



VIDEO CONFERENCE FORMAT

NOTICE TO THE PUBLIC

****ATTENTION****

Due to the COVID-19 health concerns, this meeting will be held in a virtual videoconferencing environment. Zoning Commission members will attend the meeting via a remote location, using a virtual meeting method. The regular meeting rooms will be closed during the meeting. In order to honor the Right of Participation and the Right to Know in Article II, sections 8 and 9, of the Montana Constitution, the City/County Planning Division is making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook:
<https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
 - Email: bartleyr@billingsmt.gov
- Call in during the Public Comment periods as indicated on the agenda:
 - Citizens may call in during specific Public Comment periods at **406.237.6165**.
All callers will be placed 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 limited to 3 minutes of testimony as is customary.
Future delivery methods may be explored as best practice is learned.

Please direct questions to Administrative Secretary Robbin Bartley at bartleyr@billingsmt.gov or 406-247-8676

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 2, 2021 and March 2, 2021.

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 990 – 304 Rhea Lane - Heavy Commercial to Residential Manufactured Home** - A zone change request from Heavy Commercial (CX) to Residential Manufactured Home (RMH), on Lot 19 and the south ½ of Lot 18, Flanagan Subdivision, a 4.42 acres parcel of land. A pre-application neighborhood meeting was held on February 18, 2021, on a virtual meeting platform. Tax ID: D014940

Other Business/Announcements

Adjournment

The City Council has designated Monday, April 26, 2021, 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: 04/06/2021

Information

Subject

The minutes of the Board meeting of February 2, 2021 and March 2, 2021.

Attachments

February 2, 2021 mins

March 2, 2021 mins

City of Billings Zoning Commission Meeting Minutes February 2, 2021

The City of Billings Zoning Commission met on Tuesday, February 2, 2021 at 4:30 p.m. in a Virtual Zoom meeting, Chairman Larson called the meeting to order at 4:30 p.m. The City Council has designated **Monday, February 22, 2021** 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	1	1	1
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Mike Larson	Chairman	1	1										
Daniel J. Brooks	Commissioner	1	1										
Jack King	Commissioner	1	1										
Greg McCall	Vice Chairman	E	1										
Trina White	Commissioner	1	1										
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	-										
Robbin Bartley	Administrative Support	1	1										

Total Number of 2021 Applications	0	0	0	0	0	0	0	0	0	1	1	1	T O T A L	
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	Zone Change	-	2											2
	Special Review	2	-											2

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

In Attendance :

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 January 5, 2021 meeting minutes.

Motion

Commissioner White made a motion and Commissioner Brooks seconded the motion to approve the January 5, 2021 meeting minutes.

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		

Commissioner Brooks was contacted by 2 citizens looking for information regarding the December neighborhood meeting held for Zone Change 988. He referred them to the City website and Administrative Assistant Robbin Bartley.

Staff consolidated all emails and sent them to the Commissioners.

Public Hearings:

Nicole Cromwell reviewed the rules and the procedures by the City Zoning Commission public hearings are conducted and advised the audience this would be heard by the City Council on February 22, 2021.

Item #1

Nicole Cromwell read aloud the legal notice for this application:

City Zone Change 987– NW corner of intersection of Hwy 3 & Story Ridge Rd. – from A-1 to HC & CI - A zone change request from Agricultural open space (A-1) to Highway Commercial (HC - Tracts 1A & 1B – 20 acres) & Controlled Industrial (CI – Tracts 2,3,4,5,6A & 6B – 118 acres), on Parcels 1A, 1B, 2, 3, 4, 5, 6A & 6B of Certificate of Survey 1889, a 138-acre parcel of land. A pre-application neighborhood meeting was held on December 9, 2020, at 3655 AJ Way, Billings, MT. Tax ID: D04558, D04558A, D04589, D04590, D04591, D04592, D04593, & D04593A

Recommendation

Planning staff recommends approval of the zone change from A to CX based on the findings of the 10 review criteria.

- ✓ The proposed zoning is conforming to the 2016 Growth Policy – Economic Prosperity and Preferred Land Use
- ✓ Development within the city limits will ensure building code compliance for new construction
- ✓ Transportation systems will be effected and a study will be required at the time of any new development
- ✓ Area is within the Airport Influence Area (uses/height) and the Noise Overlay (65 dBa)
- ✓ Proposed zoning is compatible with existing zoning to the east and with the Billings Airport

In making its recommendation to the city council for an amendment to the official map or text of this chapter, the **City Zoning Commission shall consider**, among other things, the following:

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will affect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

- ✓ Letters of opposition or objection were received from:
 1. Jennifer Hansen, 109 Sky Ranch Dr
 2. James and Beckie Beley, 3382 Stoney Ridge Rd
 3. Jim Decker, Sky Ranch Dr
 4. Lyle Gabrian, Chair Rimrock Neighborhood Task Force
 5. Barbara and Donald Ramlow, 3450 Masterson Circle
 6. Brenda and Robert Dossett, 3420 Masterson Circle

7. Howard Evans, 3481 Masterson Circle
8. Dennis and Roleene Fergus, 3523 Masterson Circle
9. Alice Lahren, 108 Sky Ranch Dr
10. Dave and Elaine Kinnard, 106 Sky Ranch Dr
11. Steve and Lisha Payne, 3441 Masterson Circle
12. Paul and Jill Scarpari, 3440 Masterson Circle

Questions for staff:

Commissioner White asked if the property will be annexed and if City water and sewer exist currently along Hiway 3.

Staff replied there will be access to City water and sewer. In the annexation process these become available understanding the challenges of the topography being uphill.

Commissioner Brooks asked what uses would be restricted because of the height restrictions,

Staff referred to the City areas would require sound deadening if certain uses were developed. The height restrictions are based on sea level, it is doubtful it would be an issue here.

Commissioner White asked what sort of businesses would be allowed.

Staff replied highway commercial zoning would accommodate trucking, warehousing, hotels, restaurants and retail and other heavier uses. It is not intended to be close to residential areas.

Public Hearing Chairman Larson opened the public hearing at 5:02PM and asked for anyone wishing to speak in favor or against **City Zone Change 987**.

Applicant:

Erin Heringer, 3655 AJ Way, Billings, MT

Jeff Kanning, Collaborative Design, agent

Collaborative Design was brought in specifically for master planning. It is the owner's intent to do this in an orderly and thoughtful way. The family is fully invested in this community and wish to stay way. A lot of research went into the planning of this, including zoning, RE:Code, transportation, airport studies, highway studies and growth policy. We have worked closely with City Planning Staff, Engineering, Fire and Kevin Ploehn from the airport. Because of our communication with the neighbors we have pared our requests back. In reviewing the review criteria, the 2016 Growth Policy was reviewed. This is actually the use intended for the subject property. This zoning will provide economic growth to Billings. A traffic study has been requested for this area. Hiway 3 and the airport are transportation systems we are attempting to leverage with this development. We do not expect the property values to devalue with the developing of this property. We have the privilege of being the first development in the area and will be setting a precedent for landscaping and buffer zones for future developers.

Favor: NONE

Opposed:

Brenda Dossett, 3420 Masterson Circle, Billings, MT

She and her husband live immediately adjacent to this property. She feels there must be a better and different Zoning could be used. She realizes the Blain's are invested in the property, the proposed Zone Change would adversely affect the quality of life they now enjoy.

Jim Scott, 2244 Stony Ridge Road, Billings, MT

I wish to wish to express my objection to this Zone Change.

Bill Cole, 3733 Tommy Armor Circle, Billings, MT – informational questions

Can you provide conceptual drawings and what kind of previous agreements were made about the construction of the buffer yards.

Alice Lahren, 108 Sky Ranch Drive, Billings, MT

In 2016 when the Blains purchased the property it was zoned as Highway Commercial intended for commercial and service enterprises. It would be to primarily serve the needs of tourists, travel, recreation and the general public. Today we have Highway Commercial defined for heavy commercial, wholesale, warehouse distribution and contractor commercial uses. It allows for outdoor storage. These descriptions are very different in her opinion. She asks the Commission to consider a zoning enhancing an attractive Hiway 3. Preserving the integrity of the rims.

Tim Blattie, 2745 Hiway 3, Billings, MT

He is opposed to this zone change. He made a living as an aviation mechanic and pilot for 15 years. Living close to the airport is not an issue, he enjoys it. This zone change opens the door up to anything and everything. He is concerned it will resemble a junk yard. He is concerned in a drop of his property value. The zone change will benefit only the Blains.

Paul Scarpari, 3440 Masterson Circle, Billings, MT

He attended the neighborhood meeting. He understood there are no plans at this time for the subject property and Erin Heringer expressed the desire to be good stewards of the land. He hopes she meant it and wasn't just saying it to agree with the Blains position. He does not see Heavy Commercial zoning benefiting any of the residences in the area. Traffic is a large concern. He wishes to preserve the beauty of the rims. He asked at the meeting if FedEx or UPS would be moving their operations there. Also, how is the bike path going to be implemented, there is not enough room. He is also not wishing to see Billboards and traffic. There must be another zoning that would work.

Howard Evans, 3481 Masterson Circle, Billings, MT

He is concerned, not about development, but has problems with the Heavy Commercial designation. The kinds of activities allowed under zoning are numerous and very disturbing to the neighbors. He is worried for the type of development which might occur, not that it necessarily

will. Some 30 years ago, North 27th was a mess, it took many years to clean it up. Traffic is a huge concern. An adequate traffic analysis should be implemented first. Please postpone a decision.

Steve Payne, 3441 Masterson Circle, Billings, MT

He has submitted a letter to the Commission and asks if it had been read. Chairman Larson replied the letters have been received. He is concerned about the process. This seems to have happened very quickly and thru virtual discussions excluding some of the neighbors he has talked with about the Zone Change. The virtual format proves to be a serious challenge for some. He believes this should be handled in person. The speed of the changes which have happened and the lack of information regarding the proposed uses. Since there are no hard plans according to the applicant, this decision could be postponed 3-6 months. Holding off until it could be heard in person seems fairer. Contrary to what is being said here, adjacent properties do, definitely, affect the valuation of other properties in the area. A junk yard or prison could be constructed in the proposed zoning.

Rebuttal:

There have not been any conceptual drawings done for the proposed buffer yards. A development agreement is being worked thru now as part of an annexation process. There are no prior settlement agreements attached to the proposed zone change area. All the other uses are allowed in the CX zoning are also allowed in Highway Commercial. While it is true warehouse developments involving trucking are allowable as are restaurants, hotels, gas stations and retail. Typically, a traffic impact study is not done until after the use is defined, however, the Blains wish to be proactive. They are not ready to predict what the uses will be. Accident statistics have been reviewed for the area. Sanderson Stewart has the information regarding the new bike path and its location. All buildings will need to adhere to the City's codes. Landscaping, cut off lighting, height restrictions, no billboard signs are anticipated. All processes are being followed exactly as prescribed by the Planning department. The zoning does not allow for junk yards or prisons.

Public Hearing CLOSED at 5:30PM

Discussion

Chairman Larson called for questions and discussion from the Board. Commissioner McCall stated it isn't possible to please everyone. Is there something already planned for the area that is pushing you toward this particular zoning.

Erin Heringer replied nothing is currently planned. Under CX, trades and contractor commercial uses. We have considered building flex spaces for retailers or small contractors to store tools or products of the trade. The northern boundary is owned by the airport, this zoning would allow for expanding into airport services. We are acutely aware this is an entryway into the City and wish to keep it esthetically pleasing.

Tyler Dugger expressed this is compatible zoning to what already exists.

Motion

Commissioner White made a motion and Commissioner Brooks seconded the motion to approve City Zone Change 987 with Staff recommendations.

The Commission is sensitive to the Covid19 meeting restrictions and encourages everyone to address this with the City Council.

Commissioner McCall encourages strong communication with the neighbors to the south and states the new zoning requirements are much better than the old.

Commissioner Brooks asked if we have encountered the issue of no proposed uses in the past and how was it handled? Chairman Larson replied the vast majority of changes come with a proposed use, however, it is pointed out on a regular basis, this is not an obligation by the applicant, once the Zoning Commission approves the zoning, any allowable use can be used there. The zoning goes with the property, as long as the use is allowed there are no restrictions to what goes there. Under the zoning laws, we are approving the zoning not a particular project. Staff concurred, you cannot tie an approval or denial to a particular use.

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 Zone Change 987 with a 4-0-1 vote.

Item #2

Nicole Cromwell read aloud the legal notice for this application:

City Zone Change 988– 2526 Hawthorne Lane – A to R-70 - A zone change request from Agricultural to Residential-7000 (R-70), on Tract 2A-1 of Certificate of Survey 2317 2nd Amended, a 16.41-acre parcel of land. A pre-application neighborhood meeting was held on December 14, 2020, via virtual Zoom meeting. Tax ID: A30368

Recommendation

Planning staff recommends approval of the zone change from A to R-70 (N2) based on the findings of the 10 review criteria.

In making its recommendation to the city council for an amendment to the official map or text of this chapter, the **City Zoning Commission shall consider**, among other things, the following:

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;

- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will affect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

- ✓ Letters of opposition or objection were received from:
 - 1. Genevieve Wink, 2620 Bowles Way
 - 2. LuAnn Herring, 2626 Meadow Creek Loop
 - 3. Joey Kiernan, 2625 Strapper Lane
 - 4. Lindsay and Michael Richardson, 2509 Spring Gulch Way
 - 5. Elizabeth Lockwood, 1520 Mustang Valley Dr
 - 6. Marty Edwards, 2518 Bowles Way
 - 7. Dennis and Susan Dirks, 2514 Bowles Way
- ✓ Four page petition against Zone Change submitted with 87 signatures – addresses primarily within Bitterroot Heights Subdivision.

Questions for staff:

Commissioner Brooks asked about the CCR’s on the neighboring property.

Commissioner White asked for clarification on zoning.

Commissioner McCall asked how the property will be accessed. The fire department will insist on a full access.

Chairman Larson opened the Public hearing at 6:00PM

Applicant: Rob Niehart, agent, 5424 Cornerstone Ave

This is the next phase of building out the Bitterroot Heights subdivision. A layout is not written in stone; however, it will be a mixture of twin homes and single family residences. There will not be multi-family structures. Out of the 70 lots available, 12 of them are being considered for twin homes. Although a County parcel, we are annexing to the City. These will be quality homes.

Favor: None

Opposed:

Lindsay Richardson, 2905 Spring Gulch Way, Billings, MT

We have just purchased this home. She stated the maps shown are incomplete. There is an additional development already there. She is not in favor of anything but single family homes.

Warren Schaff, 2523 Bowles Way, Billings, MT

He sees inconsistencies. What we bought into with the masterplan and what is being proposed are different if adding twin homes.

LuAnn Herring, 2626 Meadow Creek Loop, Billings, MT

We built our home recently, everything was to be single family homes, no twin homes.

Joe Kierney, 2625 Strapper Lane, Billings, MT

3 years ago we built here assuming it will all be single family homes. She is concerned it will be a rental neighborhood if put into twin homes. Renters are not invested in the area.

Tom Plunder, 2650 Meadow Creek Loop, Billings, MT

Refers to the sign at the entrance to the subdivision implying it would be built out as all single family residences. We are fighting to preserve what we bought into.

Dennis Dirks, 2514 Bowles Way, Billings, MT

Why is this area being zoned differently than the surrounding areas. Those areas are single family residences.

Marty Edwards, 2518 Bowles Way, Billings, MT

The sign proposed all single family residences. Why is the developer changing it up now? We are not getting what we bought into.

Staff gives and in depth explanation of the area, if it is City or County, if it is part of the Bitterroot Heights subdivision.

Joe Kierney, 2625 Strapper Lane, Billings, MT

All lots are sold.

LuAnn Herring, 2626 Meadow Creek Loop, Billings, MT

The lots being discussed were already depicting single family residences.

REBUTTAL: The secondary access is being discussed with Engineering and Fire.

We will be prohibited to build multifamily homes that butt up to the ditch. The high price point these homes will bring will likely not be used for rentals.

Public Hearing CLOSED at 6:34PM

Discussion

Chairman Larson called for questions and discussion from the Board.

Commissioner White has heartburn with the developer not doing what they said they were going to do.

Commissioner McCall is a proponent of mixed use. Twin home developments do not instantly become rentals. He also is disappointed in the developer for doing other than the original presentation..

Chairman Larson likes the buffer between the twin homes and single family residences. The CCR's are established.

Motion

Commissioner Brooks made a motion and Commissioner McCall seconded the motion to approve City Zone Change 988 with Staff recommendations.

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 of City Zone Change 988 carried with a 4-1 vote.

**Other Business: 1 zone change for March 2, 2021 meeting.
Commissioner McCall will not attend the next meeting.**

Commissioner White nominated Michael Larson for Chair, Commissioner McCall seconded. All were in favor.

Commissioner King nominated Greg McCall for Vice Chair, Commissioner Brooks seconded. All were in favor.

Commissioners were asked if they wished to be issued a City owned device for meeting attendance and Agenda Packet viewing. Commissioner Larson accepted, all others declined.

Adjournment: The meeting adjourned at 6:45PM.

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

City of Billings Zoning Commission Meeting Minutes March 2, 2021

The City of Billings Zoning Commission met on Tuesday, March 2, 2021 at 4:30 p.m. in a Virtual Zoom meeting,

Chairman Larson called the meeting to order at 4:30 p.m. The City Council has designated **Monday, March 22, 2021** 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	1	1	1
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		1	1	1	1	1	1	1	1	1	1	1	1
Mike Larson	Chairman	1	1	E									
Daniel J. Brooks	Commissioner	1	1	1									
Jack King	Commissioner	1	1	1									
Greg McCall	Vice Chairman	E	1	E									
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									
Tammy Deines	Planning Clerk	-	-	-									
Dave Green	Planner II	-	-	-									
Karen Husman	Planner I	1		1									
Robbin Bartley	Administrative Support	1	1	1									

Total Number of 2021 Applications	0	0	0	0	0	0	0	0	0	1	1	1	T O T A L
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Zone Change	-	2	1										3
Special Review	2	-	-										2

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

In Attendance :

Public Comment

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

Approval of Minutes:

Approval of February 2, 2021 minutes has been delayed.

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		

One letter of support submitted last week.

Public Hearings:

Nicole Cromwell reviewed the rules and the procedures by the City Zoning Commission public hearings are conducted and advised the audience this would be heard by the City Council on March 22, 2021.

Item #1

Nicole Cromwell read aloud the legal notice for this application:

City Zone Change 989 – 5 North 16th St. – from EBURD-CW to EBURD IS - A zone change request from East Billings Urban Renewal District (EBURD) Central Works (CW) to EBURD Industrial Sanctuary (IS), on Block 121, Lots 1-12, Billings Original Township, an 39,000 square foot parcel of land. A pre-application neighborhood meeting was held on January 5, 2021 at 12:30 P.M., at 7 North 17th St. Tax ID: A00874

Recommendation

Planning staff recommends approval of the zone change from EBURD-CW to EBURD-IS based on the findings of the 10 review criteria.

- Meets the Growth Policy and Master Plan for EBURD
- New zoning will allow owner to use different building type for industrial plant
- Adjacent uses and zoning compatible with proposed zone and use
- New plant for Yellowstone Ice and Water

In making its recommendation to the city council for an amendment to the official map or text of this chapter, the **city zoning commission shall consider**, among other things, the following:

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will effect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

Questions for staff: Chairman Pro Tem Brooks asked if City staff will be working with the applicant to meet zoning and code requirements. Staff replied in the affirmative.

Public Hearing Chairman Pro Tem Brooks opened the public hearing at 4:44PM and asked for anyone wishing to speak in favor or against **City Zone Change 989**.

Applicant: Scott Chesarek

We have owned property for a time, trying to find the best fit for the area. Sidewalks are needed as well as a curb.

Favor: NONE

Opposed: NONE

Rebuttal: NONE

Public Hearing CLOSED at 4:47PM

Discussion

Chairman Pro Tem Brooks called for questions and discussion from the Board. He added this will be an improvement to the area.

Motion

Commissioner White made a motion and Commissioner King seconded the motion to approve City Zone Change 989 with Staff recommendations.

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 Zone Change 989 with a 3-0 vote.

Other Business: Next meeting April 6, 2021, 1 application.

Adjournment: The meeting adjourned at 4:50PM.

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

Zoning Commission

Date: 04/06/2021
Title: Zone Change 990 - 304 Rhea Lane - CX to RMH
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

The Planning staff recommends denial based on the proposed findings of the 10 review criteria for Zone Change 990.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change request for a 4.42-acre parcel of vacant land generally located at 304 Rhea Lane. The property is a triangular parcel located south of the current dead-ends of Rhea Lane, Florine Lane and Prickett Lane, and the railroad right of way that parallels Laurel Frontage Road. The current zoning of the parcel is Heavy Commercial (CX). The previous zoning of property was Controlled Industrial (CI) and the lot is legally described as Lot 19 and the south 1/2 of Lot 18 of Flanagan Subdivision. The surrounding zoning is Public 2 (P2) to the east (electrical substation), Mixed Residential 1 (NX1), CX and Residential Manufactured Home (RMH) to the north and Mixed Residential 2 (NX2) and CX to the west. The railroad right of way to the south is zoned Light Industrial (I1).

APPLICATION DATA

OWNER: Pierce Building, Ron Pierce
AGENT: WWC Engineering, Aaron Redland
LEGAL DESCRIPTION: Lot 19 and south 1/2 of Lot 18, Flanagan Subdivision
ADDRESS: 304 Rhea Lane
CURRENT ZONING: Heavy Commercial (CX)
EXISTING LAND USE: Vacant
PROPOSED USE: Manufactured Home Park
SIZE OF PARCEL: 4.42 acres

CONCURRENT APPLICATIONS - None

SURROUNDING LAND USE & ZONING

North	Zoning: RMH, CX and Mixed Residential 1 (NX1)	Land Use: Manufactured Home Park, Contractor Services & Single Family Residences
South	Zoning: Light Industrial (I1)	Land Use: Active Rail Line
East	Zoning: Public 2 (P2)	Land Use: Electrical Substation
West	Zoning: CX & Mixed Residential 2 (NX2)	Land Use: Commercial Uses and Multifamily apartments

Development of the parcel will require some vehicle access connections between the current dead-end streets. Rhea Lane, Florine Lane and Prickett Lane are all deteriorated local streets without curb, gutters, sidewalks, minimum paved width (34 feet), storm water controls or street lighting. The only way to exit the neighborhood at a controlled intersection (traffic signal) is through 8th Street West at Central Avenue. The local street intersections at Central Avenue are stop sign controlled intersection. Left turn movements at these intersections can be hazardous or cause long wait times depending on the time of day and day of the week. There are no traffic counts for these local streets but Central Avenue at 8th St West averages about 13,000 vehicle trips per day.

A 4.42 acre manufactured home park could have up to 50 new dwelling units depending on how the site is laid out for the subdivision. Fifty new dwelling units would add at least 400 new vehicle trips per day to the local streets and to the intersections with Central Avenue. The number of existing residences in this area south of Central is about 142 with small businesses making up the remaining 25 parcels in the neighborhood. The added residential units would add about 30 to 35% more traffic to these local streets. Pedestrian traffic in the area may be relatively safe currently due to the current low volume of traffic on the local streets but there is no pedestrian infrastructure. All school students would have to cross Central Avenue to reach the assigned schools of Washington Elementary, Lewis and Clark Middle School and West High School. The elementary students would not have access to a school bus since the property is within a one-mile walking distance of the school at Cook Avenue and 11th Street West. This foot traffic may be an increased risk for the neighborhood along with the additional traffic volume on deficient streets. Any restoration of the local streets would require a Special Improvement District (SID) to assess the cost of the improvements to all the adjacent land owners. Due to the potential additional traffic, the city would likely require a traffic impact study to determine needed improvements due to the manufactured home park development. Only the proportionate share of these improvements would be paid for by the developer and the remaining improvements would have to be paid for by the other land owners, if an SID is proposed.

There are at least two other manufactured home parks in the neighborhood. Both parks are managed locally. The park at 139 Prickett Lane, adjacent to the north of the subject property, is mostly older manufactured homes and one site-built 2-unit apartment building. The newest unit in this park is 40 years old with many older than 50 years. Most of the manufactured homes are currently valued at less than \$5,000 dollars each. The assessed value of the land for this park is about \$112,000. The other manufactured home park in the area is located at 42 Florine. These manufactured homes are also in the same age range with the same general assessed value of about \$5,000 per unit. Neighbors have expressed concerns to the Planning staff about the safety of these existing manufactured home parks and how these locations are effecting the neighborhood with higher than normal calls for public safety services. Newer manufactured home parks do not necessarily contribute to or effect public safety services in a neighborhood if the owner provides a strong local management presence. This is not always the case, but the zoning code does not regulate management of manufactured home parks.

The proximity of the proposed manufactured home park to an active railroad service line is concerning for two major reasons: 1) ambient noise and 2) safety of the residents from train accidents/incidents. In addition to these two major issues, there is the attractive nature of railroad activity for younger persons. Residents in the area have reported sections of the existing chain link fence have been cut to provide access from the vacant property to the railroad property. Railroad traffic does have a higher than average noise based on the type of cars, weight of the car loading and speed of the trains. This is a lower speed section of the rail line but cars can be either empty or loaded. The crossing at Moore Lane requires a train to signal (3+ horn blasts) before entering the crossing. This is a regular part of the safe operation of the rail line. Montana Rail link was notified of the proposed zone change, but Planning received no comment on the proposal. Noise from the railroad may be above comfortable levels for residential dwellings up to 75 feet beyond the tracks depending on the factors noted above. The current rail line is about 190 feet from the subject property line. According to the Federal Railroad Administration, most railroad incidents that result in injury or death occur at or near railroad grade crossings. The railroad grade crossing at Moore Lane is about 1/4-mile to the west from the subject property.

Planning staff reviewed the proposed zoning and the 10 review criteria for the zone change. Based on the above concerns with transportation safety for drivers and pedestrians, and the proximity to the active rail line, Planning staff is recommending denial. It is likely a more appropriate use of the property is available in the current zone district of Heavy Commercial (CX) including warehousing, personal storage warehousing or similar uses that are better suited at this location.

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 **not 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 **not consistent** with the following goals of the 1999 Central Terry Neighborhood Plan:

- Discourage random zone changes within the neighborhood that would conflict with the character of the neighborhood. Encourage all new development to recognize and be sensitive to the existing character of the neighborhood.

The proposed zoning will allow a significant expansion of residential use on a system of dead-end streets adjacent to an active rail line. The Growth Policy and Neighborhood Plan both encourage the development of a variety of housing choices especially choices for low to moderate income families. This location is not appropriate for residential uses on the entire parcel due to the existing deteriorated streets, and proximity to the active rail line. There are many housing choices already existing in this neighborhood including single family, two family, multi-family apartments and manufactured homes.

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. This location however cannot be secure from fire or other dangers posed by the active rail line and the grade crossing on Moore Lane. According to federal rail agencies, most railroad accidents and incidents occur at or near grade crossings on local streets, highways or other road crossings. A derailment in this area could cause the release of hazardous materials into the neighborhood. Placing more residences closer to this rail line is not designed to secure this neighborhood 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 not be promoted by the proposed zoning. The additional dwelling units would impose an extra burden on the existing public safety systems for this area south of Central Avenue, would not promote the public health or general welfare by increasing the daily vehicle traffic on deteriorated streets with no sidewalks, storm water control or street lighting. The developer would only be responsible for improving the subject property access but not the adjacent streets or street intersections except to contribute to a future improvement program.

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

Transportation: The proposed zoning will significantly increase post-development traffic volume on all the local neighborhood streets. These streets have experienced significant deterioration. A traffic impact study (TIS) will be necessary at the time of development. The TIS may require some contribution to future improvements, but could not require the developer to pay for any significant portion of the existing street restoration.

Water and Sewer: The City can provide water and sewer to the property.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. School population may increase depending on the demographic of the manufactured home residents. For any RMH zoned area greater than 3 acres, the developer would be required to provide a developed open space area for the residents.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments did not provide any comment on the proposed zoning.

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 a potential 50 new dwelling units will be between 400 new vehicle trips per day. This trip counts includes trips to the new residences for services such as mail, deliveries, solid waste and similar as well as the trips by the occupants. This increase in vehicle traffic represent a minimum 33% increase over existing residential traffic in the neighborhood. The existing streets have not been maintained and in many places the pavement is mostly gone. The new development will have sidewalks but these will only be internal to the manufactured home park. There are no sidewalks on any of the adjacent streets including Rhea Lane, Florine Lane and Prickett Lane. Adding this level of new traffic to an under built and deteriorated street system would have a negative effect both on motorized and non-motorized transportation.

7. Will the new zoning promote compatible urban growth?

The new zoning does not promote compatibility with urban growth. The proposed zoning will allow this parcel to provide new housing that is not compatible with the adjacent active rail line or 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 not 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 already represents 24% of the housing units in the neighborhood. The property is not suitable for residential uses due to the proximity to the active rail line.

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

There are no existing structures on the property. New construction and development tends to raise property values on adjacent lots but it is not known how this development may effect those values.

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

The proposed zoning is not the most appropriate use of the land. The existing zoning and uses represents the most appropriate use of this property.

ALTERNATIVES

The Zoning Commission may:

- Recommend Denial of the Zone Change and adopt the findings of the 10 review criteria as recommended by Planning Staff; or,
- Recommend Approval of the Zone Change and adopt different findings of the 10 review criteria; or,
- Allow the Applicant to Withdraw the application.

FISCAL EFFECTS

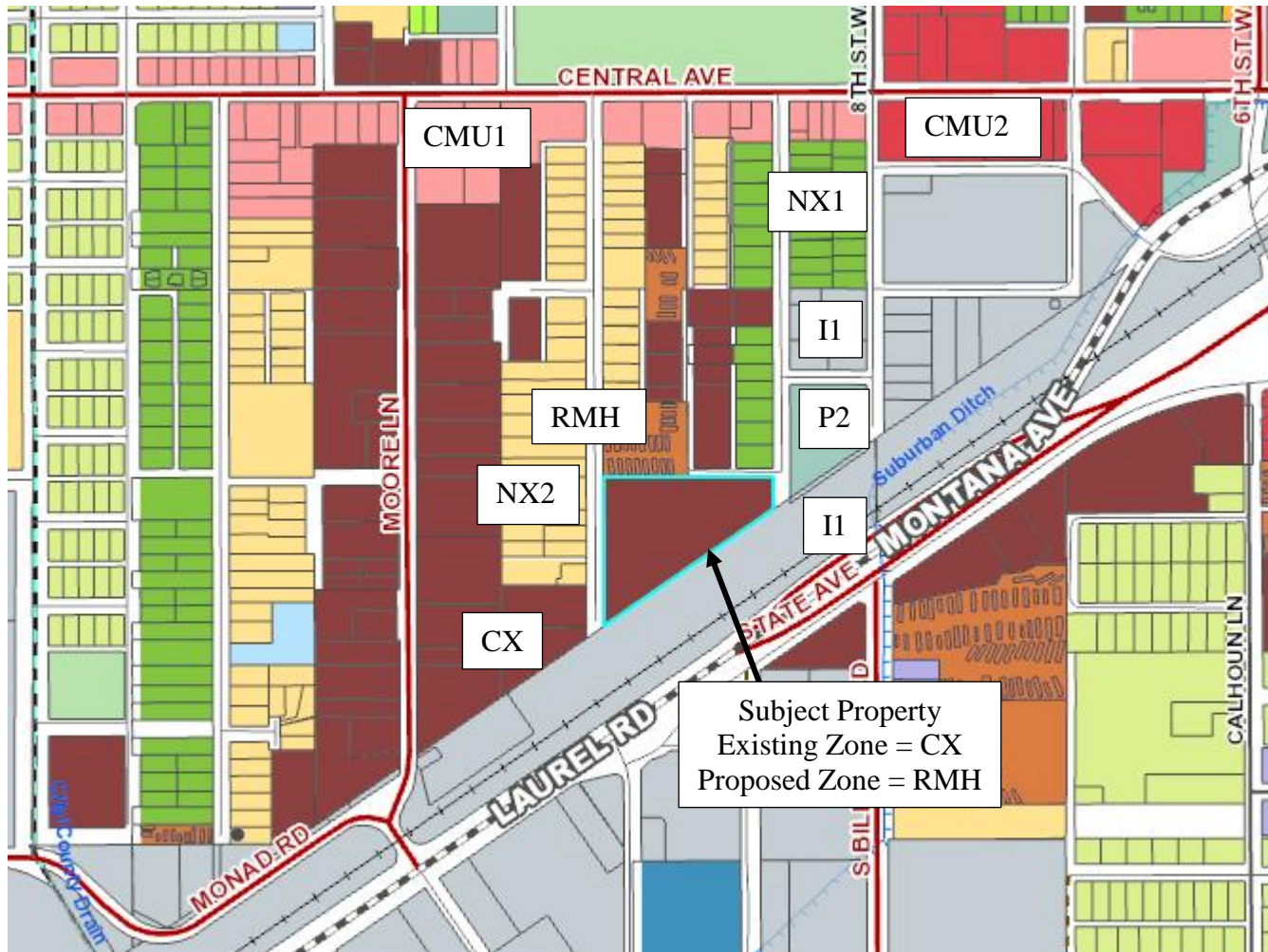
Approval or disapproval of the zone change will have no impact on the Planning Division budget.

Attachments

Zoning Map and Site Photos
Zoning History of Neighborhood
Application and Letter
ZC900 comments

City Zone Change 990 – 304 Rhea Lane

Zoning Map and Site Photos





Subject Property – 304 Rhea Lane



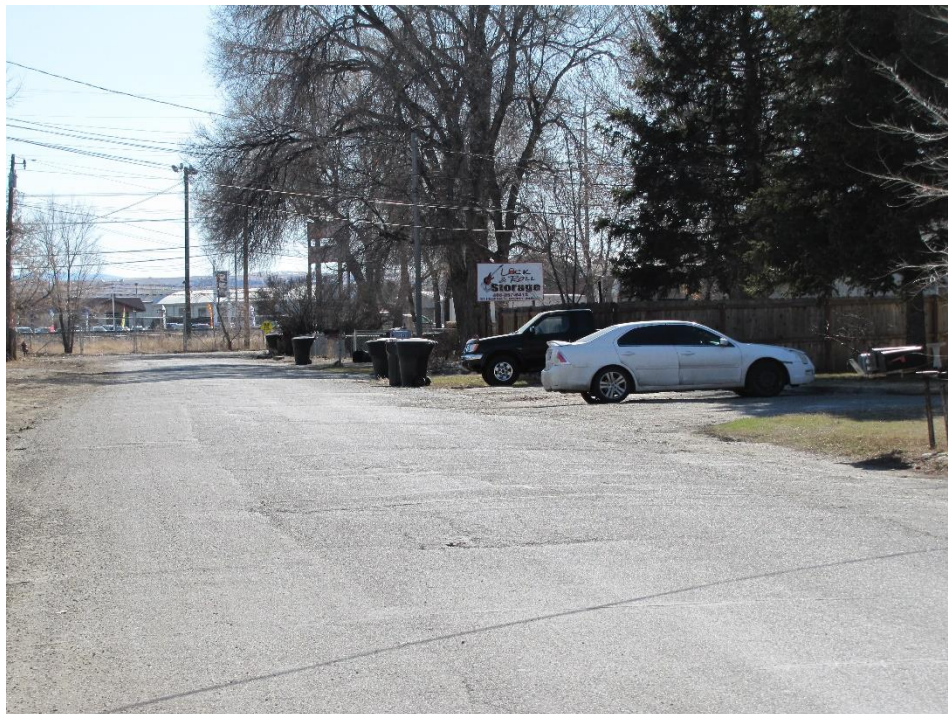
Subject Property from Prickett Lane view south and east



View north along Prickett Lane



View north and west across Prickett Lane



View south on Prickett Lane



View north and east across the subject property from Prickett Lane



View south and west from Florine Lane across subject property



View north and west from dead end of Rhea Lane



View south across subject property from dead end of Rhea Lane



View west across subject property from dead end of Rhea Lane



View north from subject property to 246 Rhea Lane

SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None		May 3, 1972	CI		Original 1972 zoning
None		February 25, 2021	CX		Updated zone district for ReCode
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
348/352 Foster Lane	City ZC 4	2/26/1973	R-60 to RMH (now NX1)	N	Denied - requested for new MHP
343 S Plainview St	City ZC 26	8/6/1973	R-60 to CI (now CX)	Y	For personal storage warehousing
West of 104 Prickett Lane	City ZC 33	8/28/1973	R-60 to CI (now CX)	Y	For warehouse – not developed
243 Foster Lane	City ZC 94	8/25/1975	R-60 to CI (now NO)	N	Denied – now a day care center
West ½ of lots at 212 through 226 Moore Lane	City ZC 143	11/22/1974	CC to CI (now CX)	Y	Allow full commercial and industrial sales
45 S 7 th St W	City ZC 165	5/23/1977	CC to CI (now CMU2)	Y	Allow wholesale – now hospital laundry service
138/148 Prickett Lane	City ZC 225	9/27/1978	R-60 to CI (now NX2)	N	Proposed industrial – now apartments
702/718 Central Ave	City ZC 268	8/27/1979	CC to CI (now CMU2)	Y	Personal storage warehousing – now a variety of businesses
353 Foster Lane	City ZC 326	7/27/1981	R-60 to CI (now NX2)	N	Truck parking proposed – now apartments
120 Prickett Lane	City ZC 547	6/24/1991	R-60 to CI (now NX2)	N	West ½ of lot for truck parking – now apartments
130 Prickett Lane	City ZC 733	7/26/2004	R-60 to RMH (now NX2)	N	Allow move in of one MH
1048 Foster Lane	City SR 838	3/26/1007	Special Review for 10-unit apartment in R-60	Withdrawn	Neighborhood objections



APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 990 - Project #

PZ-21-0066Z

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 Heavy Commercial (CX)

Proposed Zoning: Residential Manufactured Home (RMH)

TAX ID# D014940 CITY ELECTION WARD 3

Legal Description of Property: Lot 19 & South 1/2 of Lot 18 of Flanagan Subdivision

Address or General Location (If unknown, contact City Engineering): 304 Rhea Lane, Billings, MT

Size of Parcel (Area & Dimensions): 4.42 acres / 600' x 115' x 730' 530'

Present Land-Use: vacant

Proposed Land-Use: Residential manufactured home park

Covenants or Deed Restrictions on Property: Yes No X

If yes, please attach to application

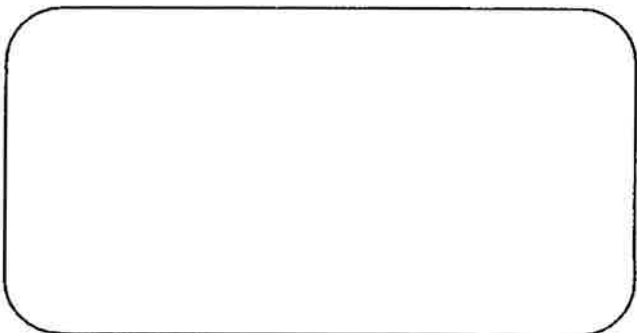
*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Pierce Building, Ron Pierce
(Recorded Owner) PO Box 80667, Billings, MT 59108
(Address) 406-855-0399 rpierce@pierce.biz
(Phone Number) (email)

Agent(s): WWC Engineering - Aaron Redland
(Name) 550 S. 24th Street W, Ste 201, Billings, MT 59102
(Address) 406-894-2210 aredland@wwcengineering.com
(Phone Number) (email)

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

Signature: [Signature] Date: 2/26/2021
(Recorded Owner)



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:** Heavy Commerical (CX) _____

2. **Written description of the Zone Change Plan** including existing and proposed new zoning:

The existing zoning of this property is Heavy Commercial (CX) and the proposed zoning is Residential Manufactured Home (RMH)

3. **Subject Property Map:** please attach to this form

4. **Legal Description of Property:**

Lot 19 and South ½ of Lot 18 of Flanagan Subdivision

City of Billings, Montana

5. **Neighborhood Task Force Area:** Yes No . If Yes, Name of Task Force and mailing address of Chairperson:

Billings Central Terry Neighborhood Task Force

Lisa Sandau, Chair billingscentralterrytaskforce@gmail.com

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 including any written minutes or audio recording.** please attach to this form

9. **The undersigned affirm the following:**

1) The pre-application neighborhood meeting was held on the 18th, day of February, 2021.

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

Owner (s): Pierce Building, Ron Pierce _____ Telephone: 406-855-0399 _____

Address: PO Box 80667 _____ Email: rpierce@pierce.biz _____

Billings, MT 59108 _____

Agent (s): WWC Engineering _____ Telephone: 406-894-2210 _____

Address: 550 S. 24th Street W., Ste 201 _____ Email: aredland@wwcengineering.com _____

Billings, MT 59102 _____



550 S. 24th STREET W., SUITE 201, BILLINGS, MT 59102 | 406.894.2210

February 10, 2021

«Name»

«Address_1»

«City», «State» «Postal_Code»

Re: Neighborhood Meeting for Zone Change

Dear Landowner:

The purpose of this letter is to inform you of a neighborhood meeting pertaining to a potential zone change for Lot 19 and South ½ of Lot 18 of Flanagan Subdivision; see included Exhibit 1. As part of the zone change process, this meeting is required to provide information to the surrounding property owners of the zone change for their review and comment prior to starting the zone change process.

The current zoning of Lot 19 and South ½ of Lot 18 of Flanagan Subdivision (4.422 acres) is Heavy Commercial (CX) and the proposed zone change will be to Residential Manufactured Home (RMH). The intent of the requested zone change is to match current zoning of the property located directly north of the subject property.

Due to the current COVID-19 restrictions, the meeting will be facilitated via Zoom platform. Should you wish to attend, please reach out to myself at 406-894-2210 or at the email address listed below to obtain the call-in and login information. The meeting will be held February 18th at 6:00 p.m. Please contact me directly if you are unable to participate in the meeting due to limited technology resources and we will provide another option to participate in the meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Redland".

Aaron Redland, Project Manager
aredland@wwcengineering.com

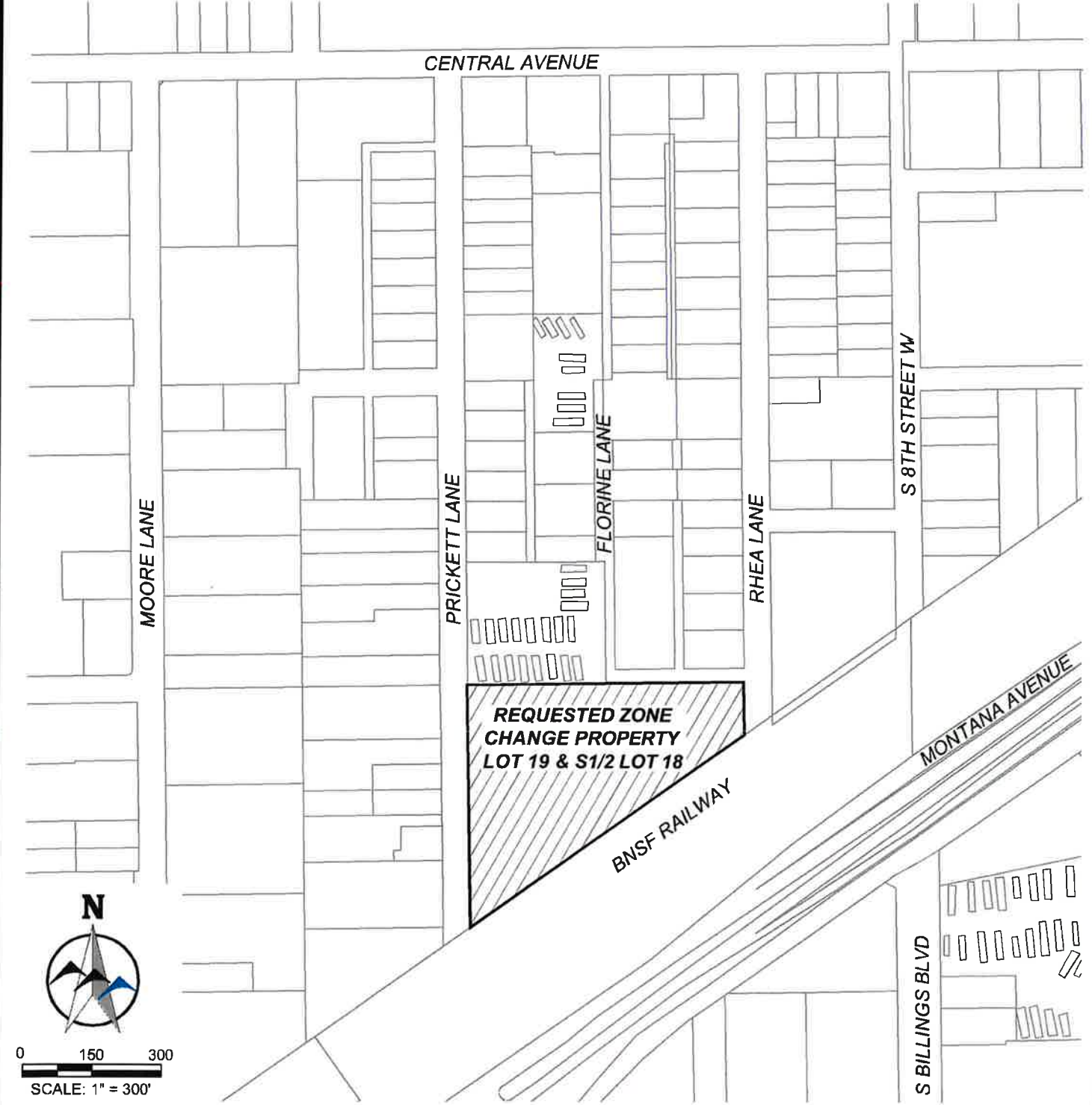
AR

Encl.: Exhibit 1

K:\Billings\Moore, Ray & Smith, James\2021043 Moore Smith Manufactured Home Park\02Corr\Outgoing\Pre-App Neighborhood Meeting Letter 2-11-2021.docx

EXHIBIT A

LOT 19 AND S1/2 OF LOT 18
 FLANAGAN SUBDIVISION
 CITY OF BILLINGS, MONTANA



0 150 300
 SCALE: 1" = 300'

PROPOSED ZONE CHANGE

LOT 19 AND S1/2 OF LOT 18
 FLANAGAN SUBDIVISION
 CITY OF BILLINGS, MONTANA

DSGN	DATE	CKD
AMR	2/2021	GTR
REV	DATE	CKD

EXHIBIT A

WWCENGINEERING
 550 S. 24TH STREET W, SUITE 201
 BILLINGS, MT 59102
 (408) 894-2210

EXHIBIT
 1 OF 1

JOB # 2021-043

PROJECT: WWC COLORADO
 FILE PATH: K:\Billings\Missoula, Hwy & Smith, James\2021043 Missoula South Manufactured Home Park\2021043\Zone Change.dwg



550 S. 24th STREET W., SUITE 201, BILLINGS, MT 59102 | 406.894.2210

February 10, 2021

Karen Husman Planning & Community Services
2828 3rd Ave N - 4th Floor
Billings, MT 59101



Re: Neighborhood Meeting for Zone Change

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Sincerely,

Aaron Redland, Project Manager
aredland@wwcengineering.com

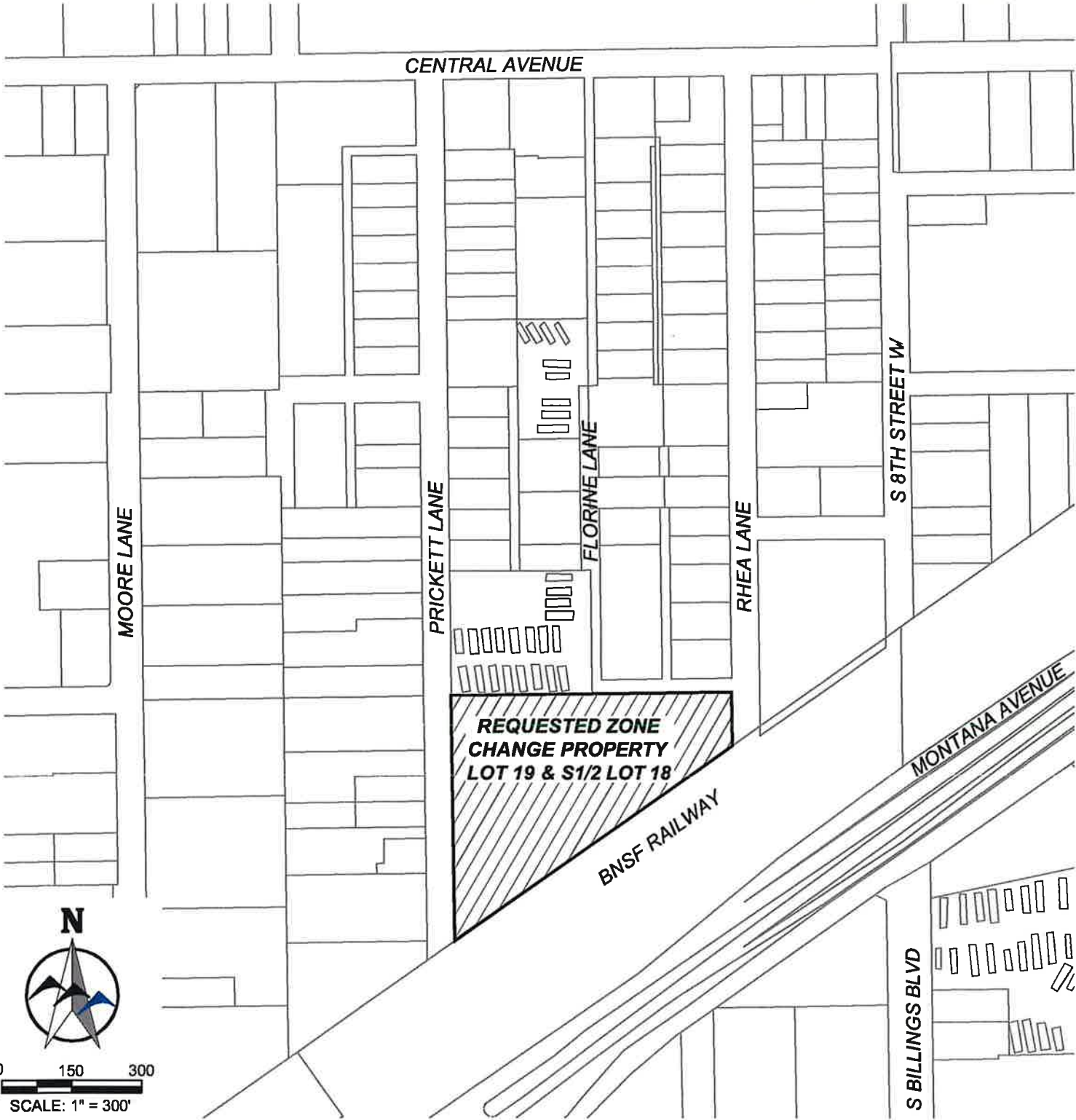
AR

Encl.: Exhibit 1

K:\Billings\Moore, Ray & Smith, James\2021043 Moore Smith Manufactured Home Park\02Corr\Outgoing\Pre-App Neighborhood Meeting Letter 2-11-2021.docx

EXHIBIT A

LOT 19 AND S1/2 OF LOT 18
 FLANAGAN SUBDIVISION
 CITY OF BILLINGS, MONTANA



0 150 300
 SCALE: 1" = 300'

PROPOSED ZONE CHANGE
 LOT 19 AND S1/2 OF LOT 18
 FLANAGAN SUBDIVISION
 CITY OF BILLINGS, MONTANA

DSGN	DATE	CKD
AMR	2/2021	GTR
REV	DATE	CKD

EXHIBIT A

WWC ENGINEERING
 550 S. 24TH STREET W, SUITE 201
 BILLINGS, MT 59102
 (406) 894-2210

EXHIBIT
 1 OF 1

JOB # 2021-043

PLOT STYLE: WWC COLOR.ctb
 FILE PATH: K:\Billings\Moore, Ray & Smith, James\2021\243 Moore Smith Manufactured Home Proj\WXCAD\Sheet\Prop Property Zone Change.dwg

O'BLENESS, MATTHEW
PO BOX 21198
BILLINGS, MT 59104-1198

KEYSER, DARCY O RUSSELL
236 PRICKETT LN
BILLINGS, MT 59101-3428

GLEED, BRENT J
1225 SUN VALLEY RD
BILLINGS, MT 59105-1942

OCTAGON PROPERTIES LLC
3041 SOLAR BLVD
BILLINGS, MT 59102-6819

JUNEBUG LLC
4545 LONE EAGLE DR
BILLINGS, MT 59106-9677

KANANEN PROPERTIES LLC
208 PRICKETT LN APT 3
BILLINGS, MT 59101-3445

BRADY, SEAN D
5032 POLY DR
BILLINGS, MT 59106-1329

LAIS DEVELOPMENT INC
745 HENESTA DR
BILLINGS, MT 59102-6349

PIERCE BUILDING
PO BOX 80667
BILLINGS, MT 59108-0667

BC MHP LLC
PO BOX 4747
WHITEFISH, MT 59937-4747

JACOBSON, RICHARD LEE &
3511 SAINT JOHNS AVE
BILLINGS, MT 59102-4343

PORTA, WILLIAM J
PO BOX 21365
BILLINGS, MT 59104-1365

MONTANA POWER COMPANY
3010 W 69TH ST
SIOUX FALLS, SD 57108-5613

R L B OIL CO
1810 POLY DR
BILLINGS, MT 59102-1731

JONES, SHERYL D
138 PRICKETT LN
BILLINGS, MT 59101-3424

MERRITT, LINDA MARIE
130 PRICKETT LN
BILLINGS, MT 59101-3424

WESTBERG, JESSICA ROSE
246 RHEA LN
BILLINGS, MT 59102-5832

OLIVER, DONNA R
242 RHEA LN
BILLINGS, MT 59102-5832

FRADENBURGH, SCOTT & BRENDA
6171 S GRANITE DR
CHANDLER, AZ 85249-2104

WOOD, RONALD A
126 RHEA LN
BILLINGS, MT 59102-5830

W LAND HOLDINGS LLC
5245 AMHERST DR
BILLINGS, MT 59106-8549

MONTANA RAIL LINK
PO BOX 16624
MISSOULA, MT 59808-6624

Central Terry TF
930 Miles Ave
Billings, MT 59101

Karen Husman
Planning & Community Services
2825 3rd Ave N – 4th Floor
Billings, MT 59101

(1) Whether the new zoning is designed in accordance with the growth policy;

According to the Central-Terry Park Neighborhood Plan, one of the land use goals is to “maintain existing “core” residential areas, while strongly discouraging commercial intrusion into existing neighborhoods.” The proposed zone change from CX to RMH would remove the potential for CX development to occur in an already developed residential area. The proposed zone change would also eliminate the possibility of commercial truck traffic within the residential neighborhood and new commercial uses in residential areas which were stated in the Central-Terry Park Neighborhood Plan as goals to discourage.

The 2016 City of Billings Growth Policy, states that growth will be managed by “encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development.” The propose zone change would provide additional tax revenue to the city and provide affordable housing options utilizing an infill lot with city services. Based on the data adopted in the growth policy, infill lots that provide a mix of housing will generate the highest return on investment per acre for the City of Billings.

(2) Whether the new zoning is designed to secure from fire and other dangers;

The change of CX to RMH zoning would create a full width looped road at the end of three dead end roads located in the project area. The maximum distance allowable without a turnaround facility is 150', which Prickett Lane is approximately 1,800' long with the only turn around locations being driveways or limited width accesses (i.e., through the trailer court adjacent to the property). This zone change will remove a significant safety concern of limited emergency service access to the area.

Comparison of the RMH proposed zoning to the CX previous zoning does not have an inherit difference in the fire security of the structures built. The parcel has existing fire hydrants along Prickett Lane, Florine Lane, and Rhea Lane that meet spacing requirements.

(3) Whether the new zoning will promote public health, public safety and general welfare;

The proposed zone change from CX to RMH would allow for the developer to proceed thru the subdivision process to create a residential manufactured home park which will require the developer to improve existing infrastructure adjacent to the property and install new infrastructure such as water, sewer, stormwater retention, a park area, and landscaping. The new dedicated right-of-way connecting Prickett Lane to Rhea Lane will be required to include curb/gutter/sidewalk which will allow for proper ingress and egress for emergency vehicles from the neighborhood. The development to residential use for this property would allow the developer to create a manufactured home park per the requirements stated in the City of Billings Subdivision Regulations that will improve the property value in the neighborhood and eliminate a vacant lot within the city limits.

(4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

The proposed zone change from CX to RMH will positively impact transportation issues surrounding the parcel. Currently, the three roadways providing access to the parcel (Prickett Lane, Rhea Lane, and Florine Lane) are dead end or have limited connectivity by narrow connection roads. An RMH development would be required by

subdivision regulations to provide dual access and looped access, due to the length of the dead end roads exceeding allowable lengths. A CX development on the parcel would not be subject to subdivision regulations thus not looping the dead-end roads.

The City of Billings was contacted regarding capacity of the water and sewer mains in the area of the proposed project. It was noted that the proposed project would have adequate capacity by the existing facilities. Each of the three roads that access the parcel has a water and sewer main within the roadway.

An RMH development would require park area to be incorporated within the proposed site, based on the City of Billings zoning requirements. In addition, Central Park is located directly north of the parcel within walking distance.

(5) Whether the new zoning will provide adequate light and air;

In comparison of CX development to RMH development, air pollution is anticipated to be reduced by limiting the size of vehicular traffic accessing the site. A CX zoned property has a number of available permitted use types from warehouse to restaurant to boarding kennels. However, with the limited access of the parcel, commercial development similar to warehousing or storage would be anticipated.

(6) Whether the new zoning will effect motorized and nonmotorized transportation;

The preapplication neighborhood meeting included several area residents noting that the access roads to the parcel were narrow without a sufficient location to turn around. The proposed zoning and subsequent required looped road would provide turn around access for these streets that is not currently available. Further, development of the parcel will require City of Billings standard residential streets (34' back of curb to back of curb width) and pedestrian walkways adjacent to all streets. The existing zoning would not provide the pedestrian access between the dead-end streets as the RMH zoning would as connectivity of the roadways would not be required for CX zoning type development. It is of note that discouraging of truck traffic within neighborhoods is a Transportation Short-Term Goal of the Central-Terry Park Neighborhood Plan.

(7) Whether the new zoning will promote compatible urban growth;

The Central-Terry Park Neighborhood Plan has identified Urban Design Goals that the proposed zone change directly meets such as:

- Maintain the residential areas of the neighborhood.
 - The majority of the area surrounding the proposed zone change is currently residential properties. By changing the zoning from CX to RMH, the owners are meeting this requirement.
- Enhance the aesthetics of all commercial development through the placement of more landscaping on both the interior and exterior of sites.
 - The proposed RMH development will be include a required park area based upon the subdivision standards and the size of the proposed lot. A CX property would only need to

comply with zoning landscaping requirements, which are less impactful than the park requirements included.

(8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;

The character of the district surrounding the subject property, is solely residential. The proposed zone change from CX to RMH would allow the property to stay consistent with the neighborhood character as the adjacent property to the north is a RMH development. For creation of the manufactured home park, the developer will be required to comply with the requirements for residential development such as (but not limited to) infrastructure improvements, emergency access, park area, and landscaping.

(9) Whether the new zoning will conserve the value of buildings; and

Immediately adjacent to the proposed development is an RMH development. As such, this development would not be changing the type of residential development that exists within the area. However, this development would be providing emergency service a looped access that is currently not there. In doing so, emergency service capacity to the area may be increased and reduce a significant concern in the area.

(10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

Given the demands of affordable housing for residents within Billings, this proposed zone would allow the developer to provide housing options to meet the needs of individuals and families in the community. The infill development of residential housing would generate a greater return on investment for the City of Billings. The subdivision requirements for development of RMH, would require adequate access for emergency vehicles in the neighborhood, street and city service improvements adjacent to the property, park area, and landscaping.

Moore/Smith Zone Change Pre-Application Neighborhood Meeting

February 18th, 2021 at 6:00pm

Attendance:

Greg Reid – WWC Engineering
Aaron Redland – WWC Engineering
Ray Moore - applicant
Jim Smith - applicant
Brent Gleed – 226 Prickett Lane
Matthew O’Bleness – 312 Prickett Lane
Jeni with Kananen Properties LLC – 208 Prickett Lane
Darcy Russel – 236 Prickett Lane
Willy Aders – 109 Prickett Lane
Mark Spitzer – no audio for this individual

The meeting was opened by everyone introducing themselves. WWC Engineering (WWC) gave a description of the current zoning and the proposed zoning. WWC also explained the zone change process along with the Zoning and Council meetings that are required for the zone change to be completed.

The area residents were then asked to provide comments or concerns regarding the zone change. The following list summarizes the comments received.

- Emergency access is limited in and out of the neighborhood as Prickett Lane, Florine Lane, and Rhea Lane are dead-ends.
- Amount of current traffic on Prickett Lane is a problem and this would increase that problem.
- Public safety related to individuals that live in a trailer park with the amount police are at the mobile park adjacent to the subject property.
- Amount of foot traffic and crime on the vacant lot.
- The capacity of city services (water and sanitary sewer) is insufficient for the additional homes.

Specific comments brought forth by the neighborhood are listed below.

Jen – wondering which street would access the park/there is a concern on the crime in the area/asked about timeline and who was on list to receive letters for this meeting/the amount of traffic on Prickett/turn around access not sufficient/traffic at night is a concern

Darcy – would the developers be creating a trailer park and where would there be access points/no place for the kids to play in the area/safety/schools at capacity

Matthew – commercial owner at end of Prickett and concern on the amount of crime in the area/ asked whether the property is sold or contingent

Willy – crime is an issue in the area with the amount police in the area/Has had to install security cameras

Brent – commercial development would be a better for the property/believes that the location has good access for a commercial development but poor access for additional residential development/park space requirements for the development

Aaron Redland

From: Scott Fradenburgh <sbfrady@outlook.com>
Sent: Thursday, February 18, 2021 7:50 PM
To: Aaron Redland
Subject: Re: Flanagan Zone Change

Follow Up Flag: Follow up
Flag Status: Flagged

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Unfortunately I was not able to get on the zoom meeting but I have some concerns. Namely the 1- condition and width of the feeder roads to the property. 2- Age and density on the proposed mobile home park 3-Safeguards to assure that the new or expanded mobile home park does not duplicate the problems created by existing park. 4- plans for the park need to address adequate parking to assure the existing streets and alleys are not further impacted by the new construction.

Will there be further meetings or a public meeting? I do apologize for missing the meeting.

Scott Fradenburgh.

On Feb 18, 2021, at 11:58 AM, Aaron Redland <aredland@wwcengineering.com> wrote:

Hi Scott,

Here is the information to attend the Zoom meeting. Let me know if you have any questions.

WWC Billings Branch is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/84969912228?pwd=dllJleU9ldGpPaXcvNUxxNVRPN01sUT09>

Meeting ID: 849 6991 2228

Passcode: 796390

One tap mobile

+12532158782,,84969912228# US (Tacoma)

+13462487799,,84969912228# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)
Meeting ID: 849 6991 2228
Find your local number: <https://us02web.zoom.us/j/kpRbIYQE4>

Thanks!
Aaron Redland

<image001.jpg>

Aaron Redland | Project Manager
550 S. 24th Street W., Ste 201 | Billings, MT 59102
Tel 406-894-2210 | Cell 406-671-5606
www.wwcengineering.com

From: Scott Fradenburgh <sbfrady@outlook.com>
Sent: Thursday, February 18, 2021 8:57 AM
To: Aaron Redland <aredland@wwcengineering.com>
Subject: Flanagan Zone Change

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Please send me the information regarding the Flanagan zone change Zoom meeting to be held tonight.

Scott Fradenburgh

From: Jenifer M <jenilee76@gmail.com>
Sent: Friday, March 26, 2021 5:50 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] 304 Rhea Zone Change

Hi Nicole, Thank you for your assistance and answering our questions as we prepare for the meeting on April 6th. I wanted to email my concerns in advance. I look forward to speaking at the meeting as well.

Hope you have or had a great weekend!

Jenifer McRae
208 Prickett Lane

To whom it may concern,

I would like to address the issue of the zone change request in the Flanagan subdivision at 304 Rhea. The current request is to change heavy commercial to manufactured homes with intent to put 30 – 40 trailers. I feel that the influx of people to the neighborhood will be a major problem for many reasons.

- If you consider an average of 10 trips per day per home that could increase our traffic 300 – 400 more trips per day. Anybody turning left onto Central off any of these streets have no light. We have to wait for a break in traffic. Sometimes we can be backed up 3 cars just waiting for a break to get out. It will be worse with more traffic on our streets. Also Florine and Rhea streets are already very narrow and in some places only one car can pass. Prickett is a little wider and will probably be used even more for that reason. The condition of our streets is already not the best. Not the worst either but more traffic will certainly change the condition of our roads.
- I am concerned about children being able to attend an already crowded school. Walking across Central with no crosswalk so they can go play at Central Park. Most kids will not walk down to Moore Lane or 8th street just to use the crosswalk. The children having access to the railroad track. The fence should keep them out, but people cut holes in that fence to cross the field now. It would be tragic if a child lost their life due to something like that.
- Crime is probably the number one concern. We have about 111 lots with 7 blocks from Prickett to Rhea. We generate almost 200 calls for service a year. I did communicate with Sgt. Becker to get those numbers and that has held steady for the last 3 years. With 20 of those calls alone coming from the trailer park at 139 Prickett. I asked what would be the average calls for a neighborhood our size. Sgt. Becker said about 20 calls a year would be normal which means we are 10 times higher than most areas. I don't feel adding 30 to 40 more trailers will help our calls for service go down.
- There is also an issue of pets. It sounds like dogs could be allowed. Not only does that mean we could have a lot more barking but what if they get loose and are on the run possibly more opportunities to attack neighbors or children. If they do not have fenced yards would the dogs just be chained up in the yard then?
- I fear that if this were approved we could end up with a trailer park that is unmaintained and not monitored. Jim and Ray have both tried to assure us that they have our best interests in mind but there is absolutely no guarantee they will do what they say. As long as they meet city requirements we could be stuck with something similar to the 20 trailers already north of that property.

Thank you for your time and consideration,

Jenifer McRae
208 Prickett Lane

From: Sheri Jones <msshix@hotmail.com>
Sent: Tuesday, March 23, 2021 1:23 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] City Zone Change 990-304 Rhea Lane

ATTENTION: This email originated from outside of the City of Billings. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents.

Hello

I am a property owner within the 150 feet of the proposed zone change request. I am opposed in part for the following reasons.

1. Public safety-there is already a lot of crime, trespassing and drug use in the vicinity. I have removed drugs and drug paraphernalia from my property to prevent harm to family and pets. I have installed security notifications and have padlocked my gates. Foot traffic would increase and no doubt so would the crimes.
2. Street access-Prickett Lane is narrow with no sidewalks or walking paths. An influx of motorized and foot traffic would be dangerous for pedestrians and vehicles.
3. General welfare-As a parent of children who previously attended Washington Elementary School, the ability to cross Central Avenue to attend school or play at Central Park was very treacherous at times so again the influx of vehicle and pedestrians would only exacerbate this.

Thank you
Sheryl Jones
138 Prickett Lane

From: Bryce Bakkedahl <bbakkedahl@gmail.com>
Sent: Tuesday, March 23, 2021 1:07 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] City Zone Change 990-304 Rhea Lane

ATTENTION: This email originated from outside of the City of Billings. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents.

Hello,

I am writing in regards to the proposed zone change 990- 340 Rhea Lane-Heavy commercial to residential Manufactured home. I was one of the few that received the letter notifying of proposal. I am within the 150 foot radius and am GREATLY OPPOSED to this change. With this zoning change I feel it will increase an area of already higher than average crime rate. I myself have had to have police involved because of domestic disputes from the neighboring mobile home park and vandalism and theft. I feel by approving this change it will only increase this major problem. I also feel it is a major safety concern with being overcrowded. It is dangerous in the case of fire and narrow roads. Kids already don't have the needed safety in the area and by adding more families poses the potential for a major catastrophe. The current zoning is best suited for this area and would likely add value to the neighborhood instead of decreasing it by making changes. A change would negatively affect a lot of people in the neighborhood. I hope you take these concerns into consideration and decline zone change.

Thanks,
Bryce Bakkedahl

From: Patti Hoerner <hoernerp@gmail.com>
Sent: Sunday, March 21, 2021 6:12 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] Zone change 990 - 304 Rhea Lane

This letter of concern is for the proposed **zone change 990-304 Rhea Lane**. My parents own the residence at **112 Rhea Lane- (John and Sheila Deibele)** This was my childhood residence. My parents are in their 80's and have lived there for over 50 years. I am genuinely worried for their safety should this zone change be approved. I am requesting that you please review the following concerns when making a determination on the zone request.

1. **Roadway** --- the current quality/size/condition of the roadways will not last with the amount of propose traffic that will increase should the trailer park pass. The "Park" itself will be maintained and sized appropriately , however, in order for traffic and emergency vehicles to get to the "Park" they would need to drive down the existing roads that will not last due to increased traffic. Personal worry--- **my folks cannot financially afford added taxes / SIDS to improve the roadways.**
2. **Crime**--- The addition of families that will be moved into this area multiplies the amount of crime. Billings has seen an extreme amount of drugs/shootings/ theft. I understand NO area of town is safe, but statistically trailer parks and low income residences increase significantly. Personal worry---**My parents are 80 plus years old. They do the best they can, but would most likely not be able to protect themselves from an intruder, a burglar, a person high on any illegal substance. They have worked hard for what little they have. They should not have to live their final years in fear.**
3. **Value to the neighborhood**--- It would be hard to believe that the home value in this neighborhood would go UP with the addition of a trailer park/ section 8 housing. Once again the homeowners would have to dig out of their own pockets to improve the area/homes. Many of these homeowners are on fixed income. It would make a difference I am sure, if this was something the homeowners **WANTED**. (common sense, if you want something you pay for it-- not one of these homeowners are requesting this be passed, they should **NOT** have a financial burden put on them, only to cause them greater stress). Personal worry--- **Should my parents have to sell and move into assisted living, they should receive a fair value for their life purchased. It should not be discounted/nor should they be overlooked because their neighborhood would be considered "unfavorable" due to the addition of low income housing.**
4. **Emergency access**--- multiple times there is mention of the "access road" connecting the 3 dead end streets. It is true that would be a positive point, but, with the increase of population coming into the neighborhood, the amount of emergency calls will most definitely increase. So in all reality, that is not a selling point for the homeowners, it is a safety shield for the "trailer park" residents. The proposed owners make it seem as if they are doing the homeowners a "service" when actually, there will be more need for emergency service. **Personal worry--- I sincerely hope that should my parents need emergency care, it will not be due to any incident/persons that are tied to the "Park" should the Park get passed. We have had emergency service in years passed and by the grace of God, everything has turned out fine, emergency crews were able to arrive and leave with never an issue.**

I am very appreciative that Billings has a system that will take each individual person seriously. Thank you so much for reading this and I hope when deciding to pass/or deny the request you review my concerns.

Sincerely yours,

Patti (Deibele) Hoerner

Dear Zoning Commissioners

My husband and I own our home at 112 Rhea Lane. It has been brought to my attention that there is a Zoning Change request for the vacant field at the end of Rhea all the way to Prickett Lane. I would like to take this opportunity to voice my concerns and ask you to please take them into consideration when making your decision.

We have live here in our home for over 50 years. We raised 4 children in this home. We have seen a lot of changes not only in our neighborhood but all over Billings. The crime, drugs and shootings are increasing daily. When we raised our children, our area was for the most part safe. The closest problem area was the apartments in the NP Industrial site south of Central Ave & 13th. These were low income housing, as I believe they still are. Putting in a low income/Section 8 housing area will turn our neighborhood into a "problem area". We have lived most out life without cause of fear. Crime multiplies by more people. Our police department is already strung out beyond what they can handle. Unless there is bodily harm, they cannot respond in a timely manner now. Multiply that times 30 plus new families!

Our street has always been fairly quiet. Very seldom do you have to share the road with more than ONE oncoming vehicle. If that trailer park is passed, then the traffic will be uncontrollable. Our Streets are not in great shape now, what condition will they be left in when all the construction vehicles and Semi's that will be pulling in the Mobile homes cause? Sure, the trailer park people say they will have curbs and gutters, but we homeowners are on a fixed income. If the City decides we must improve our streets with curbs and gutters, just how can WE AFFORD THIS?? We homeowners did NOT request the Trailer Park. Put something else in that area, such as Storage units or a business that would not impact so many lives/homes. A business would cause added traffic , but not increase what a "new sub division" will.

I would also like for you to consider that should the trailer park get approved, the number of children will increase. Raising our 4 we had cause for concern of their safety crossing Central Ave. To attend Washington School. The only crossing guard currently that I have noticed is on the light at 12th street. Kids will be kids. They will not go 2 blocks further to cross safely. The park was fenced when my children were growing up, now, nothing. The Train that will be out the "trailer park's back door". How safe is that? We know from personal experience the amount of Transits that take refuge in the field currently. They seem harmless, but what about the children? Being low income, I am sure they will be left unattended. Kids are curious by nature. Add them to our list of police calls. It is very unfortunate that Billings does not have enough housing, but just because there is an "empty space" does not make it livable (next to a train track... really?) not to mention how it would wreak an established neighborhood.

My husband worked hard to provide a home for our family. He, and everyone else for that matter, deserve to enjoy our years without fear or financial burden. Please consider a different plan for the empty lot! Thank you!

Sheila and John Deibele
home owners- 112 Rhea Lane

Sheila Deibele

