



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 May 4, 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 992 – 117/119 Glenhaven Drive** - A zone change from N3 – Suburban Neighborhood to N2 – Mid-Century Neighborhood on Lot 2, Block 29 of Lake Hills Subdivision, 5th Filing, an 18,466 square foot parcel of land. The purpose of the zone change is to allow an existing two-family dwelling to be conforming to the zone district. Presented by: Karen Husman, Planner I

- b. **Zone Change 993 - South Billings Boulevard Urban Renewal District - 3508 South Frontage Road; Jackson Street; 6014 South Billings Blvd.**- This is a zone change request to change the zoning on three properties that are being annexed into the City and are proposed to be included in the South Billings Boulevard Urban Renewal District (SBBURD). The annexation process and SBBURD expansion process are being run in coordination with these zone changes. The zone change process for these properties is following BMCC Section 27-1615 since the properties must be annexed into the City to be included in the SBBURD, they also must be rezoned to City zoning districts as they come into the City. The property owners are all in support of this process as they all want to be included in the SBBURD. The zoning proposed for the three properties, applicant information, tax identification, and current uses are as follows:
3508 S Frontage Rd: A zone change from A- Agriculture to CX – Heavy Commercial on Section 15, Township 1 South , Range 26 East, the South Fraction of Lots 2 & 3 (LESS HWY & C/S 2394) generally located at 3508 S Frontage Road, a 35.94 acre parcel of land, Driscoll Family, LP, owner. Tax ID: D01863. Property has been used for agricultural operations but has been purchased by Torgerson's, the farm equipment dealer in Billings for development.
Jackson Street (vacant property at the northeast corner of the intersection of Jackson Street and King Avenue East): A zone change from RR1 – Rural Residential 1 to NX1 – Mixed Residential 1 (south of 735 Jackson St) and N2 – Mid-Century Neighborhood (east and north of 735 Jackson St) on C/S 2367M, Parcel B2 a 3.522 acre parcel of land, generally located on Jackson St, Jason Adkins, owner. Tax ID: D01711B. Property is vacant but owner plans for residential development.
6014 S Billings Blvd: A zone change from A- Agriculture to P2 – Public 2 on Section 17, Township 1S, Range 26 East, N2N2N2SE (Less .0774 acres -Highway) a 19.923 acre parcel of land, generally located at 6014 S Billings Blvd, City of Billings, owner. Tax ID: D01893. Property has been used for agricultural operations but was recently acquired by the City of Billings for future expansion of its service operations.

Other Business/Announcements

Adjournment

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 ordinance 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@billingsmt.gov

Zoning Commission

Date: 06/01/2021
Title: City Zone Change 992, 117/119 Glenhaven Drive
Presented by: Karen Husman
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 criteria for Zone Change 992.

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

City Zone Change 992 – 117/119 Glenhaven Drive - A zone change from N3 – Suburban Neighborhood to N2 – Mid-Century Neighborhood on Lot 2, Block 29 of Lake Hills Subdivision, 5th Filing, an 18,466 square foot parcel of land. The purpose of the zone change is to allow an existing two-family dwelling to be conforming to the zone district. Presented by: Karen Husman, Planner I

APPLICATION DATA

OWNER: Eric Schnelbach
LEGAL DESCRIPTION: Lot 2, Block 29 of Lake Hills Subdivision, 5th Filing
ADDRESS: 117 & 119 Glenhaven Drive
CURRENT ZONING: N3
PROPOSED ZONING: N2
EXISTING LAND USE: Residential Two-family
PROPOSED LAND USE: Residential Two-family
SIZE OF PARCEL: 18,466 sf

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

NORTH: Zoning: P1
Land Use: Open space (golf course)
SOUTH: Zoning: N3
Land Use: Residential single family
EAST: Zoning: N3
Land Use: Residential single family
WEST: Zoning: P1
Land Use: Open space (golf course)

BACKGROUND

The applicant is requesting to rezone the property from to allow the existing nonconforming use – a two-family dwelling – to be conforming with zoning. Duplex dwellings are not an allowed use in the N3 zone. The proposed zoning of N2 would bring the dwelling into conformity with zoning.

The lots surrounding this property are zoned N3 and P1. There are parcels in the NX2 and NX3 district south of Almadin Lane, and N2 zoned parcels to the east of Saint Andrews Drive. The duplex structure was built in 1962, prior to zoning requirements and has been a residential duplex since that time. The existing residential and accessory structures appear to meet the N2 zone district regulations for site and structure. The owners are seeking a rebuild letter and do not intend any new construction or re-construction at this time.

ALTERNATIVES

The Zoning Commission may:

- Recommend Approval of the Zone Change and adopt the findings of the 10 review criteria as recommended by Planning Staff; or,
- Recommend Denial 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 denial of the proposed zone change should not have an effect on the Planning Division budget.

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 does conform to 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.

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 existing parcel has already been developed and used as a two-family residential structure since it was built in the 1960's. The proposed zoning would allow the owner to acquire a rebuild letter under the new zoning. This will also allow the owner to reduce the risk associated with insuring the property and investing in property improvements.

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

Transportation: The proposed zoning will have little impact on the surrounding transportation systems.
Water and Sewer: The property has City water and sewer services. There will be no additional impacts to the system from the proposed zoning.
Schools and Parks: Schools and parks should not be significantly affected by the proposed zone change.
Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

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

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

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

The new zoning will have no effect on vehicle and pedestrian traffic.

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

The new zoning does promote compatibility with urban growth. The proposed zoning will allow an existing structure to become conforming as a two-family residential structure.

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 existing structure is compatible with the homes in the area.

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

The value of existing building should be preserved by the proposed zoning.

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

The proposed zoning will allow an existing structure to be rebuilt if it were destroyed. This is an appropriate location for the zoning to allow additional density that already exists on this parcel.

Attachments

Zoning Map & Site Photos

Application & Applicant Letter

Site Plan

Zoning History

Subject Property



Northeast



Southwest



Southeast



North



East



West

Application

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # _____ - Project # Pz-21-00113

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 N3

Proposed Zoning: N2

TAX ID# A22352 CITY ELECTION WARD 2

Legal Description of Property: Lake Hills Subd 5th Flwy, S16, T01 N, R26 E, Block 29, Lot 2

Address or General Location (If unknown, contact City Engineering): 117/119 Glenhaven Dr

Size of Parcel (Area & Dimensions): 424 acres 180' x 90' x 200' 18,466 sq ft

Present Land-Use: residential multi-family

Proposed Land-Use: residential multi-family

Covenants or Deed Restrictions on Property: Yes X No _____

If yes, please attach to application

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

Owner(s): Eric Schnebach

(Recorded Owner) 119 Glenhaven Dr Billings, MT 59105

(Address) (406) 209-2650 eric.schnebach@gmail.com

(Phone Number) (email)

Agent(s): _____

(Name)

(Address)

(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: _____ Date: 4/23/21

(Recorded Owner)



Applicant Letter

Statement

April 9, 2021

To whom it may concern:

There are two reasons to change the zoning for the property at 117/ 119 Glenhaven Dr Billings, MT 59105. The first being bringing the zoning in line with the historic use of the property. The current duplex was built in 1962, which according to my research, was prior to the lot being incorporated into the city and zoned. It seems that the property was possibly zoned incorrectly, as it will not allow for a rebuild of what was already in existence. The duplex is not an "up/ down" duplex, that being a duplex that was once a single family residence. This duplex has always been a duplex and was constructed in a near mirror image in side by side style. The second being to refinance the property out of an FHA loan into a conventional loan. The current building on the property is a duplex. The current zoning is N3, which does not allow for a rebuild of a duplex in the event of a loss of more than fifty percent of the building. Therefore, I am unable to refinance unless the zoning is changed to N2, which would allow for a rebuild of a duplex.

The proposed new zoning will meet each of the 10 zone change criteria to include but not limited to the following. The change in zoning would be consistent with the Growth Policy. The property is centrally located in the Heights in an established neighborhood. Infrastructure is already in place. The change would not affect traffic, as it is already a duplex. The zone change would accommodate the character of the district, as N2 is for neighborhoods built mid-century. The zone change would allow for the current density to be retained and allow for an improved duplex be built in the event of a loss, maintaining the mixed use character of the neighborhood. The zone change would also preserve the value of the current building and property. I look forward to working through the zone change process.



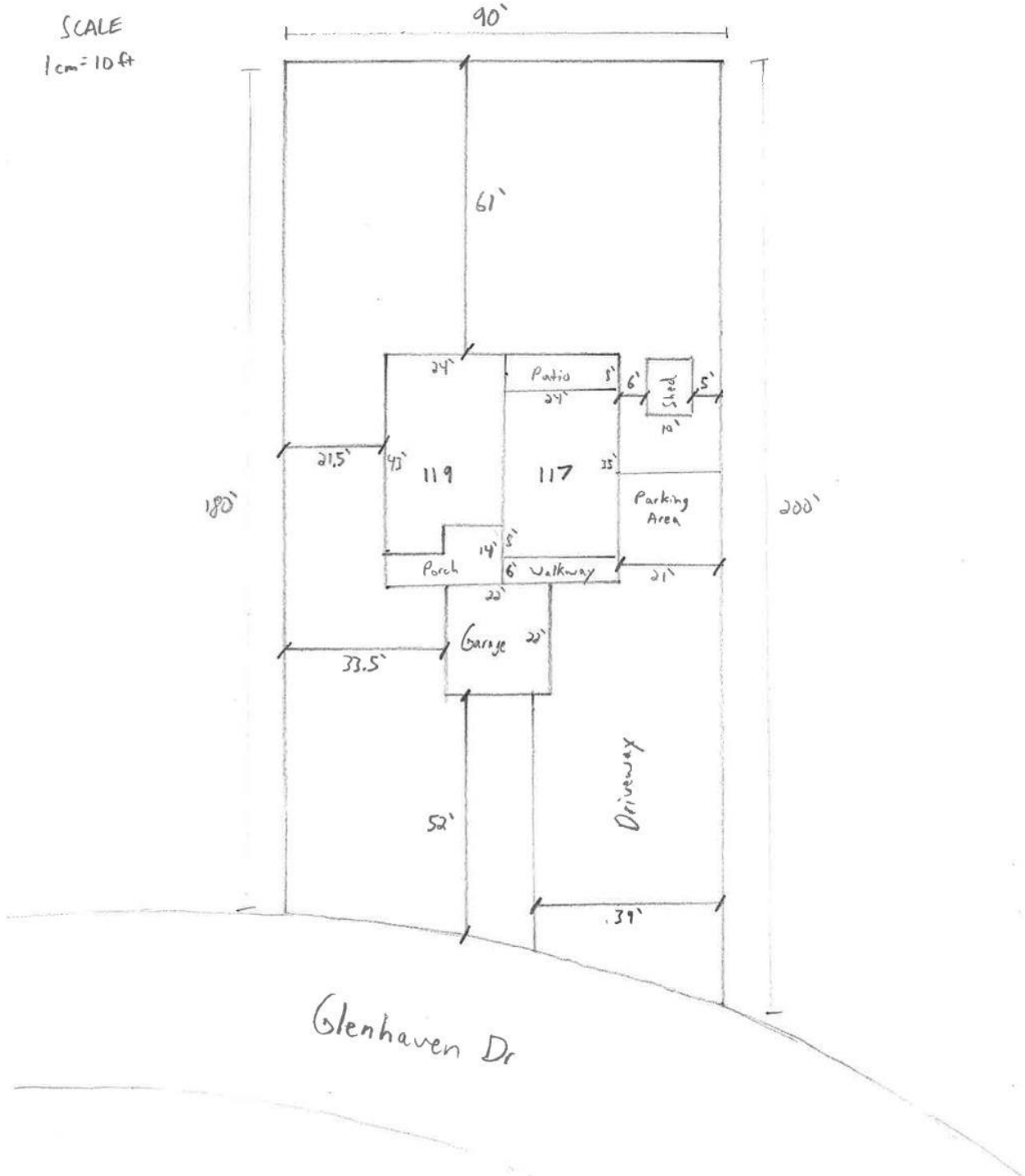
Eric Schnelbach

Site Plan

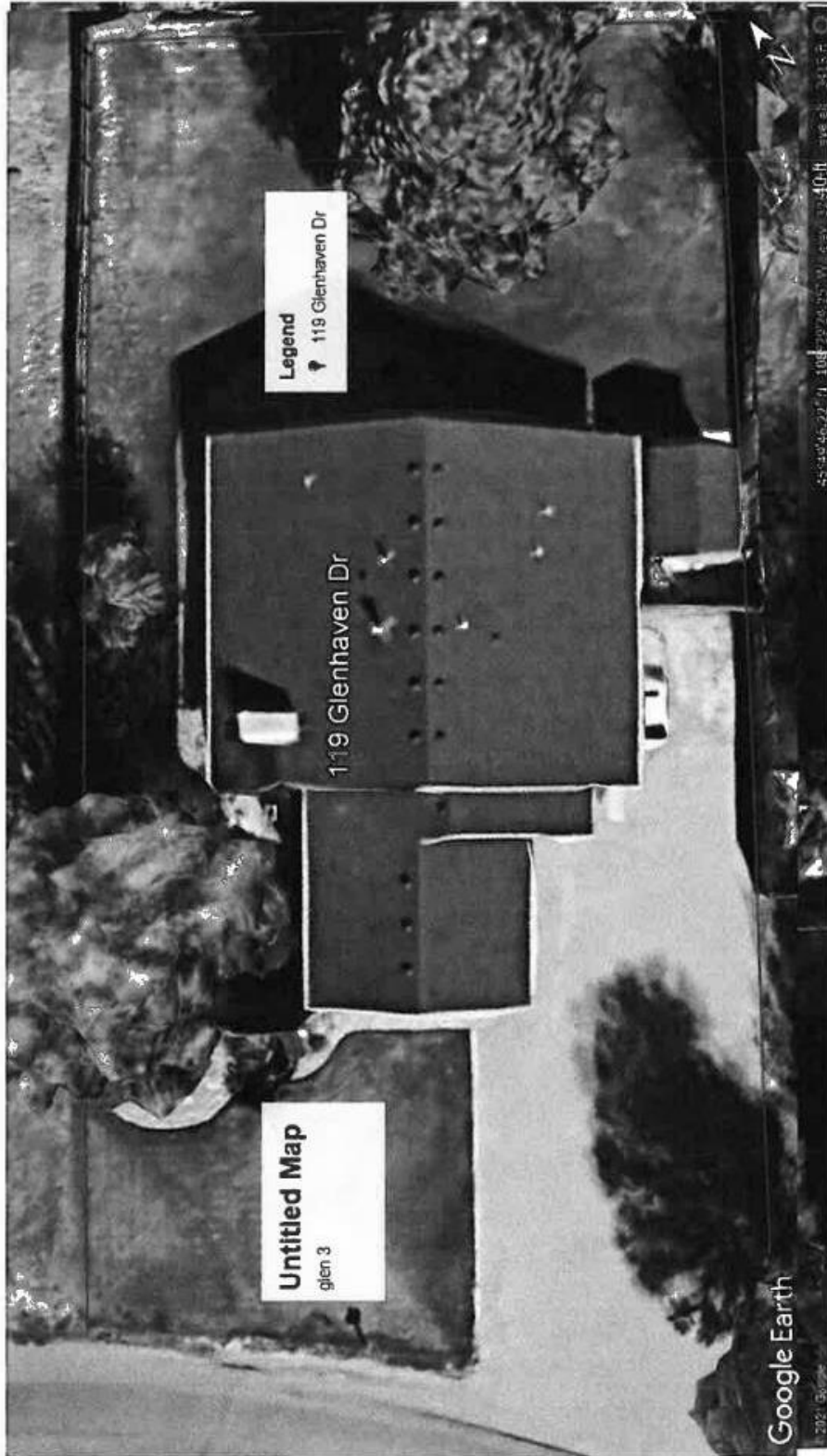
117/119 Glenhaven Dr



SCALE
1cm = 10ft



Existing



APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
		1962	Original zoning		R-96
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Lake Hills 3rd	Annexed	11/4/84	R-96 to RMF	Y	
Lots 5-8 blk 22, Lake Hills th	Annexed	11/4/84	RMF	Y	
6 th filing	665		R96 to R70	Y	Eagle Ridge
2300 Block of Gleneagles	949	11/14/16	R-60-R to R-50	Y	
27 th filing	791	10/10/06	Public to R-96	Y	

Zoning Commission

Date: 06/01/2021

Title: Zone Change 993 - South Billings Boulevard Urban Renewal District - 3508 South Frontage Road; Jackson Street; 6014 South Billings Blvd.

Presented by: Wyeth Friday

Department: Planning & Community Services

Presentation: Yes

Information**RECOMMENDATION**

Planning staff recommends approval of Zone Change 993 and adoption of the findings of the 10 review criteria.

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

This is a zone change request to change the zoning on three properties that are being annexed into the City and are proposed to be included in the South Billings Boulevard Urban Renewal District (SBBURD). The annexation process and SBBURD expansion process are being run in coordination with these zone changes. The zone change process for these properties is following BMCC Section 27-1615 since the properties must be annexed into the City to be included in the SBBURD, they also must be rezoned to City zoning districts as they come into the City. The property owners are all in support of this process as they all want to be included in the SBBURD.

The zoning proposed for the three properties, applicant information, tax identification, and current uses are as follows:

- **3508 S Frontage Rd:** A zone change from A- Agriculture to CX – Heavy Commercial on Section 15, Township 1 South , Range 26 East, the South Fraction of Lots 2 & 3 (LESS HWY & C/S 2394) generally located at 3508 S Frontage Road, a 35.94 acre parcel of land, Driscoll Family, LP, owner. Tax ID: D01863. Property has been used for agricultural operations but has been purchased by Torgerson's, the farm equipment dealer in Billings for development.
- **Jackson Street (vacant property at the northeast corner of the intersection of Jackson Street and King Avenue East):** A zone change from RR1 – Rural Residential 1 to NX1 – Mixed Residential 1 (south of 735 Jackson St) and N2 – Mid-Century Neighborhood (east and north of 735 Jackson St) on C/S 2367M, Parcel B2 a 3.522 acre parcel of land, generally located on Jackson St, Jason Adkins, owner. Tax ID: D01711B. Property is vacant but owner plans for residential development.
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PROCEDURAL HISTORY

- On December 7, 2020, the Council heard a presentation on expansion of the SBBURD and directed staff to move the process forward in 2021.
- On April 6 the South Billings Urban Renewal Association (SBURA) affirmed its support of expansion of the SBBURD.
- On April 13, the Yellowstone County Board of Planning acted affirmatively on a recommendation to the City Council as to the SBBURD expansion's consistency with the 2016 City of Billings Growth Policy.
- On May 10, the City Council approved a Resolution of Intent to Expand the SBBURD and also a Resolution of Intent to annex the City owned property described in this memo per state regulatory requirements for City-owned land. As part of these two actions, the City Council set public hearing dates for the Council meeting on July 12 to take action on the District expansion and the annexation.
- On July 12, the Council is scheduled to conduct a public hearing and a first reading on an ordinance to expand the SBBURD.
- On July 12, the Council is also scheduled to conduct public hearings on the annexations and zone changes of the three properties described in this memo.
- If the City Council approves the ordinance modifying the SBBURD on first reading on July 12, the Council will conduct a second reading of the ordinance on July 26. The ordinance will take effect 30 days after second reading.

South Billings Urban Renewal Association Coordinator Jim Tevlin working with City staff in the past 10 months has been in contact with property owners and agents interested in having property included in the South Billings Boulevard Urban Renewal District. Five properties in total are proposed to be brought into the SBBURD. Several of these properties face significant hurdles to development with property conditions and cleanups, and public infrastructure needs that align with the goals and purpose of urban renewal efforts in South Billings. City staff also is proposing that recently purchased City property just south of the Billings Operation Center be included in the District expansion. The total acreage of all of the property under consideration is about 80 acres. Several of the properties to be included in the District expansion must also be annexed into the City prior to the Council formally expanding the SBBURD. These properties also must be zoned as they come into the City per Section 27-1615, resulting in this zone change being brought to the City Zoning Commission for review and recommendation.

Planning staff reviewed the proposal and is recommending approval to the Zoning Commission based on the proposed findings of the 10 review criteria. The proposed zoning is in conformance with the 2016 Billings Growth Policy Guidelines.

The city has the ability to serve the property with municipal water and sewer at least in the first phase of the annexation.

STAKEHOLDERS

The main stakeholders in this zoning process and the SBBURD expansion are the property owners whose property is to have the zoning changed. However, public discussion and opportunity to comment on the SBBURD expansion process and the elements of the expansion - annexation and zoning - has occurred at two City Council meetings already, will occur at this Zoning Commission Meeting, and will also occur at the City Council Meeting on July 12. Further, surrounding property owners were notified via mail for all three of these properties subject of this zone change per the zoning process, and the three properties were posted with information about this hearing today and the City Council Meeting July 12. Staff fielded several calls from property owners that received the surrounding property owner notice letters for the locations of this zone change as this memo was being prepared. They all were just curious and wanted clarification as to what was going on and if it affected their property directly.

ALTERNATIVES

The Zoning Commission may:

- Adopt the findings of the 10 criteria as recommended by staff and recommend approval of the application; or
- Amend the findings of the 10 criteria as recommended by staff and recommend approval or denial of the application; or
- Delay action up to 30 days.

FISCAL EFFECTS

The approval or denial of the requested zone change should have no effect on the Planning Division budget.

SUMMARY

Before making a recommendation to the City Council on the proposed zone change, the Zoning Commission shall consider the following findings:

1. Is the new zoning designed in accordance with the City of Billings 2016 Growth Policy?

The proposed zoning does conform to the following City of Billings 2016 Growth Policy and guidelines:

Prosperity (promoting equal opportunity and economic advancement)

- A diversity of available jobs can ensure a strong Billings' economy.
- Successful businesses that provide local jobs benefit the community.
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses.
- Retaining and supporting existing businesses helps sustain a healthy economy.

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

- Walking Paths and Trails – Construct sidewalks, trails and pathways throughout the District with landscaping to ensure the safety of children and all pedestrians, as well as provide access to neighborhoods and services.
- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Infill development and development near existing City infrastructure may be the most cost-effective
- 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

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

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

Home Base (healthy, safe and diverse housing options)

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

The zoning proposed for these three properties as part of the annexation and SBBURD expansion process includes CX (Heavy Commercial) for the Driscoll property; Residential zoning of NX1 and N2 for the Adkins property; and P-2 zoning for the City Owned property. Overall, infrastructure improvements that will occur at all three of these properties match the Growth Policy goals in Essential Investments listed above - pedestrian facility additions, development near existing utilities and services, and protection of the environmental quality of the Yellowstone River.

Driscoll Property - The CX zoning on the Driscoll property along the south frontage road fits in with the surrounding zoning and uses in the area. Property on the east and west of the subject property are zoned CX and are both already in the City Limits. Commercial development in this area fits with the major transportation access and frontage along the I-90 corridor, development in the City in this area is important to avoid septic systems and wells in proximity to the Yellowstone River, and the new owners of this property, Torgerson's Equipment, intend to expand their existing business in Billings to this site.

Adkins Property - NX1 and N2 zoning in the Adkins property provide housing choices per the goal of the Home Base element of the Growth Policy in this area of Billings and match well with the residential and commercial zoning at the corners of Jackson Street and King Avenue East, as well as north along Jackson Street. The NX1 zoning allows up to four housing unit structures at the corner, while N2 allows for single and two-unit housing structures on the majority of the property north along Jackson Street.

City Owned Property on South Billings Boulevard - P2 zoning for the City property correctly aligns the nature of the future development of this property as additional City service facilities just south of the City's current Operation Center. Development of this

property also will begin to extend pedestrian facilities and public infrastructure south along South Billings Boulevard in an area that still has a rural road cross-section.

These zone changes also align with the goals of the SBBURD Urban Renewal Plan and South Billings Master Plan:

SBBURD Urban Renewal Plan - These zone changes and future development of these properties supports multiple goals of the Urban Renewal Plan:

Conservation and Support of Housing (pg 19) - Providing the District with housing opportunities is vital to the sustainability of the District. With housing opportunities, individuals and families can live and work within the District. This provides a dual benefit; first, the commute to work for individuals will be reduced and second, the businesses within the District will have a local work force to draw from. The Adkins property rezoning will address additional housing choices in the area.

Transportation and Pedestrian Circulation (pg 20) - The transportation and circulation situation in the TIF District should be a major focus during redevelopment of the area. Traffic patterns and access issues can affect the function and livability of a community or neighborhood. All three of these zone changes will facilitate development and pedestrian and street improvements in this area of Billings.

Infrastructure and Utilities (pg 21) - The District has infrastructure and utilities deficiencies that need to be addressed prior to any large influx of redevelopment or new building construction. Water and sewer conditions need to be addressed due to out of date installations, inadequate lines, or increases in impacts to existing structures. All three of these zone changes will result in development that includes new public infrastructure to help serve new development and existing businesses and residents of the area.

South Billings Master Plan - These and future development of these properties supports multiple goals of the Master Plan:

Goals (pg 12) - Make SBBURD a desirable destination for reinvestment; Provide better streets and more diverse housing choices; Ensure the availability of City sewer and water, and complete streets with integrated stormwater and expanded transportation choices; Reduce blight and encourage reinvestment.

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 to provide security from fire and other dangers. Buildings developed within the city limits will comply with building and fire safety codes.

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

The proposed zoning may promote the health and general welfare. The proposed CX zoning will allow compatible uses adjacent to the CX zoning to the east and west. The proposed NX1 and N2 zoning will fit well with the neighborhoods around the intersection of Jackson Street and King Avenue East. The P2 zoning will enable the City to add to its service facilities adjacent to its existing Operation Center.

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

Transportation: The proposed zoning will have a measurable effect on traffic generation. However, all of these properties are adjacent to Principle or Minor Arterial Streets, that can handle additional traffic volumes generated by both commercial and residential development. Future development of these properties also will involve traffic impact analysis to determine if any traffic improvements are needed based on the uses and traffic volumes generated from the development.

Water and Sewerage: The properties will all be served by public water and sewer systems when annexed to the City. Further, inclusion in the SBBURD will enable consideration of added infrastructure investment adjacent to these properties that will enhance the experience and safety of pedestrians and the traveling public.

Schools and Parks: The proposed zoning of CX and P2 for two of the properties should not impact the student population. Residential development on the Adkins property will have some affect on schools in the area. Schools are in proximity to the property, enabling students to walk or bicycle to school.

Fire and Police: The subject properties are all currently serviced by BUFSA and the Yellowstone County Sheriff's Department. Once annexed, fire protection and building plan review will be done at the time of building permit application through the Billings Building Division and Fire Department. Public safety services will be provided by the City Police Department.

5. Whether the new zoning will provide adequate light and air.

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

6. Whether the new zoning will effect motorized and non-motorized transportation.

The proposed zoning itself will not generate more traffic on any of the adjacent streets. When development is proposed, impacts to transportation systems will be evaluated. Pedestrian traffic in the area is limited due to the lack of sidewalks and trails or gaps in pedestrian facilities. However, with these zone changes and inclusion of the properties in the City, development of the properties will include pedestrian infrastructure as well as other street improvements to enhance both non-motorized and and motorized transportation.

7. Whether the new zoning will promote compatible urban growth.

The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. The CX zoning on the Driscoll property will match the existing CX zoning of property already in the City to the east and west of the property. The proposed zoning is compatible with the adjacent zoning and existing land uses. The NX1 and N2 zoning of the Adkins property will fit well with the surrounding residential and neighborhood commercial zoning in the area of the intersection of Jackson Street and King Avenue East. And

the P2 zoning for the City property will fit the existing Billings Operation Center property directly to the north and facilitate future City service delivery.

8. Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses. The subject properties and the proposed zoning for each of them are designed to fit the neighborhoods and areas of Billings where they are located. The commercial uses allowed in CX will serve existing and new commercial development needs for Billings and the area. The NX1 and N2 residential districts will add to the housing choices and quantity in this area of Billings, which already has well established residential neighborhoods. The P2 zoning for the City property will accommodate expansion of City service facilities and the ability of the City to deliver services to its residents.

9. Whether the new zoning will conserve the value of buildings. The new zoning is not expected to alter the value of any buildings in the area. Any development of the properties will need to meet the applicable site development requirements in the zoning code, including landscaping, screening, building heights and setbacks for the applicable commercial or residential district.

10. Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings. The proposed zoning does encourage the most appropriate use of land in these three areas of the City. The Driscoll property is an area of continued commercial development. The Adkins property is in an established residential neighborhood where added housing opportunities are an appropriate use of the land. The City property is adjacent to its existing operation center and not near any residential development, so expanded city service facilities is a good fit for that area of the City.

Attachments

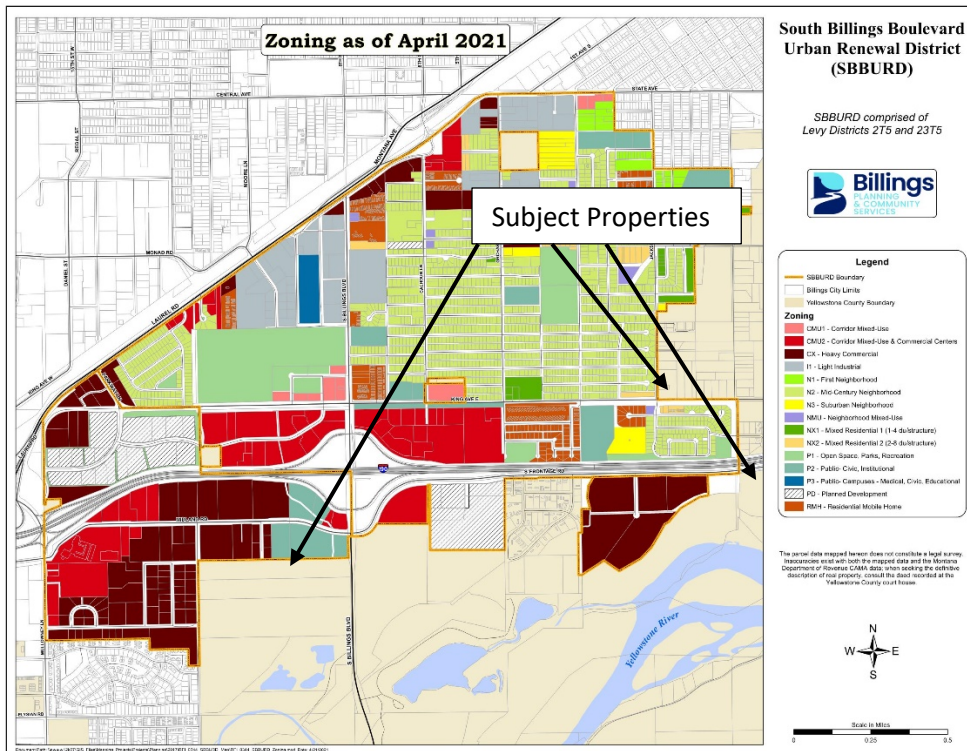
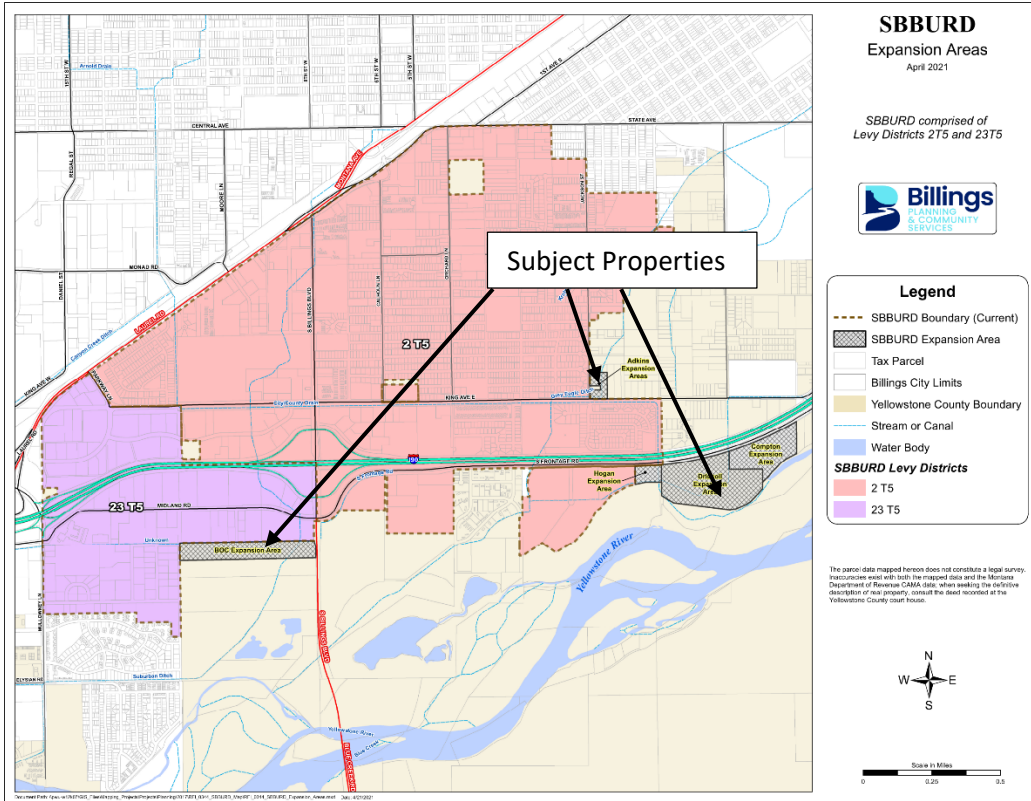
Zoning Map and Site Photos

Zoning History

SBBURD Expansion Area Map

Letters of opposition ZC993

SBBURD and Zoning Map



Site Photos

Adkins Property



Looking East at subject property across Jackson Street.



Looking northwest toward Jackson Street from southern part of property.



Looking west across Jackson Street from subject property.



Inholding property not owned by Adkins and not part of the zone change.

Driscoll/Torgerson's Property



Subject property looking southwest from South Frontage Road.



Looking along subject property frontage to adjacent property to the west.



Looking east along the subject property frontage at property adjacent to the east.

City Property



Subject property looking west from across South Billings Blvd.



From eastern edge of subject property looking west along City's Operation Center.



Looking southwest from across South Billings Blvd. Subject property is to the right.

SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
3508 S Frontage Rd	County SR 271	1/9/2001	250 ft wireless communication tower	Yes	Not constructed "A" zone district
711 Jackson Street	County ZC 409	5/10/1989	R-150 to RMH	No	RR1 zone district
6014 S Billings Blvd	None				"A" zone district
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
3218 S Frontage Rd	County SR 207	8/12/1993	Gravel Mine	Yes	Mine completed and reclaimed Current zone = CX
3218 S Frontage Rd	County ZC 617	8/26/2008	A-1 to CI	Yes	Current zone = CX
3100 S Frontage Rd	County ZC 230	3/6/1979	R-150 to HC	Yes	Current zone = CX
3716 S Frontage Rd	County ZC 613	2/26/2008	A-1 to CI	Yes	Current zone = CX
Intermountain St Cambridge Sub	City ZC 649	7/26/1999	PD to RMH	Yes	Current Zone = RMH
4029 Kratz Lane Kosmann Cabinets	County ZC 640	5/28/2013	RMF to CC	Yes	Current Zone = C3
City Center Sub (King Ave E and Sugar Ave)	County ZC 545	3/15/2002	R-150 to CI	Yes	Current Zone = I1
Billings Operations Center	City ZC 706	12/9/2002	A-1 to Public and EGC	Yes	Current zone = P2 & CMU2
4600 S Frontage Rd I-State Truck Center	City ZC 746	12/13/2004	A-1 to EGC	Yes	Current zone = CMU2
4432 S Frontage Rd Billings Auto Auction	City ZC 689	4/22/2002	A-1 to Planned Development (CC)	Yes	Current Zone = PD-CC

SBBURD

Expansion Areas

April 2021

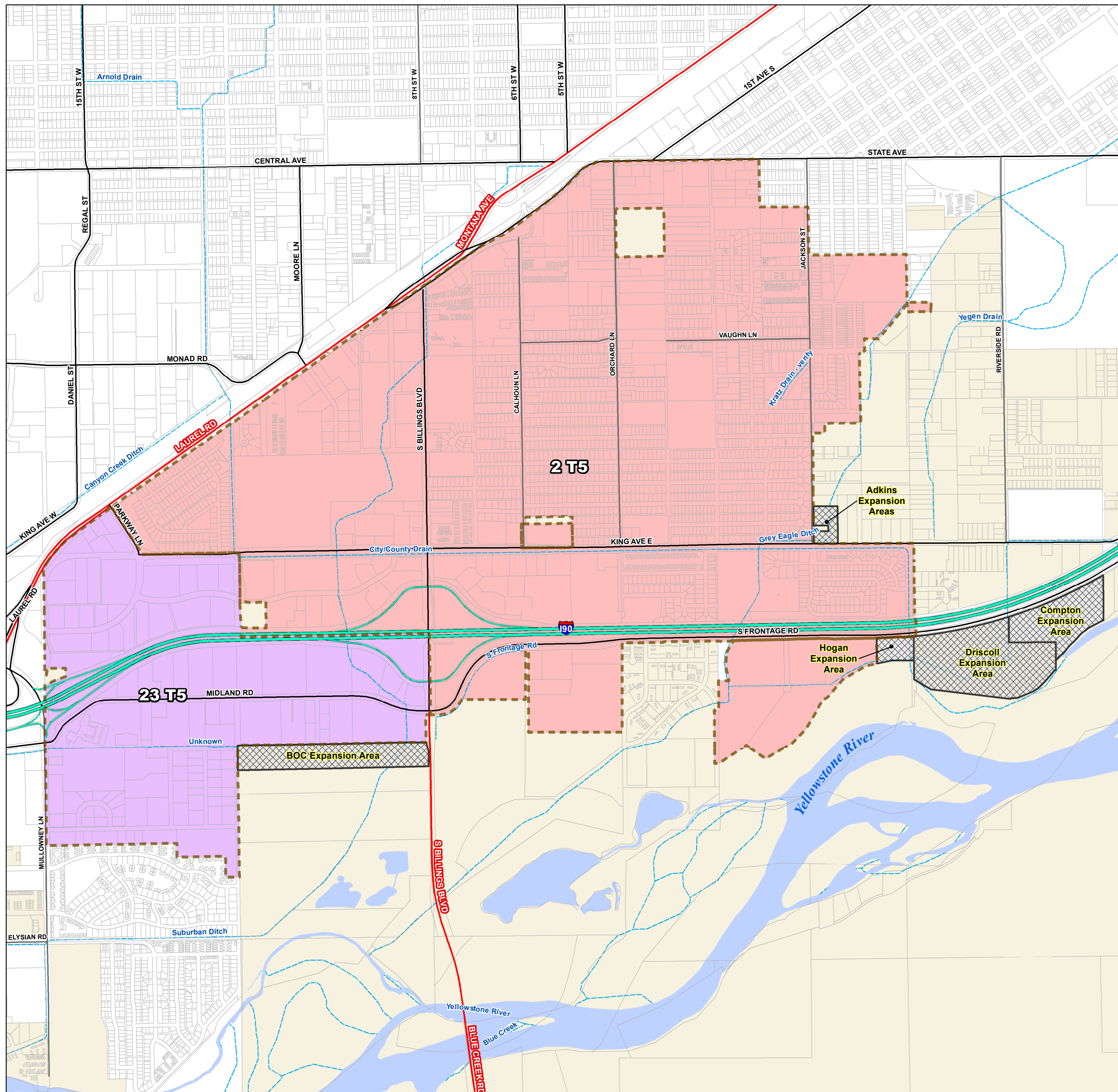
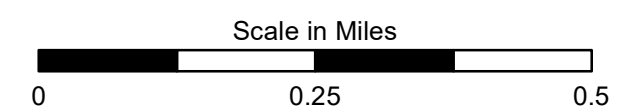
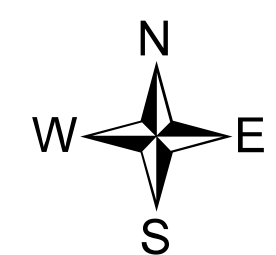
SBBURD comprised of
Levy Districts 2T5 and 23T5



Legend

- SBBURD Boundary (Current)
 - ▨ SBBURD Expansion Area
 - Tax Parcel
 - Billings City Limits
 - Yellowstone County Boundary
 - - - Stream or Canal
 - Water Body
- SBBURD Levy Districts**
- 2 T5
 - 23 T5

The parcel data mapped hereon does not constitute a legal survey. Inaccuracies exist with both the mapped data and the Montana Department of Revenue CAMA data; when seeking the definitive description of real property, consult the deed recorded at the Yellowstone County court house.



From: Kevin Mccarthy [mailto:violasgranpa@yahoo.com]

Sent: Monday, May 24, 2021 6:47 PM

To: Friday, Wyeth <FridayW@billingsmt.gov>

Subject: [EXTERNAL] CITY ZONE CHANGE 993

GREETINGS: MY NAME IS KEVIN MCCARTHY AND I LIVE AT THE END OF LEBRUN LANE. I AM WRITING THIS LETTER IN HOPES YOU DO NOT APPROVE CITY ZONE CHANGE 993. I HAVE LIVED HERE IN PEACE AND QUIET FOR 37 YEARS. I JUST WANT TO BE ABLE TO LIVE QUIETLY LIKE I ALWAYS HAVE. THIS AREA HAS ALWAYS BEEN A VERY NEIGHBORLY PART OF BILLINGS AND I WANT IT TO STAY THAT WAY. I BELIEVE THAT THE DEVELOPEMENT OF THIS AREA WOULD CAUSE A LOT OF ILL WILL, IN MANY WAYS, AND IT NEEDS TO BE AVOIDED COMPLETELY. PLEASE LEAVE THIS AREA AND ITS QUIET PEACEFUL PEOPLE ,AND THIER WAY OF LIFE, BE. IT IS ALL SOME OF US HAVE IN LIFE, AND I PRAY YOU WONT CRUSH DREAMS AND END WHAT WE HAVE WORKED SO HARD TO MAKE HERE. THANK YOU FOR YOUR CONSIDERATIONS.

SINCERELY KEVIN MCCARTHY 4027 LEBRUN LANE

From: Clark Schmidt [<mailto:clarkeschmidt@gmail.com>]

Sent: Friday, May 21, 2021 4:28 PM

To: Friday, Wyeth <FridayW@billingsmt.gov>

Subject: [EXTERNAL] City Zone Change 993

Roger Schmidt (3971 King Ave E) and Clark Schmidt would recommend that the City/County Planning board **does not approve** the City Zone Change for 993. The area is currently zoned as RR1 and should keep that same zoning. Many of the residents east of Jackson street to Washington street have lived in that area for many years and enjoy our current ability to raise large gardens, pasture approved animals, and space to stretch your legs. Jackson street has been the border of our zoning RR1 for many years. That zoning has been well received with the residents that live in the RR1 zone. The owner of the property, who doesn't live in the area or for that matter in Billings, wants to change our nice neighborhood. With that development there will be more traffic, people, and confrontation with landowners rights. The current property that is requesting a zone change has several easements running through it which will make it hard to develop. One concern would be the Grey Eagle ditch and how to keep individual off the easement and out of the ditch. When you travel west of Jackson Street on King Ave East there are several larger tracts that are undeveloped in the city limits witch could be used for housing. Please leave our nice neighborhood alone. Thank you for your time and consideration of keeping our neighborhood.

Roger Schmidt
3971 King Ave E

Clark Schmidt
3638 Jene Helene Ave

From: Nanci [<mailto:nanjim219@charter.net>]
Sent: Sunday, May 23, 2021 4:50 PM
To: Friday, Wyeth <FridayW@billingsmt.gov>
Subject: [EXTERNAL] MPO

Sent from [Mail](#) for Windows 10

Jim and Nanci Holloway (owners of 3723 and 3805 King Ave. East) request that the City/County Planning Board does not approve the city zone change 993. We purchased this property in the early 1980's and enjoy the way it is presently zoned. Nanci is a fourth generation (Jellison/Jost) on this property and would prefer to see the zoning left alone. Please leave our neighborhood as is so we can enjoy our large garden and open space as it was intended. Thank you for consideration.

Jim Holloway
Nanci Holloway
3805 King Ave East
3723 King Ave East

RE: CITY ZONE CHANGE 993

May 27,2021

To whom it may concern:

I have been a resident at 3905 King Ave East for more than 50 years. I STRONGLY recommend that the City/County Planning board **DOES NOT APPROVE** the City Zone Change for 993. This area is currently zoned as RR1 and should keep that same zoning. I as well as many others are long time residents in this area from east of Jackson Street to Washington Street and enjoy having our space and country life feel that we get with our somewhat secluded property. The current property requesting a zone change has multiple easements running through it which will make it difficult to develop. One being a pipeline, the other being the Grey Eagle Ditch which would be a huge concern keeping individuals off the easement and out of the ditch. With that development there would be more traffic, people, and confrontation with landowner rights. We already have multiple apartment complexes close to this location and are seeing increased violent crimes in recent months! Furthermore, the person who owns this property does not even live in our area OR IN BILLINGS for that matter wants to make a change that will not affect his lifestyle, but it WILL affect all of us in this corridor... Please leave our nice neighborhood alone and **DO NOT APPROVE** this zone change. Thank you for your time and consideration of keeping our wonderful neighborhood the way it is!

Sincerely,

Darlene D. Hert

3905 King Ave East