



CITY ZONING COMMISSION
AGENDA-Tuesday, January 4, 2022, 4:30 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

****ATTENTION****

In the event a quorum of the Council is present, no City-related decisions will be made during this meeting or event.

Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>

- View the meeting live online at Facebook: <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260>

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

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
 - Email: bartleyr@billingsmt.gov
- Call in during the Public Comment periods as indicated on the agenda:
 - Citizens may call in during specific Public Comment periods at **406.237.6165**. All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

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

Call the meeting to order.

Introduction of City Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of December 7, 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:

- Opening of public hearings.
- Reading of rules for the procedure by which the public hearings will be conducted.
- Reading of notices of the public hearings on the following items:

Public Hearings:

- City Zone Change 1004 -- Bell Avenue - from A to PND (N2, NX1, NX3, P1) - A zone change request from Agriculture (A) to a Mixed Residential - Planned Neighborhood Development to include N2, NX1, NX3, P1 (PND) , on Certificate of Survey 2828, Tracts 1 & 2 & the 55-foot strip of land adjoining the south of Tracts 1 & 2, a 27.7-acre parcel of land. A pre-application neighborhood meeting was held on November 23, 2021 at 5:00 p.m. at 1300 N Transtech Way. Tax ID: D00503, D00503A & D00486A**

Other Business/Announcements - Special Reviews - Standard and Custom Conditions of Approval - Discussion with Commission and Staff

Adjournment

The City Council has designated Monday, January 24, 2022, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for the zone change and hold their public hearing. The City Council meets on the 2nd Floor of City Hall at 210 N 27th St. If approved on first reading, a **second reading public hearing will occur on Monday, February 14, 2022 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: 01/04/2022

Information

Subject

The minutes of the Board meeting of December 7, 2021.

Attachments

BZC_2021_1207



**City of Billings Zoning Commission
Meeting Minutes December 7, 2021**

The City of Billings Zoning Commission met on Tuesday, December 7, 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 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, December 7, 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, January 10, 2022, 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, January 24, 2022 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	1	E	E	1
Daniel J. Brooks	Commissioner	1	1	1	1	1	E	1	1	1	1	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	1	1	1	1
Trina White	Commissioner	1	1	1	A	1	1	1	1	1	1	1	1
David Goss	Commissioner	-	-	-	-	-	-	-	-	-	-	1	1
Wyeth Friday	Director, PCSD	-	-	-	-	-	1	-	-	-	1	-	-
Monica Plecker	Division Planning Manager	-	-	-	-	-	-	-	-	-	-	1	-
Nicole Cromwell	Zoning Coordinator	1	1	1	1	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	-	1	1	-
Robbin Bartley	Administrative Support	1	1	1	1	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	09/07/2021	10/05/2021	11/02/2021	12/07/2021	TOTAL
Zone Change	-	2	1	1*	1	2	0	4	1	3	1	1	17
Special Review	2	0	0	0	0	0	1	0	0	0	1	1	5

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

Attending: Ali Mitchell, Max Griffin, Kolten Knatterud, Blain Poppler, Robbie Neihart, Anna Vickers (virtual)

Public Comment

Chair Larson called for public comments. There were no public comments. Chair Larson closed the public comment portion of the meeting.

Approval of Minutes: November 2, 2021

Commissioner Brooks made a motion and Commissioner McCall seconded the motion to approve the November 2, 2021 meeting minutes. The motion carried with a 5-0 voice vote.

Disclosure of Conflict of Interest

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson		X		
Daniel J. Brooks	Explained below			
David Goss		X		
Greg McCall		X		
Trina White		X		

Commissioner Brooks explained the applicant of Zone Change 1003 is on the Board of the Billings Chamber of Commerce and the agent is on an Advisory Board that makes recommendation as well.

Site visits were completed by Greg McCall and David Goss.

Disclosure of Outside Communication

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson		X		
Daniel J. Brooks		X		
David Goss		X		
Greg McCall		X		
Trina White		X		

Public Hearings:

City Special Review – 991 – 1225 Mallowney Lane - Bar & Casino – A special review request to relocate an all beverage liquor license within the city limits of Billings to establish a new bar and casino on Parcel 1B1 and 1B2 of Certificate of Survey 1191, a .495-acre parcel of land in a CMU2 zone district. Tax ID: D01898 and D01898A

New Special Review Decision Criteria and Standards of Review

- Special Review Uses are “special exceptions” in the zone district – not allowed uses**
- Proof of compatibility of the Special Review Use rests with the applicant**
- Nine Review Criteria**

1. Consistent with the City’s growth policy and applicable neighborhood plans, if any;
2. Will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
3. Site is adequate in size and topography to accommodate the use while meeting the other requirements of this Zoning Code.
4. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
5. Will not impede the normal and orderly development and improvement of surrounding property;
6. Conditions necessary to protect the public health, safety, and general welfare can be established, including but not limited to conditions on:
 - (a) Regulation of the use;
 - (b) Special setbacks, buffers, or screening;
 - (c) Surfacing of parking areas;
 - (d) Street, alley, or service road dedications, improvements, or bonds;
 - (e) Regulation of points of vehicular ingress and egress;
 - (f) Regulation of signs;

- (g) Regulation on the performance of the site, including noise, vibration, and odors;
 - (h) Regulation of the hours of activities;
 - (i) Timeframe for development
 - (j) Duration of use; and
 - (k) Other relevant conditions that will ensure the orderly development of the site.
7. Site has or will have adequate utilities, access roads, drainage, and/or necessary facilities;
8. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion; and
9. The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the city council.

Casino and Bar – Required Separations

- ❖ Casinos (10 or more machines/gaming tables) must be separated
 - ❖ 600 feet from the building exterior to the property line containing
 - ❖ A church – as a primary use
 - ❖ A primary or secondary school
 - ❖ A public park with a playground or playing field
 - ❖ 350 feet from the building exterior to the property line zoned
 - ❖ Residential Neighborhood (N1-4, NX1-3, RMH)
- ❖ Bars must be separated
 - ❖ 600 feet from the building exterior to the property line containing
 - ❖ A church – as a primary use
 - ❖ A primary or secondary school
 - ❖ A public park with a playground or playing field
 - ❖ 150 feet from the building exterior to the property line zoned
 - ❖ Residential Neighborhood (N1-4, NX1-3, RMH)

Subject Property is more than 600 feet to a church, primary or secondary school and public parks with playgrounds or playing fields.

Residential use across Mullowney Lane is not in “residential neighborhood zone” district

Staff Recommendation:

The Planning staff recommends conditional approval, based on the proposed findings and recommended conditions of approval (BMCC 27-1623.D)

The proposed conditions are as follows:

1. Approval is to remodel an existing building for a bar & casino at this location
2. Site improvements as shown on the site plans as submitted.
3. Improvement will include exterior lighting.
4. Two-post sign on Mullowney will remove the lower two sign cabinets to improve sight distance and safety for pedestrians.
5. Landscape improvements as shown on Performance Engineering Landscape Plan.
6. Enclose the unenclosed dumpster (south east corner)
7. Maintain all final landscaping.
8. No internally illuminated fascia on building.

9. Sign permits required for all sign updates or new signs on property.
10. Submit Building Permit within one year of Council approval, complete w/in two years.
11. 10% modifications allowed.
12. (The cessation of the special review use for more than 6 consecutive months will extinguish the conditional approval.
13. City Council reserves the right to re-open the conditional approval when one of the following issues arise: failure to respond to a notice of noncompliance with the conditions of approval; or high level of calls for public safety services verified by the Police Chief.
14. Conditions run with the land.
15. The right to building/occupancy permits are contingent on fulfilling these conditions of approval.

Commissioner Brooks asked if previously high calls for public safety automatically triggered revocation and now high calls can trigger City Council to revoke. Staff replied it was written high calls triggered a reopener, another public hearing. It was not a revocation. Now it includes a verification by the Police Chief. Commissioner Brooks asked about the condition regarding lighting. He would like to add on a full cut off to reduce glare. Staff replied there are no residences so the recommendation was not made. He would like the glare to be reduced for interstate drivers.

Commissioner McCall asked about condition #8. The ingress and egress at this location. Due to the volume of traffic, he is surprised traffic engineering did not require a right in at the south. Staff replied the rebuild of Mullowney will address this. Also, large trucks need access.

Commissioner Goss asked about the lack of public restrooms at this location. Staff deferred this question to the applicant.

Applicant:Robbie Niehart, Performance Engineering, 2024 Cornerstone Ave

The applicant is agreeable to all conditions. The bathrooms, assumably will be for paying customers.

Public Hearing: 4:59PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Special Review 991. There were none.

Motion

Commissioner Brooks made a motion and Commissioner White seconded the motion to approve City Special Review 991, with staff recommendations and revising condition #3 to include full cut off shields for lighting.

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

The Motion carried to Approve City Special Review 991 with a 5-0 vote.

Public Hearings:

City Zone Change 1003 – The Timbers Subdivision – Planned Neighborhood Development - A zone change request from Agriculture (A) to Suburban Neighborhood Residential (N3 - 62.4 acres), Mixed Residential 1 (NX1- 4.9 acres), Neighborhood Mixed Use (NMU -.9 acres) and Public 1 (P1 – 16.4 acres), on a 84.6-acre portion of Tracts A and B of C/S 3795. A pre-application neighborhood meeting was held on September 27, 2021 on a virtual meeting platform. Tax IDs: D05250 and TBD

New Zoning Tool to allow more efficient land use decisions

- **Concurrent with annexation**
- **Applies to all requests of >= 10 acres**
- **Helps build new neighborhoods that are walkable, sociable and resilient (BMCC 27-801.A)**
- **Allows phasing of annexation but adoption of full zoning plan in advance**
- **Provides more detail on new neighborhood infrastructure (streets/roads)**

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.

Staff Recommendation:

Planning staff recommends approval of the zone change to N3, NX1, NMU and P1

- Meets the Growth Policy and Billings Heights 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

Commissioner Brooks asked what phases are being approved tonight. Staff replied all phases will be voted on tonight. Further hearings would be required at the City Council level only for phases after Phase I.

Commissioner McCall explained the process for annexation in phases.

Commissioner Goss asked what happens to the zoning if the next phases are not annexed. Staff explained they would remain in the County as agricultural land.

Commissioner White asked if infrastructure is close. Staff replied the City will be bringing the water and sewer AND no one will be forced to annex. The City cannot force annexation in this instance.

Applicant: Kolten Knatterud, IMEG, 175 N 27th

Anna Vickers, Ali Mitchell and Max Griffin are also in attendance to answer questions.

He asked the property legal description be amended, there is no Tract D, only A & B, which are owned by the Mitchell's. He discussed the change in parkland on the proposed map. Staff asked what zoning is wanted. He replied N3. The City is happy to entertain infrastructure to this area anticipating the connection to the Inner Belt Loop. Any annexation into the City over 10 acres requires multiple zoning districts. The multi-family area proposed here is in a perfect location. The Mitchell's will require high quality units as this is the entrance to the subdivision.

Commissioner White is worried about the flood plain area. Kolten explained all flood plain area has been delineated from development. The parks department will be using that area as it is native land.

Commissioner McCall asked if the parkland is being used for retention. All stormwater will be retained outside of the parkland area as required by PRPL but adjacent to it utilizing it for the outlet.

Max Griffin, 1655 Valley Heights Road

We have lived here for over 30 years. Most people know us and our expectations for the area. We are excited but cautious as to how we will develop it.

Commissioner Goss asked if further development will be connected by the proposed streets. Yes.

Public Hearing: 5:25PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1003. There were none.

Motion

Commissioner McCall motioned to approve City Zone Change 1003 and Commissioner Brooks seconded, removing Tract D in the description and amending part of the parkland designation.

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

The Motion carried to approve City Zone Change 1003 with a 5-0 vote.

Other Business: 1 item January 4, 2022

Commissioner Brooks asked for a discussion regarding fencing and lighting requirements.

Adjournment: The meeting adjourned at 5:29PM.

ATTEST: To be Approved by a motion January 4, 2022.

--Robbin Bartley, Administrative Assistant

Zoning Commission

Date: 01/04/2022
Title: Zone Change 1004 - Bell Avenue - Mixed Residential PND - from A to N2, NX1, NX2 and Public 1
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1004.

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

This is a zone change request using the Planned Neighborhood Development zone change process for a proposed annexation of a 27.81 acre parcel located south of Bell Avenue and north of Monad Road and the Bannister Drain generally located west of Shiloh Road. The proposed Mixed Residential PND will include 19.46 acres of NX3, 2.055 acres of N2, 1.632 acres of NX1 and about .691 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 process is allowing 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 two types of mixed residential zoning (NX3 and NX1), an N2 zoned area adjacent to the County residences on Obie Lane along with the minimum required Public 1 zoning of at least 2% of the net area.

APPLICATION DATA

OWNER: Dorn Lowe, LLC (Rick Dorn) and Robert & Bonnie Bell
AGENT: Sanderson Stewart, Rick Leuthold, P.E.
LEGAL DESCRIPTION: Tracts 1 & 2 of C/S 2828 and the adjacent Bannister Drain right of way
CURRENT ZONING: Agriculture (A)
EXISTING LAND USE: Agriculture
PROPOSED USE: Mixed Residential development with 1-2 family as well as multi-family residences
SIZE OF PARCEL: 27.8117 acres (gross) and 23.838 acres (net)

CONCURRENT APPLICATIONS:

Petition for Annexation 21-15

SURROUNDING ZONING AND LAND USE:

NORTH: Zoning: N2 - Mid-Century Neighborhood

Land Use: Two-family dwellings

SOUTH: Zoning: Lenhardt Square Planned Development and St Vincent's Healthcare Planned Development

Land Use: Rocky Vista University (medical college under construction in St Vincent's Healthcare) multi-family apartments (Lenhardt Square)

EAST: Zoning: RR1 - Rural Residential 1 and P2 - Public 2

Land Use: Low density single family dwellings on lots of at least 1 acre and Emmanuel Baptist Church

WEST: Zoning: Agriculture (A)

Land Use: Agricultural

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 underway 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. The Ridgeline Subdivision and zoning was approved early this year and will include areas for mixed residential and two-family townhomes as well as a small commercial node at King Ave West and 48th St West.

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 zoning for different housing types. 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 conducted a pre-application neighborhood meeting on November 23, 2021 at the offices of Sanderson Stewart at 1300 N Transtech Way. Thirty-three persons attending the meeting including the applicants, Rick Dorn, Scott & Bonnie Bell. The required notification area for all new PND zone changes is 1/4-mile from the property boundary. In this case, over 180 individual property owners and interested parties were notified of the pending zoning application. The summary of the meeting is included in the attachments. In general, the questions from the surrounding owners included interest in impacts from the new traffic on public and private streets. Nearby property owners expressed concern about the existing intersection of Bell Avenue with Shiloh Road especially where the bike path crosses Bell Avenue right before the right-turn only curb cut on to Shiloh Road. Traffic conditions and impacts from the development will be required to be addressed via the annexation or subdivision agreement with the City. If there is no subdivision, then a formal development agreement will cover similar issues such as traffic impacts and mitigation, construction of infrastructure and any waivers for future improvements that benefit the development.

Planning staff did not receive any written comments or phone calls from the surrounding owners prior to preparing this staff report and recommendation. City staff and departments had no negative comments on the proposed annexation and zoning plan.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1004; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1004; 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:

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 Mixed Residential PND for the Dorn/Bell property 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 zoning 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 Dorn/Bell property will allow the higher density housing to be located internal to the property and the dwellings adjacent to the County development to the east will be similar. The dwellings on the Bell Avenue frontage will be similar to the two-unit dwellings in the Twin Pines development to the north. The layout of the linear parkland will provide pedestrian access from the dead end of Obie Lane to connect through to Monad Rd and the trail systems to the south. Another small linear park is also proposed for the north side of the Bannister Drain that borders the property on the south.

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. Concerns were heard at the pre-application meeting about the Bell Avenue intersection with Shiloh Road. This intersection is narrow and just south of the major round-about intersection of Central Avenue and Shiloh Road. In addition, the multi-use path on the west side of Shiloh crosses Bell Avenue on the west side of the Shiloh Drain. Drivers may only turn south on Shiloh Road. Drivers headed south on Shiloh Road may turn right into Bell Avenue. The total width of the Bell Avenue pavement is only 30 feet - about 4 feet less than a standard city local residential street section. The traffic study will analyze each of the adjacent street intersections and determine if mitigation or improvements are needed to accommodate the additional traffic. The City Engineering will determine the required improvements.

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, the trail systems under construction and development in Lenhardt Square and St. Vincent's Healthcare development to the south and to the nearby Shiloh Conservation Area Trail system south of King Avenue West. 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 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. Shiloh Road just south of the Central Avenue intersection is about 16,300 vehicle trips per day. In comparison, 24th St West at Central Avenue handles almost 30,000 vehicle trips per day. Most local streets average about 2,500 vehicles per day. As development increases in the area, these three 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 manages Shiloh Road and Central Avenue.

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 King Avenue West and Central Avenue is undergoing rapid urban development and growth. Demand for new housing choices including townhomes and apartments is increasing. Providing 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 undeveloped agricultural parcel. Approval of the zone change will provide certainty to surrounding landowners and may help to maintain property values of adjacent buildings.

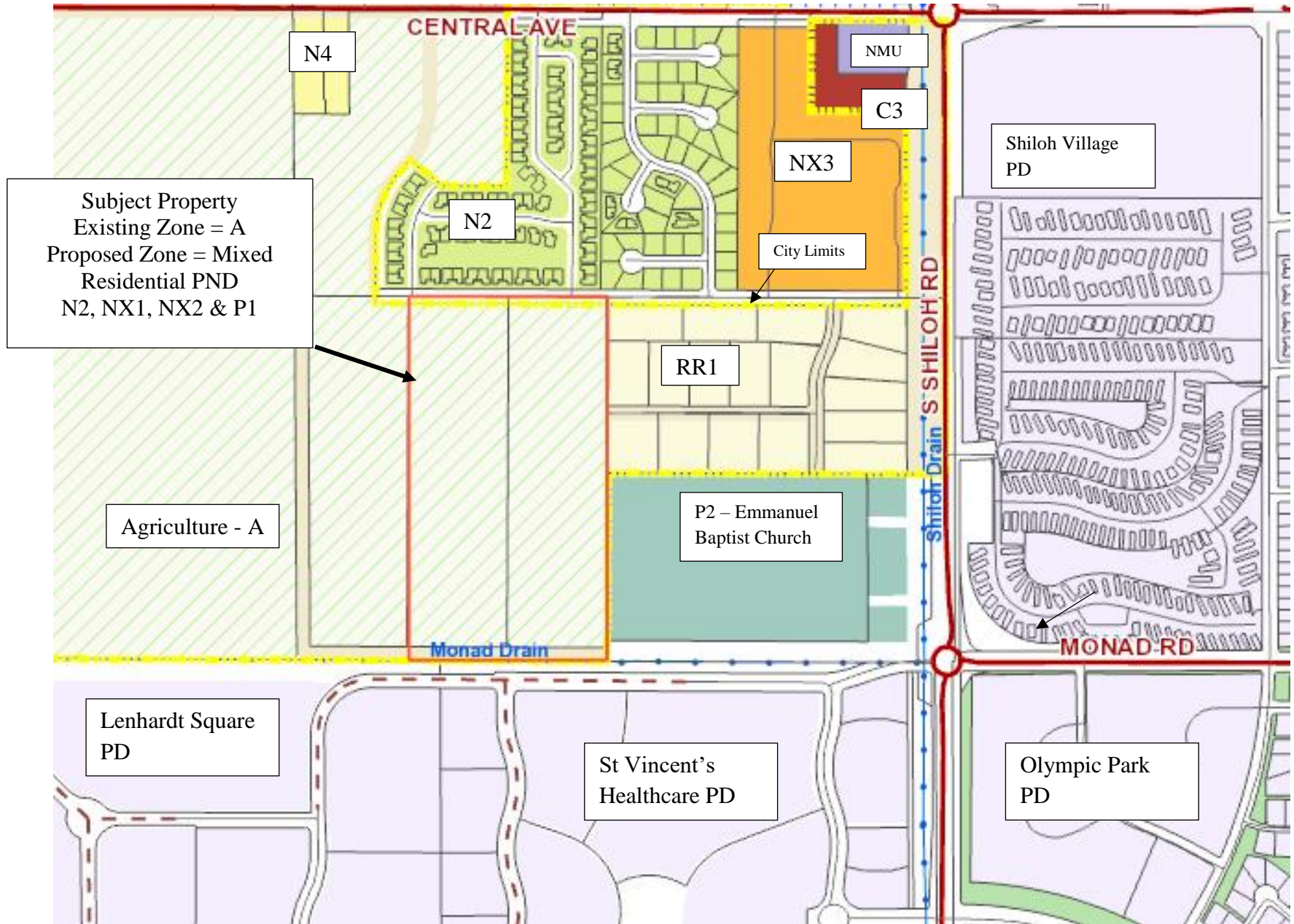
10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed Mixed Residential PND with N2, NX1, NX3 and Public 1 zoning will encourage the most appropriate use of this land in Billings.

Attachments

Zoning Map and Site Photos
Pre application meeting notes
Applicant Letter
Chart of Zoning History
Zoning Plan
Public comment email

City Zone Change 1004 – Dorn Bell – Mixed Residential-PND
Zoning Map and Site Photos



Subject Property
Existing Zone = A
Proposed Zone = Mixed
Residential PND
N2, NX1, NX2 & P1

Agriculture - A

Lenhardt Square
PD

St Vincent's
Healthcare PD

RR1

P2 - Emmanuel
Baptist Church

City Limits

CENTRAL AVE

Monad Drain

Shiloh Drain S SHILOH RD

MONAD RD

Shiloh Village
PD

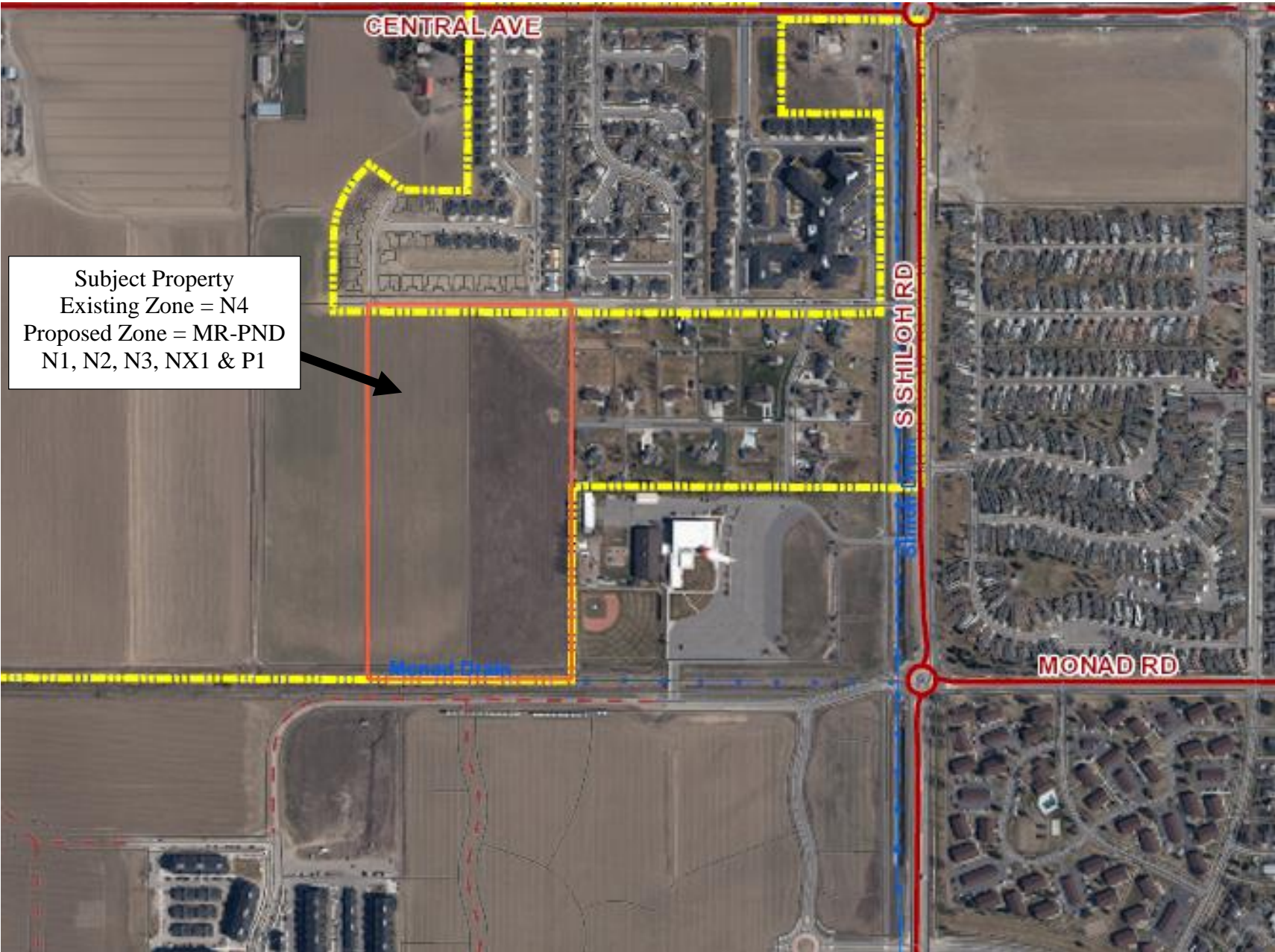
Olympic Park
PD

NMU
C3

NX3

N4

N2



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

EXHIBIT A
 LAND USE AND ANNEXATION DETAILS

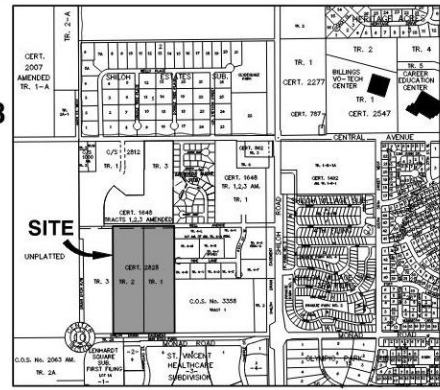
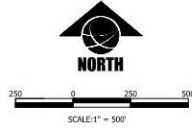
TRACTS 1 & 2, CERTIFICATE OF SURVEY No. 2828

PREPARED FOR : DORN REAL ESTATE AND DEVELOPMENT

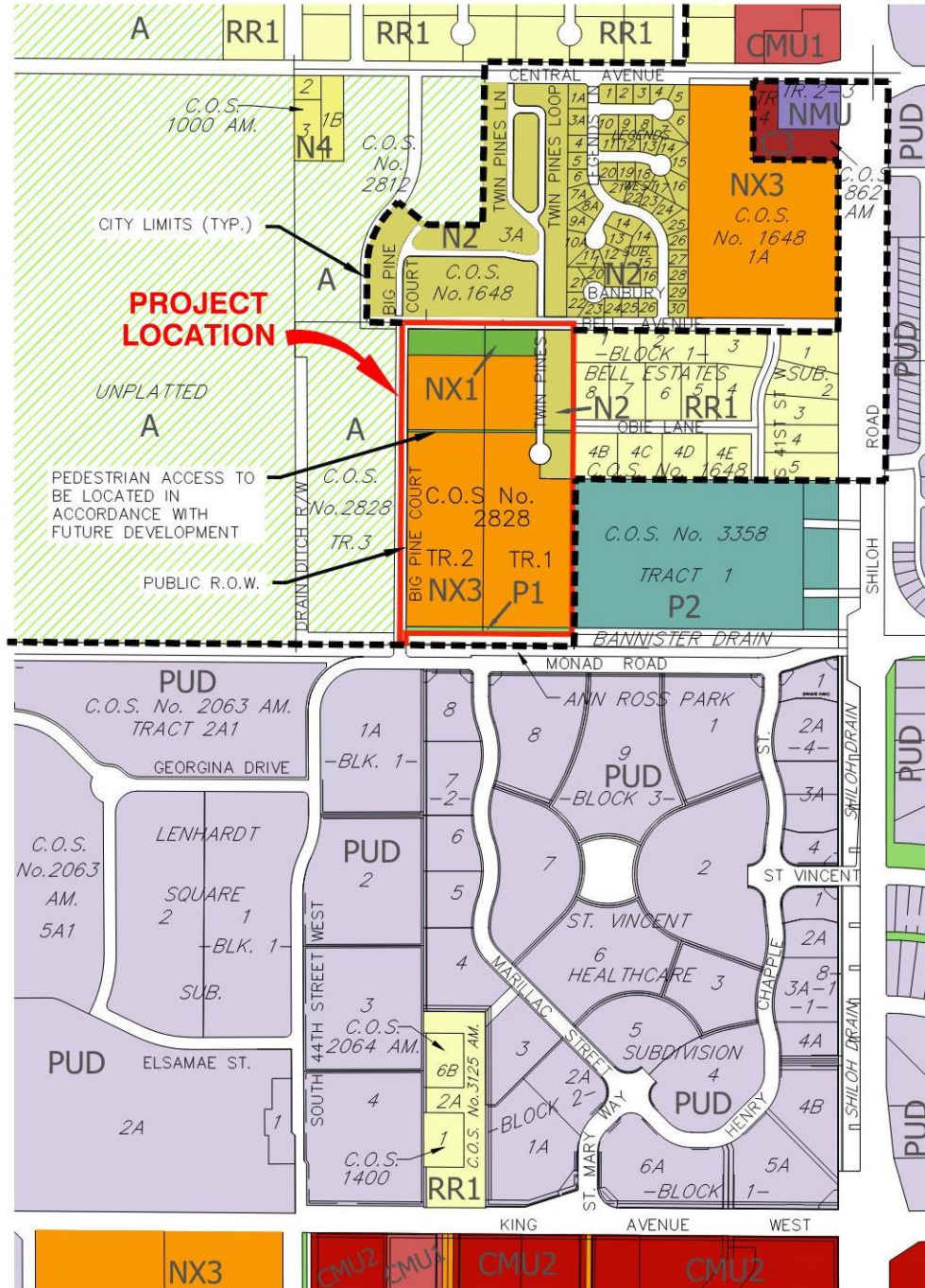
PREPARED BY : **SANDERSON STEWART**

BILLINGS, MONTANA

NOVEMBER, 2021



VICINITY MAP





Sign posted at Bell Avenue and Shiloh Rd intersection – view west



View south on Shiloh Road at Bell Ave intersection



View north on Shiloh Road at Bell Ave intersection



View east across Shiloh Road at Bell Ave intersection



Subject Property from intersection of Bell Ave and Twin Pines (private road) – view south



View south across subject property



View south across Bell Ave at subject property at Big Pine Ct (private road)



View north across Bell Ave at Twin Pines intersection



View north west across Bell Ave and Twin Pines



View east on Bell Ave at NW corner of subject property

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

Existing use of Agriculture to be changed to Residential use N2, NX1, NX3 AND P1

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

4. **Legal Description of Property:**

S10, T01 S, R25 E, C.O.S. 2828, TRACT 1

S10, T01 S, R25 E, C.O.S. 2828, TRACT 2

Drain ROW (legal description attached)

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

Yes. West End Task Force. Chairperson: Howard Holz: billingswetf@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 23, day of Nov, 2021, 20__.

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

Owner (s): Robert D & Bonnie E Bell FAMILY TRUST Telephone: (406) 860-4746

Address: 2128 Wyndham Park Dr Email: _____
BILLINGS, MT 59102

Agent (s): Dorn/ Lowe LLC Telephone: (406) 652-8232

Address: PO BOX 81524 Email: rick@dornrealestate.com
BILLINGS, MT 59108-1524

PRE-APPLICATION NEIGHBORHOOD MEETING
ATTENDANCE SIGN-IN SHEET

Date: November 23, 2021

Time: 5:00 PM

Project: Notice of Pre-Application Neighborhood Meeting for Annexation
and Planned Neighborhood Development (PND) Zone Change
Certificate of Survey No. 2828, Tracts 1 and 2.

Project No.: 12004.01

Meeting Location: Sanderson Stewart, 1300 North Transtech Way, Billings, MT 59102

Name and Title: (Please Print)	Address:	Phone Numbers:		Email Address:
		Office	Mobile	
JAN Ross	4129 Sedgewick Pl	406 598 1641		Janaross349@gmail.com
Linda Rekdal	8 Twin Pines Ln	406 860-7689		
Nancy Pederson	26 Twin Pines Ln	406 860 0150		
Dore Nordel	3 Twin Pines	307 757 6310		dnordel30@gmail.com
Terr Kaufman	110 Big Pine Ct	928-242-7966		kaufmanterr@gmail.com
Roger Fuhrman	191 Legends Way	307-267-8052		rifuhrman@msu.com
Toby Erickson	4142 Bunbury Pl	281-468-1872		TEricksonmail@gmail.com
Ardy + Mary Ann Hall	4126 Sedgewick Pl	307 763 2455		cahall@wave.com.net
Judi Powers	4185 Orieln	406 855-5149		Powersjudi@gmail.com
Ron - Denise Johnson	34 Twin Pines	406 545-3615		ron.johnson@zeme.com
Tyler J. Jensen	215 S. 4th St W	855-3093		
Brandon Reiter	37 Clark Ave	697-2088		breiter55@gmail.com
Rick + Kathy Brookshire	4222 Limber Pine Ln	670-5205		L2ly 59106@gmail.com
Mike Henthorn	4160 Bell Ave	656-0977		

**PRE-APPLICATION NEIGHBORHOOD MEETING
ATTENDANCE SIGN-IN SHEET**

Date: November 23, 2021

Time: 5:00 PM

Project: **Notice of Pre-Application Neighborhood Meeting for Annexation
and Planned Neighborhood Development (PND) Zone Change
Certificate of Survey No. 2828, Tracts 1 and 2.**

Project No.: 12004.01

Meeting Location: **Sanderson Stewart, 1300 North Transtech Way, Billings, MT 59102**

Name and Title: (Please Print)	Address:	Phone Numbers:		Email Address:
		Office	Mobile	
<u>Rick Dorn</u>	<u>2680 Overland</u>	<u>652-8232</u>	<u>861-1002</u>	<u>rick@dornrealestate.com</u>
<u>Michael VanHoover</u>	<u>4115 Deer Lane</u>	<u>(406) 657 5762</u>	<u>502 419 1041</u>	<u>mvanhoover@gmail.com</u>
<u>Bonnie Bell</u>	<u>2128 Wyndam</u>	<u>534-2846</u>	<u>_____</u>	<u>_____</u>
<u>Scott Bell</u>	<u>2203 Louise Ln</u>	<u>406 534 1551</u>	<u>406 860-4746</u>	<u>_____</u>
<u>Donna Timmerman</u>	<u>4129 Ashford Pl</u>	<u>_____</u>	<u>406-860-4597</u>	<u>2golflife@gmail.com</u>
<u>Charlie & Marilyn</u>	<u>48 Twin Pine Ln</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>Dianne & Vern</u>	<u>121 Big Pine</u>	<u>_____</u>	<u>406-860-5031</u>	<u>_____</u>
<u>Steged Linda Biggs</u>	<u>14 Twin Pines Loop</u>	<u>_____</u>	<u>692-7203</u> <u>606 6664</u>	<u>_____</u>
<u>Blaine Poppler</u>	<u>5403 King</u>	<u>671-0399</u>	<u>_____</u>	<u>blaine@ccmontez.com</u>
<u>Jack Anne Radden</u>	<u>4992 2000</u>	<u>_____</u>	<u>970-290-9340</u>	<u>jackradden33@gmail.com</u>
<u>Reference</u>	<u>4246 Central</u>	<u>_____</u>	<u>406 695 4500</u>	<u>_____</u>
<u>BRIAN LEITZ</u>	<u>4420 CENTRAL</u>	<u>_____</u>	<u>928 600 0375</u>	<u>AZHEAVYCHEVY@GMAIL.COM</u>

MEETING MINUTES

PROJECT: Certificate of Survey #2828 Tracts 1& 2			
Project No: 12004.01			
Meeting Location: 1300 N Transtech Way, Billings, MT		Meeting Date: 11/22/21 - 5:00 P.M.	
Meeting Subject: Neighborhood Meeting		Prepared by: John Halverson	
Attending:	(See attached sign-in sheet)		
Sanderson Stewart:	Rick Leuthold	Dorn Real Estate:	Rick Dorn
	John Halverson		
Date of Issue: 11/30/21			

Minutes:

- Rick Leuthold opened by stating the purpose of the meeting is to inform the surrounding neighborhood of the process the property owners have begun on COS 2828, Tracts 1 and 2, to petition for annexation and zone change. He also reviewed the existing surrounding land uses, including N2 at Legends West and Twin Pines.
- Rick then explained that under the new Billings "Recode" a PND (Planned Neighborhood Development) would occur at this location.
- Traffic concerns were brought up by attendees.
- Rick Leuthold noted that traffic concerns would be addressed in the Annexation, Zone change, PND process. He stated that information on the zones included in the site (N2, NX2, NX3, P1) is available on the planning department's website. He discussed the character of these zones, NX2 being composed of 3-to-8-unit buildings of residential character, and that NX3 is larger, 9+-unit buildings of multi-family residential scale. He noted that N2 zoning is included in the site at the west end of Bell Estates as a transitional zone. He stated that the north end of the site zoned NX2 would likely contain town homes with parking at their southern end. Rick also called out the areas on the site

map zoned P1 that will serve as pedestrian paths in the NX3 and Bannister Drain areas.

- Rick stated that anticipated residents per housing unit would be 1.6-1.8, and that those same units would produce about 8-10 trips per unit. He noted that Shiloh experiences 18,000 trips per day and committed to finding relative current traffic numbers for the attendees on adjacent roads.
- Rick explained that the site would be accessed via an extension of Big Pine Court.
- A meeting attendee stated that residents had the option to gate off Big Pine Court north of Bell Avenue as it is a private drive.
- Rick stated that the site will have vehicular access via Monad and 44th street (under construction), and that Bell Avenue will never function as a collector because of its right-in-right-out only intersection status at Shiloh.
- An attendee stated shared concerns about traffic, and that bicyclists present a danger at the intersection of Bell Ave. and Shiloh along the multi-use path.
- Rick stated that signage could be installed for cyclists at this location, and that most of the site is expected to be accessed via Monad.
- An attendee noted the Legends West neighborhood to the north of the site cannot gate its streets, as they are public rights of way.
- Attendees voiced further concern about poor existing safety conditions at Bell Avenue, noting that drivers often exceed speeds of 60 mph, that the nearby nursing home uses the street as parking for its staff, and that, rather than use the narrow, winding sidewalk, pedestrians often walk in the street.
- Rick Leuthold stated that new development would have five foot wide sidewalks, that the number of units in the development is yet unknown, and that zoning requires parking and green space.
- Attendees stated their perception that apartment buildings would bring higher crime rates and stated a preference that single family housing be developed in the area.
- Rick Leuthold stated that current demographic trends do not support single family development in this area. He noted that many need smaller housing options as they downsize, and that many cannot afford single-family construction now. He referenced more compact development undertaken by McCall Homes and explained a market shift toward smaller living units and more mobility.

- Attendees re-stated their preference for single-family housing and their concern that anything else would de-value their homes.
- Rick reiterated the need for affordable housing and pointed out that apartments have been developed nearby. He also noted that changes in planning practice have come to favor mixed-density development with a diversity of housing types. He agreed that the infrastructure in the area should support the density at the subject site. He also noted that the site included areas to transition from existing single-family neighborhoods to the more-dense NX3 zone. He stated that the NX3 zoned area of the site will include green space.
- Attendees expressed concern as to what effect new development would have on their property values.
- Rick Leuthold stated that current single-family development is producing homes in the \$275,000-\$300,000 value range, which is not considered entry level housing, and that, in Billings, development tends to occur in 20-acre phases. He stated also that more-dense development uses infrastructure more efficiently and provides people economical access to housing.
- Attendees expressed a perception that development to the south of the subject property (Interurban and Farmstead) used too much street parking, and that crime and theft were rampant at that location.
- Rick noted that city regulations determine the amount of parking in each development.
- Attendees reiterated their opposition to affordable housing in their neighborhood, and a concern that low-income people would live in the proposed development.
- Rick Leuthold stated that rent-controlled units would not be included in this development, and that market rate rents would be charged, which would be approximately \$1800 per month and up. He stated also that issues of overcrowding are controlled by city code.
- Attendees stated that the zoning designation of NX3 “scares everyone in this room,” and expressed a desire for a schematic site plan.
- Rick stated that the processes for Annexation, Land Use Designation, Subdivision, and Site Development would all require notifications to go out to the those that received notice for this meeting.

From: Janice Munsell <janicemunsell@bresnan.net>
Sent: Wednesday, December 1, 2021 11:11 AM
To: John Halverson <jhalverson@sandersonstewart.com>; Rick Leuthold <rleuthold@sandersonstewart.com>
Subject: Certificates of Survey #2828 Tracts 1 & 2

We are writing as neighbors of the above proposed development. After attending the neighborhood pre-ap meeting via Teams, we have the following comments.

1. We acknowledge Billings is similar to other localities in the need for more affordable housing. The goal is to provide additional housing while maintaining the neighborhood character. “Section 27-302 District Descriptions: Neighborhood districts are primarily intended to allow a mix of residential uses within appropriately scaled buildings to maintain and promote the desired physical character of neighborhoods within the city.”
2. We agree with other neighbors in attendance that the extension of Twin Pines Lane south of Bell Avenue would likely lead to non-residents of the Twin Pines development using Twin Pines Lane for access off of Central. Therefore, we oppose the extension of Twin Pines Lane for accessing the northern end of the proposed development.
3. We agree with other neighbors in attendance that Bell Avenue essentially allows one free-flowing lane of traffic due to its dimensions, parking patterns, and neighbors walking dogs or walking side-by-side while using walkers. Therefore, we oppose adding additional traffic to Bell Avenue for accessing the northern end of the proposed development.
4. Since the northern portion of the proposed development is bordered by Twin Pines (N2 twin homes) and Bell Estates (N2 single family homes on larger lots), we suggest zoning the northern portion at N2 and oppose jumping to NX2.
5. Since the southern portion of the proposed development would then be bordered by N2 to the north and cornered by Bell Estates (also N2) to the northeast, we suggest zoning the southern portion at NX1 and oppose jumping to NX3.

Randy Spear & Janice Munsell
4220 Limber Pine Ln
Billings MT 59106
406-208-0258
janicemunsell@bresnan.net

Certificate of Survey 2828, Tracts 1 & 2, & Drainage Ditch ROW

Zone Change Request from Agriculture to N2 Mid-Century Neighborhood Residential, NX1 Mixed Residential 1, NX3 Mixed Residential 3 and P1

Statement of Proposal

Robert D Bell and Bonnie E Bell, with Dorn/ Lowe LLC as their agent, are seeking to Annex and Rezone Tracts 1 and 2 of Survey CS 2828 and A 55-foot wide strip of land adjoining the south line Tracts 1 and 2 of Certificate of Survey 2828, located in the Northeast Quarter of Section 10, Township 1 South, Range 25 East, P.M.M., Yellowstone County, Montana in order to develop duplex, fourplex, townhome, and multi-family residential units, which will allow for a transition between the existing Twin Pines Townhomes and Legends West subdivision to the north and existing county residential lots to the east of the subject parcels. This is in accordance with the general development pattern for adjacent development to the south of the subject parcels.

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, tracts 1 and 2 of COS 2828, and the drainage ditch ROW are being developed under the consideration of the Growth Policy statement above. It is a project adjacent to parcels where municipal services exist and is compatible with other recent developments in the area to the south and is in accordance with the newly adopted Recode zoning document.

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

The subject parcels will be serviced by City fire and police services and will be 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?

All development on Tracts 1 and 2 of COS 2828 and the drainage ditch ROW will be designed under the new City Zoning code which will regulate density and land use transitions. All residential uses 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, renters 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 development as well as constructing new asphalt roads and sidewalks to service the new residents.

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

Tracts 1 and 2 COS 2828 and the drainage ditch ROW are 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 provide a transition from the existing townhome, condo, twin home and single-family residential uses to the north and the single-family uses east of the subject parcels to the existing multi-family residential uses south of the subject parcels.

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

The property is located to the north, across the Monad and Bannister Drain rights of way from the existing multi-family and commercial neighborhood center at Lenhardt Square and the new medical school campus. This development is designed to contribute to that neighborhood center, and provide a transition to single-family and twin home residential uses to the north and single-family uses east of the subject parcels.

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

Although there is no evidence to suggest that the development of multi-family residential uses has any negative effect on the value of adjacent, existing single-family and twin home residential uses, the design of this development will provide transitional buffer zones of N2 and NX1 between existing single-family twin home uses and proposed NX3 uses.

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 efficient 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. It is also beneficial to have greater densities near the new medical school campus and other business and commercial uses in order to reduce overall vehicular loads on local area streets.

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

- ***Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.***

This property will provide pedestrian connections to adjacent development on Obie Lane and along the Bannister Drain.

- ***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***

This property should not impact public health, safety and welfare any differently than the other area neighborhood developments which are developing in accordance with the City's zoning requirements.

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

- ***A multi-use community recreation facility is desirable***

The project provides public open spaces in the form of pedestrian connections, park space, dog park, and private pool.

- ***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)

- ***Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods***

This property will be developed in accordance with the City's code regulating street section to include planted boulevards.

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

This property will feature sidewalks on all streets, including pedestrian connections to adjacent development and the surrounding pedestrian network.

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

- ***Walkable Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels***

This property will develop with a range of housing types including duplex, townhome, and apartment. This will allow a greater diversity of income level, demographic, and age among its residents.

- ***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***

By locating a greater density of residences in proximity to the medical school, commercial and business uses to the property's south, and providing pedestrian connections between them, this project will promote active transportation trips between the two.

- ***Public safety and emergency service response are critical to the well-being of Billings' residents and businesses***

The property considered under this zone change will use named streets within its bounds to better address locations within and obtain an enhanced level of public safety.

Prosperity (Promoting Equal Opportunity and Economic Advancement)

- ***Predictable, reasonable City taxes and assessments are important to Billings' taxpayers***

The densities that will result from this proposed zone change will promote efficient use of city services and high tax revenues per acre.

- ***Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses***

This development, the lifestyle and amenities it will offer will attract a diverse demographic of residents seeking housing alternatives to single-family detached residential. The property's proximity to the commercial center developing around the intersection of Shiloh and King will also reduce those residents' transportation costs. The density that will result from the proposed zone change will also provide tax revenues that will support the high-quality services that a quality work force demands.

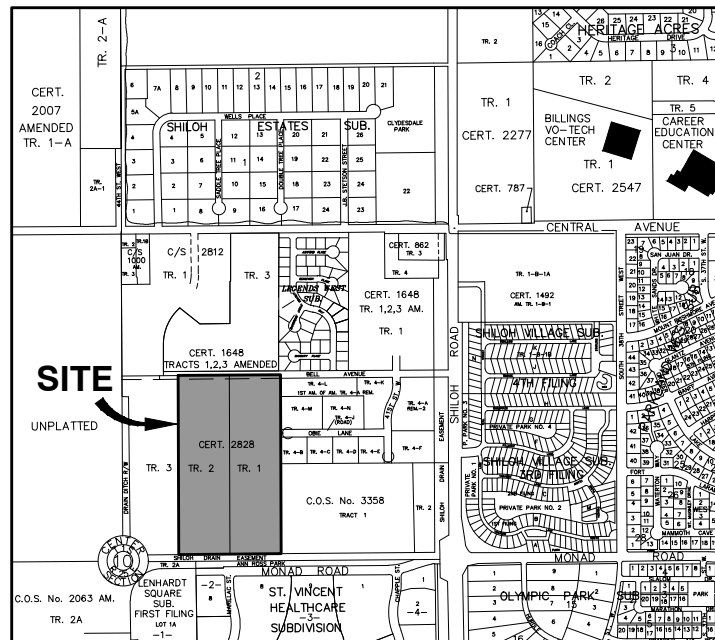
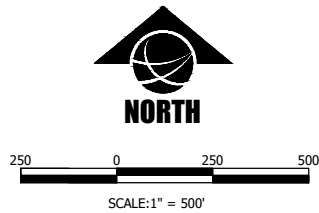
The COS 2828 Tracts 1 and 2 and the drainage ditch ROW Zone Change will help Billings manage its growth by encouraging development within and adjacent to the existing City limits, giving preference to areas where City and municipal infrastructure exists helping to maintain fiscal responsibility for the 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.

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
	City ZC 894	5/12/2012	A-1 to RMF-R	Withdrawn	
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Ridgeline Development	City ZC 997	9/13/2021	A-1 to MU-PND – NX2, N2, CMU1, P1	Y	First PND zone change
Lenhardt Square	City ZC 991	6/14/2021	Update to PD agreement	Y	Increased density and normalized height measurements
Western Sky Sub	City ZC 977	July 13, 2020	Adjust Zone District Boundaries	Y	
Western Sky Sub	City ZC 975	Jan 27, 2020	Underlying zoning amendment	Y	
Western Sky Sub	City ZC 802	May 17, 2007	A-1 to CC, RMF-R, R-50, R-70, R-96 & Public	Y	Included entire NW section of 160 acres
Western Sky Sub	City ZC 957	Sept 11, 2017	CC, RMF-R, R-50, R-70, R-96 & Public to Planned Development	Y	Underlying zones CC, NC RMF & RMH
Hoop Dreams – Apartments	City ZC 900	Aug 13, 2012	R-50 to RMF-R	Y	Apartment Developments at 44th St W and King Ave W
Hoop Dreams – Apartments	City ZC 912	July 8, 2013	Public & R-50 to RMF-R	Y	Additional apartments
St. Vincent Healthcare Shiloh Rd & King Ave W	City ZC 722	May 24, 2004	A-1 to Planned Development	Y	PD for healthcare & ancillary commercial uses
St. Vincent Healthcare Shiloh Rd & King Ave W	City ZC 870	Jan 24, 2011	PD Amendment	Y	Adjustment to allow flexibility
Montana Sapphire Sub	City ZC 673	July 9, 2001	A-1 to Entryway Light Industrial (ELI)	Y	New industrial park
Montana Sapphire Sub	City ZC 903	Sept 24, 2012	ELI to HC	Y	Affinity of Billings Fuel Fitness Divide Bar & Grill
Montana Sapphire Sub Long Beach Apts	City ZC 878	Aug 22, 2011	ELI to HC	Y	New apartments
3815 Hesper Road	City ZC 907	March 25, 2013	A-1 to CI	Y	New FedEx Ground Terminal

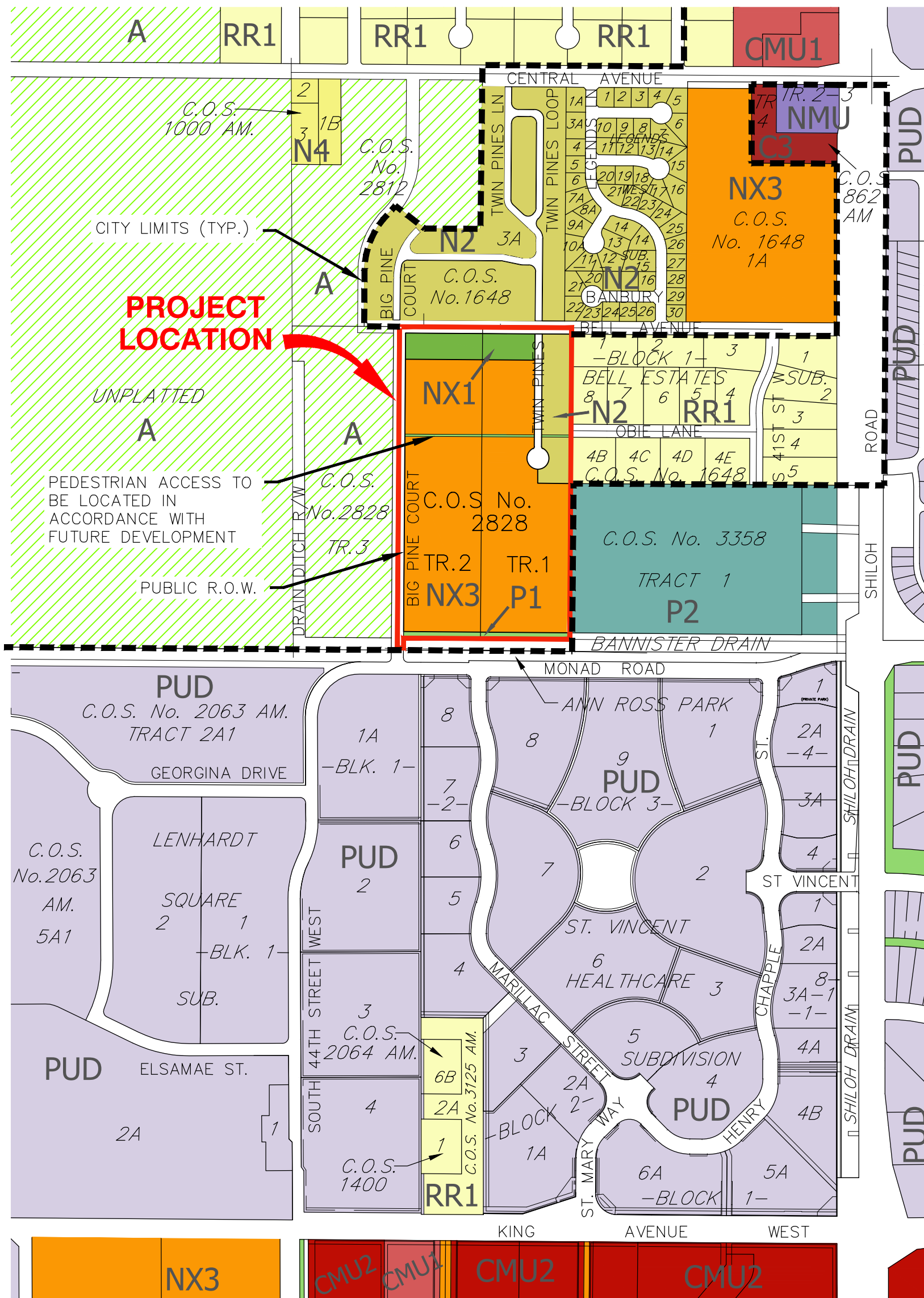
EXHIBIT A
 LAND USE AND ANNEXATION DETAILS
TRACTS 1 & 2, CERTIFICATE OF SURVEY No. 2828

PREPARED FOR : DORN REAL ESTATE AND DEVELOPMENT
 PREPARED BY : **SANDERSON STEWART**

BILLINGS, MONTANA
 NOVEMBER, 2021



VICINITY MAP



Bartley, Robbin

From: Janice Munsell <janicemunsell@bresnan.net>
Sent: Tuesday, December 21, 2021 11:22 AM
To: Bartley, Robbin; Cromwell, Nicole
Subject: [EXTERNAL] City Zone Change 1004, Project # PZX-21-00300

Dear City Zoning Commission:

We are writing as neighbors of the above proposed development. After attending the neighborhood pre-ap meeting via Teams and reviewing the MPO's recent mailing, we continue to have the following concerns.

1. We acknowledge Billings is similar to other localities in the need for more affordable housing. The goal is to provide additional housing while maintaining the neighborhood character. "Section 27-302 District Descriptions: Neighborhood districts are primarily intended to allow a mix of residential uses within appropriately scaled buildings to maintain and promote the desired physical character of neighborhoods within the city."
2. We agree with other neighbors in attendance that the extension of Twin Pines Lane south of Bell Avenue would likely lead to non-residents of the Twin Pines development using Twin Pines Lane for access off of Central. Twin Pines Lane is NOT wide enough for cars parked on both sides plus two lanes of traffic. Therefore, we oppose the extension of Twin Pines Lane for accessing the northern end of the proposed development.
3. We agree with other neighbors in attendance that Bell Avenue essentially allows one free-flowing lane of traffic due to its dimensions, parking patterns, and neighbors walking dogs or walking side-by-side while using walkers. Bell Avenue is NOT wide enough for cars parked on both sides plus two lanes of traffic. Therefore, we oppose adding additional traffic to Bell Avenue for accessing the northern end of the proposed development.
4. Since the northern portion of the proposed development is bordered by Twin Pines (N2 twin homes) and Bell Estates (N2 single family homes on larger lots), we suggest zoning the northern portion at N2 and oppose jumping to NX2. The developer's recent submittal redesignates this section as NX1, which we believe does not provide an appropriate transition to maintain the neighborhood's N2 character since it allows a mix including 3- to 4-unit residences.
5. Since the southern portion of the proposed development would then be bordered by N2 to the north and cornered by Bell Estates (also N2) to the northeast, we suggest zoning the southern portion at NX1 and oppose jumping to NX3.

Randy Spear & Janice Munsell
4220 Limber Pine Ln
Billings MT 59106
406-208-0258



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