Engineering Consultant

Pam Ellis – Heights Task Force and Neighbor

Karmen Higginbotham – Neighbor

Rhonda & Kass loane – Neighbor

Jason McGimpsey – Neighbor

Bridger McGimpsey – Neighbor

Orion McGimpsey – Neighbor

Lindsay McGimpsey – Neighbor

Tracy Marsh – Neighbor

Terry Dennis – Neighbor

Aaron Higginbotham – Neighbor

Meeting Highlights

Marshall Phil – Project scope is subdivision development of 33 lots with duplex homes. Duplex homes would require changing the current zoning from R-9600 and public to R-7000 or R-8000.

Pam- will the units/ duplexes be rented or sold by the developer

Leon – the units will mainly be sold but it is jointly owned by him and his 2 brothers and cannot say with certainty what percent they will sell or rent

Marshall – condominium documents will be put in place so individual units can be sold with individual water and sewer services.

Jason – what percentage of the units will be sold versus rented? this can cause problems with HOA control while project is still being developed and while units remain unsold

Aaron- Also concerned with how many units would be rented out by the developer

Marshall- With 33 duplexes and thus 66 units the HOA will have the power to ensure rules and regulations involving tenants and appearance will be enforced

Jason- What about the buffer yard mentioned/promised during previous development/zoning (this was a concern of all neighbors and the heights task force)

Marshall- The buffer yard mentioned was never intended to have the entire parcel of land go undeveloped indefinitely. (Neighbors as a whole disagreed with this)

All Neighbors and Heights task force- voiced concern/dissatisfaction with the state of the nearby Cherry Creek trailer courts development and maintenance. Worried that this will be similar. They stated that the current trailer court has high crime rate, drug use, and sex offenders. Cherry Creek trailer court was developed by the father of the current developer.

Leon & Marshall Response- The HOA will prevent these problems because of the size of the development will give it the "teeth" to sue/evict problem tenants. The development will be on city water, sewer, stormwater, and the road will be a public road maintained by the city. None of the improvements will be privately owned and will be maintained by the taxes paid to the city. The HOA will have provisions for yard maintenance snow removal and upkeep.

All Neighbors – the "buffer yard" (as above) helps separate the trailer court from their homes. They like the land undeveloped.

Marshall Response- The subdivision will still act as a buffer from the trailer court as an area of lower density zoning than the trailer court.

Leon- He has to pay the taxes on the undeveloped land.

All Neighbors and Task Force- would like to see HOA draft.

Rhonda loane – how many duplexes will there be and how big are the units, the lots look small

Jason- how big are the lots

Marshall – The lots are more than 10,000 square feet and the units 3500 square feet. The lots are very deep, 140', so they look small on the map but have very large backyards.

Terry Dennis – will the development have irrigation wells to maintain landscape?

Leon- it could

Marshall – The duplexes will be on city water.

Jason- will that affect the groundwater? Have any Boring been done.

Rhonda loane- we have well water; what affect will it have on us?

Marshall – Geotech boring on this property have not been done. Nearby wells indicate that there will be plenty of water. The well would only be for landscape irrigation the homes will have city water service. Bores will be done when the project is farther along in accordance with MTDEQ and DNRC.

Rhonda loane- I have a drain field what effect will it have on my drain field?

Marhsal- the drain field is up hill of development so none.

Jason- has any topo been done of the land where will the duplexes sit?

Marshall- topo has been done, some dirt work will be required but you always want to move as little dirt as possible.

Pam and Neighbors- Pam initially brought up how many new students would be coming from the development but all the Neighbors were concerned about this. Great concern about over crowding in all levels of schools.

Marshall- 27 new students would be added as estimated by 40% of homes have 1 child, according to the Lincoln center Beartooth's target enrollment is 385 and are currently at 354 so it will not be overcrowded. Skyview is at capacity but the Lincoln center stated the Lockwood high school will be taking students and Medicine Crow has more capacity.

Pam- Lockwood relieves the overcrowding that would have necessitated opening an alternative high school in Billings; the bulge of new students that necessitated building 2 new middle schools are now moving into high school. The estimates do not include the impact of the Cal Kunkl development on Barrett Road.

Karen and others - believe the city average for children per home to be greater than national avg. and duplexes whether occupied by renters or owners would more likely be younger families with children

Terry - kids have to wait for the bus at the corner of Cherry Creek Loop and Bitterroot because they bus won't come down the street. And there is no bus shelter or sidewalk.

Terry & Pam – Could a bus shelter be added? People driving by are uncomfortable with the number of students standing at the corner unsheltered

Jason & Pam – has a traffic impact study been done?

Marshall – not at this stage of development but it will be required as part of subdivision development.

Pam- what is the recode zone for the area?

Marshall - we will find out what the recode zoning will be

All – discussion about the type of homes that can/will be put in. What can go onto R-9600, 8000, 7000, can it be duplex, trailer, double wide, modular homes, stick built.

Neighbors and the Task Force- would prefer homes similar to the existing nearby houses.

Discussion with Leon after the meeting with Pam and Terry

There is no open space for children or people with dogs to recreate. This neighborhood has no accessible neighborhood parks. Cal Kunkl's development on Barrett has 1 acre in the planned development agreement for open space for children. This may be a good "quality of life" improvement, leaving a buffer area and creating a more desirable living environment.