

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # _____ - Project # 2021-108

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 CMU2

Proposed Zoning: NO, N2

TAX ID# *multiple parcels CITY ELECTION WARD 3

Legal Description of Property: Lots 1-8, 12A-22 of Harmony Meadows Subdivision, 2nd Filing

Address or General Location (If unknown, contact City Engineering): 2729 Aspen Way, Billings, MT

Size of Parcel (Area & Dimensions): 54.44 Acres

Present Land-Use: Vacant

Proposed Land-Use: Residential

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): Cal Kunkel - Harmony Meadows, LLC

(Recorded Owner) 2729 Aspen Way, Billings, MT 59106

(Address) 406-861-0485

(Phone Number) (email)


Agent(s): Scott Aspenlieder - Performance Engineering, LLC

(Name) 608 N 29th St, Billings, MT 59101

(Address) (406) 384-0080 scott@performance-ec.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:  Date: _____
(Recorded Owner)

Date Stamp

Harmony Meadows – Zone Change Questions

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

The tracts of land of interest are currently zoned CMU2. The land surrounding the property generally commercial or multi-family zonings. The Growth Policy has several goals that would be met by changing the zoning of the property from CMU2 to a combination of N2 and NO under the new Zone Ordinance. The issues that will be addressed are described below.

The first issue addressed is neighborhoods experiencing pressures from new development. The surrounding land is zoned with a multitude of light to heavy commercial to the north, a Planned Development with single and multi-family to the east and west and multi-family within the subdivision currently. 6- and 8-plex multi-family construction has already occurred within the subdivision. The goal is to have predictable land use decisions that are consistent with neighborhood character and preferred land use patterns while giving some options for housing diversity. Having the land being a combination of N2 and NO zoning will accomplish these goals.

A mix of housing types that meet the needs of a diverse population is important. This zone change will allow for a mix of lighter density multi-family residential dwellings bringing diversity to the subdivision. The diversity will encourage occupancy from residents looking to live in a patio home style facility without being in a larger apartment complex.

The proposed project area is currently vacant. This vacant land has green native grasses and is actively farmed in parts of the development. Native areas are green during the early summer but becomes dry and brown later in the year. Facilitating additional development will create infill benefits as well as creating occupied buildings constructed to the new zoning code for construction. The subdivision will create an area with landscaped yards and greenspace for the neighborhood, both creating an attractive community.

Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community. Further development will facilitate development of the dedicated park on the south end of the property as well as internal green spaces and opportunities for recreation by the neighborhood.

B. Meets the 10 criteria for a zone change.

1. Is the new zoning designed in accordance with the Growth Policy?
 - a. Zoning regulations that allow for a mixture of housing types provide housing options for all demographics. Additionally, neighborhoods that are attractive and safe are noted to be desirable in the zoning code. With a mixture of housing and new building requirements and parkland the development will add value to the area. The project encourages higher density development along major collector streets and lower density within the interior of the development.
2. Is the new zoning designed to secure from fire and other dangers?

- a. The new zoning requires minimum setbacks and landscaped areas with building separation. These zonings will provide adequate building separation 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?
 - a. Public health and safety will be promoted through the addition of new units and construction which in turn adds to the rate payer base for the City and increase property taxes revenue.
4. Will the new zoning facilitate the adequate provision of transportation, water, sewage, schools, parks and other public improvements?
 - a. Transportation: The proposed zoning will reduce density and therefore reduce transportation impacts on the area.
 - b. Water and Sewer: The City currently provides water and sewer to the area through developer built infrastructure.
 - c. Schools and Parks: Neither should be impacted by the development as it proposes to reduce the density of the subdivision. Additionally, the subdivision has dedicated parkland on the south end of the property already through the subdivision process.
 - d. Fire and Police: The subdivision is served by the City public safety services.
5. Will the new zoning provide adequate light and air?
 - a. The proposed new zoning and building regulations require setbacks for vertical construction that will provide for adequate separation between buildings.
6. Will the new zoning effect motorized and non-motorized transportation?
 - a. Trip generation for the area will be reduced dramatically from the original zoning to a primarily N2 zoning allowing for duplex construction at most. Trip counts from the original Traffic Impact Study submitted with the Harmony Meadows Subdivision will be reduced therefore not fully contributing to the traffic projections for this area as it was planned originally. The proposed zoning should not have any negative impacts on the planned trip generation for this area.
7. Will the new zoning promote compatible urban growth?
 - a. The proposed zoning will allow for new housing and housing diversity for the area compatible with the urban growth seen in this part of the City.
8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?
 - a. The proposed zoning will allow for housing diversity and types that are desirable in the area, meeting the character of the district.
9. Will the new zoning conserve the value of buildings?
 - a. The proposed zoning mix will provide for a reduction in density and require construction to meet the new zoning standards which will add value to the area. Additionally, reduction in density will make the area more attractive over time through the development.
10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?
 - a. The proposed zone changes encourages higher density along Elysian Road and reduced density within the interior of the development while still maintaining multi-family uses. This approach will be the most appropriate use of the property.

C. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

The proposed subdivision plan is to subdivide the property and create approximately 60 lots. Agricultural Open Space will not allow the property to be subdivided, and the City policies require a property be classified as a City zoning upon annexation. The R-7000 or N2 zone will allow the property to be subdivided into attractive and appropriately sized lots that fit within the local community. The land surrounding the property is zoned R-7000, Agricultural Open, R-7000R, and R-9600. The remaining filings of Bitterroot Heights Subdivision will be zoned N2 under the new City Zone Code. The developer is requesting this zone change to align with the timeline of building out the next phase in Spring 2021.