



CITY ZONING COMMISSION
AGENDA-Tuesday, September 7, 2021, 4:30 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

Call the meeting to order.

Introduction of City Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of August 3, 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. **Zone Change 998 - Sweetgrass - N4 to MR-PND**

Other Business/Announcements

- a. Please be advised at our next meeting, October 5, 2021, we will be reviewing the Marijuana Business Regulations related to City zoning.

Adjournment

The City Council has designated Monday, September 27, 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, October 11, 2021 at 5:30 pm.**

Before taking any action on an application for a **special review use**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a special review use other than the one advertised. The City Council shall take one of the following actions on these Special Review requests: 1) approve the application; 2) conditionally approve the application; 3) deny the application; 4) allow withdrawal of the application; or 5) delay the application for a period not to exceed thirty (30) days.

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 (September 19, 2014) the first reading of the amendment by the City Council.

The Zoning Commission and City Council will hear all persons wishing to speak relative to the proposed special review use and zone changes. 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: 09/07/2021

Information

Subject

The minutes of the Board meeting of August 3, 2021.

Attachments

BZC_021_0803



**City of Billings Zoning Commission
Meeting Minutes August 3, 2021**

The City of Billings Zoning Commission met on Tuesday, August 3, 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, August 3, 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>

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.

Commission and Staff		01/05/2021	02/02/2021	03/02/2021	04/06/2021	05/04/2021	06/01/2021	07/06/2021	08/03/2021	09/07/2021	10/05/2021	11/02/2021	12/07/2021
Mike Larson	Chairman	1	1	E	1	1	1	1	1				
Daniel J. Brooks	Commissioner	1	1	1	1	1	E	1	1				
Jack King	Commissioner	1	1	1	1	1	1	1	1	-	-	-	-
Greg McCall	Vice Chairman	E	1	E	E	E	E	1	E				
Trina White	Commissioner	1	1	1	A	1	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	1				
Tammy Deines	Planning Clerk	-	-	-	-	-	-	1	-				
Dave Green	Planner II	-	-	-	-	-	-	-	-				
Karen Husman	Planner I	1	1	1	-	-	1	1	1				
Robbin Bartley	Administrative Support	1	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	4					11
Special Review	2	0	0	0	0	0	1	0					3

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

Attending: Scott Aspenlieder, Gary Owen

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: July 6, 2021

Commissioner King made a motion and Commissioner Brooks seconded the motion to approve the July 6, 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:

City Zone Change 994 –2930 US Highway 3 - from RR1 to N3 - A zone change request 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

Staff Recommendation:

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

- Meets the criteria in the Growth Policy
- Strong neighborhoods, Home Base
- Adjacent uses and zoning are compatible with proposed change
- Allows an established residential property outside of the City limits to be annexed into the city with uniform zoning

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

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

Discussion

Commissioner Brooks asked if the primary purpose of this Zone Change was to be annexed and have access to City services. Staff replied it was for uniform zoning. He then asked if there was only one letter of support. Staff confirmed one letter.

Applicant Presentation

Chairman Larson called for presentation by the applicant. APPLICANT WAS NOT PRESENT.

Public Hearing: 4:40 PM

Chairman Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change #994. There were none.

Motion

Commissioner White made a motion and Commissioner Brooks seconded the motion to approve City Zone Change #994 with staff recommendations.

Discussion

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

The Motion carried to approve City Zone Change #994 with a 4-0 vote.

City Zone Change 995 – Cherry Creek Estates - From RR1 and P1 to N3 - A zone change request from Residential Rural (RR1) Parks and Open Space (P1) to Suburban Neighborhood Residential (N3) on a portion of Lot 2, Block 1, Cherry Creek Estates Subdivision, a 10-acre portion of Lot 2, Block 1. A pre-application neighborhood meeting was held on June 17, 2021, in virtual meeting format. Tax ID: A31450

Staff Recommendation:

Planning staff recommends approval of the zone change to change the Rural Residential district and a portion of the P1 district to N3 – Suburban Residential Neighborhood

- Meets the Growth Policy and Heights Neighborhood Plan
- Adjacent uses and zoning compatible with proposed N3 zone

Discussion

Commissioner King asked about parks, grass areas for children to play. Staff indicated the proposed bike path. There are some recreational uses. There is in the RMH area, this developers choice is to provide cash in lieu of parkland dedication.

Commissioner White confirmed these new homes will be Single Family Residences. Staff stated there are 39 lots.

Applicant Presentation

Chairman Larson called for presentation by the applicant. Gary Owen of Sanderson Stewart is standing in for Rick Leuthold.

The goal here is to complete a zone change and annexation simultaneously allowing the 39 lots to access City services.

Commissioner King asked why is this more accepting to the neighbors than other proposals. The agent had no answer.

Commissioner White asked about park areas. The owner chose cash in lieu of parkland dedication.

Public Hearing: 5:00PM

Chairman Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change #995. There were none.

Motion

Commissioner King made a motion and Commissioner White seconded the motion to approve City Zone Change #995.

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

The Motion carried to approve City Zone Change #995 with a 4-0 vote.

City Zone Change 996—Harmony Meadows Subdivision - from CMU2 to NO & N2 -

A zone change request from Corridor Mixed Use 2 (CMU2) to Neighborhood Office Residential (NO) and Mid-Century Neighborhood Residential (N2) on Lots 1-8 & 12A-22, Harmony Meadows Subdivision, 2nd Filing, a 54.44-acre parcel of land. A pre-application neighborhood meeting was held on June 22, 2021, in virtual meeting format. Tax IDs: A36382, A36383, A36384, A36385, A36386, A36387, A36388, A36389, A36393, A36394, A36395, A36396, A36397, A36398, A36399, A36400, A36401, A36402, A36403.

Staff Recommendation:

Planning staff recommends approval of the zone change to change the CMU2 and NX2 to NO and N2

- Meets the Growth Policy and allows developer to adjust to market conditions
- Adjacent uses and zoning compatible with proposed NO zone (Elysian Rd) and N2 (Dodger Ln and Interstate Ave)
- Increase access to two-unit townhomes

Discussion

Applicant Presentation

Chairman Larson called for presentation by the applicant. Scott Aspenlieder, agent

Public Hearing: 5:09 PM

Chairman Larson opened the public hearing and called for anyone wishing to speak in favor or against Special Review #996. There were none.

Motion

Commissioner King made a motion and Commissioner Brooks seconded the motion to approve City Zone Change #996.

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

The Motion carried to approve City Zone Change #996 with a 4-0vote.

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.

Staff Recommendation:

Planning staff recommends approval of the zone change to CMU1, NX2, N2 and P1

- Meets the Growth Policy and West Billings Neighborhood Plan
- Adjacent uses and zoning compatible with proposed zoning plan
- Meets the PND zone district standards for arterial street zoning, block lengths, connectivity and zone district assembly

Discussion

NX2 is a mixed residential, 2-8 units. Commissioner Larson asked about forced annexation of agricultural property. Even if surrounded, it cannot be forced to annex.

Commissioner King asked about connectivity to Shiloh and the Westend Reservoir area. Staff replied that is all determined in the subdivision process.

Applicant Presentation

Chairman Larson called for presentation by the applicant. Scott Aspenlieder, agent, Performance Engineering, 608 N 29th Street

There is a large amount of green space for parks and great connectivity. A 10 foot bike and walkway on 48th and King.

Public Hearing: 5:29 PM

Chairman Larson opened the public hearing and called for anyone wishing to speak in favor or against Special Review #997.

Eilene Kinsfater, 4733 Georgina

Her husband grew up here. She is concerned regarding the traffic on Georgina. This road is classified as a collector. Collectors are higher speed, multiple lanes. How will the speed be controlled? Our driveway approach is a concern.

Our Lot 2nd from 48th Street West, where the T is proposed. We are concerned about backing out into a stop sign.

Regarding the annexation choice, we will not be forced but will we be given another choice later?

Scott Aspenlieder replied, a traffic study is being completed now. That study will be part of the Subdivision Improvements Agreement. We do not have a lot of flexibility on roads. Public Works will no doubt address the driveway near the stop sign.

Chairman Larson asked the process. City Engineering, Public Works, MDT will all review the proposed routes.

A lengthy explanation was made regarding City services being paid for, installed or stubbed out before and after annexation.

Sharon Wetch, 4625 King West

My property is surrounded by 2-8 units. I am being surrounded by apartment buildings. It is no necessary. It needs to be rethought. This is downgrading my property. She read a letter from an attorney explaining zoning. The proposal to change her access will not work.

Scott Aspenlieder explained the easement is a recorded document and cannot be changed. MDT dictates the access road, there will be a round a bout at 48th and King.

Motion

Commissioner Brooks made a motion and Commissioner White seconded the motion to approve City Zone Change #997.

Discussion

Commissioner White mentioned the many tri-plexes and stated there are more chances to voice opposition.

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

The Motion carried to approve City Zone Change #997 with a 3-1 vote.

Other Business: Commissioner King requested a review of Sober Living Homes, issues and discussion.

Chairman Larson wants to discuss Marijuana issues, use standards for the City.

Adjournment: The meeting adjourned at 6:07 PM.

ATTEST: To be Approved by a motion August 3, 2021
--Robbin Bartley, Administrative Assistant

Zoning Commission

Date: 09/07/2021
Title: Zone Change 998 - Sweetgrass - N4 to MR-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 998, a Mixed Residential 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 53.45 acre parcel south of Rimrock Road, west of 54th St West and east of 58th St West. The proposed Mixed Residential PND will include 20.83 acres of N2, 10.36 acres of NX1, 3.793 acres of N3 zoning, 2.92 acres of N1 zoning and about 2.5 acres of open space (P1). The PND is a new zoning tool to help guide the coordination of annexation, subdivisions, and master planning 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 Residential PND and includes some mixed residential zoning (NX1) in the southwest corner of the property, Mid-Century Neighborhood (N2) zoning for about 51% of the net land area and the remaining area in First Neighborhood (N1), Suburban Neighborhood (N3) and Open Space (P1) districts. There are neighborhood scale open spaces shown on the plan as required by the PND regulations. A master plan for the use and development of this open space is not yet completed. The applicant also owns another 33 acre parcel south of this subject property that is remaining in the county and is zoned N4 - Large Lot Suburban Residential Neighborhood.

APPLICATION DATA

OWNER: Regal Land Development, Inc. Dan Wells
AGENT: In Site Engineering, Scott Worthington, P.E.
LEGAL DESCRIPTION: R. L. Subdivision, Lot 1
ADDRESS: Generally located west of 54th St W, east of 58th St West and south of Rimrock Road
CURRENT ZONING: Large Lot Suburban Neighborhood (N4)
EXISTING LAND USE: Agriculture and residence (one)
PROPOSED USE: New Mixed Residential Neighborhood
SIZE OF PARCEL: 53.452 acres

CONCURRENT APPLICATIONS:

Petition for Annexation 21-10

SURROUNDING ZONING AND LAND USE:

NORTH: Zoning: Large Lot Suburban Neighborhood (N4)
Land Use: County residences on large lots (Sweetgrass Creek Drive)
SOUTH: Zoning: N4 and Public 1 - Open Space and Parks (P1)
Land Use: Vacant land and Cottonwood Park
EAST: Zoning: Public 2 - Civic and Institutions (P2) and N4
Land Use: Church and vacant residential land
WEST: Zoning: Rural Residential 1 (RR1)
Land Use: County residences on lots of 1 to 3 acres

This area of Billings has experienced a great deal of growth and development in the past decade. This includes seven major urban subdivisions: Vintage Estates/Legacy (5500 Grand), Cottonwood Grove (54th St W & Grand), Mont Vista (54th St W and Rimrock Rd), Foxtail Village (58th St W & Grand), Trails West (59th St W & Grand), Daybreak (55th St W & Grand) and Grand Peaks (52nd St W and Grand). Commercial zoning and development have started to occur at the intersection of 54th St West and Grand Avenue and the school district built a new middle school - Ben Steele Middle School - at 56th St W and Grand adjacent to the Trails West subdivision. 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 similar dwelling choices in this northwest area west of Shiloh Road. Housing types in the immediate area do not include many options for attached single family dwellings, smaller dwellings on small lots (less than 1/4 acre), or apartments of any kind. In Foxtail Village, of the 119 residences, only 38 are attached single family dwellings. Vintage Estates/Legacy will have about 175 single family homes at full build out on lots that average over 13,000 square feet in area, with current listings over \$650,000 for existing 5-bedroom homes. Most homes in this subdivision average well over 3,800 square feet in living space on 2 or more levels. Cottonwood Grove features all single family dwellings (154), as does Daybreak (77) and Trails West (300) but on smaller average lots of less than 7,000 square feet. Grand Peaks does offer some single family attached townhomes (4-unit buildings and 2-unit buildings) but the majority are single family detached homes on large lots.

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 Residential 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 July 21, 2021 and 12 surrounding owners attended. The meeting was held in a virtual format. The surrounding owners asked questions about the proposed improvements to Sweetgrass Creek Drive, connections to the city water and sewer for existing homes, and the type of proposed development. Owners were concerned that large apartments with parking garages would be built. Neighbors had concerns about de-watering when the water and sewer lines were installed. The applicant and agent answered these questions. A summary of the meeting is included as an attachment.

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 998; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 998; 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 will 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 for Zone Change 998:

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 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 MR-PND for Sweetgrass Creek 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 MR-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-residential environment. The proposed development will also have good access to outdoor activities and is in proximity to a proposed regional park - Cottonwood Park. 54th St West is an arterial street and neighborhood services are beginning to develop at the intersection of 54th St W and Grand Avenue.

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 Sweetgrass Creek will allow the higher density housing - the NX1 - in the south and west portion of the 53-acre site. The NX1 zone allows 1-4 family dwellings and these can develop on fee simple lots or on larger lots in a common area arrangement or unit ownership. A majority of the neighborhood will be zoned for single family or two-family dwellings (N1 & N2). Three park areas are shown that range from about 1/2-acre up to about 3/4-acre. These areas as shown meet the minimum requirements for the PND zone process.

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. The Planning staff may recommend minor adjustments of the street layout during the subdivision review process to allow connectivity to the owner's additional parcel to the south.

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 to ensure access to and from the entire development will be safe and adequate traffic controls and management are in place. A multi-use path has already been constructed along 54th St West, but additional street improvements will be necessary on 54th St W, 58th St W and Sweetgrass Creek Drive. 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 will be 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 54th St W and to the nearby parks, schools and shopping areas. Pedestrian connections will be ensured through the development. Traffic counts on 54th St West are well below the expected volume on a principal arterial street. Current volume is about 3,500 to 4,500 vehicles per day while an arterial street can handle 4 to 5 times this volume on a regular basis. A recent traffic count on 58th St West shows only 360 vehicles per day on average. 58th St West is a gravel-built county dedicated right of way. Sweetgrass Creek Drive is also a gravel built county dedicated right of way. Both of these adjacent street will require city-level improvements as part of the development.

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 west of 54th St West is an area undergoing rapid urban development and growth. Demand for a wide range of housing choices is suitable for this area.

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

The property is an agricultural parcel. There is a barn structure on Sweetgrass Creek Drive (5600 Sweetgrass Creek Drive). There should be no effect on the value of this structure from the proposed zoning. It can continue to be used for agricultural purposes until it is demolished or removed from the property. Approval of the zone change will provide predictability to surrounding landowners and may help to maintain property values of adjacent buildings.

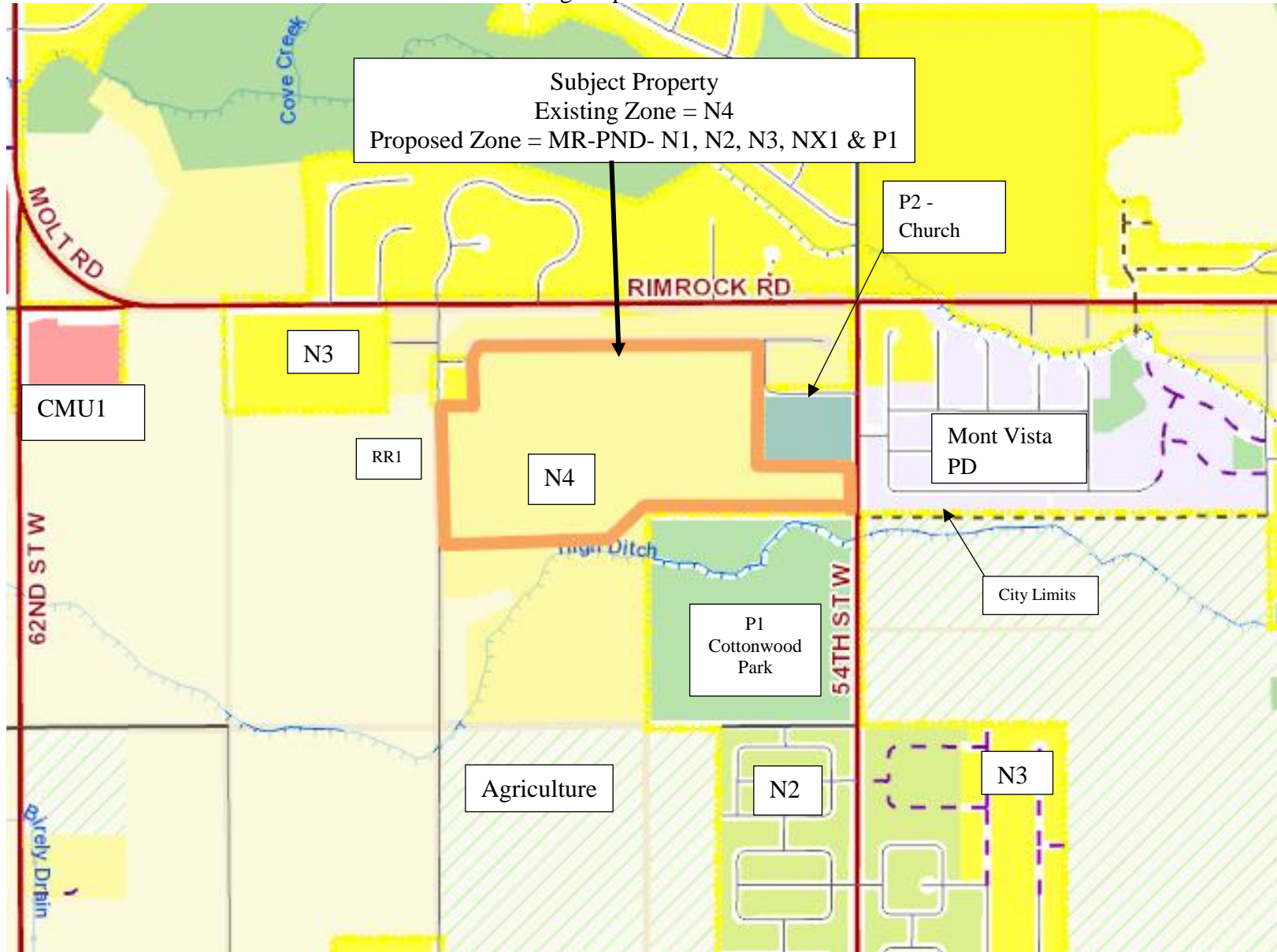
10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

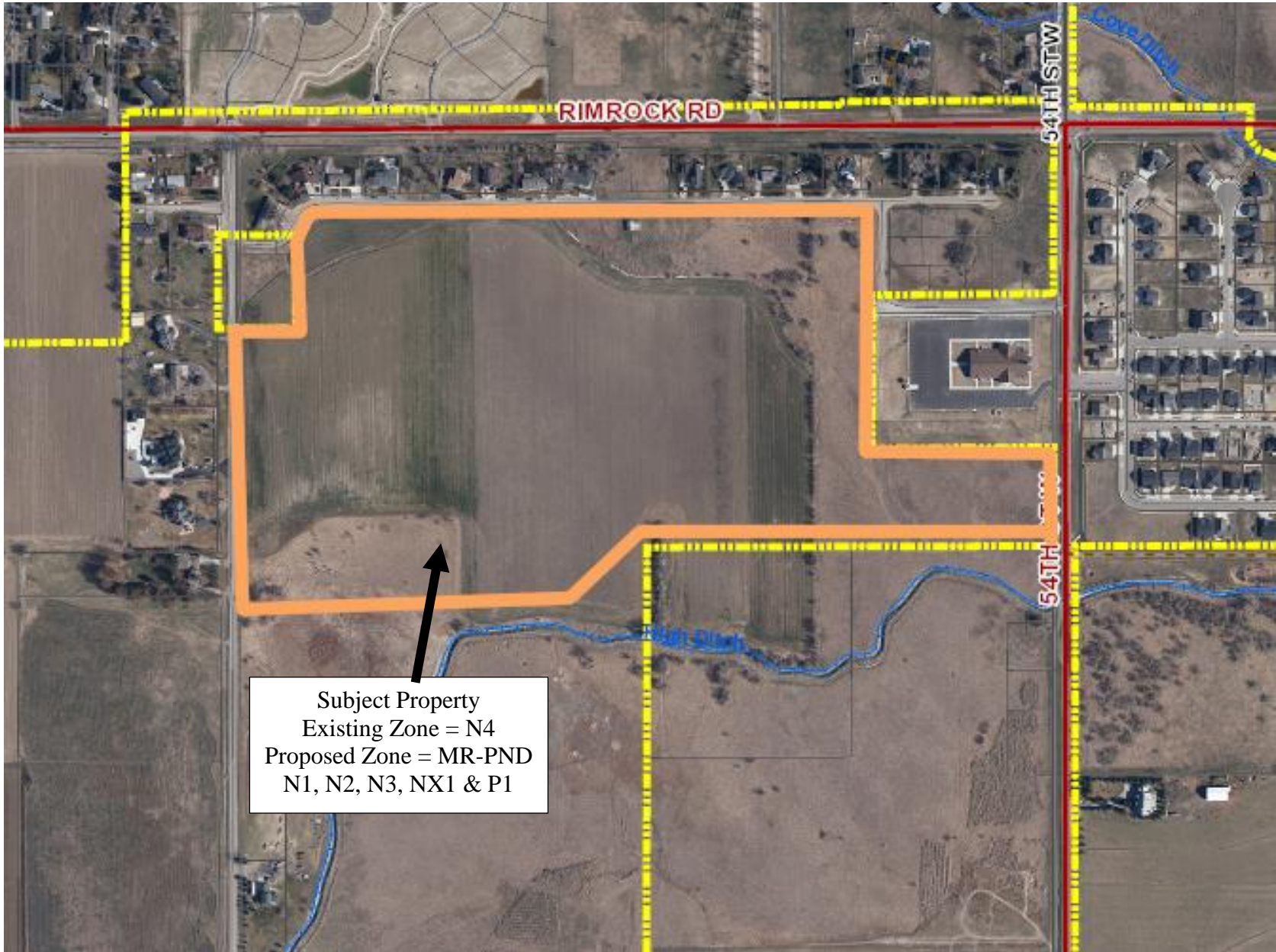
The proposed MR-PND will encourage the most appropriate use of this land in Billings.

Attachments

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

City Zone Change 998 – Sweetgrass Creek – Mixed Residential-PND
Zoning Map and Site Photos





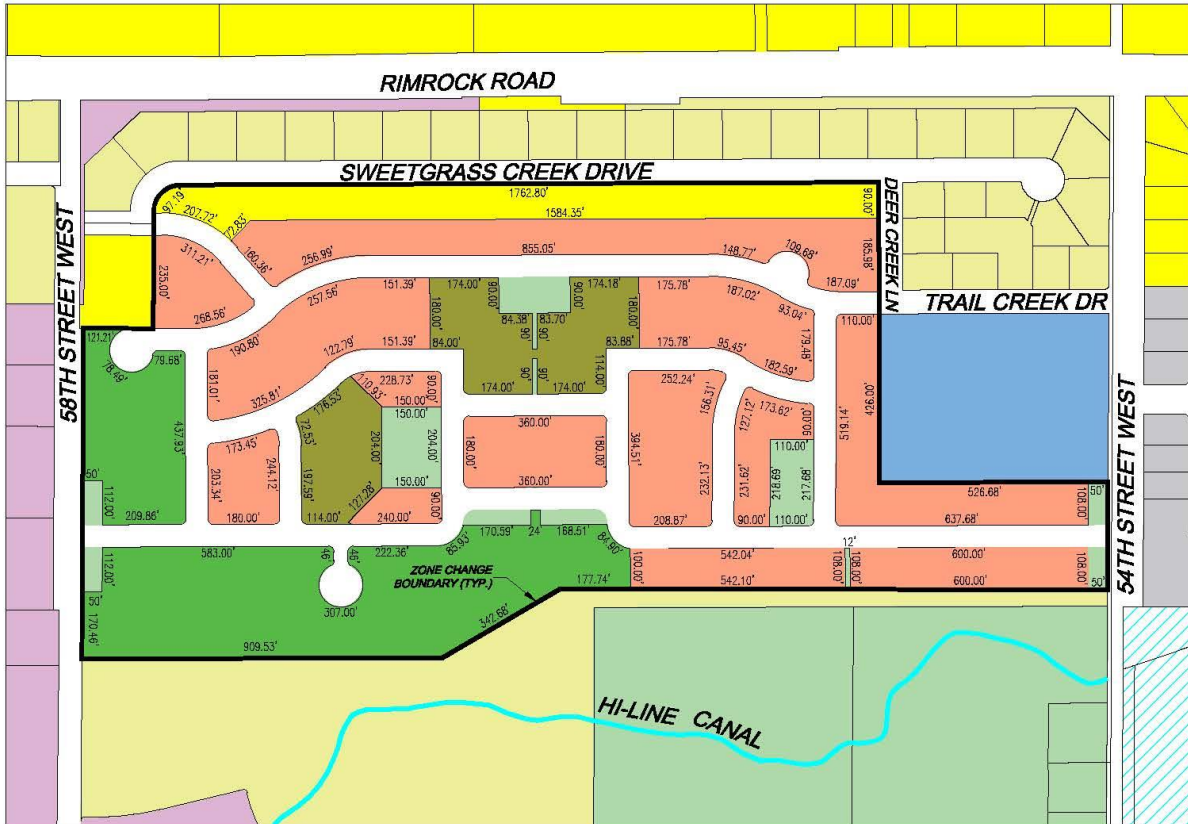
Subject Property
Existing Zone = N4
Proposed Zone = MR-PND
N1, N2, N3, NX1 & P1

SWEETGRASS PROPOSED ZONING MAP

LOT 1 OF R.L. SUBDIVISION LOCATED WITHIN YELLOWSTONE MEADOWS PHASE 3, BLOCK 7
 AMENDED PLANTING AREA SITUATED IN THE N $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF SECTION 31, T01 N,
 R25 E, P.M.M.,
 YELLOWSTONE COUNTY, MT

PROPOSED ANNEXATION / ZONING MODIFICATION AREA = 53.452 ACRES

PREPARED FOR: REGAL LAND DEVELOPMENT, INC.
 PREPARED BY: IN SITE ENGINEERING, P.C.



ZONING LEGEND

- N1: FIRST NEIGHBORHOOD RESIDENTIAL
- N2: MID-CENTURY NEIGHBORHOOD RESIDENTIAL
- N3: SUBURBAN NEIGHBORHOOD RESIDENTIAL
- N4: LARGE LOT SUBURBAN NEIGHBORHOOD
- NX1: MIXED RESIDENTIAL 1
- P1: OPEN SPACE, PARKS, RECREATION
- P2: PUBLIC - CIVIC & INSTITUTIONAL
- RR3: RURAL RESIDENTIAL
- PD: PLANNED DEVELOPMENT
- A - AGRICULTURE

TABULATIONS

GROSS AREA:	53.452 AC
(ANNEXATION AREA)	
STREETS:	12.988 AC
NET AREA	40.464 AC
N1	2.929 AC (7.2%)
N2	20.836 AC (51.5%)
N3	3.793 AC (9.4%)
NX1	10.367 AC (25.6%)
P1	2.539 AC (6.3%)



SCALE 1"=400'



Subject Property from 54th St West intersection



View south and west from 54th St W



View north along 54th St W



View south and east across 54th St West



View south along 54th St W



View north on 54th St W



View north and east across 54th St W

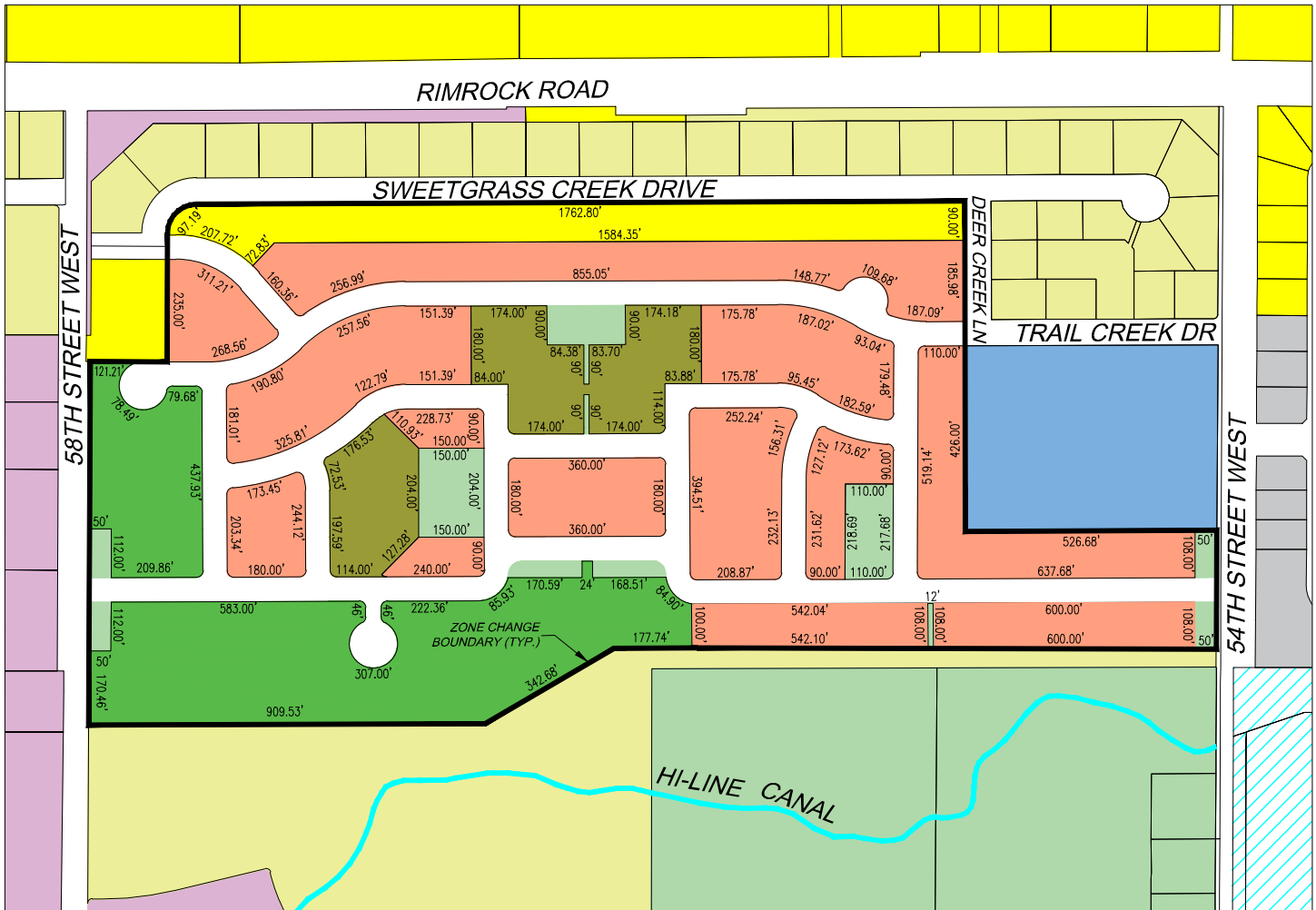
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SUBJECT PROPERTY	Application	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
	None				Previous zone = R-96 & R-150 Updated zone = N4
SURROUNDING PROPERTY	Application	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
5640 Grand Ave	City ZC 942	1/13/16	A-1 to Public	Y	For a New School
CS 3618	City SR 941	5/9/16	Church	Y	LDS Meeting House
Sunny Cove FF Lots 101 & 124	City ZC 729	5/10/04	A-1 to R-96 & R70	Y	
Sunny Cove FF Lot 65A	City ZC 734	7/12/04	A1 to R-70	Y	
CS 1323 Tr 1&2 & CS 1815 Tract 1	City ZC 803	5/14/07	A-1 to R-150	Y	For Cottonwood Park
Cottonwood Grove	City ZC 734 Annex	2/28/05	A-1 to R-70	Y	
Mont Vista Sub	City ZC 851	7/13/09	PD	Y	
MK Sub	City ZC 925	9/22/2014	NC to CC	Y	The Den
Daybreak Sub	City ZC 920	5/26/2014	A-1 to R-60	Y	
Grand Peaks Sub	City ZC 938	8/24/2015	R-96 to R-70	Y	
Silver Creek Estates	City ZC 940	11/23/2015	R-96 to R-70	Y	
Copper Ridge	City ZC 960	8/28/2017	Un-zoned to R-70 and R-50	Y	
Coal Creek Sub	City ZC 961	1/8/2018	RP to CC	Y	
Hawk Creek	City ZC 971	12/17/2018	NC to PD-NC	Y	Diamond X Brewing

Explanation of Proposed Zone Change's Consistency with Billings Growth Policy, Zone Change Criteria, and Compatibility with Existing or Planned Developments in the Area

The proposed zoning of this application is consistent with the primary goals and objectives of the Billings Growth Policy Statement and Growth Guidelines because it promotes orderly growth, is consistent with adjacent land uses, and is immediately adjacent to the City's existing boundary and infrastructure. This zone change will provide a mixture of housing types that will provide a variety of options for a diverse range of ages and incomes. This proposed zone change enables the development of an attractive, livable community. Water and sewer utilities are immediately adjacent to this land and can very efficiently be extended to serve the needs of domestic water usage, wastewater, and adequate fire protection. It is an area for which these utilities were master-planned, and it is conducive to an efficient use of the land and resources. Storm water can also be handled with a proposed storm drain and detention system that can be accommodated on the Applicant's land north of the High Ditch. The City Engineering department has even expressed interest in working with the applicant toward creating a regional detention facility. The land is less than a mile away from the fire station on 54th Street West, so emergency services are readily available with fast response times. It is within School District 2 (Boulder Elementary, Ben Steele Middle School, and West High School) which has planned for growth.

This zone change will provide for a new development that is connected to and compatible with existing area neighborhoods. It will provide new streets for safe and effective traffic circulation, not only for cars, buses, and emergency vehicles, but also for pedestrians and other non-motorized traffic with interconnected sidewalks and trails that will incorporate well with the existing trail on 54th Street West and the future Cottonwood Park. It will provide parklets, nodes, and trails within the neighborhood to encourage walking and exercise and provide improved open space.

The construction of the infrastructure and houses will bolster the local economy by providing engineering, architectural, landscaping, and construction jobs. The neighborhood will attract individuals and families who are a part of the local work force and enhance the socio-economic fabric and stability to the community. The new homes will also increase the City's tax base and would be expected to conserve and enhance the value of adjacent properties.

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:** N-4 Large Lot Suburban Neighborhood
2. **Written description of the Zone Change Plan** including existing and proposed new zoning:
Plan is to change 53.452 Acres from N4 to N1, N2, N3, NX1, & P1. (see attached map)
3. **Subject Property Map:** please attach to this form see attached
4. **Legal Description of Property:**
R.L. Subdivision Lot 1, being 53.452 Acres within the Amended Block 7 Planting Area, Yellowstone Meadows Ph. 3 in the N $\frac{1}{2}$ NE $\frac{1}{4}$, S. 31, T. 1N, R. 25E
5. **Neighborhood Task Force Area** Yes // No . If Yes, Name of Task Force and mailing address of Chairperson:
West End Neighborhood Task Force, Howard Holz, Chairman, 1120 Black Berry Way, Billings, MT 59106
6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form see attached
7. **A copy of the meeting notice.** please attach to this form see attached
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 21st day of July, 2021.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Regal Land Development, Inc. Telephone: 672-3390
Address: 5847 Whisperingwoods Dr Email: dan@wellsbuilt.com
Billings, MT 59106

Agent (s): In Site Engineering Telephone: 591-4355
Address: 5948 Ironwood Dr Email: siteproscott@gmail.com
Billings, MT 59106

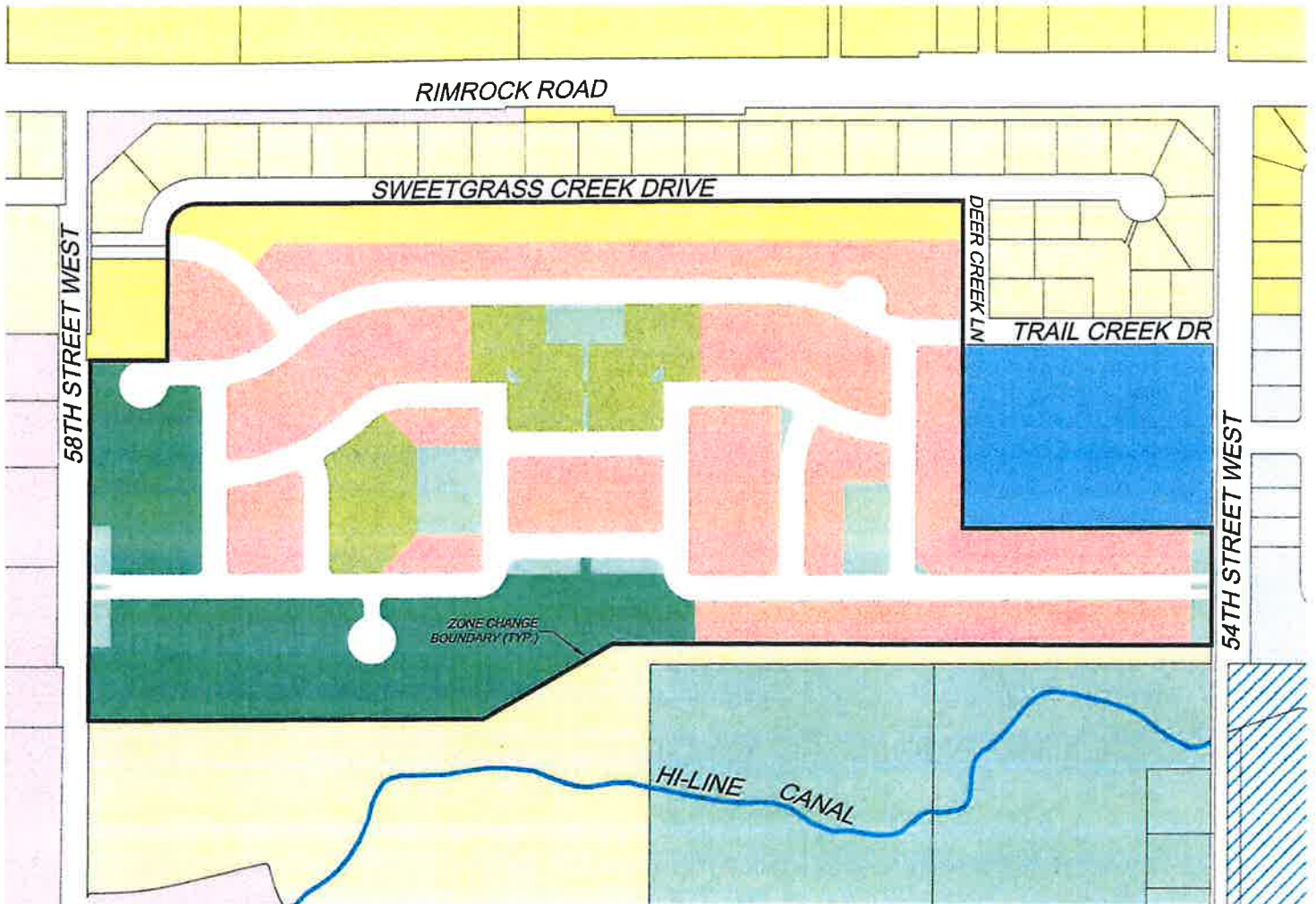
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SCALE 1"=400'

Neighborhood Meeting for Proposed Zone Change 53.452 Acres off Rimrock Road between 54th Street West and 58th Street West

Associated with the Sweetgrass Development

Meeting held Wednesday, July 21, 2021 at 6:00 PM via Zoom

Attendees:

Name	Address
Gina Ballard	5806 Mared St.
Duane & Joesie Hankel	5547 Sweetgrass Dr.
David Overturf	5801 Foxtail Ln.
Tammy Cosgrove	2508 58th Street West
Monti and Mary Bonawitz	5515 Sweetgrass Creek Dr.
Steve Wilson	5735 Sweetgrass Creek Dr.
Jason Ewell	5537 Sweetgrass Creek Dr.
Tammy Cosgrove	2508 58th Street West
John & Laura Kelly	PO Box 166

Neighborhood Meeting for Proposed Zone Change 53.452 Acres off Rimrock Road between 54th Street West and 58th Street West

7/21/2021

Meeting Minutes:

Dan Wells with Regal Land Development and Scott Worthington with In Site Engineering presented the proposed zone change with the map to show which areas are being requested for each district. Scott gave a brief description of each proposed zone district. Property owners had questions about what would be done to Sweetgrass Creek Drive. Dan said water and sewer would be put in and that road would be paved. If anyone desires to connect to the water or sewer that lives on the north side of Sweetgrass Creek Drive, they could pay to do so. They had questions about cost. When the improvements are installed, the contractor can provide cost estimates. Dan also stated that they would not be required to connect if they didn't want to, but also said that if their drainfields failed after the sewer main is installed, the DEQ would require them to connect to the City sewer. Someone asked if there would be apartments and parking garages, Dan replied that none would be proposed, but that the development would consist primarily of single family homes with a mix of twin homes and 3 and 4 plexes. Concerns were raised about traffic impacts and Mr. Wells said that a traffic impact study would be conducted during the subdivision process, which will be reviewed by the City Engineering Department. Concerns were raised about dewatering and associated potential impacts to adjacent structures. Dan said a dewatering plan would be prepared by a hydrogeologist to avoid such. Also, since no basements are being proposed, the water level would not have to drop much to install infrastructure, thus the radius of influence of the drawdown in the pumping wells would not project outward very far. When asked about schedule, Dan said construction would likely begin in a year at the earliest and proceed over about 5-7 years until buildout, which is typical of most residential developments in Billings.

Residents expressed concern about dust during hauling operations, and Dan said a water truck would be available to provide dust control. Someone asked about speed bumps in Sweetgrass Creek Dr, which is up to the City Engineering Department. Someone was concerned that the pavement at 58th St. W. and Rimrock is already degrading. They have contacted Engineering, which is the appropriate channel.

Scott reported that there would be a public hearing with the Zoning Commission Sept. 7 and with the City Council Sept. 27. Dan provided his cell phone number and email address so that anyone with any further questions or concerns could contact him. The neighborhood meeting was adjourned.