



CITY ZONING COMMISSION
AGENDA-Tuesday, August 3, 2021, 4:30 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

The City Zoning Commission will hold its public hearing in the 1st Floor Conference Room at 2825 3rd Avenue North (Miller Building). All interested persons are invited to attend in person or view the meeting on-line on the Billings-Planning & Community Services Facebook Page here; <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks> .

A public comment phone line is available for on-line viewers to provide testimony during the specific Public Comment periods announced by the Chairman during the hearings. The call in phone number is (406)237-6165. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary.

Written comments may also be sent to Commission via email before 1:00 PM on Tuesday, August 3, 2021. All emails received prior to this time will become part of the record for the public hearings.

Call the meeting to order.

Introduction of City Zoning Commission Members and Planning Department Staff.

Public Comment

Motion. Approval of Minutes: July 6, 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 Exparte 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 994 --2930 US Highway 3 - RR1 to N3** -- A request to change from Residential Rural (RR1) to Suburban Neighborhood Residential (N3) on Tr. 1A1 and 1A2, Certificate of Survey 266, a 3.19 acre parcel of land. A pre-application neighborhood meeting was held on June 16, 2021, at 2940 Poly Drive. Tax ID: A20303.
- b. **Zone Change 995 - Cherry Island Subdivision - RR1 and P1 to N3** - zone change request with a concurrent petition to annex to the city limits and a preliminary major subdivision on a 10-acre portion of Lot 2, Block 1 of Cherry Creek Estates Subdivision. The parcel is generally located east of rural residential parcels on the east side of Bitterroot Drive, north of the southern leg of Cherry Creek Loop. The current zoning of the property is Rural Residential 1 (RR1), a county zone district, and Public 1 (P1) for a small portion already annexed to the city. The applicant held a pre-application neighborhood virtual meeting on June 17, 2021. The previous zoning of the property was Residential 9,600 (R-96) on the county portion and Public (P) on the annexed portion of the lot. There is RR1 zoning to the north, Large Lot Suburban Neighborhood (N4) to the west, Residential Manufactured Home (RMH) zoning in the Cherry Creek Manufactured Home Park to the east, and south will remain in the P1 zone district.
- c. **Zone Change 996 - a zone change in Harmony Meadows Subdivision** that will affect 19 lots with a total area of about 54.5 acres of undeveloped land. The current zoning of the property is Corridor Mixed Use 2 (CMU2) and Mixed Residential 2 (NX2) and prior to the code update in February 2021, the zoning was a mixture of Highway Commercial (HC), Community Commercial (CC) and Residential Multi-family-Restricted (RMF-R) zoning. The existing development in Harmony Meadows consists of several multi-unit apartment buildings ranging from 6 to 8 units in side-by-side dwelling unit structures. The apartment and patio home development density is about 8 to 8.5 dwelling units per acre or about 5,000 square feet of lot area per dwelling unit. The existing development is zoned as Mixed Residential 2 (NX2). This zoning allows 2 to 8 dwelling units in a single structure.
- d. **City Zone Change 997 -- 645 S 48th Street West - from A to MU-PND-** A zone change request from Agricultural (A) to Mixed Use Planned Neighborhood Development consisting of Corridor Mixed Use 1 (CMU1), Mixed Residential 2 (NX2), Mid-Century Neighborhood Residential (N2) and Parks and Open Space (P1) on Tract 2C, 2-G-1, 14, and 2-H-1 of Certificate of Survey 983, a 65.873 acre parcel of land. A pre-application neighborhood meeting was held on June 23, 2021, in virtual meeting format. Tax ID: D00511, D00512, D00513A & D00513B

Other Business/Announcements

Adjournment

The City Council has designated Monday, August 23, 2021, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation and **conduct a public hearing for the first reading of the ordinance for this zone change** request. If approved on first reading, **a second reading public hearing will occur on Monday, September 13, 2021 at 5:30 pm.**

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

City Zoning Commission

Meeting Date: 08/03/2021

Information

Subject

Motion. Approval of Minutes: July 6, 2021

Attachments

BZC_2021_0706



**City of Billings Zoning Commission
Meeting Minutes July 6, 2021**

The City of Billings Zoning Commission met on Tuesday, July 6, 2021 at 4:30 p.m., 2825 3rd Avenue North in the Miller Building 1st Floor Conference Room. The public may attend in person or watch the meeting live on Facebook (see below). The Public may call in during specific Public Comment periods at **(406) 237-6165**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary. Comments may be sent to **Board via email before 1:00 PM on Tuesday, July 6, 2021**. All e-mails received prior to this time will become part of the record for the public hearing. Live coverage can be viewed on the City of Billings Facebook page here; <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks>

Chairman Larson called the meeting to order at 4:30 p.m. **The City Council has designated Monday, July 26, 2021, at 5:30 p.m.** as the date and time to receive the Zoning Commission recommendation on **Special Review 990 and conduct a public hearing. The City Council hearing will be held on the 2nd Floor of City Hall at 210 N 27th Street. The public is invited to attend in person.**

Commission and Staff		01/05/2	02/02/2	03/02/2	04/06/2	05/04/2	06/01/2	07/06/2	08/03/2	09/04/2	10/05/2	11/02/2	12/07/2
Mike Larson	Chairman	1	1	E	1	1	1	1					
Daniel J. Brooks	Commissioner	1	1	1	1	1	E	1					
Jack King	Commissioner	1	1	1	1	1	1	1					
Greg McCall	Vice Chairman	E	1	E	E	E	E	1					
Trina White	Commissioner	1	1	1	A	1	1	1					
Wyeth Friday	Director, Planning & Community Services	-	-	-	-	-	1	-					
Monica Plecker	Division Planning Manager	-	-	-	-	-	-	-					
Nicole Cromwell	Planner Zoning Coordinator	1	1	1	1	1	1	1					
Tammy Deines	Planning Clerk	-	-	-	-	-	-	1					
Dave Green	Planner II	-	-	-	-	-	-	-					
Karen Husman	Planner I	1	1	1	-	-	1	1					
Robbin Bartley	Administrative Support	1	1	1	1	1	1	-					

Total Number of 2021 Applications	01/05/2021	02/02/2021	03/02/2021	04/06/2021	05/04/2021	06/01/2021	07/06/2021	08/03/2021	09/04/2021	10/05/2021	11/02/2021	12/07/2021	TOTAL
Zone Change	-	2	1	1*	1	2	0						7
Special Review	2	0	0	0	0	0	1						3

Chairman Larson introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, Karen Husman, Planner I and Tammy Deines, Planning Clerk (Virtually)

Attending: Scott Aspenlieder, Performance Engineering; John Atkinson, AT Architecture

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: May 4, 2021, and June 1, 2021

Commissioner White made a motion and Commissioner Brooks seconded the motion to approve the May 4, 2021 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Commissioner White made a motion and Commissioner Brooks seconded the motion to approve the June 1, 2021 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Disclosure of Conflict of Interest

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

Disclosure of Outside Communication

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

Public Hearings:

Special Review 990 – King Ave West and Shiloh Rd – Town Pump Bar and Casino – A request to relocate an existing all beverage liquor license to operate a bar and casino for Town Pump, Inc. The subject property is described as Lots 1B-1 to Lots 1B-5, Block 20 of Olympic Park and is generally located on the vacant property on the north east corner of the intersection of King Ave West and Shiloh Road. The property is within the Olympic Park Planned Development zone with underlying zoning of Community Commercial (PD-CC). The parcel is 6.196 acres in area. Tax IDs: A29258, A29259, A29260, A29261 & A29262

Introduction

Zoning Coordinator Nicole Cromwell opened this agenda item with an explanation that the new zoning code has a variety of considerations and findings before a special review use can be considered acceptable at a particular location. She continued with the staff report. Chairman Larson asked regarding the density of the existing Shiloh Glenn Apartments. Nicole Cromwell presented the site plan and gave further explanation of the layout and the proximity of the apartment complex. Both access points from King Avenue are right-in right-out only, and the round-about are designed to handle semi-trucks. The building is about 28,000 square feet. There will be curbing around the improved properties. Elevation plans were provided and referenced in the proposed conditions. Signage will be reviewed through the sign permitting process. A photometric plan was provided to depict lighting spread throughout the property. There should be no glare from the lighting that will affect the apartments. Staff identified ideal locations for pedestrian access from Shiloh Glenn to this property. Ms. Cromwell reviewed the required separations for casinos and bars which will be allowed due to the underlying zoning in Olympic Park subdivision.

Staff Recommendation:

Planning staff is recommending conditional approval based on the findings of the nine review criteria (BMCC 27-1623.D). Staff recommends the following conditions of approval based on the

above findings and the applicant's stated intent. These conditions will be related to the listed categories but may include other issues specific to the use for a bar and casino.

1. This special review approval is for the development and operation of a bar and casino located on Lots 1B-1 to 1B-5, of Block 20 of the Amended Olympic Park Subdivision generally located on the northeast corner of the intersection of King Ave W and Shiloh Road.
2. The bar and casino will be located in a common structure with a gas station, convenience store and liquor store but will not exceed 10,000 square feet or one-third of the total building gross floor area, whichever is less.
3. The building will be located as shown on the submitted site plans dated 5-7-2021 and 6-22-2021 as prepared by Performance Engineering and attached to these conditions of approval.
4. The building design and elevations will be as substantially shown on the drawing dated 6-07-2021 as prepared by AT Architecture. The signs shown on this elevation plan are specifically excluded.
5. The north property line that abuts the Shiloh Glen apartments will be treated with a sight-obscuring fence of six feet height. The fence need not be constructed on the shared property line and can be setback to avoid underground utilities. The fence may be constructed of any normal fencing material however, any vinyl fencing will have a matte finish to diminish light reflection. Two pedestrian access points will be provided for the residents of the Shiloh Glen apartments. These access points will have two bollard style lights installed - one on the Shiloh Glen side of the fence and one on the Town Pump side of the fence. The access will be by off-set fencing, so there is no break in the visual barrier between the properties. The two approximate locations are shown on a Planning staff site plan exhibit dated June 28, 2021. The pedestrian way from the fence opening to the Town Pump parking lot will be a paved sidewalk with an access ramp provided at the curb line on the north side of the parking lot/drive aisle.
6. The applicant will install and maintain a row of mixed evergreen and deciduous shrubs or trees along the inside of the north property line fence. This will be shown on the overall landscaping plan designed and stamped by a landscape architect.
7. The applicant will show on the site plan submitted for Building Permit the area planned for snow storage.
8. The applicant will reduce the length of the parking lot landscape islands so that each one is 4-feet shorter than the adjacent parking stall as required by Section 27-1205.B. No parking stall shall be more than 132 feet from a required landscape parking island. No turf grass is allowed in landscape islands and each landscape island requires one tree. Deciduous trees in landscape islands are encouraged. All landscaped areas required a minimum of 75% organic material.
9. The applicant will show on the landscape plan submitted with the Building Permit, the following: 18 street trees on the north side of the sidewalk along King Ave West; 10 street trees along the Shiloh Road street frontage between the property line and the parking lot curbing, screening for all ground or roof-mounted mechanical equipment, the solid waste dumpster screening including materials for the enclosure and 75% organic material in all landscaped areas.
10. All landscaping shall be installed and maintained free of debris and trash on a regular basis. Dead plant material will be replaced with like materials as expeditiously as possible. All irrigation systems will be maintained in proper working order.

11. Pavement markings shall be provided to show direction of vehicle travel within the site, pedestrian crossings from parking areas to the sidewalk on the building perimeter, and stop lines and signs at the access points on to King Avenue West and Shiloh Road.
12. There shall be no internally illuminated fascia on the building and all exterior lighting mounted on the building shall have full cut-off shields so no part of the lens or fixture is visible below the shield.
13. All parking lot light standards shall have full cut-off shielding so no part off the lens or fixture is visible below the shield. The maximum height of the light poles - including the base and fixture - is 25 feet above grade.
14. There will be no exterior building wall signs on the north and northeast building facades. Window signs are allowed on the entry doors.
15. Any signs on the site including attached building signs, freestanding signs and temporary signs will comply with the City Sign Code that applies to Corridor Mixed Use 2 (CMU2) zone districts at Section 27-1407.C.
16. The applicant will submit a Building Permit within 1 year of City Council conditional approval and will complete the site development within 2 years of the issuance of a Building Permit. Failure to submit or complete the approved project within this time frame will void the conditional approval.
17. Modification of the approved special review use is allowed with the following limitations: 10% or less expansion of the gross floor area, 10% or less increase in the number of potential building occupants, and 10% or less new parking stalls. Expansions also require conformance with all other requirements of the Zoning Regulations and other City of Billings code requirements.
18. The cessation of the special review use for more than 6 consecutive months, shall extinguish this conditional approval and the use may not be re-established except through a new special review approval of the City Council
19. The City Council reserves the right to re-open the conditional approval of this use at this location based on one or more of the following conditions:
 - 1) failure to respond to a notice of noncompliance with the specific conditions of approval;
 - 2) high levels of calls for public safety services verified by the Chief of Police;
 - 3) a significant violent crime has occurred at the location; or
 - 4) significant reports from any public safety officials related to the over-serving of alcohol, sales to minors or allowing minors into the casino. The City Council will notify the owner of its intent to re-open the Special Review at least 60 calendar days ahead of any public hearing on the matter.
20. These conditions run with the land use and are binding upon and must be adhered to by the property owner and any successors, transferees or assigns. 21. The right of building and occupancy permits are contingent upon the fulfillment of all conditions imposed by this approval.

Discussion

Chairman Larson called for questions and discussion from the members of the Board. Commissioner Brooks asked who would handle disturbance reports. Nicole Cromwell stated that it may be reported to City Council and a public discussion would be needed make the determination. She is unaware that Town Pump has this kind of issue at their locations. In response to a commissioner, Nicole said this facility may resemble the one at Grand Avenue and Zimmerman.

Chairman Larsen referred to Condition #10 and the required landscaping and asked who is responsible to ensure the ongoing responsibility of the plantings. Nicole Cromwell said this will be enforced with an approved landscaping plan and the Code Enforcement Division will enforce the plan.

Applicant Presentation

Chairman Larson called for presentation by the applicant.

Scott Aspenlieder, Performance Engineering, 609 N 20th Street, Billings, MT

Mr. Aspenlieder is the agent or applicant Town Pump Inc., (Town Pump-Shiloh Facility). He reported they are in agreement with the staff recommended conditions. He commented on the work needed on the utility lines that service the apartments. He said the applicant voiced concern with Condition #19, because as a business they wish to have assurances in their investment. They are concerned a council in future could circumvent their business. Nicole Cromwell said the condition is not intended to shut the business down but instead allow for a reopening of the discussion. She explained that this is now a conditional use and not an allowed use. If the concern with the conditions arise, City Council has the right to reopen the conditional approval. The Zoning Commission has the option of excluding Condition #19 in their recommendation if needed. Scott Aspenlieder asked that if this condition is applied it needs to be applied in perpetuity. He said he doesn't feel this is the direction businesses want to go and they will deal with the condition as needed. He stated the applicant hopes to have the condition removed.

Public Hearing: 5:14 PM

Chairman Larson opened the public hearing and called for anyone wishing to speak in favor or against Special Review #990. There were none.

Motion

Commissioner King made a motion and Commissioner White seconded the motion to approve City Special Review #990 excluding Condition of Approval #19.

Discussion

Commissioner King said there are other avenues to address the conditions pointed out in Condition #19. Commissioner White concurred and pointed out this property is an entryway to north Billings. Commissioner Brooks reviewed the items listed in Condition #19 and suggested wordsmithing the condition. Commissioner Larson said the current language allows for interpretation. He voiced concern that there is another entity that enforces these issues and said to have City Council is "double dipping". He said he likes the concept but he would have a hard time supporting Condition #19. He said if the State is responsible for enforcement it doesn't need to be done by City Council.

Motion

Commissioner Brooks made a substitute motion and Commissioner McCall seconded the motion to conditionally approve Special Review #990 with the conditions presented by staff and amending Condition of Approval #19 by removing point #3 and #4. The phrase,

“exceptionally high levels of calls for public safety services verified by the Chief of Police” will be added to point #2.

To read:

19. The City Council reserves the right to re-open the conditional approval of this use at this location based on one or more of the following conditions: 1) failure to respond to a notice of noncompliance with the specific conditions of approval; or 2) exceptionally high levels of calls for public safety services verified by the Chief of Police. The City Council will notify the owner of its intent to re-open the Special Review at least 60 calendar days ahead of any public hearing on the matter. Commissioners recommended that the City Attorney’s office review this language.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	1			
Daniel J. Brooks	1			
Jack King		1		
Greg McCall	1			
Trina White		1		

The Motion carried to approve City Special Review #990 with a 3-2 vote.

Other Business: The next Zoning Commission meeting is scheduled for Tuesday, August 3, 2021.

Adjournment: The meeting adjourned at 5:25 PM.

ATTEST: To be Approved by a motion August 3, 2021
--Tamara L. Deines, Planning Clerk

Zoning Commission

Date: 08/03/2021
Title: City Zone Change 994 - 2930 US Highway 3 - RR1 to N3
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 994.

REQUEST

City Zone Change 994 --2930 US Highway 3 - RR1 to N3 -- A request to change from Residential Rural (RR1) to Suburban Neighborhood Residential (N3) on Tr. 1A1 and 1A2, Certificate of Survey 266, a 3.19 acre parcel of land. A pre-application neighborhood meeting was held on June 16, 2021, at 2940 Poly Drive. Tax ID: A20303.

APPLICATION DATA

OWNER: John & Patricia Burg
LEGAL DESCRIPTION: Tr. 1A1 and 1A2, Certificate of Survey 266
ADDRESS: 2930 US Highway 3
CURRENT ZONING: RR1
PROPOSED ZONING: N3
EXISTING LAND USE: Residential
PROPOSED LAND USE: Residential Multifamily
SIZE OF PARCEL: 3.19 acres

CONCURRENT APPLICATIONS

Annexation Petition 21-06

SURROUNDING LAND USE & ZONING

NORTH: Zoning: A (Agriculture 10 Acres & over)
Land Use: Ag
SOUTH: Zoning: P1
Land Use: Parkland
EAST: Zoning: N3
Land Use: Residential
WEST: Zoning: RR1
Land Use: Residential

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

This is a Zone Change request from Rural Residential 1 (RR1) to Neighborhood 3 (N3), in order to annex a property into the City to have access to city service like water and sewer. The pending annexation petition requires the property rezoning to an appropriate City zoning district as RR1 is a Yellowstone County zone district and is not recognized by the City. The applicant has requested to rezone the property to N3. The N3 zone district is intended for residential neighborhoods primarily developed with single-family residences. The property is two parcels and held under single ownership. There is an existing single-family home on the westerly parcel and the easterly parcel acts as the yard for the residence. The N3 zone allows a primary structure per 65 feet of frontage. Though the applicant has no plans to develop the easterly lot, it could be developed in the future with a single-family home in accordance with the N3 zoning.

STAKEHOLDERS

The applicant and agent conducted a pre-application neighborhood meeting on June 17th. 169 invitation were sent and 4 people attended all of whom voiced support of the application. The property owners notified of the Zoning Commission public hearing have not sent any comments, questions or concerns to the Planning Division staff.

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,
- Delay action on the zone change request for up to 30 days; 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

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 proposed zoning is compatible with surrounding zoning and would allow annexation to the City of Billings.

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

Transportation: The proposed zoning will have little impact on the surrounding transportation systems as the property is already developed with a single family home. There will be no impact on the transportation network at this time and a minimal impact if an additional single family home were to be constructed.

Water and Sewer: The property does not have access to utilities at this time, however the applicant has requested annexation. Upon annexation approval the property will connect to City water and sewer.

Schools and Parks: Schools and parks should not be significantly affected by the proposed zone change as there are no more than two residences expected on the property.

Fire and Police: The property will be served by the City of Billings Fire and Police upon successful annexation. The Police and Fire Departments have no concerns with the request.

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. There are already existing residential structure with an attached garage which appear to meet the setbacks required.

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

The new zoning will have no effect on vehicle and pedestrian traffic. The property is already established and will not add to the transportation system capacity. Additionally, the property is located adjacent to Highway 3, a principal arterial roadway.

7. Will the new zoning promote compatible urban growth?

The new zoning does promote compatibility with urban growth. The proposed zoning will allow the property to annex to the City in a zoning district compatible with the adjacent N3 zoning and single-family homes already developed along the souther edge of Highway 3.

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 single-family homes in the area.

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

The value of existing buildings would be preserved by the proposed zoning as N3 is primarily a single-family home zone. The property is developed with a single family home and is adjacent to other single family homes to the east and west.

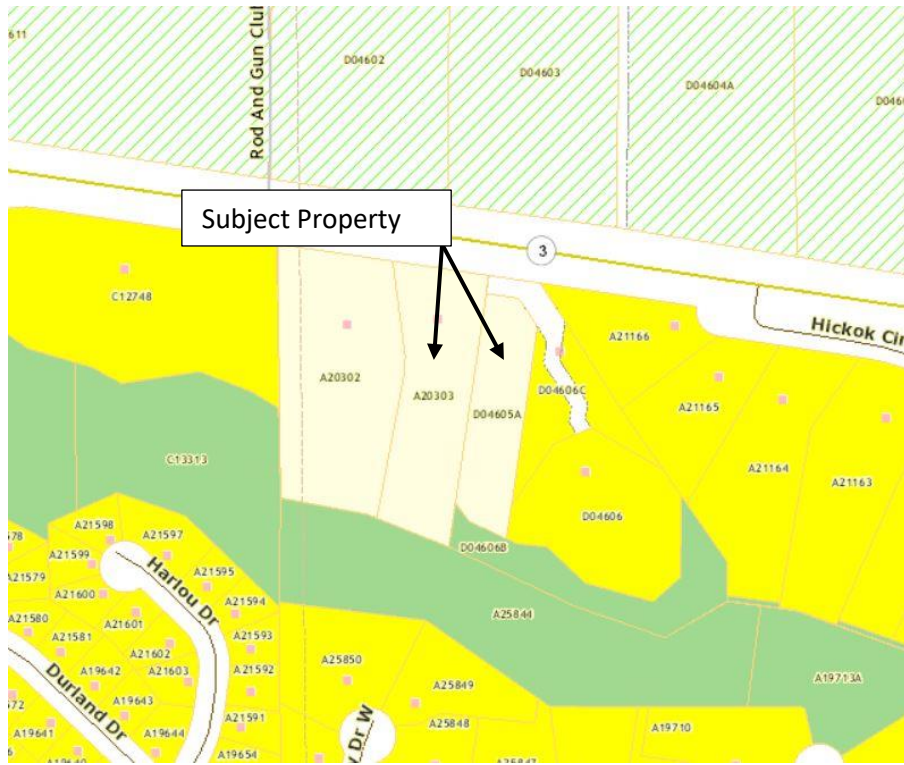
10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will allow an established residential property outside the City limits of Billings to be annexed into the City.

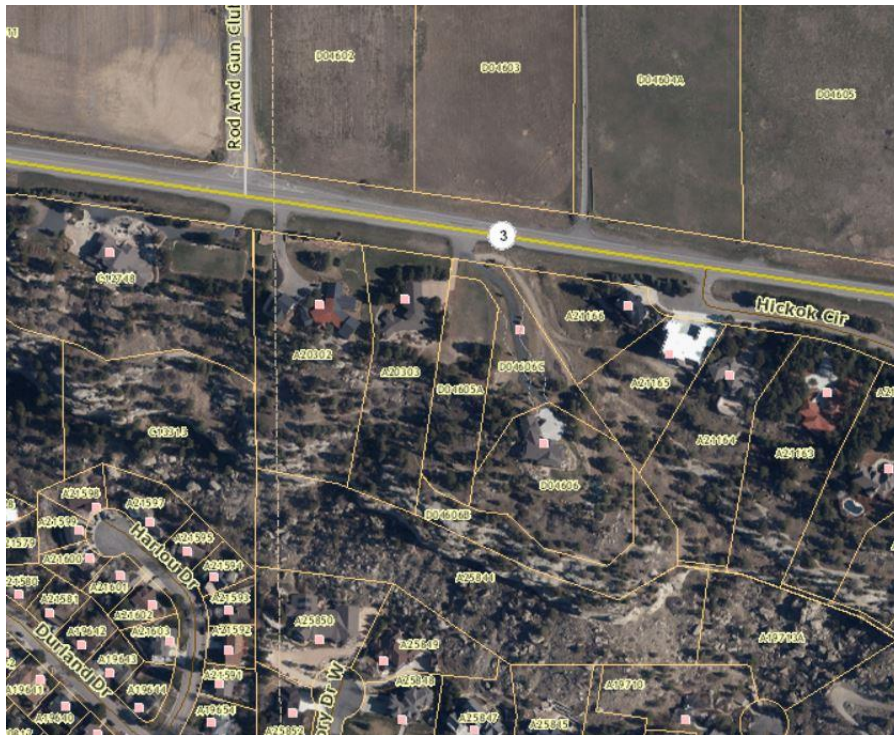
Attachments

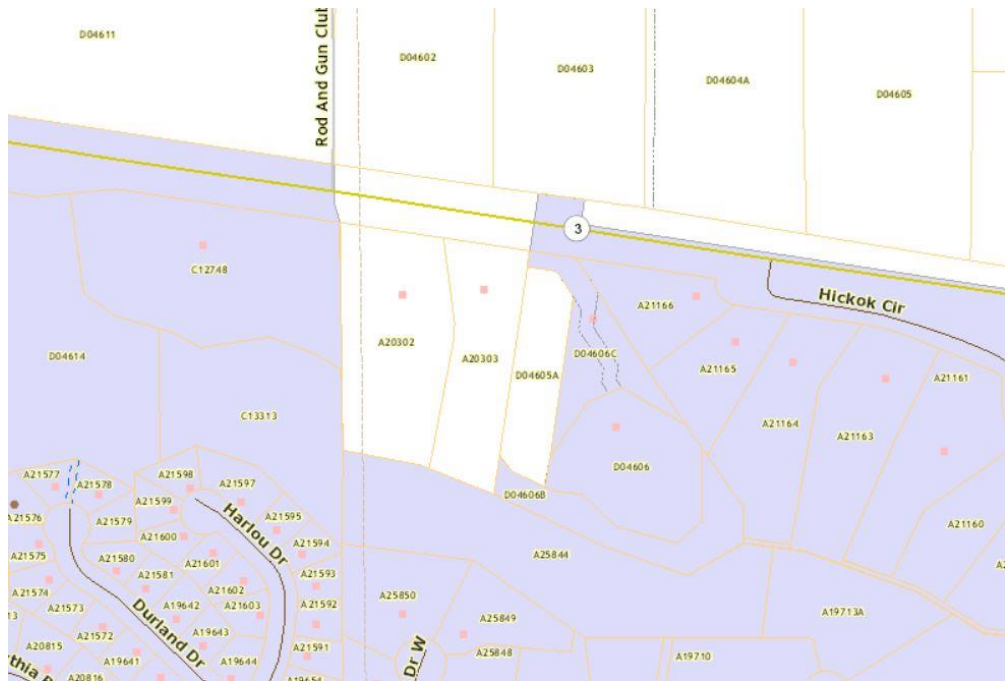
Zoning Map & Site Photos
Application & Applicant Letter
Preapplication Meeting Info.
Radius Map
Letter in support

Zoning Map



Site Photos





Current City Limits





East



West



North



Application

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # _____ - Project # P2X-21-00180

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 RR1

Proposed Zoning: N3

TAX ID# A20303 CITY ELECTION WARD 4

Legal Description of Property: Tract 1-A-1 and 1-A-2 of amended Tract 1-A of Tract 1 of C1S#266 situated in S.W. 1/4 of Section 26, T. 1N, R. 25E P. 14N.

Address or General Location (If unknown, contact City Engineering): 2930 Highway 3

Size of Parcel (Area & Dimensions): 3.1939 Acres, see attached

Present Land-Use: residential

Proposed Land-Use: residential

Covenants or Deed Restrictions on Property: Yes _____ 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): John & Patricia Burg
(Recorded Owner)
2930 Highway 3, Billings, MT 59106
(Address)
406-690-6827 pkburg@bresnan.net
(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: Patricia K. Burg Date: 6-9-2021
(Recorded Owner)



Applicant Letter

STATEMENT OF PROPOSED ZONE CHANGE

The proposed zone change meets the zone change criteria and growth policy guidelines in the following ways.

*Accessing city water will allow us to enhance our landscaping to make our property more visually appealing.

*Enhanced landscaping will increase the value of our property and the value of the properties adjacent to it.

*Landscape design will enhance the visual appeal along the proposed Skyline trail to be built in 2022 that will run adjacent to the north border of our property.

May 30, 2021

Dear Homeowner,

We own property at 2930 Highway 3. Our home was built in 1984, the second to be built atop the rims. The property at that time was zoned rural suburban. Over the years, the extensive building that occurred around us has fallen within the city limits. With the exception of the property at 2940 Highway 3, ours is the only property that remains outside the city limits. We decided that there are many good reasons to be part of the city of Billings, and we submitted a petition to be annexed. We were subsequently disappointed to learn that our annexation to the city is dependent upon a successful zone change from RR1 to N3.

One of the requirements to effect the zone change involves contacting our neighbors within a 2-mile radius to inform you of the prospective zone change and invite you to a pre-application meeting. Yours is one of 169 residences to receive this letter. The meeting will be held at 7:00 p.m. on Wednesday, June 16 at Mayflower United Church of Christ at 2940 Poly. You will have the opportunity at that time to ask questions or voice concerns. You will be required to sign in, and minutes taken during the meeting will be submitted to the zoning commission for review.

The legal description of our property is: Amended tract 1-A-1 and 1-A-2 of amended tract A-1 of amended tract 1 of C.I.S #266 situated in the S.W. 1/4 of section 26, T. 1 N. R. 25 E, P.M.M. Yellowstone County.

Respectfully,

Handwritten signatures of John and Patricia Burg in blue ink. The signature for John is above the signature for Patricia.

John and Patricia Burg

2930 Highway 3, Billings MT 59106

406-690-6827

Synopsis of pre-application meeting held at 7:00 p.m. on Wednesday, June 17 at Mayflower Church.

Of the 169 invitations sent, 4 people attended. Three were members of the Rimrock Task Force who were present to show their support of our project. The fourth was a long-time friend who wanted to learn more about our plans. All were in favor and applauded the time, effort, and financial outlay required to complete our proposed project. We also received a note from the owners of the property directly across the highway from us, applauding our efforts and supporting our project.

Levi Lehman 108 Sky Road Dr Billings MT

Leyle Gabriel 3142 Zimmerman Place
Chair Kimrock Neighborhood Park

Howard Evans 3481 Masterson Cir Bldg 591

Gordon L. Cox 3209 Rockwood Circle Bldg 5

Letter of Support

JOHN + PATRICIA,

I'M IN RECEIPT OF A LETTER THAT YOU SENT MY FATHER REGARDING YOUR PENDING REQUEST TO BE ANNEXED INTO THE CITY OF BILLINGS. MY FAMILY OWNS THE LAND FRONTING HWY 3 THAT BEGINS AT ROD + GUN CLUB AND TRAVELS WEST FOR 1 MILE, ITS BEEN IN OUR FAMILY SINCE 1950. I LIVE OUT OF STATE, AND WHILE I'M IN BILLINGS FREQUENTLY, I WILL UNFORTUNATELY MISS THE PRE-APP MEETING BY A WEEK. THIS LETTER SHALL ACT AS MY FAMILY'S FULL SUPPORT OF YOUR ZONE CHANGE REQUEST AND SUBSEQUENT PETITION FOR ANNEXATION INTO THE CITY OF BILLINGS. PLEASE USE THIS LETTER AS YOU WISH.

SINCERELY,
BRAD TECCA *BT*
STEWART - GRIFFIN, INC.; PRESIDENT

tecca

8844 VALERIO TRAIL
SAN DIEGO CA.
92130

Zoning Commission

Date: 08/03/2021
Title: Zone Change 995 - Cherry Island Subdivision - RR1 and P1 to N3
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information**RECOMMENDATION**

Planning staff recommends approval and adoption of the findings of the ten criteria for Zone Change 995.

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

This is a zone change request with a concurrent petition to annex to the city limits and a preliminary major subdivision on a 10-acre portion of Lot 2, Block 1 of Cherry Creek Estates Subdivision. The parcel is generally located east of rural residential parcels on the east side of Bitterroot Drive, north of the southern leg of Cherry Creek Loop. The current zoning of the property is Rural Residential 1 (RR1), a county zone district, and Public 1 (P1) for a small portion already annexed to the city. The applicant held a pre-application neighborhood virtual meeting on June 17, 2021. The previous zoning of the property was Residential 9,600 (R-96) on the county portion and Public (P) on the annexed portion of the lot. There is RR1 zoning to the north, Large Lot Suburban Neighborhood (N4) to the west, Residential Manufactured Home (RMH) zoning in the Cherry Creek Manufactured Home Park to the east, and south will remain in the P1 zone district.

APPLICATION DATA

OWNER: Cherry Island, LLC
AGENT: Sanderson Stewart
LEGAL DESCRIPTION: South 10 acres of Lot 2, Block 1 Cherry Creek Estates
ADDRESS: Cherry Creek Loop
CURRENT ZONING: RR1 and Public 1
EXISTING LAND USE: Vacant
PROPOSED USE: 39 single family dwellings
SIZE OF PARCEL: ~10 acres, 39 residential lots zone N3, and 1.434-acre Access and Utility Lot to remain in the P1 for Cherry Creek Loop and bike path
CONCURRENT APPLICATIONS
Preliminary Major Subdivision for Cherry Island
Petition for Annexation 21-08

SURROUNDING LAND USE & ZONING

NORTH: Zoning: RR1
Land Use: Vacant
SOUTH: Zoning: P1
Land Use: Cherry Creek Loop, Bike Path & Yellowstone River
EAST: Zoning: RMH
Land Use: Cherry Creek Manufactured Home Park
WEST: Zoning: N4
Land Use: Single family dwellings and a storage warehouse (1123 Bitterroot Dr)

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

The proposed zoning of N3 will allow single family dwellings on lots with at least 65 feet of street frontage on a public or approved private street. The current zoning in County of RR1 also allows single family homes but lots are based on area. The RR1 zone requires at least 1 acre per dwelling. The developer intends to build single family homes on individual lots. A preliminary major subdivision is pending approval along with the petition to annex for city services. The subdivision plat shows an internal road connecting the northern and southern legs of Cherry Creek Loop with 39 lots for development.

In the fall of 2020, a proposed zoning to allow two-family townhomes was proposed. The application consisted of two applications - one for the county portion of the property and one for the annexed portion. Both zoning commissions recommended approval, however a valid protest against the city zone change was submitted. The BOCC denied the County zone change from R-96 to R-80 and the applicant chose to withdraw the City zone change prior to the City Council hearing. The newly adopted City and County zoning codes do not allow requests for N3 zone districts outside the city limits where a county water and sewer district does not exist. The new code requires a petition to annex and a concurrent zone change for this type of zoning.

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

The Planning staff has reviewed the application and is recommending approval of the zone change to N3. The 2006 Billings Heights Neighborhood Plan and the 2016 City Growth Policy encourage the development of infill property where city services already exist and new neighborhoods can be served efficiently. The

Heights Neighborhood Plan adopted a general statement encouraging new neighborhoods and developments that are similar in nature to existing neighborhoods. Both plans encourage a mix of housing choices in neighborhoods. The proposed development of single family homes on lots ranging from 7,470 square feet to 14,080 square feet expands the housing options in this area of Billings Heights, and should be a good fit between the manufactured home park and the low density county residences to the west. Water and sewer are readily available to the property. Public safety services are fiscally constrained, but the adjacent neighborhoods are already served and this new development can be served as well.

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting on June 17, 2021, in a virtual meeting format. The newly adopted zoning code requires an expanded notification area - up to 1,320 feet - when a property is within 600 feet of the coterminous city limits. The notification list for this zone change included over 160 property owners. The Planning Division received no comments from the surrounding property owners. The applicant answered questions during the pre-application meeting related to the subdivision development and the proposed N3 zoning. The pre-application meeting notes are included as an attachment.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval of Zone Change 995 and adoption of the proposed findings of the 10 review criteria; or,
- Recommend denial of Zone Change 995 and stated different findings of the 10 review criteria; or
- Delay action on the recommendation for not more than 30 days; or
- Allow the applicant to withdraw the zone change request.

In no case, may the Zoning Commission recommend a zone change that was not requested by the applicant or advertised in the public hearing notice.

FISCAL EFFECTS

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

SUMMARY

SUMMARY

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

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

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

Strong Neighborhoods:

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

Home Base:

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

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

- To provide safe, good quality and affordable housing in the Heights.
- Develop housing patterns that are compatible with existing neighborhoods.
- Maintain similar housing in established neighborhoods.

The proposed zoning will allow another housing choice in an area with limited housing choices -- either manufactured homes or large lot single family dwellings. Subdivisions further north and west have allowed similar housing choices by mixtures of zone districts. Existing demand for housing choice is going up for all ages of buyers including "boomers" and millennials just buying a first home. The proposed zoning would allow the existing demand for single family homes to be met in a growing area of Billings Heights.

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

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

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

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

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

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

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

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

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

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

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

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

Traffic generation from 39 new single family dwelling units will be between 390 to 500 new vehicle trips per day. This trip count includes trips to the new residences for services such as mail, deliveries, solid waste and similar as well as the trips by the occupants. The new subdivision will have sidewalks and will connect to other sidewalks and pedestrian facilities in the neighborhood. The new zoning will not have a significant effect on the transportation system.

7. Will the new zoning promote compatible urban growth?

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

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning will allow a housing choice that is in demand in the area.

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

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

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

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

Attachments

Zoning History

Zoning Map and Site Photos

Preapplication Meeting Notes

Preliminary Subdivision Plat

Annexation Exhibit

Applicant Letter

ZONING HISTORY

SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Lot 2, Block 1 Cherry Creek Estates	County ZC 496	Feb 1998	A-1 to R-70 and RMH	Withdrawn	
	City ZC 633	April 1998	A-1 to R-70	Withdrawn	Northern lot on Wicks Lane
	County ZC 506	August 1998	A-1 to R-96	Approved	Riverview Estates east of Cherry Creek
	County ZC 524	Dec 1999	A-1 to PD with RMH & Public zones	Denied	BOCC recommended annexation
	County ZC 541	April 2001	A-1 to R-96 & Public	Approved	Subject Property
	County ZC 543	May 2001	A-1 to RMH & Public	Approved	Litigated & BOCC Decision Affirmed
	County ZC 551	March 2002	Clarifying Zone Boundaries R-96 & Public	Approved	
	City ZC 696	April 2002	A-1 to RMH, RMH to Public & R-96 to Public	Withdrawn	Mistaken submittal by agent
	City ZC 702	July 2002	RMH & Public to R-96	Denied	City Council initiated after annexation in June 2002

	County ZC 562	July 2003	A-1 to R-96	Approved	Small area east of MHP
	County ZC 673	March 2016	R-96 to RMH	Withdrawn	Subject Property
	City ZC 983	August 2020	Public to R-80	Withdrawn	Subject Property
	County ZC 703	August 2020	R-96 to R-80	Denied	Subject Property
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1922 – 1950 Mary St	County ZC 85	4/27/1976	R-70 to RMH	Y	Court reversed ZC
1415 Yellowstone River Rd	County ZC 312	1/22/1982	R-70 to Public	Y	Eagle Cliff Nursing Home
1817 Bitterroot Dr	County ZC 371	11/84	R-70 to R-60	Withdrawn	Annexed
Bitterroot Dr & Walter Rd	County ZC 505	9/28/1998	R-70 to R-96	Y	Multiple owners adjacent to Cherry Creek
1601 – 1747 Wicks Ln	City ZC 637	9/14/1998	R-70 to R-96	Y	Multiple owners adjacent to Cherry Creek
Caleb Park Hawthorne & Wicks Ln	City ZC 761	9/20/2005	R-70 to R-50	Y	Townhomes

City Zone Change 995 – Cherry Island Subdivision
Zoning Map and Site Photos





Subject Property
Existing Zone = RR1 & P1
Proposed Zone = N3



Subject Property from Cherry Creek Loop view south



View west on Cherry Creek Loop



View south across subject property



View south and west across subject property



View north from southern leg of Cherry Creek Loop



View north across subject property



View north and west across subject property



View west along southern leg of Cherry Creek Loop – subject property on the right

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:** RR1 and P1 _____

2. **Written description of the Zone Change Plan** including existing and proposed new zoning:
Property has requested annexation and is being platted for single family homes under a request for N3 zoning _____

3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:**
Lot 2, Block 1 of Cherry Creek Estates Subdivision _____

5. **Neighborhood Task Force Area:** Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson:
Billings Heights Neighborhood Task Force, Jennifer Owen at billingsheightstaskforce@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 17th, day of June, 2021.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Cherry Island LLC, c/o Jock Clause Telephone: 406-698-1835

Address: 5855 Elysian Road Email: jclause@wmc-i.com
Billings, MT 59101-6320

Agent (s): Sanderson Stewart c/o Rick Leuthold Telephone: 406-698-6910

Address: 1300 N. Transtech Way Email: rleuthold@sandersonstewart.com
Billings, MT 59102

MEETING MINUTES

PROJECT: Zone Change – Proposed Cherry Island Subdivision			
Project No: 21102			
Meeting Location: Virtual Video/Call meeting via Microsoft Teams		Meeting Date: 06/17/21 5:30 P.M.	
Meeting Subject: Neighborhood Meeting/Zone Change Amendment		Prepared by: Gary Owen	
Attending:			
Rick Leuthold	Sanderson Stewart	Lisa McIntire	Attending on behalf of her mother
Gary Owen	Sanderson Stewart	Bob Muller	Neighbor
Jennifer Owen	Heights Task Force	Becky Muller	Neighbor
Date of Issue: 06/17/21			

Minutes:

- Mr. Leuthold gave a general overview regarding the purpose of this neighborhood meeting for the proposed zone change for Cherry Island Subdivision. The proposed zone change for Cherry Island Subdivision is generally located between Cherry Creek manufactured home court and the existing homes located on the east side of Bitterroot Drive and between Cherry Creek Loop North and South. The developer of Cherry Island Subdivision is Jock Clause and his brothers. Mr. Leuthold further stated that running concurrently with this zone change request is an annexation request to the City of Billings and preliminary plat for the subdivision of the property. Mr. Leuthold also pointed out that there will be multiple opportunities for public comment during the process for the proposed zone change, annexation request and subdivision. The proposed zone change request for this property involves a change from the current RR1 to the proposed N3. The N3 zoning allows for single family residences. The subdivision would consist of single family, stick built residence on foundations. The subdivision is currently planned to have a single north/south road and be built to City of Billings standard widths with curb & gutter and sidewalk. In general, the lots are planned to be approximately 65 feet wide and 115 feet deep. It is expected that 39 single family lots will be created with the proposed Cherry Island Development. The property will be served with water by the Heights Water District and with sanitary sewer by the City of Billings. Mr. Leuthold stated he is aware of the history with the adjacent manufactured home court, and he has been in contact with the new owners of the

manufactured home court. Mr. Leuthold told everyone that he is available to discuss the project with anyone individually and his phone number is (406) 698-6910 or his email is rleuthold@sandersonstewart.com.

- Bob Muller – Is the annexation for this project for the County and the City of Billings?
 - Answer - The meeting this evening is only for the city zone change. The annexation will run concurrently and will be to the City of Billings.
- Bob Muller – What is the plan for the irrigation ditch that runs across the property?
 - Answer – The plan is to pipe the existing irrigation ditch across the property to the drainage on the east side of the property. The irrigation ditch will be preserved with this project. Irrigation ditch pipe size will likely match the current pipe diameter of the upstream crossing at Bitterroot Drive.
- Bob Muller – How will snow removal be handled?
 - Answer – If street is constructed in public right of way, it would be the responsibility of the City of Billings. However, the street may be private in which case a homeowner’s association could be created to handle snow removal.
- Becky Muller - Will there be alleys?
 - Answer – No alleys are planned. The lots are planned to be front loaded.
- Becky Muller – There is a retaining wall near the rear of her lot and on the lots to the south. How will the retaining wall be handled?
 - Answer – The plan is to honor the elevation at the back lot line and grade towards the proposed street.
- Lisa McIntire – Attending this meeting on behalf of her mother Juanita McIntire. Internet only meeting make it difficult for some residents. Does the on-line meeting meet the requirement of a Neighborhood Meeting?
 - Answer – Yes, virtual meeting does meet the requirement.
- Lisa McIntire – There has been some construction activity already, what are they doing?
 - Answer - The developer has been clearing trees and other lot maintenance.
- Lisa McIntire – Do adjacent wells impact development?
 - Answer – Wells must have a certain separation from other wells and drainfields. This development will be connecting to public water and sewer.
- Lisa McIntire – There is an existing well near the rear of her mother lot.
 - Answer - Rick will investigate the location of this well.
- Lisa McIntire – Are there any plans for the area north of North Cherry Creek Loop?
 - Answer – Not at this time
- Lisa McIntire – Is there a development agreement?
 - Answer – Yes, a Subdivision Improvements Agreement will be required during platting.
- Lisa McIntire – Have you received any feedback from the County and the City if they can handle 39 additional homes?
 - Answer – We have not received any input from the County because this will be a development within the City of Billings. We have had discussions with City Planning and other City Departments and they have been supportive of the development. Overall, 39 lots should not have a large impact existing infrastructure. Also, the City is currently looking at a project to provide improvements to Bitterroot Drive.
- Lisa McIntire – Will there be an opportunity for public comment on the Bitterroot Drive project?

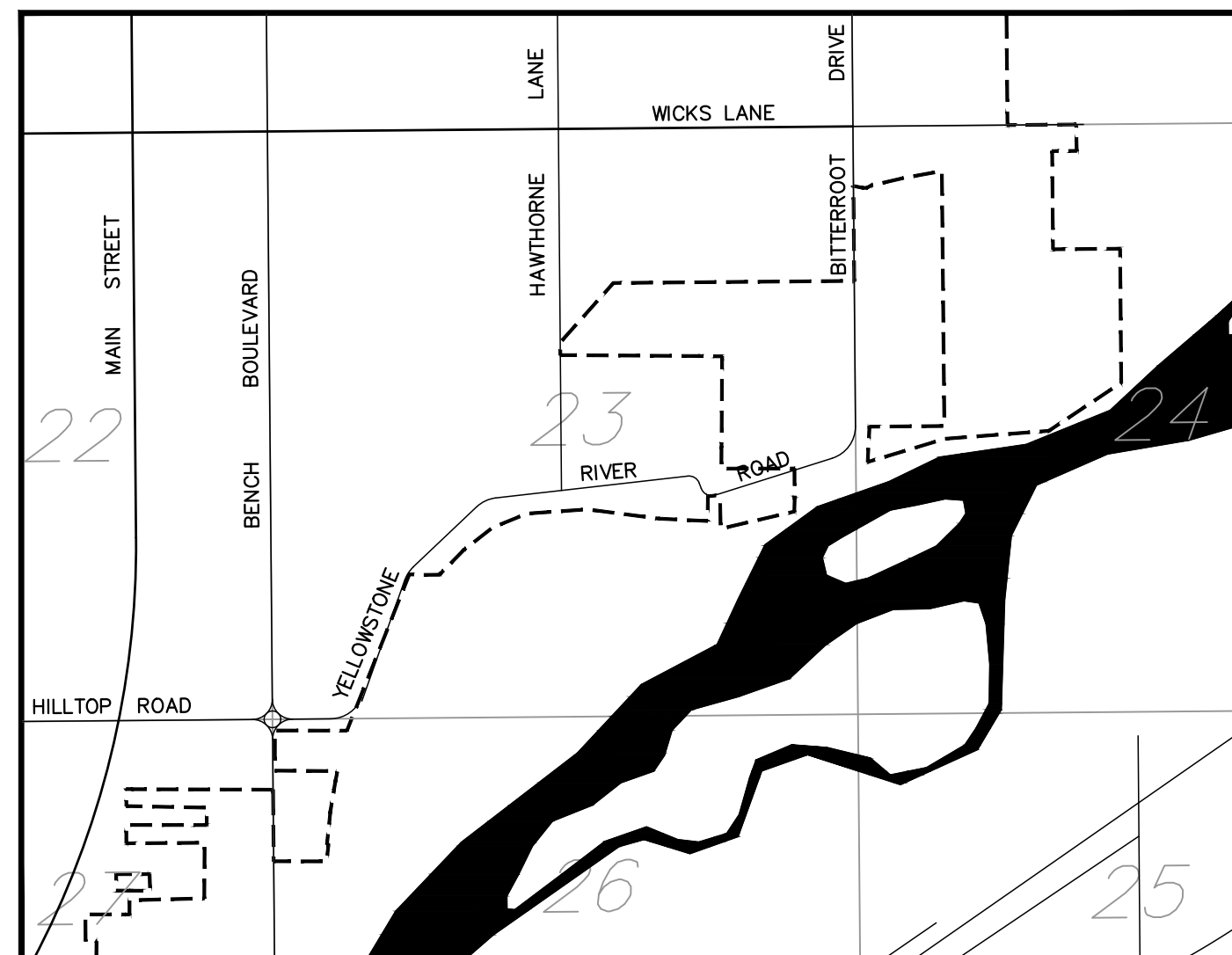
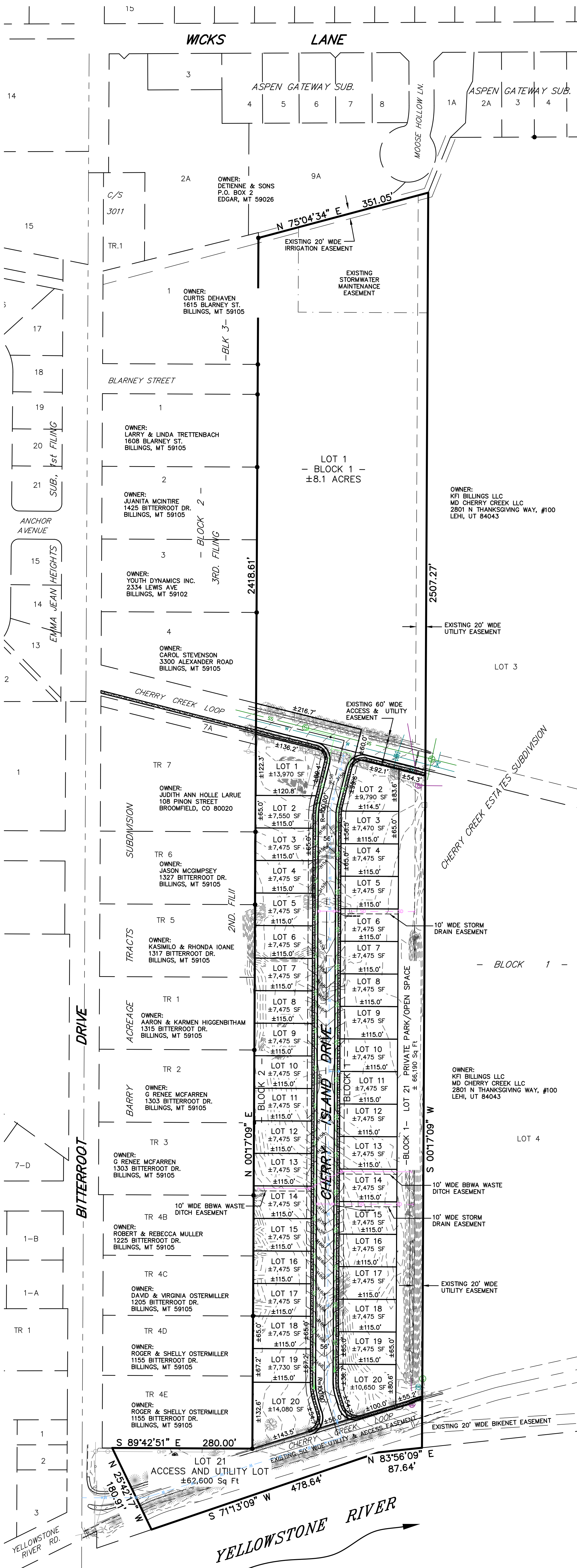
- Answer – Not sure if there will be public input on that project. Feel free to contact the City of Billings Public Works Department with questions. Contact Chris Hertz (406) 657-3095 to find out who the best person to discuss the Bitterroot Drive project.
- Lisa McIntire – What is the process for relocating the irrigation ditch?
 - Answer – No additional process is required for the ditch relocation. It is a BBWA waste ditch that will need the outfall preserved
- Lisa McIntire – We received the meeting invite on Monday of this week and there is also another meeting at the same time.
 - Response – Sorry for the conflict, we were not aware of the other meeting. The requirement for this meeting is to send out the letter 7 days ahead of the meeting, so the notices were sent last Thursday in the mail.
- Lisa McIntire – Do you know who the construction firm will be?
 - Answer – Not at this time
- Lisa McIntire – How much will the lots sell for?
 - Answer – Not sure at this time. It is up to the Developer and the market conditions
- Lisa McIntire – Is there a requirement for parkland?
 - Answer – Yes, it follows state stature. The developer is required to dedicate, or provide cash in lieu contribution, for a percentage of area of the subdivision. Given the size of this development the dedication area would be small. The Developer has elected to provide a cash in lieu contribution. The cash in lieu contribution will be provided to the City of Billings and should be used to further other parks in the area.
- Jennifer Owen - Agreed the cash in lieu of parkland makes sense for this development. However, the manufactured home court has been removing play equipment. Also, there is a community constraint on the parks in the area and children need a place to play.
 - Response – We have had conversations with the new owner of the manufactured home park, and they have mentioned they would like to provide more amenities with the park.
- Jennifer Owen – A conversation with Beartooth School might make sense to discuss if anything can be done to help with safety of school pick up.
 - Response – The sidewalk connection out to Bitterroot Drive should help. Would be good to follow up with the City of Billings on the Bitterroot Drive project to see what improvements are currently planned with that project.
- Jennifer Owen – Is it the intent to sell the lots or have rentals?
 - Answer – The intent is to sell the lots.
- Jennifer Owen – Informed the meeting that there will be a Heights Task Force Meeting this coming Tuesday (June 22nd) and invited anyone interested to attend.
- The meeting adjourned at 6:20 p.m.

PRELIMINARY PLAT OF CHERRY ISLAND SUBDIVISION

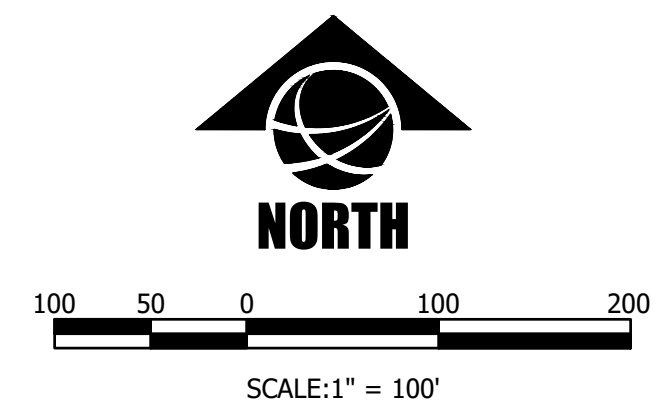
BEING LOT 2, BLOCK 1, CHERRY CREEK ESTATES SUBDIVISION
SITUATED IN THE NW1/4 AND THE SW1/4 OF SECTION 24
TOWNSHIP 1 NORTH, RANGE 26 EAST, P.M.M.
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : CHERRY ISLAND, LLC
PREPARED BY : SANDERSON STEWART BILLINGS, MONTANA

APRIL 2021



VICINITY MAP
NOT TO SCALE



- ss --- ss --- = PROPOSED LOW PRESSURE SANITARY SEWER
- w --- w --- w --- = PROPOSED 8" WATER MAIN
- so --- so --- so --- = PROPOSED STORM DRAIN
- ⊗ = PROPOSED FIRE HYDRANT
- ==== = PROPOSED CURB, GUTTER & BOULEVARD WALK

PLAT DATA

GROSS AREA	= 20.195 Acres
NET AREA	= 18.182 Acres
NUMBER OF LOTS	= 42
MINIMUM LOT SIZE	= 7,470 Sq Ft
MAXIMUM LOT SIZE	= 8.1 Acres
LINEAL FEET OF STREETS	= 1,548 LF
PARKLAND REQUIREMENT	= 34,150 Sq Ft
PARKLAND DEDICATION	= CASH IN LIEU
EXISTING ZONING	= RR1 and P1
SURROUNDING ZONING:	
NORTH	= RR1
SOUTH	= AGRICULTURAL/YELLOWSTONE RIVER
EAST	= RMH
WEST	= N4
EXISTING LAND USE	= VACANT
PROPOSED LAND USE	= SINGLE FAMILY RESIDENTIAL

Cherry Island Subdivision

Zone Change Request from Rural Residential 1 and Public Open Space 1 to N3 Suburban
Neighborhood Residential

Statement of Proposal

Cherry Island LLC is seeking to Annex and Rezone Lot 2, Block 1 of Cherry Creek Estates Subdivision in order to plat suburban sized single-family lots, which will allow for a transition between the Cherry Creek Estates mobile home park and existing county residential lots that front onto Bitterroot Drive. This is in accordance with the general development pattern for infill in this geographically constrained location along the perimeter of the City limits.

Responses to Questions in Zoning Application

In what ways is your proposal consistent with the statutory criteria, guidelines and policies of the adopted Growth Policy?

The Growth Policy states:

In the next 20 years, Billings will manage its growth 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 City will prosper with strong neighborhoods with their own unique character that are clean, safe and provide a choice of housing and transportation options.

The 10 Zone Change Criteria

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

Yes, Cherry Island Subdivision is being developed under the consideration of the Growth Policy statement above. It is an infill project where municipal services exist and is in accordance with other recent developments in the area.

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

Cherry Island Subdivision is serviced by City fire and police services and is designed in accordance with City of Billings rules and regulations thus assuring protection from common dangers.

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

The Cherry Island project is designed under the new City Zoning code which will regulate density. The new single-family homes will be subject to City of Billings building codes, and

the utility and surface infrastructure will be constructed in accordance with City of Billings rules and regulations assuring compliance to this criterion.

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

The modifications proposed by this zone change ensure an area that is desirable for developers, the home buyers and the current demographic and development trends they face. The project will be responsible for extending municipal water, sewer and storm drain to service the new lots as well as constructing new asphalt roads and sidewalks to service the new residents. Cherry Island Subdivision will also provide park contributions in accordance with state and local requirements and will add to the local tax base providing additional funding for local schools and system maintenance programs managed by the City of Billings.

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

Cherry Island Subdivision is being developed in accordance with City of Billings rules and regulations and therefore meets this requirement.

6. Whether the new zoning will affect motorized and nonmotorized transportation?

The zone change will continue to support and address growth needs and have additional connections to the local street network while concentrating housing within the established City of Billings projected growth areas.

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

The zone change is intended to continue promotion of urban level densities and growth compatible with that which is developing in the area.

8. Whether the new zoning considers the character of the district and the peculiar suitability of the property for the particular use?

The property was originally identified as a future buffer area between the Cherry Creek Mobile Home Park and the existing county lots that front along Bitterroot Drive. The development of single-family homes under N3 Suburban Neighborhood Residential zoning meets with that original expectation.

9. Whether the new zoning will conserve the value of buildings?

As stated in the previous section, the development of single-family housing as a buffer to the mobile home park was always the expected use for this property. By following through with that development type, (the typical development type occurring in the neighborhood proximity as shown on the Zone Change and Annexation Exhibit), area values should be maintained.

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

The City of Billings continues to need projects that provide for a variety of affordable housing types. It is appropriate to continue to promote infill development or development in close proximity to the City Limits boundaries. This zone change helps support an appropriate level of development which will serve the City both now and in the future.

Essential Investments (Relating Public and Private Expenditures to Public Values)

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

There is no public right-of-way or entryway development required with this project, however, Cherry Island Subdivision will be subject to the City of Billings building and zoning regulations. This will ensure the standardization of the project development.

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

This property will be annexed and will be served by extensions of existing City and municipal infrastructure adjacent to and within the site. This zone change will allow for efficient use of City and municipal infrastructure improvements and assure that it is secure from fire and other hazards in a cost-effective manner.

- ***Neighborhoods that are safe and attractive and provide essential services are much desired***

Cherry Island Subdivision is a single-family infill project and as such should not impact public health, safety and welfare any differently than the other area neighborhood developments which are developing in accordance with the N3 zoning requirements.

Place Making (Enhance, Maintain, Preserve, and Improve Existing Public Places)

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

The project does not impact any developed Public Spaces that are maintained by or integral to the City's Public Spaces policies. However, the added residential uses will provide additional tax revenues that the City can utilize to continue preservation of such spaces throughout the community.

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

Billings has always adapted to the changes in economic drivers and been welcoming of projects that allow the community to continue to grow and prosper in a systematic and

planned way. This zone change will follow in that light by supporting a variety of housing units at an attainable price.

Community Fabric (Attractive, Aesthetically Pleasing, Uniquely Billings)

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

There is no public right-of-way or entryway development required with this project, however, Cherry Island Subdivision will be subject to the City of Billings building and zoning regulations. This will ensure the standardization of the project development and promote adequate light, air and aesthetically pleasing facilities.

Strong Neighborhoods (Livable, Safe, Social and Resilient Neighborhoods)

- ***Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction***

Cherry Island Subdivision is required under the City of Billings regulations to install boulevard sidewalk along all lot frontages. In addition, Cherry Island will complete the sidewalk system along the frontages of adjacent parcels as directed by the City Engineering Department to complete the sidewalk system to Bitterroot Drive.

- ***Neighborhoods that are safe and attractive and provide essential services are much desired***

By allowing for the proposed uses under the zone change, certain residential types (in this case, single-family) of development will be provided to better serve the City of Billings. This in turn will provide a safer and more attractive focus for area community development and cohesion.

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

The property considered under this zone change will be annexed and services exist to and within it. By allowing the proposed uses under N3 Suburban Neighborhood Residential, the community is promoting use of existing parcels and services as opposed to forcing such uses to potentially relocate to county parcels further to the north.

Prosperity (Promoting Equal Opportunity and Economic Advancement)

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

There are developers that are actively building in this area and looking to continue meeting the needs of their clients in this area. This will help to promote local jobs that bring benefit

to the overall community while protecting the integrity and value of the localized development area.

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

By supporting this zone change, existing businesses that help sustain and build a healthy economy will be retained and supported and choice of housing types that are affordable and available to all will be provided.

The Cherry Island Subdivision Zone Change will help Billings manage its growth by encouraging development within and adjacent to the existing City limits, giving preference to areas where City and municipal infrastructure exists helping to maintain fiscal responsibility for the City. This development will allow the City to increase tax revenue and the City will prosper by further developing a variety of neighborhoods with their own unique character that are governed by City regulations and provide a further choice of housing options and additional housing inventory.

Zoning Commission

Date: 08/03/2021
Title: Zone Change 996 - Harmony Meadows CMU2 to N2 and NO
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff recommends approval of Zone Change 996 and adoption of the proposed findings of the ten review criteria.

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

This is a zone change in Harmony Meadows Subdivision that will affect 19 lots with a total area of about 54.5 acres of undeveloped land. The current zoning of the property is Corridor Mixed Use 2 (CMU2) and Mixed Residential 2 (NX2). Prior to the code update in February 2021, the zoning was a mixture of Highway Commercial (HC), Community Commercial (CC) and Residential Multi-family-Restricted (RMF-R) zoning. The existing development in Harmony Meadows consists of several multi-unit apartment buildings ranging from 6 to 8 units in side-by-side dwelling unit structures. The apartment and patio home development density is about 8 to 8.5 dwelling units per acre or about 5,000 square feet of lot area per dwelling unit. The existing development is zoned as Mixed Residential 2 (NX2). This zoning allows 2 to 8 dwelling units in a single structure.

APPLICATION DATA

OWNER: Harmony Meadows, LLC - Cal Kunkel
AGENT: Performance Engineering, Inc. - Scott Aspenlieder, P.E.
LEGAL DESCRIPTION: Lots 1 through 8, and Lots 12A through 22 (19 lots total) of Harmony Meadows Subdivision, 2nd Filing
ADDRESS: Elysian Road, Dodger Lane and Interstate Avenue
EXISTING ZONING: CMU2 & NX2
EXISTING LAND USE: Vacant land
PROPOSED USE: One and two-family dwellings, professional offices, live/work units or 1-4 family dwellings
SIZE OF PARCEL(S): 54.5 acres (total)

SURROUNDING LAND USE AND ZONING

NORTH: Land Use - Commercial Business Services - Montana Air Cartage, Personal Storage Warehousing, Performance Imports, AIH Manufacturing, Magic City Granite, Western Municipal Construction
Zoning - Heavy Commercial (CX)
SOUTH: Land Use - Undeveloped Parkland
Zoning - Public 1 (P1)
EAST: Land Use - Commercial Businesses (Story Road), patio homes and apartments and vacant land
Zoning - CMU2, NX2 & CX
WEST: Land Use - Annafeld - a Mixed Use and Residential Subdivision
Zoning - Planned Development (PD)

The proposed zoning of Neighborhood Office (NO) for the lots with frontage on Elysian Road will allow a range of development options including professional offices, some service oriented businesses, dwellings (1 to 4 family structures) or a combination of uses such as "live/work" units or offices on Elysian and residential structures on the rear of the lots. The frontage lots on Elysian will also have split zoning with the south 1/3 of the lots in the Mid-Century Neighborhood (N2) zone district. This would allow future subdivision of the lots with the new lots fronting on an internal street (public or private). The proposed zoning for the remaining 11 lots in the proposed zone change is N2. The N2 zone is intended to accommodate one or two-family dwellings including townhomes or patio homes in unit ownership. The design of these lots is to allow lower building heights, and wider structures that face the street. The minimum street frontage required per structure is 50 feet and the maximum is 120 feet. This is a wide range intended to provide flexibility in design. The N2 zone district will not allow more than 2 units in a single structure.

This property is in a rapidly growing neighborhood of Billings. Since 2006, when the first homes were constructed in Josephine Crossing to the east of the subject property, over 1,400 homes have been established on 200 acres of developed land. Land already approved for development but not yet built on including the subject property is another 146 acres for new dwellings with some acres designated for new service businesses in those neighborhoods. The two-unit townhome or duplex dwelling is not a large part of current market in this area. The single lot with a single family dwelling is well represented, as well as the attached townhome or apartment. Annafeld Subdivision to the west of the subject property is beginning to add housing choices with 3 to 4 dwelling units in a structure as well as some two-unit townhomes. The proposed zoning of N2 in this subdivision will add a housing choice that is not a common choice in this area.

Elysian Road is a collector street that is currently under re-construction to add capacity and safety to the existing street. A round-a-bout will be added at the main entrance to Annafeld Subdivision as well as pedestrian and bicycle facilities. Elysian Road provides the main safe route to Elysian School a K through 8th grade elementary school at the intersection of Elysian Road and East Lane about 1/2 mile to the west of the subject property. The re-build of Elysian Road will complete a three-lane road section to allow safer turn movements with a dedicated center turn lane. The City will likely re-visit the posted speed limit on Elysian Road in the near future. The current posted speed limit is 45 mph - well beyond a normal speed limit for a collector street in the city limits. A normal arterial street speed limit - on Grand Avenue for example - is 35 mph and many collector streets are posted at 35 mph or less. There are no traffic counts available for Elysian Road, but Mullowney Lane - also a collector street - just south of the intersection with Midland Road is carrying out 11,000 vehicle trips per day. This is an expected level of traffic given the development in Riverfront Pointe Estates, Josephine Crossing and the Field of Dreams patio homes and apartments as well as the Howard Johnson Hotel and Convention Center and the other service businesses in the Titan Subdivision and on Holiday Avenue. All of these developments currently use Mullowney Lane as a primary route to connect to other parts of Billings and to the interstate.

Planning staff has reviewed the request and finds the proposed zone change is consistent the 2016 Growth Policy goals, including providing a range of housing options, access to everyday neighborhood services and attainable housing in neighborhoods throughout the city. The adjacent transportation network can handle the proposed traffic from the new development that will be less than under the current zoning of CMU2 and NX2. The adjacent property and zoning districts will be compatible with the proposed zoning districts.

STAKEHOLDERS

The applicant and agent conducted a pre-application neighborhood meeting in a virtual format on June 22, 2021. No one in the 1/4-mile noticed area attended the

virtual meeting. The 343 property owners notified of the Zoning Commission public hearing have not sent any comments, questions or concerns to the Planning Division staff.

ALTERNATIVES

The City Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 996; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 996; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

Be advised, the Zoning Commission may not recommend any zone district other than the requested zone districts including a zone district that was not legally advertised or included in the official notice of the hearing.

FISCAL EFFECTS

Approval or denial of the requested zoning will have no fiscal 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 is consistent with the following guidelines of the 2016 Growth Policy:

Strong Neighborhoods:

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

Home Base:

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

The proposed zoning will allow another housing choice in an area with housing options available on both ends of the housing "spectrum" - either single family homes on single lots or multi-family attached dwellings in apartments buildings. A two-unit townhome is a more affordable choice for many buyers in the Billings market and a choice that is not built often in this area. Existing demand for housing choice is going up for all ages of buyers including "boomers" and millennials just buying a first home. The proposed zoning would allow a townhome choice in an area where the choices are limited.

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

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

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

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

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

Transportation: The proposed zoning will not significantly increase post-development traffic volume. A traffic impact study (TIS) or an update to an existing TIS will be necessary at the time of development. The proposed zoning versus the present zoning will have less traffic impact.

Water and Sewer: The City provides water and sewer to the property. There is adequate capacity to serve the property.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. Harmony Meadows Subdivision has dedicated parkland as required for subdivisions. If any additional parkland is necessary, this will be determined at the time of development.

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

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

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

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

Traffic generation from a potential 250 to 300 new dwelling units will be between 1,500 to 2,400 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. The new development will have sidewalks and will connect to other sidewalks and pedestrian facilities in the neighborhood. The new zoning designation itself should not have any increase effect on the transportation system.

7. Will the new zoning promote compatible urban growth?

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

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning will allow a housing choice that is in demand in the area.

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

There are no structures on the subject property. In general, new construction improves the value of adjacent property.

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

The proposed zoning will allow the development of another housing choice in this area of the Southwest Corridor of Billings. This is the most appropriate use of the land.

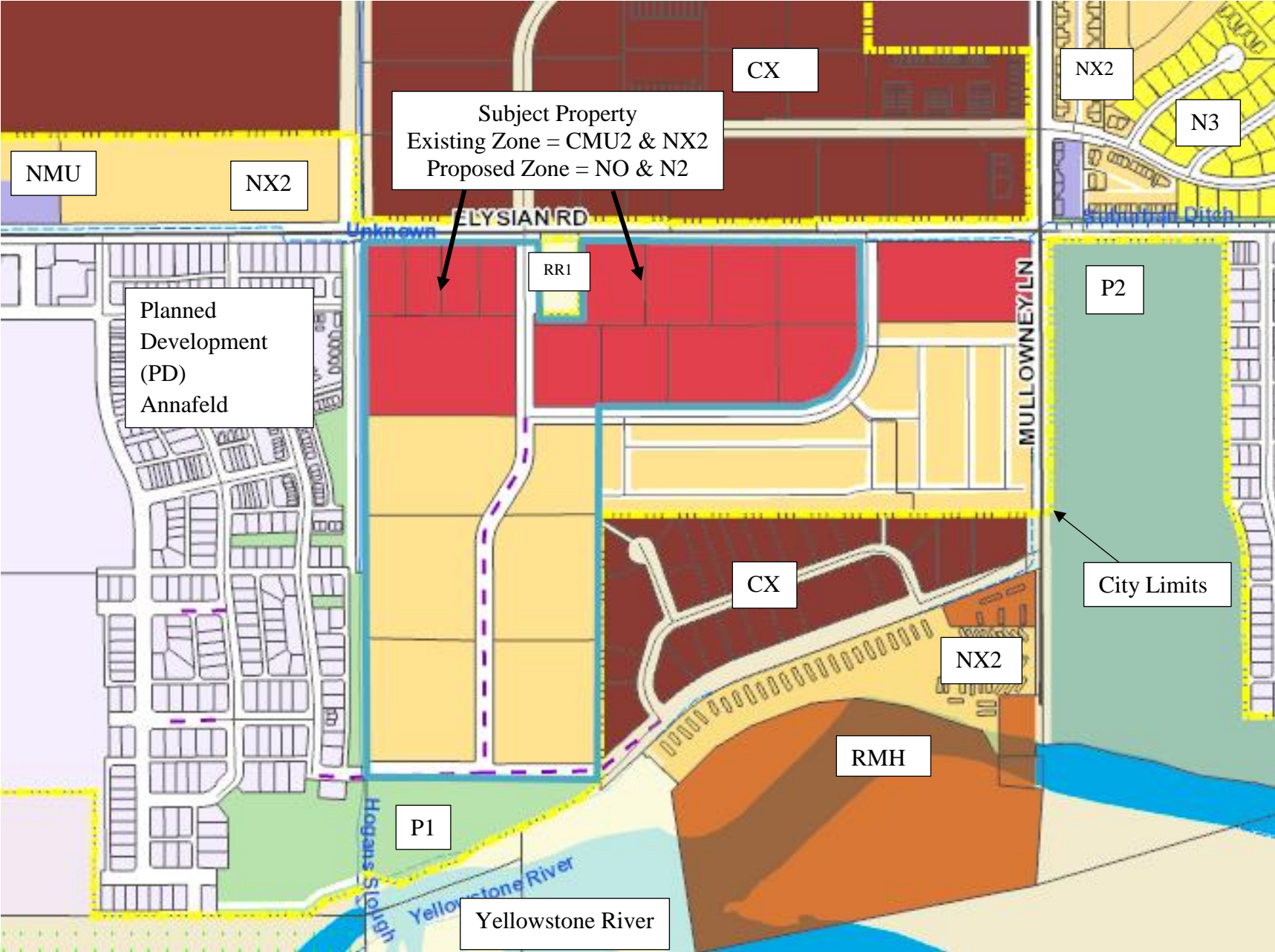
Attachments

Zoning History
Zoning Map and Site Photos
Proposed Zoning Exhibit
Application and Letter
Preapplication Meeting Notes

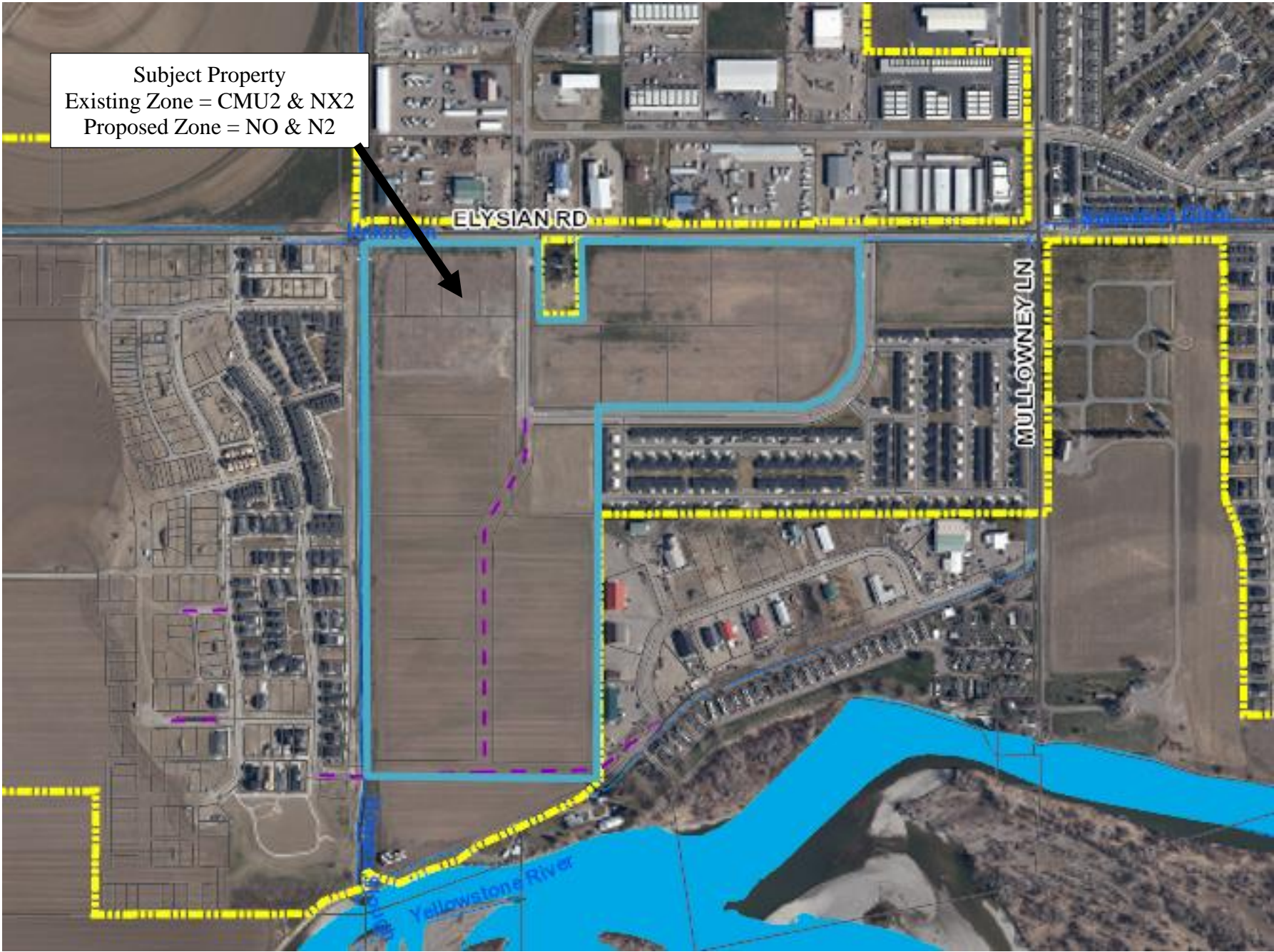
ZONING HISTORY

SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Harmony Meadows Subdivision	County ZC 597	Sept 28, 2006	A to HC, CC, RMF-R, R-70 & R-50	Yes	
	County ZC 654	Jan 27, 2015	R-70 & R-50 to CC and RMF-R	Yes	
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Titan Subdivision	County ZC 520	Nov 30, 1999	A to HC	Yes	
Josephine Crossing	City ZC 776	June 12, 2006	Public to Planned Development	Yes	
Riverfront Pointe Estates	County ZC 454	Aug 23, 1994	A to HC	Yes	East ½ of Subdivision
Riverfront Pointe Estates	County ZC 523	Dec 28, 1999	A to HC	Yes	West ½ of Subdivision
River Grove Estates MHP	County ZC 679	April 4, 2017	RMH to RMF-R	Yes	1926 Muldowney Lane
Annafeld Subdivision	County ZC 671	April 12, 2016	A to PD	Yes	
Tvetene Turf and Elysian School	County ZC 639	April 30, 2013	CI & A to PD-HC & PD-CI	Yes	Zoning to protect Elysian School expansion

City Zone Change 996 – Harmony Meadows Subdivision
Zoning Map and Site Photos



Subject Property
Existing Zone = CMU2 & NX2
Proposed Zone = NO & N2





Subject Property from Dodger Lane and Elysian



View south and west across subject property



View south and east from Dodger Lane & Elysian Road



View north and east from Dodger Lane and Elysian Road



View north across Elysian Road from Dodger Lane



View north and west across subject property

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.

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:** CMU-2 _____

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

Change from CMU-2 Zoning to a mix of N2 and NO zoning

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

4. **Legal Description of Property:**

Lots 1-8 & 12A-22 of Harmony Meadows Subdivision, 2nd Filing

Section 19, Township 01S, Range 26E

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

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 22, day of June, 2021.

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

Owner (s): Cal Kunkel - Harmony Meadows, LLC Telephone: (406) 861-0485

Address: 2729 Aspen Way, Billings, MT 59106 Email: _____

Agent (s): Scott Aspenlieder - Performance Engineering Telephone: (406) 384- 0080

Address: 608 N 29th St. Billings, MT 59101 Email: scott@performance-ec.com



608 North 29th Street, • Billings, MT 59101 • (406) 384-0080

Harmony Meadows – Zone Change Neighborhood Meeting Notes

The meeting began at 6:00 pm on June 22, 2021 via a virtual Zoom meeting. The meeting was hosted by Scott Aspenlieder (Performance Engineering).

No one attended the meeting therefore there were no comments or questions presented. We did receive a call and question from the neighboring developer regarding the application. The question specifically was around what type of construction was planned through the new zoning. The neighbor was notified that the intent was to build 4-plex units in the NO zoning along Elysian Road and then duplex construction through the new N2 zoning. No further questions or comments were received through email or phone on the project.

Zoning Commission

Date: 08/03/2021
Title: Zone Change 997 - Ridgeline Development - A to MU-PND
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning Staff recommends approval and adoption of the findings of the ten review criteria for Zone Change 997, a Mixed Use Planned Neighborhood Development zone change.

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

This is a zone change request for a new Planned Neighborhood Development zone change for a proposed annexation of a 65.873 acre parcel at the intersection of King Ave W and 48th St West. The proposed Mixed Use PND will include 7.02 acres of CMU1, about 12 acres of NX2, 36.75 acres of N2 zoning and about 6.5 acres of open space (P1). The PND is a new zoning tool to help guide the coordination of annexation, subdivisions, and master plning for new city neighborhoods. The previous zoning code allowed urban-type zoning districts in both the city and the county. In many cases, developers were "pre-zoning" parcels in the county prior to annexation. The new PND tool will allow developers to process all the zoning with the City Council, phase the annexation of the property (if necessary), and coordinate both of these processes with subdivision or master site plan review. The new tool applies a level of certainty to all stakeholders, including the surrounding property owners.

This zone change is for a Mixed Use PND and includes some mixed use zoning (CMU1) at the intersection of the two arterial streets, mixed residential zoning (NX2) in two locations with most of the remaining area in the Mid-Century Neighborhood (N2) zone district. There is a substantial amount of open space shown on the plan. A master plan for the use and development of this open space is not yet completed. There is a small "in-holding" parcel that is wholly surrounded by the proposed annexed property. This parcel is about 1.25 acres, is zoned Agriculture and has a single family dwelling. The property is owned by Frank and Sharon Wetsch.

APPLICATION DATA

OWNER: Thomas and Mary Dyk Trust
AGENT: Performance Engineering, Craig Dalton, P.E.
LEGAL DESCRIPTION: Tract 2C, 2-G-1, 14, and 2-H-1 of Certificate of Survey 983
ADDRESS: King Avenue West and 48th St West - 645 S 48th St West
CURRENT ZONING: Agriculture (A)
EXISTING LAND USE: Agriculture and residence (one)
PROPOSED USE: Residential and Mixed Use
SIZE OF PARCEL: 65.873 acres

CONCURRENT APPLICATIONS:

Petition for Annexation 21-09

SURROUNDING ZONING AND LAND USE:

NORTH: Zoning: Rural Residential 1 (RR1)
Land Use: County residences on large lots
SOUTH: Zoning: Western Sky Planned Development (PD-NC and PD-CC)
Land Use: Vacant land
EAST: Zoning: Lenhardt Square Planned Development (PD-MFR & PD-MU)
Land Use: Vacant land
WEST: Zoning: Agriculture (A)
Land Use: Agricultural and single family residences

This area of Billings has experienced a great deal of growth and development in the past decade. This includes three Planned Development zones, customized zoning for specific parcels, that include mixed uses, residential development and medical facilities. Housing demand has reached a high level while supply of all types of housing choices has not kept up with the demand. At least two decades ago, local planning and growth policy documents indicated a need for independent living units for aging residents who want to "downsize" from a maintenance heavy single family dwelling on a large lot to unit ownership or townhomes as well as rental apartments. The 2010 Census indicated Billings, like many other urban areas, saw a reduction in average household size to 2.3 persons. Smaller households, aging residents and the higher costs of all housing has driven the demand for apartments, townhomes, and smaller multi-family products. Developers have made robust investments in multi-family dwelling choices in Lenhardt Square already including the InterUrban and Interpointe Apartments, and the KWO Apartments. A new multi-family project is planned for the northern piece of Lenhardt Square. Several other multi-family developments have come on-line in the last 15 years around King Avenue West and Shiloh Road including Long Beach Apartments, Affinity at Billings (age restricted), and Hoop Dreams Apartments and condominiums. Apartments, townhomes and unit ownership housing choices are still in high demand in Billings especially in areas close to shopping, schools and recreational opportunities.

There are challenges to an area of urban development that is on the edge of the city limits. These challenges include ensuring the adjacent county property owners and uses are protected as much as possible from conflicts with the new urban neighborhood residents and uses. This is not meant to ensure similarity or homogenous development patterns between the city and county, but the development plan includes buffering, connectivity where and when needed, and recognition of similar goals for both types of property. The 2016 Billings Growth Policy and the 2001 West Billings Neighborhood Plan goals and policies support the proposed Mixed Use PND. The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The proposed zone change supports these goals. The 2016 Billings Growth Policy supports a broad range of housing choices, encourages more walkable neighborhoods with connectivity to other transportation options, and building the community fabric through urban designed public spaces. The proposed zone change supports these goals as well.

STAKEHOLDERS

The applicant and agent conducted a pre-application neighborhood meeting on June 23, 2021 and six surrounding owners attended. The meeting was held in a virtual format. Sharon Wetsch, one of the owners of the in holding parcel, asked questions regarding her parcel's access and how that would be affected by the zone

change and development. The applicant stated the existing easement to her lot from King Ave West would stay in place until she or a future owner of the parcel abandoned the easement or wanted it re-located. There were other general questions about the road layout and how the development would progress.

As part of the PND zone change process, the applicant is also required to hold a pre-application Concept Review meeting with city staff to address any concerns with the street layout, zone districts, access, parks, utilities and similar infrastructure provisions. Staff was generally supportive of the proposed street layout and distribution of the zone districts.

Planning staff did not receive any comments prior to completing the staff report for the zone change.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 997; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 997; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

FISCAL EFFECTS

Approval or denial of the proposed zone change should not have an effect on the Planning Division budget.

SUMMARY

Before making a recommendation to the City Council, the Zoning Commission shall consider the following findings of the ten review criteria:

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

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

The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed MU-PND for Ridgeline Development is consistent with the following adopted Policies of Planned Growth Goal 1: Establish Development Patterns that Use Land More Efficiently Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed MU-PND is compatible with goals of the West Billings Neighborhood Plan. The proposed zone change and street layout will accommodate uses that are compatible in a mixed-use environment. The proposed development will also have good access to outdoor activities and is in proximity to commercial centers and transportation options.

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

Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired Implementation of the Infill Policy is important to encourage development of underutilized properties

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
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community

The proposed layout for the Ridgeline Development will allow the higher density housing and commercial uses to occupy the high-value arterial street frontage. The layout of the linear parkland through the center of the development will provide a safe connection for pedestrians and recreation from north to south. The CMUI zoning at the arterial street intersection will also provide quick and safe access to neighborhood services and businesses. The larger park parcel that faces the CMUI district across the internal street is a good urban design element not often used in Billings. Even the larger community parks in Billings are not often in proximity to a neighborhood service center or commercial mixed use area. This will create a unique opportunity to develop complementary uses.

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

The zoning requires minimum setbacks, open and landscaped areas and building separations. The zoning assembly and street layout is designed to secure the development from fire and other dangers.

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

Public health and public safety will be promoted by the proposed change. Approval of the overall zoning plan and street layout will provide certainty both for the property owner and the surrounding owners. Annexation and provision of public health and safety services from the city will promote the general welfare of the area.

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

Transportation: The applicant has started the process of developing a traffic impact study and will coordinate with the city Engineering Division and state Department of Transportation to ensure access to and from the entire development will be safe and adequate traffic controls and management are in place. The applicant will be part of building a multi-use path the two arterial streets. As each area of the new neighborhood is developed, a review of the original traffic plan will ensure the required mitigation is still relevant or in need of updating.

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

Schools and Parks: Schools and parks may be effected by the proposed zone change and development of a new city neighborhood. SD #2 did not provide any comments.

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?

Non-motorized travel -- walking and biking -- is an essential part of the circulation plan both within the proposed development and connecting to adjacent areas including the multi-use trail on Shiloh Road and to the nearby Shiloh Conservation Area Trail system to the east. Pedestrian connections will be ensured through the development, and the property is close to a fixed route MET bus line. Traffic counts in the area on King Ave West and 48th St West are well below the expected volume on a principal arterial street. King Avenue West has an average daily traffic volume of 11,390 vehicles per day at this location, less than Rimrock Road at 17th St West. 48th Street West is less than most local streets with about 2,500 vehicles per day. As development increases in the area, these 2 arterial streets will need to build in additional controls, management facilities and safety features. MDT retains jurisdiction over the management of King Avenue West and the city will be managing the 48th St W right of way when it is annexed to the city.

7) Will the new zoning will promote compatible urban growth?

The proposed increase in the overall development density is compatible with urban growth and the provision of city level services to the new residents. The proposed zone district boundaries are consistent with the urban growth in this area and will be compatible with the surrounding neighborhoods

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. This area between Shiloh Road and 48th St West is an area undergoing rapid urban development and growth. Demand for local neighborhood and commercial services is increasing. Increasing the area for these services is suitable for this location. Providing a wide range of housing choices is also suitable for this area.

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

The property is a combination of developed and agricultural parcels. There is a single family home at 645 S 48th St West. The home will become a legal nonconforming use when the new zoning of NX2 is applied to this part of the property. Fortunately, the City Zoning Regulations protect all existing residential uses in neighborhood zones and will allow re-building of the structure without requiring a variance or a zone change. Approval of the zone change will provide certainty to surrounding landowners and may help to maintain property values of adjacent buildings.

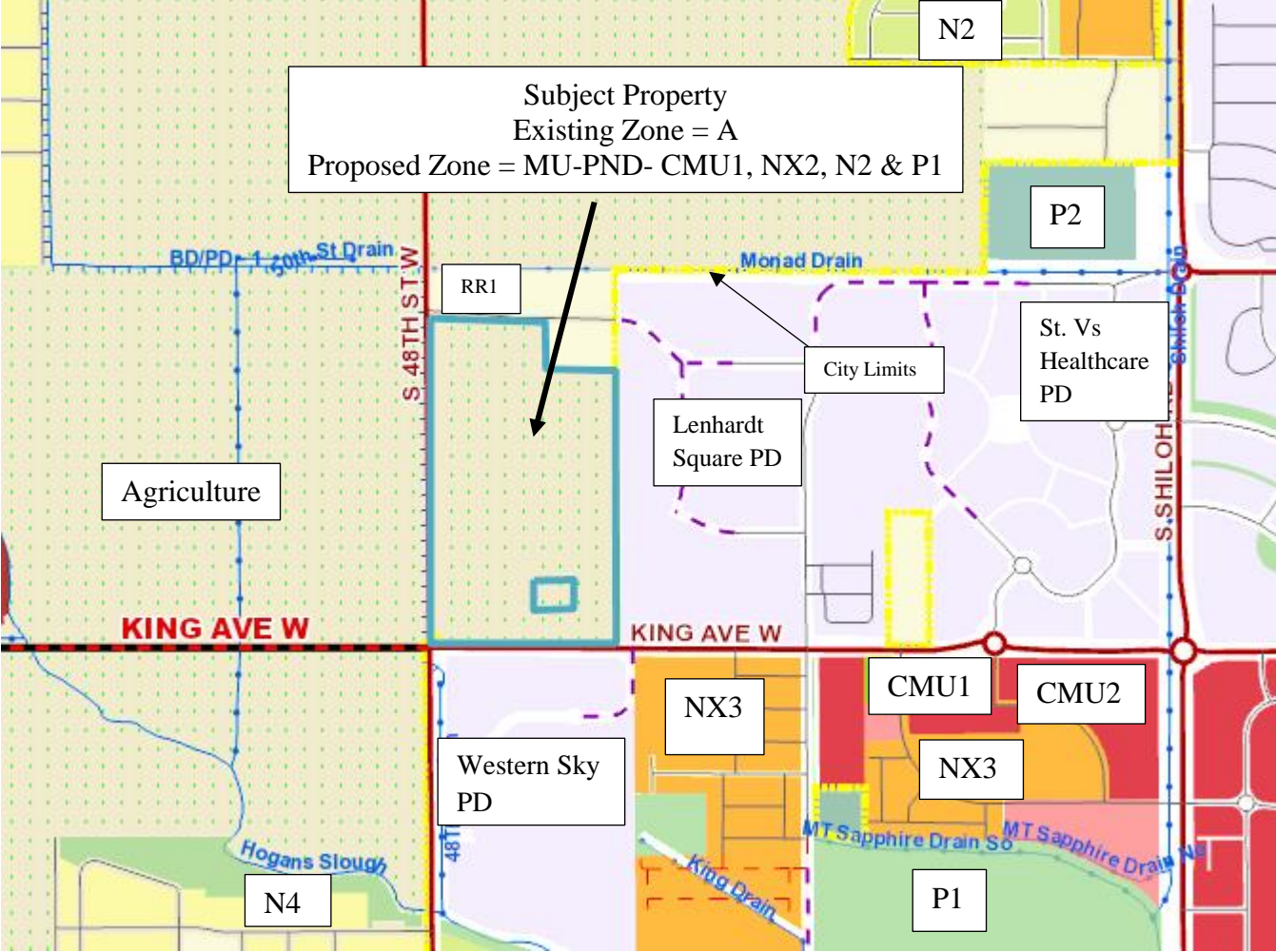
10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

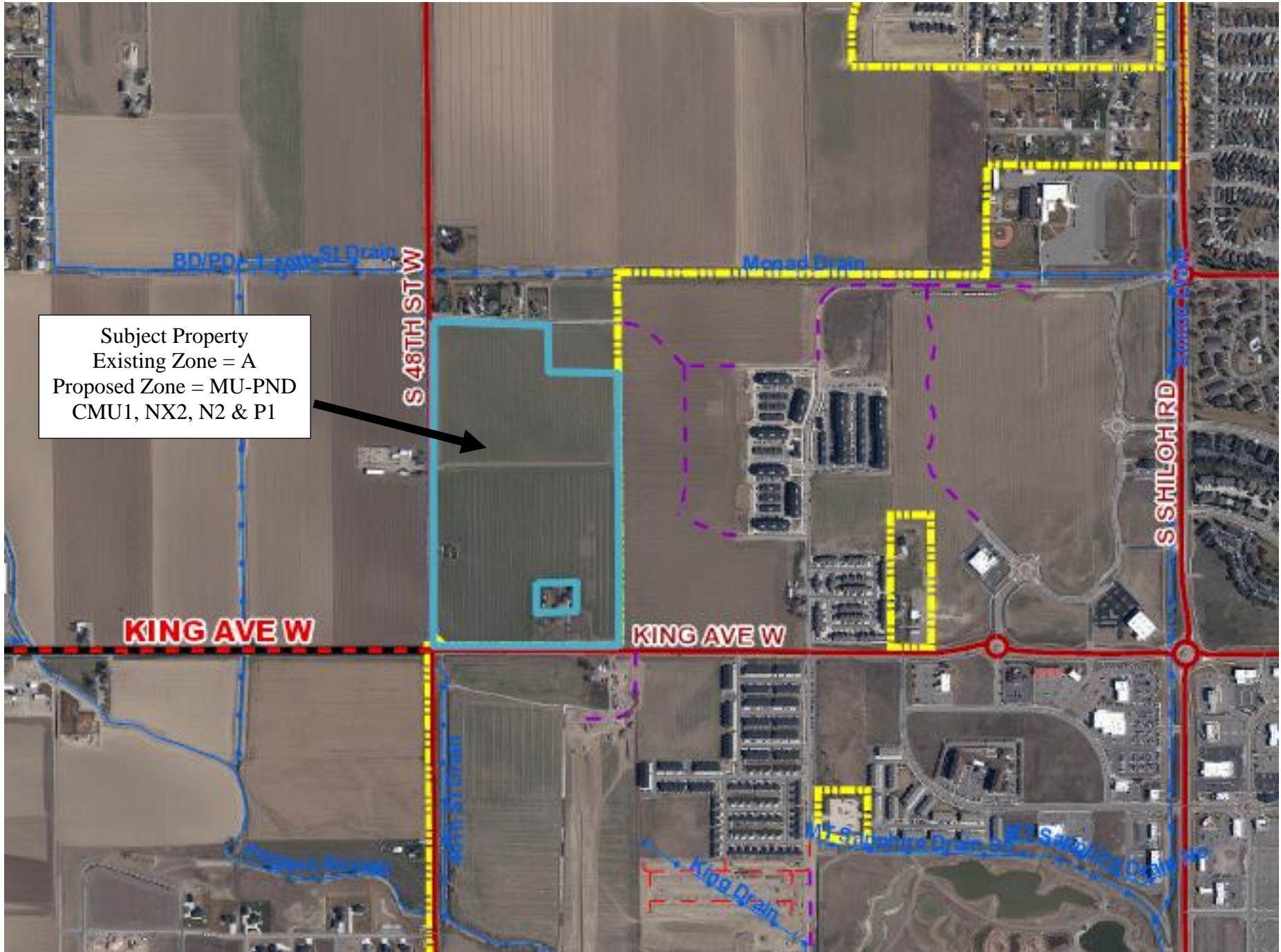
The proposed MU-PND will encourage the most appropriate use of this land in Billings.

Attachments

Zoning Map and Site Photos
Proposed Zoning Exhibit
Applicant Letter
Preapplication Meeting Notes

City Zone Change 997 – Ridgeline Development – MU-PND
Zoning Map and Site Photos





Subject Property
Existing Zone = A
Proposed Zone = MU-PND
CMU1, NX2, N2 & P1



Subject Property from S 48th St West intersection with King Ave W



View east along King Ave West from S 48th St W



View north along S 48th St W from King Ave W intersection



View north and west across 48th St West



View south across King Ave West



View south and east across King Ave West



View north and east across subject property

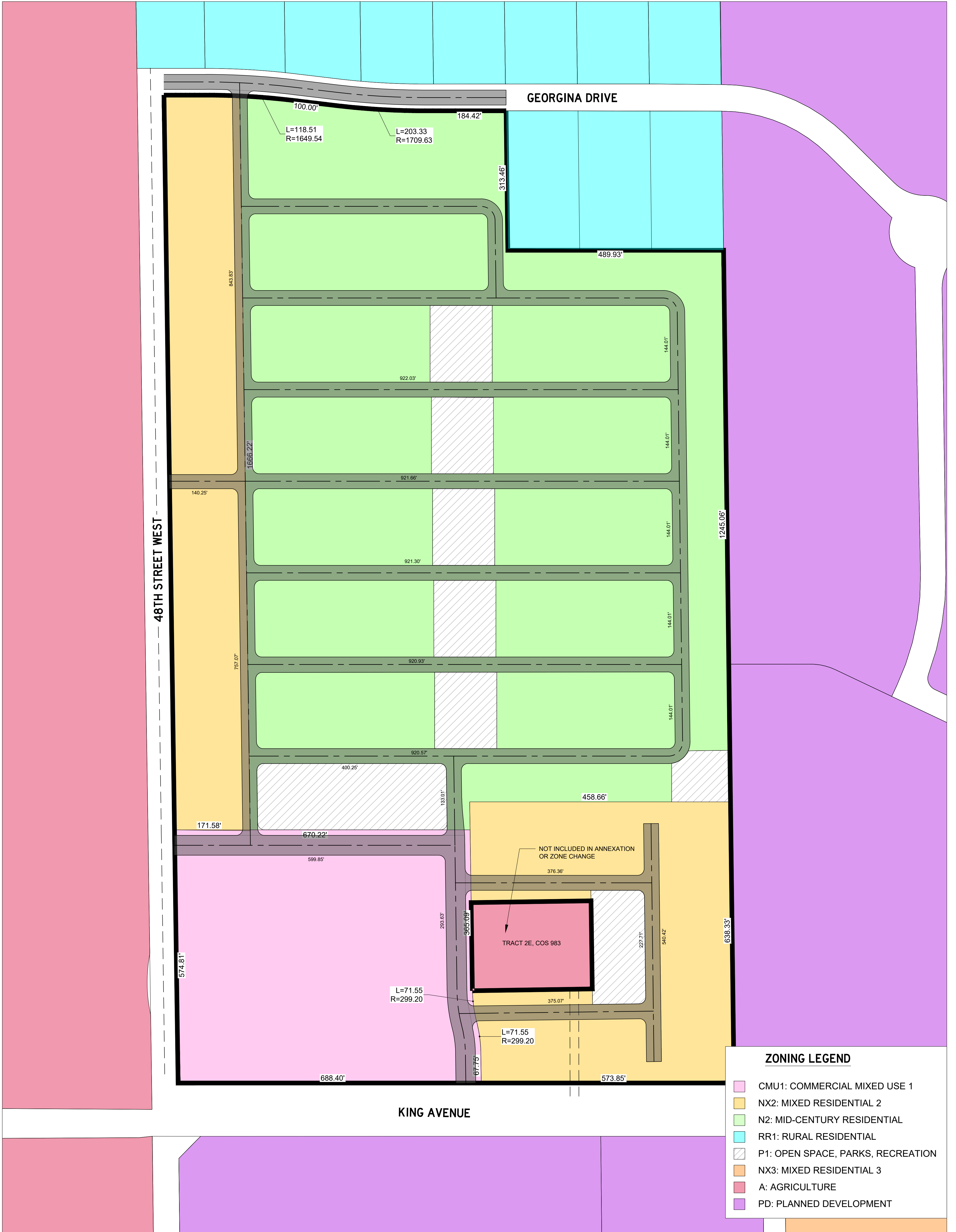
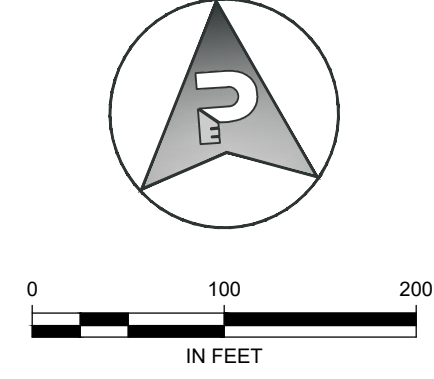


View east across subject property

PROPOSED PND MAP FOR RIDGELINE SUBDIVISION BEING LOCATED ON TRACTS 2-G-1, 2-H-1, 2C, & 14 OF COS 983 IN S10, T01S, R25E

PREPARED FOR : TKJ DEVELOPMENTS, LLC

PREPARED BY : PERFORMANCE ENGINEERING, LLC



ZONING LEGEND	
	CMU1: COMMERCIAL MIXED USE 1
	NX2: MIXED RESIDENTIAL 2
	N2: MID-CENTURY RESIDENTIAL
	RR1: RURAL RESIDENTIAL
	P1: OPEN SPACE, PARKS, RECREATION
	NX3: MIXED RESIDENTIAL 3
	A: AGRICULTURE
	PD: PLANNED DEVELOPMENT

Tracts 2-G-1, 2-H-1, 2C, and 14 COS 983

Zone Change Questions

1. Explain how the proposed project is consistent with the adopted Growth Policy, Neighborhood Plans, and other applicable city development policies?

Infrastructure Investments – The proposed project is located along King Avenue, adjacent to the western most boundary of the city limits. The project will extend existing water and sewer infrastructure to service the development. Furthermore, this project will assist the city in developing the 48th Street West corridor which has been identified by Planning and Engineering as the next major corridor on the west end.

Strong Neighborhoods – The proposed project will utilize a mix of housing options (NX2 and N2) to draw individuals of all ages in addition to families. The development is planned in a way as to provide a strong community by providing easy access to pocket parks and outdoor areas for neighbors to gather. Furthermore, this development will serve as a future launching pad for accessing multi-use paths located along both King Avenue and 48th Street West.

Business Access – The proximity of the medium density housing to commercial areas located within this development and adjacent others will attract national and regional businesses building our city's tax base. Attraction of anchor tenants will lead to the draw of smaller local businesses, developing a well-rounded community node where people can find jobs near where they live.

Zoning – The proposed project complies with the regulations outlined in the new zoning code adopting in the Spring of 2021.

2. Explain how the proposed project meets the 10 zone change criteria.
 - a. Is the new zoning is designed in accordance with the growth policy?

The proposed zoning aligns with the existing growth policy as it located adjacent to the current city boundary and will extend existing infrastructure. Furthermore, the mix of commercial and medium density housing will provide for a strong, diversified community.
 - b. Is new zoning is designed to secure from fire and other dangers?

The proposed project will extend existing water mains and implement new hydrants for fire protection of the proposed businesses and residencies.
 - c. Will the new zoning promote public health, public safety and general welfare?

The proposed project will promote a strong diversified community where residents will be able to access businesses via pedestrian routes.

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

The new zoning is located just west of an existing MET route which would likely be expanded in the future to service this growing area. The proposed project will extend existing water and sewer infrastructure in King Avenue to the 48th Street corridor as well as throughout the development. The development will also implement a mixture of Greens and larger park spaces to provide outdoor areas for the public. Furthermore, sidewalks and pedestrian paths will interconnect the development to trails along 48th Street and King Avenue.

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

The development is proposed to provide a mix of housing opportunities with open space and park areas located throughout the project providing adequate light and air.

- f. **Will the new zoning effect motorized and nonmotorized transportation?**

The proposed project will have some impact on the motorized transportation system in the area as it was historically agricultural property and will move to residential and commercial development. The developer has already began the process of coordinating with City and MDT personnel for completion of a traffic study to be submitted at the time of subdivision later this year. Additionally, the development will have a positive impact on nonmotorized transportation as it will complete multi-use paths along 48th Street West and King Avenue which will ultimately tie into other trail systems in the area.

- g. **Will the new zoning promote compatible urban growth?**

The proposed project is similar in zoning to the surrounding developments to the east of south, being comprised of medium residential density and commercial zoning. The proposed zoning will promote compatible urban growth around this important intersection.

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

The proposed development continues the character of the district while also providing diversification in housing options for the area.

- i. **Will the new zoning conserve the value of buildings?**

The proposed development will extend city services to areas where current County properties will have the option to connect in, ultimately increasing the value of their property.

- j. Will the new zoning will encourage the most appropriate use of land throughout the City of Billings?

The proposed development is located on the current western most boundary of the city limits and therefore is the next logical annexation for the city and it meets the intent of the zoning code near major intersections.

2. Does the new zoning fit with the existing or planned developments within the area.

The proposed development is a continuation of similar zonings planned in the Lenhardt property to the east and the Western Sky property to the south, consisting of a mixture of medium density residential and commercial property.

Tracts 2-G-1, 2-H-1, 2C, and 14 COS 983 Zone Change Neighborhood Meeting Notes

The meeting was conducted from 6-7 PM on June 23rd, 2021 via a virtual Zoom meeting. The meeting was hosted by Craig Dalton of Performance Engineering (agent).

Six (6) people from the public attended the meeting. Identified attendees are as follows: Sara Creeden; Aileen Kindsfater; Sharon Wetsch; Tom Rupsis; Steve Zeier; and Allison Dubs

Questions from the individuals and subsequent responses are shown below:

- **Will covenants be required to limit the number of buildings a single owner can hold?**

Currently the developer does not have a plan to implement covenants that would restrict the number of buildings a single owner could hold. Covenants (if any) will be developed during the subdivision stage of the project.

- **Will different builders be allowed to construct in the development? What type of consistency in building types is anticipated?**

At this time, it is anticipated that more than a single builder will construct homes within the development. Currently it is anticipated that this development will be master planned using particular building footprints and therefore builders will be required to stick closely to the overall plan. All structures will be required to meet the standards outlined in the underlying zoning.

- **General questions were asked about the anticipated road layout and classifications.**

It was discussed that a preliminary concept plan has a residentially classified road runs north and south along NX 2 and N2 zoning boundary line, intersecting Georgina Drive. Future road classification map shows Georgina as a collector road.

- **Owner of Tract 2E (Sharon Wetsch) asked how her access easement and her power may be impacted by the development.**

It was discussed that the current understanding of the easement is that it is required to remain in place and as is unless the beneficiary of the easement is willing to relocate or abandon it. Overhead power servicing her home will be analyzed at the time of lot development in which the developer will coordinate with YVEC on relocation/reconnection. Utility companies commonly do their own construction and would be in coordination with the affected property owners at that time.