



**City of Billings Zoning Commission
Meeting Minutes February 1, 2022**

The City of Billings Zoning Commission met on Tuesday, February 1, 2022 at 4:30 p.m., 510 North Broadway, Billings Public Library Community 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, February 1, 2022.** 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, February 28, 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. For zone change requests the Council will conduct a public hearing for the first reading of the ordinance on February 28, 2022. If approved on first reading, a second reading public hearing will occur on Monday, March 14, 2022 at 5:30 pm.

Commission and Staff		01/04/2022	02/01/2022	03/01/2022	04/05/2022	05/03/2022	06/07/2022	07/05/2022	08/02/2022	09/06/2022	10/04/2022	11/01/2022	12/06/2022
Mike Larson	Chairman	1	1										
Daniel J. Brooks	Commissioner	E	E										
Greg McCall	Vice Chairman	1	1										
Trina White	Commissioner	1	E										
David Goss	Commissioner	1	1										
Wyeth Friday	Director, PCSD	-	-										
Monica Plecker	Division Planning Manager	-	-										
Nicole Cromwell	Zoning Coordinator	1	1										
Tammy Deines	Planning Clerk	-	1										
Dave Green	Planner II	-	-										
Karen Husman	Planner I	-	1										
Robbin Bartley	Administrative Support	1	1										

Total Number of 2022 Applications	01/04/2022	02/01/2022	03/01/2022	04/05/2022	05/03/2022	06/07/2022	07/05/2022	08/02/2022	09/06/2022	10/04/2022	11/01/2022	12/06/2022	TOTAL
Zone Change	1	4											5
Special Review	-	-											0

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

Attending: Penny Levy, Desirae Miller, Jason Miller, Michael Kitlson, David Myers, Ashley Delp, Jeff Seen, Clark Swan, Leo Hart, David Goodidge, Michelle Olson, Colton Benboe, Lisa Sandau, Chad Woodyatt, Craig Dalton, Lavern Peterson, Jeanine Blehm, Jonathan Peart, Dan Berry, Carol Petersohn, Kris Ketchell, Charles Felton, Paul Dunphy, Steve Broadbent, Dione Roberts, Bruce Carlson, Melissa Chameraud, Julie A. Brown, Anna O’Donnell, Jerome Rangitsch, Pete Castellano, Rebecca Langman, Lauren Wright, Stephen Sprague, Larry Ferro, Cindy Tauh, Gerald R Kessler, Jacque Lorang, Charlotte Hawkey, Mitch Lagge, Justin McKinsey, Jeff Lee, Tom Romine, Rita Harding, Jeff Kanning, Kerry Martinson, Bill Haynes, Merry Lee Olson, Carolyn Thayer, Sharon Wetsch, Alan Lees, Sherril Burke, Michael Burke, BreAnn Mecham, William Thompson, Rebecca King, Ernie Dutton, Preston Lees, Paul Chaon, Bill Cole, Dan Boechert, Lisa Kramme, Robert J. Brown, Rebecca Noell, Katie LaBeef, Jim Wise.

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: January 4, 2022

Commissioner McCall made a motion and Commissioner Goss seconded the motion to approve the January 4, 2022 meeting minutes. The motion carried with a 3-0 voice vote.

Disclosure of Conflict of Interest

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson		x		
Daniel J. Brooks				x
David Goss		x		

Greg McCall		x		
Trina White				x

Several emails of opposition and support are in the Exparte notebook.

Site visits were completed by David Goss and Greg McCall to all properties.

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 Zone Change 1005 – 934 Lewis Ave – from CMU1 to CMU1, NX1 and NX3 - A zone change request from CMU1 (Corridor Mixed Use 1) to CMU1, NX1 (Mixed Residential 1) and NX3 (Mixed Residential 3), on Parcel 1 COS 2474, S05, T01 S, R26 E, an 8.02 acre parcel located at 934 Lewis Ave (Elks Lodge & Tennis Center property). Tax ID: D01281

Staff Recommendation:

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 effect 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.

Planning staff recommends approval of the zone change to NX1, NX3 and CMU1

- Meets the Growth Policy and Central Terry Neighborhood Plan
- Adjacent uses and zoning compatible with proposed zoning plan
- Down-zoning 6.5 acres to NX1 and NX3 from CMU1 will make re-development of site more compatible with adjacent zoning and uses
- Retaining CMU1 zone around tennis center will preserve conformity with zoning for this building
- Developer will be financially responsible for all site improvement and adjacent ROW improvements required to accommodate actual development – installation/repair of sidewalks, curbs/gutters, water, sewer, storm water, and completion of ROW improvements (if and when required)
- If zoning is approved, a Master Site Plan approval is required along with a Traffic Impact Study (TIS)
- TIS will identify traffic impacts based on actual development
- City Engineer will require mitigation and management of all new traffic from site

Questions for staff:

Commissioner Goss asked if denied the current zoning will stay in effect, correct? That is correct. A new owner would be able to use the allowable uses, in the current zoning. Staff replied engineering would likely require a Traffic Impact Study. Planning may require a Master Site Plan review or Administrative Review.

Applicant:

Jeff Kanning, 3230 Country Club Circle, Billings, MT - Collaborative Designs partner

Collaborative Designs has been here for 40 plus years and designed many other projects in town. The Ave C Apartments being close by. We also have 4 other affordable housing projects currently underway. We have a wealth of experience. During the neighborhood meeting we had citizens concerned about the tennis courts. Project Re:Code changed the zoning, we are asking for the zoning to return to the previous allowable uses. The zoning requested will give a more predictable growth to the area. There are many amenities that will be included in this new project. It is in accordance with the Growth Policy and is good infill.

Discussion:

Public Hearing: 5:06PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1005.

In Favor:

An audience member asked how the neighborhood meeting was advertised, as no one knew of it. Staff replied the meeting is not advertised, a letter is sent out, by the applicant, to all persons within a 300 ft radius of the property.

Merry Lee Olson, 909 Wyoming, Billings, MT

CEO YWCA Billings, largest adjacent property owner. Her campus provides services to victims of domestic violence and human trafficking. They have an existing shelter and apartments for families in victim situations. They are embarking on another shelter on the campus. They are very careful about maintaining the safety of the neighborhood. They are particular about the spacing of their buildings and limit the height of buildings to 3 stories. They manage parking, signage and offensive lighting. They are not opposed to the development. She is concerned about the density and would like to see the height restricted to 3 stories as well. 4 stories allow vision into secured housing. There are also concerns about noise levels and environmental changes.

John Halvorson, 239 Ave F, Billings, MT

He is a professional planner and has no connection to this project. He is speaking as a citizen in support. He suspects we will hear comments from many who, in principal, support this project, recognizing middle class Montanans need more affordable housing but oppose this location at this time. Just as a child who doesn't wish to eat his vegetables at this meal, we, as a community, need to build this housing that we so desperately need if we wish to avoid fate of places like Bozeman and Missoula. Most of you in attendance likely rented at one time. We will hear from the stakeholders opposed, for their own reasons, but we will not hear from the group of people who are under represented, those renters looking for affordable housing. All over Montana, hard working people are being squeezed out of housing. We need to approve infill projects such as this.

Opposed:

Jonathan Peart, 828 Yellowstone

He can see the tennis court from his front window of his residence. He now will be looking at a 4 story building. It offends him the entire neighborhood can be changed. This will impact the neighborhood to a great degree. A traffic study should be done first. He encourages the Commission to vote no.

Rebecca Noell, 1109 Lewis

She believes there is no better use than residential for this lot space. She is opposed to the density allowed in NX3 zoning. She believes it is unsafe to add that much density and traffic.

Gerald Kessler, 237 Ave B

He is not necessarily in favor or opposed. He is concerned with density and affordable housing. Will it truly be affordable? More amenities does not add up to affordable housing. While there is no doubt Billings has a housing problem. Will this project appeal to middle and lower class or more likely the upper class, luxury apartments? He would like some condition imposed making it truly affordable to middle- and lower-class individuals.

Anna O'Donnell, 131 Ave B

Her biggest concern as a citizen is mobility and connectivity. Adding 300-400 cars in this area will affect traffic, biking and pedestrians. She believes the TIS should happen first. She would like clarification about what this project will look like.

Tom Romine, 1128 N 32nd

He owns the apartment building across the street. Previous zoning was R-7000, allowing 2 units. CMU1 will allow greater density and commercial businesses such as a liquor store and drive thru restaurants. What is to prevent that from happening. Why can't it be grandfathered as non-conforming. This proposed zoning does not really match the north side of Lewis Ave which is predominantly single-family residents, owner occupied. Multi-family tends to lower the value of single-family homes. It is stated this zoning will create a variety and type of design. He is concerned it will resemble the project and Shiloh and King Ave on a smaller scale. He is unsure how an informed decision can be made without first submitting a Master Site Plan.

Rebecca Langman, 935 Ave F

She is in favor and believes it is a great project for this property. She would much rather see this property be used for housing and not a car wash or other commercial uses. The City of Billings needs housing.

Sharon Wetsch, 814 Alderson

She does not believe the infrastructure will be able to handle the amount of density proposed. We have no need for highrise apartments. Taking the cost of building materials right now, she cannot be convinced these units will truly be low income housing. She would like to see the TIS and where else this project could be put. This area should remain residential.

Carolyn Thayer, 844 Lewis

Since 1975 there have been 14 vehicle accidents. Some ending up in her front yard. The YMCA has done an amazing job maintaining their campus. There are already traffic concerns. This will bring too much traffic and all that goes with it.

Mike Kitlson, 630 Custer Ave

The number one problem will be the traffic. The construction will destroy the current roads. Lewis Ave will become a racetrack. You are proposing 250 units or 400 cars. Where will they park? The Elks Club has been there all of the 35 years he has been here. Excavating this property is going to dig up something. Central Terry is a prime example. An Environmental Impact Study

should happen first. Who will be paying the taxes? The local taxpayers will be burdened with it. He is retired now and does not wish to pay more tax.

Desirae Miller, 1005 Lewis

She too, agrees traffic is of huge concern. She agrees more housing is needed but not multi-family. Single family is the preference.

Ernie Dutton, 2046 Mariposa Lane

He is concerned this zone change will negatively impact the traffic and parking in the area. The City of Billings is unable to mitigate the existing problems on 10th street West. The Elks Club has never granted the City of Billings any right-of-way on the east side of 10th Street West. The Elks Club has retained their rights to fully use and enjoy the property. Some utility easements have been granted. Consequently 10th Street West south of Lewis to Yellowstone Ave is only one half of a City street right-of-way. This sub-standard street is the only real access to the Stoneridge Apartments, a number of duplexes and several commercial properties. Both Lewis and Yellowstone Aves are dead ended. This project is going to add to the existing parking problems and traffic. He respectfully requests the Commission deny this until the Elks Club give right of way. Something can then be considered.

Laverne Peterson, 744 Yellowstone

He walks Yellowstone Ave daily. It barely has room for foot traffic. This is too many units, too many cars. 700-800 people will hugely impact the area schools. 4 story buildings are not appropriate in a historic area.

Lauren Wright, 511 Yellowstone

She opposes this proposed zone change and is disappointed more people were not made aware of the neighborhood meeting. Her greatest concern is not infill. She is in opposition to the setback changes and building height allowance. She is concerned about the lack of green space and park lands in the development. The proposed project does not match the current neighborhood theme. She specifically mentioned the engineering of storm water run off, walkability, no speed humps and no bike paths. She would recommend the zoning is conditional on a TIS and Master Site Plan.

Rita Harding, 123 Alderson

She walks a lot. She is concerned about the additional traffic this will create. Drivers do not adhere to the speed limit. Please include an accident report.

Dan Berry, 835 Yellowstone

He has lived at this address for 31 years. He has seen many changes and an increase of kids. 10th Street West has become a racetrack. He would really like to see something done about traffic and speed.

Katie LaBeef, 531 Clark

She would like to see the applicant consider the economic impact on current residents. Of course she is also very concerned about the traffic issues both existing and assumed.

John Wright, 511 Yellowstone

He expressed concerns about the existing and proposed mitigation of storm water run off. Will this project match the mid-century theme or the first neighborhood theme, both now existing? A traffic impact study and master site plan should be required before this zone change can properly be considered.

Larry Ferro, 845 Yellowstone

My son and I live directly across the street from this project. He is worried about the value of their homes. He is retired and his retirement is in his home. He is unable to believe someone would consider putting 250 homes in this area. This will bring upwards of 400 people and who knows how many cars. Parking, traffic, crime and density are his concerns. Will people be parking in front of his and his son's houses? Will there be people, kids and dogs walking by all the time?

Rebuttal: Applicant

A Traffic Impact Study will be done and all requirements will be met. The neighborhood meeting was properly noticed. There is a stormwater trunk line running down 10th Ave West. Stormwater will be addressed. Project Re:Code dictates the parking requirements.
Public Hearing closed at 5:52PM

David Goodridge, 129 Ave D

He would like to remind the Commission this is currently CMU1. Shiloh Commons is sitting on CMU1 zoning. With current zoning, 4 buildings looking exactly like Shiloh Commons could be built at this location right now. We are trying to fit the neighborhood better. This area has better walkability for kids. The 2016 Growth Policy addresses the need for orderly growth and infill. All of our infrastructure is paid for by property taxes collected. Now as the Elks property sits, 5 cents per square foot is collected in taxes. A comparable property, Ave C Apartments, pays 1.18 per square foot in taxes. Shiloh Commons pays 83 cents per square foot.

Chairman Larson stated the meeting was slightly off topic. Mr. Goodridge concluded his comments. Chairman Larson addressed the public reminding them what the Commission is there to consider. The Commission considers bare ground zoning and often times the zoning gets tied to a particular project. The reality is, the Commission is to consider whether this is a reasonable zone change for the area. That is why a Master Site Plan and Traffic Impact Study comes later and is not required for the proposed zoning. We are only considering the underlying zoning and not the project that may or may not be developed.

Staff Zoning Coordinator, Nicole Cromwell confirmed Chairman Larson's statement. She also clarified for all in attendance that every development requires a Traffic Impact Study and is required to manage new stormwater and off street parking. All of those things happen after the zoning is in place.

Motion

Commissioner McCall made a motion and Commissioner Goss seconded the motion to approve City Zone Change 1005, with staff recommendations.

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

The Motion passed to Approve City Zone Change 1005 with a 3-0 vote.

Public Hearings:

City Zone Change 1006 – 1204 Howard Ave – from N1 to NX1 - A zone change request from N1 (First Neighborhood Residential) to NX1 (Mixed Residential 1), on Block 2, Lots 1-2 of the West Billings Heights Subdivision, S05, T01 S, R26 E, a 7,000 square foot parcel located at 1204 Howard Avenue. The purpose of the zone change is to allow the existing duplex to be modified into a 4-unit structure. Tax ID: A17638

Staff Recommendation:

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 effect 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.

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

- Meets the criteria in the Growth Policy and Billings Heights Neighborhood Plan
- Increasing the allowed density on this parcel will not increase the size of the structure
- Adjacent uses and zoning are compatible with proposed change
- Allows a mixture of housing types

Questions for staff:

Commissioner Goss asked if the off street requirements would be able to be met. Staff replied off street parking and landscaping would be required.

Applicant: Chris Ketchel, 1204 Howard

We have a duplex with an exterior entrance into the basement. We are wanting to turn this into 4, one bedroom units. Off street parking was discussed with John Zich of Engineering. They should be able to accommodate the parking requirements. We are 2.5 blocks from the park.

Public Hearing: 6:05PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1006.

In Favor: None

Opposed: None

Public Hearing closed at 6:06PM

Motion

Commissioner Goss made a motion and Commissioner McCall seconded the motion to approve City Zone Change 1006, with staff recommendations.

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

The Motion passed to Approve City Zone Change 1006 with a 3-0 vote.

Public Hearings:

City Zone Change 1007 – Emma Jean Heights – from N2 to N3 - A zone change request from N2 (Mid-century Neighborhood Residential) to N3 (Suburban Neighborhood Residential), on 51 parcels in the Emma Jean Heights Subdivision located off Bitterroot Dr. Tax IDs: A35410, A35407, A35408, A35409, A34268, A34269, A34271, A34270, plus 43 other parcels without Tax Id's.

Staff Recommendation:

Planning staff recommends approval of Zone Change 1007 and adoption of the findings of the 10 review criteria.

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 effect 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.

Questions for staff: Commissioner McCall asked about current zoning.

Applicant: Charles Felton

The zoning was changed with Project Re:Code and I consequently lost 14 sales. There has been a lot of inconsistency going on creating confusion and inability to move forward. He is also bothered by the length of time (8 months) it took his preliminary plat to be approved. He believes he should not be having to go thru this process and is tired of it.

Public Hearing: 6:15PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1007.

In Favor:

Penny Levy, 1411 Emma Ave

The zoning of my property was changed without my knowledge. She has contacted the Montana Department of Insurance. Since she is not currently adhering to current zoning, if my home were to

burn down, she would receive 10 percent less to rebuild. The value of her home is decreased because of zoning. This is an injustice.

Beau Thompson, 365 Stewart Ct. S

He has been building in this subdivision or several years. 2 of the homes, already built are currently out of zoning compliance. He appreciates the staff recommending the reversal of the zoning back to N3.

Steven Sprague, 1411 Columbine Drive

Why was only a part of the subdivision rezoned? All of the residents will be built the same way.

Opposed: None

Public Hearing closed at 6:21PM

Motion

Commissioner McCall made a motion and Commissioner Goss seconded the motion to approve City Zone Change 1007, with staff recommendations.

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

The Motion passed to Approve City Zone Change 1007 with a 3-0 vote.

Public Hearings:

City Zone Change 1009 – Zimmerman Home Place - from N3, NX1,NX3, P1 to PND (N2, NX1, NX3, P1) - A zone change request for 7.4 acres of N3 (Suburban Neighborhood Residential) to 2.06 acres of N2 (Mid-century Neighborhood Residential), 12.9 acres of NX1 (Mixed Residential 1) 16.67 acres of NX1, 13.69 acres of NX3 (Mixed Residential 3) to 13.97 acres of NX3 and 2.67 acres of P1 (Parks and Open Space) to 3.96 acres of P1, all within a Planned Neighborhood Development, on Block 1, Lot 1 and Block 2, Lot 1 of Zimmerman Home Place Subdivision 1st Filing, S34, T01 N, R 25 E, a total area of approximately 36.66 acres, near the intersection of Colton Blvd. and Zimmerman Trl. A pre-application neighborhood meeting was held on December 16th at 6:00 p.m. virtually on Zoom. Tax ID: A362620 and A362630

Planned Neighborhood Development
Zone Change Process

Current Zoning

Suburban Neighborhood (N3 – 1 family only – 7.4 acres)

Mixed Residential 1 (NX1 – 1 to 4 family – 12.9 acres)

Mixed Residential 3 (NX3 – 5 or more attached dwellings -13.69 acres)

Public 1 (P1 – Parks and Open Space – 2.67 acres)

Proposed Zoning

Mid-Century Neighborhood (N2 – 1 & 2 family – 2.53 acres)

Mixed Residential 1 (NX1 – 1 to 4 family – 16.67 acres)

Mixed Residential 3 (NX3 – 5 or more attached dwellings – 12.12 acres)

Public 1 (P1 – Parks and Open Space – 5.34 acres)

Existing and proposed zoning allows:

- 1 or 2 family dwellings (N2)
- 1 to 4 family dwellings (NX1)
- 5 or more dwellings (NX3) – apartment building
- Rental or owner occupancy of any dwelling unit
- No commercial uses other than home occupations
- Some special review uses – community residential facilities for more than 8 residents, churches, day care centers, retirement facilities, bed & breakfast
- N2 maximum height is 1.5 stories or 27 feet
- NX1 maximum height 2.5 stories or 27 feet
- NX3 maximum height 4 stories for “stacked units” 3 stories for “side-by-side units”

Staff Recommendation:

Planning staff recommends approval of the zone change to adjust the existing boundaries and eliminate the N3 zone

- Meets the Growth Policy and West Billings Neighborhood Plan
- Adjacent uses and zoning compatible with proposed zoning plan
- Adjusting the zone boundaries will make development of site more compatible with adjacent zoning and uses
- N2 and N3 are compatible zone districts
- Developer will be financially responsible for all site improvement and adjacent ROW improvements required to accommodate actual development – installation/repair of sidewalks, curbs/gutters, water, sewer, storm water, and completion of ROW improvements (if and when required)
- If zoning is approved, a Master Site Plan approval is required along with a Traffic Impact Study (TIS)
- TIS will identify traffic impacts based on actual development
- City Engineer will require mitigation and management of all new traffic from site

Applicant: Preston Lees, 2116 Broadwater Ave, Suite 101

He is a third generation Montanan. He has been developing here for years. He has been watching this particular property for several years. He approached the Zimmerman family a few years ago. His intention is not to build 4 story apartments. More parkland and recreation areas. He considers this to be a minor zone change, some neighbors did not agree. After hearing neighborhood concerns and comments, he has tried to address them. The area will not be subdivided. A parking lot for the apartments and rear loading garages for the houses. Nothing will cross the trail.

Public Hearing: 6:42PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1009.

In Favor: None

Opposed:

Jim Wise, 2202 Avalon

He asked Mr. Lees if there will be any public parks in this subdivision. His understanding is when a subdivision is developed, there is area considered public park. If you don't allocate for public park, you may make a cash donation. Will there be a Traffic Impact Study? Zimmerman Trail is a disaster. The traffic is a bad situation. It is relatively narrow. It backs up a full set of stop lights during peak times. Will Ave D be connected to this subdivision? He would like to see another access other than Colton.

David Munson (caller), 2801 Avalon

At the neighborhood meeting the request was to keep N3 zoning at the NW intersection. There is a one lot buffer between million-dollar homes and 4 story apartments. The proposed N2 zoning will create narrower lots, duplexes with less set back. The neighbors unanimously requested this remain N3 zoning. He feels the developer is holding the citizens hostage saying if you allow N2 we will build these nice townhomes, but if you demand N3 here is what we'll build. He requests the zoning remain N3.

Jill Currier, 3834 Fairmeadow Dr

She is opposed because if we lose the N3, she will lose the value of her home. The traffic will flow out Ave D right thru my neighborhood. Lessen the density by keeping the N3 zoning.

Jeff Carroll (caller), 2105 Avalon

He believes the buffer zone as N3 should remain in place. He was zoned R-9600. He feels this will significantly reduce his property value. He disagrees with the Harvard review referring to no reduction of property values when in the same area of multi-family residences.

Breann Meham, 3804 Fairmeadow

She is concerned about traffic accidents. She would like it to stay N3.

Chet Sharbono (caller), 2104 Avalon

He is totally opposed of the zone change on Colton Blvd. There are 8 single family homes directly across the street from the proposed 24 units. This is not a soft buffer and is a total train wreck. The Harvard study was done 14-15 years ago. A recent article of April 2019 stated high density rentals can drive down the neighboring home values. Additonally, a large number of rentals in a given area lessens the buyer demand.

Rebuttal:

Craig Dalton, Agent

A PND was not required however the desire was to meet the intentions of the new code. Increasing pedestrian safety is one of the intents ot the new code. The N2 proposal allows for bringing the buildings closer and not crossing the walking paths. The intent is to maintain a nice long- term rental development. The parks will be zoned P1, which is public but privately maintained. The City Parks Department is not really interested in maintaining small parks. There will be interconnecting trails to the multi-use path. Ave D is not proposed to be connect to the west.

Public Hearing closed at 7:06PM

Motion

Commissioner Goss made a motion and Commissioner McCall seconded the motion to approve City Zone Change 1009, with staff recommendations.

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

The Motion passed to Approve City Zone Change 1009 with a 3-0 vote.

Other Business:

Adjournment: The meeting adjourned at 7:07PM.

ATTEST: Approved by a motion APRIL 5, 2022.

--Robbin Bartley, Administrative Assistant