



CITY ZONING COMMISSION
AGENDA-Tuesday, February 1, 2022, 4:30 p.m.
Billings Public Library, Community Room
510 North Broadway, Billings, Montana 59101

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.

Citizens are invited to:

- 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 January 4, 2021.

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff
a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

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

Public Hearings:

- a. **Zone Change 1005 - 934 Lewis Ave** - This is 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, an 8.02 acre parcel located at 934 Lewis Ave (Elks Lodge & Tennis Center property).

- b. **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, 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. A pre application neighborhood meeting was held on December 18, 2021. Presented by Karen Husman, Planner I
- c. **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. A pre application neighborhood meeting was held on December 11, 2021.
- d. **Zone Change 1009 - Zimmerman Home Place** - This is a zone change request for two lots within the Zimmerman Home Place Subdivision that are requesting annexation to the city. The current zoning was updated from the previous County adopted zoning of Residential 7,000, Residential 5,000, Residential 9,600, Public and Residential Multi-family-Restricted was adopted by the County in August 2016. When the County and City updated the zoning regulations in 2020 and 2021, new zoning districts were placed on these two lots that reflected to the maximum extent the previous zoning districts. The current zoning of these lots is N3 - Suburban Neighborhood (1 family dwellings), NX1 - Mixed Residential (1-4 family dwellings), NX3 - Mixed Residential 3 (5 and up attached dwellings), and P1 - Parks and Open Space. The arrangement of the current zoning districts is shown on the Zoning Map attachment. The proposed zoning intends to eliminate the N3-Suburban Neighborhood zoning from the northern edge of Lot 1 in Block 2 and replace it with N2 - Mid-century Neighborhood (1 and 2 family dwellings). The applicant also proposes to re-arrange the P1 zoning to be more distributed throughout the NX3 zone district and increases the area from 2.67 acres in Lot 1, Block 2 to 4.32 acres. In Lot 1 of Block 1, the applicant proposes to eliminate the 4.79 acres of N3 zoning on the northern part of the parcel and replace it with 1.02 acres of P1 adjacent to Colton Boulevard and 3.77 acres of NX1 zoning. This will match the southern 12.90 acres of existing NX1 zoning in Lot 1 Block 1.

Other Business/Announcements

Adjournment

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.**

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: 02/01/2022

Information

Subject

The minutes of the Board meeting of January 4, 2021.

Attachments

BZC_2022_0104



**City of Billings Zoning Commission
Meeting Minutes January 4, 2022**

The City of Billings Zoning Commission met on Tuesday, January 4, 2022 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, January 4, 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, 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. For zone change requests the Council will conduct a public hearing for the first reading of the ordinance on January 24, 2022. If approved on first reading, a second reading public hearing will occur on Monday, February 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											
Daniel J. Brooks	Commissioner	E											
Greg McCall	Vice Chairman	1											
Trina White	Commissioner	1											
David Goss	Commissioner	1											
Wyeth Friday	Director, PCSD	-											
Monica Plecker	Division Planning Manager	-											
Nicole Cromwell	Zoning Coordinator	1											
Tammy Deines	Planning Clerk	-											
Dave Green	Planner II	-											
Karen Husman	Planner I	-											
Robbin Bartley	Administrative Support	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												1
Special Review	-												

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

Attending: Rick Leuthold, Phil Johnson, Dave Nerdil, Ed Hoffman, Scott Taylor, Cinda & Greg Biggs, Michael Henthorn, Roger Fuhrman, Scott Bell, Vicki Dunaway, Lincoln Powers, Judi Powers, Ron Johnson, Denise Johnson

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: December 7, 2021

Commissioner White made a motion and Commissioner Goss seconded the motion to approve the December 7, 2021 meeting minutes. The motion carried with a 4-0 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 are in the Exparte notebook.

Site visits were completed by ***

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 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

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)**

Staff Recommendation:

Planning staff recommends approval of the zone change to N2, NX1, NX3 and P1

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

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

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;

- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will affect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

Questions for staff:

Commissioner White asked if this presentation is set in stone. Staff replied this is a preliminary draft of the proposed project.

Applicant: Rick Leuthold, Agent, Sanderson Stewart, 1300 Transtech

Some of the information he presented this evening is in response to the questions raised at the neighborhood meeting. Some of this information will be new to the audience members as well as the zoning commission, we wanted to be able to address those questions and concerns and so did our due diligence in getting the information together. Close attention is being paid to how development occurs and the improvements that accompany development in the peripheral areas of the community. The Bell Estates subdivision development is an excellent example of when an urban development can be approved by the county commissioners with out the necessary urban improvements. Concerns expressed in emails and at the meeting include traffic, widths of streets and density. A lot of thought went into how this area will be developed. You must meet City code requirements for parking. This project will go through a Traffic Impact Study (TIS) and issues will be addressed by the developer. Emergency Services has strict requirements for street width to get their trucks down, a minimum of 20 feet. The street width currently meets the requirement. It is a tradeoff, increased speed (another concern) comes with increased street width. There were concerns about the total number of units in this project asked at the neighborhood meeting. At that time, we **speculated** about 700 potential units. It is stated, this is conceptual, for analysis only. We did not want garages interfering with traffic on Bell Avenue. Based on further calculation, it is just over 408 units in the apartment complex and 26 twinhomes. Currently Shiloh Road and Monad are carrying less than half of their designed volume. Twin Pines and Legends are private roads and should be signed as such. Sanderson Stewart has a history of planning and building places where people want to live. Pedestrian access issues need to be addressed. The Banister Drain pipe will need to be widened. We are trying to development a better quality of place, promoting walkability. We are not being intentionally vague or misleading. This proposal fits the fabric of the neighborhood.

Discussion:

Rick addressed the twinhomes and conceptual drawings. Commissioner McCall asked about the same names on the streets. Rick stated the City requires the streets to line up or be off set by a minimum of 125 feet. The Twin Pines on the south will also be a private road, it will be 34 feet wide as required. Commissioner McCall asked about the maintenance of the Twin Pines private road to the north which is currently maintained by their HOA. What if it is being used for access to Central Avenue? Rick stated State Legislature allows for gating or speed bumps to deter this if necessary. Signs indicating “no through traffic” are also a possible recommendation. Commissioner Goss asked about traffic from the proposed NX3 area wanting to travel north. Rick explained that traffic could go north on Big Pine Court. A lengthy discussion of traffic, turning lanes and peak traffic times was discussed. Commissioner McCall then asked if tract 3 of C/S 2828 part of the same ownership as 1 & 2? Rick replied no. Commissioner McCall stated then no partial access is being implied. Rick explained the road will be built to specifications with 20 feet of asphalt, boulevard, curb and gutter.

Public Hearing: 5:30PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1004.

In Favor: none

Opposed:

Ed Hofmann, 4246 Central Ave

He owns 15 acres directly northwest of this development. A lot has changed in the last 30 years. He has witnessed many new developments in the area. Our current neighborhood are all permanent residents, not transient renters. He was discouraged at the neighborhood meeting feeling the presenters were not transparent in the intentions and wanted a “blank check” to do whatever they wanted. 408 dwelling units would be an extreme drain on the Police and Fire protection. This kind of population density brings crime and is a drain on the school system. Additionally, there are no parks in the area for children living in the apartments. All stormwater would be running directly into the Banister Drain which flows directly into our Yellowstone River.

Judi and Lincoln Powers, 4185 Obie Lane

We do not want more apartment buildings. Our neighborhood should be a place people want to live in with parks and trails. This will decrease our property values. Please continue with existing growth patterns, residential, parks and places where people live long term. This kind of density will bring traffic and safety concerns.

, 20 Twin Pines Lane

He is 1 of 3 HOA members. Unable to transcribe. Inaudible.

Toby Erickson, 4142 Banbury Place

The back of his house faces Bell Ave. Therefore, he is well aware of the traffic on Bell Ave, he insists there is far more traffic on Bell Ave than has been stated. He repeatedly states this project is a square peg being shoved into a round hole. This project is not a continuation of the existing neighborhoods. Apartments will not transition into the harmonious conditions existing. He disagrees with the planning recommendations and insists the 10 criteria are not being met.

Chairman Larson had conversation with the attendees about 3 minute timing and remaining quiet while waiting to speak. An audience member suggested there be a show of hands regarding how many were opposed, instead of speaking. Chairman Larson chuckled and stated he assumed all present were opposed and shared the same concerns and all persons wanting to speak would be given the opportunity, particularly if there was a concern not yet heard.

Mike Henthorn, 4160 Bell Ave

7 years ago a similar situation was heard and opposed. This is a place for families. Safety issues are a concern. Persons who can afford \$1800.00 for apartment rent can afford a house.

Roger Fuhrman, 191 Legends Way

He has been at this address about 1 year. He states there is already very high density surrounding him including the size of the medical facility and the traffic impact of it. He also states Staff did not take pictures correctly reflecting Bell Ave and how parking and traffic would not have adequate space. While there may be some walking, he contends we live in a cold and wintery Montana and most people will drive. He has no objection to growth and development and Monad is the better access.

Vicki Dunaway, 112 Legends Way

She has much concern about the traffic impact this will have on Legends Way. Legends Way is the most direct route north and was never intended to be a thoroughfare.

Rebuttal

Rick Leuthold, Agent, Sanderson Stewart, 1300 Transtech Way

Developments have requirements by the City for Park ground. This particular project does not require a park. He recommends contacting the Parks Department. Access ways were developed for interconnectivity, it can be revised. Stormwater control is the Banister Drain. There are many chemicals and debris going there. Stormwater requirements will be met as required by the DEQ. Permanent residents and transient/rental properties demographics are changing. These persons want to rent and change later. These are rentals with upstanding citizens choosing to live in high-end rentals. Who cares for the maintenance for Bell Ave? A good question. People go the most convenient route not the most direct. Persons in the Twin Pines could make it less convenient.

Public Hearing closed at 6:07pm

Chairman Larson asked Staff to post the 10 criteria for review on the viewing screen and asked for a motion.

Commissioner McCall stated to all regarding the caring of your neighbors, traffic and safety around you. He stated this is a tricky place to be and he is speaking as a land developer and homebuilder. Many times surrounding neighbors were unsure if they were going to like what is being built next door. When you live out on the fringe there is nothing for sure about what will be built "next door". Change is scary. At the end

of the day, when a landowner and developer is legally doing all that is required to make use of the land, it is withing their right to develop their land. Property rights in the United States of America are pretty darn strong. The only way you can control what happens to the land next door is if you own it. So, if you want the control it, you'd better buy it. Hard medicine to hear. You can not ever make everyone happy. Stormwater and traffic impact studies will happen. The process is good.

Chairman Larson stated to fellow commisioners to please identify which items you are in opposition to if it applies to you. He explained motions should be made in the affirmative. A second puts it on the table for discussion.

Commissioner Goss is the new kid on the block and has been in real estate for 30 years. Zoning is put into affect to protect existing homeowners. It is not the intent of the developer that is in question but the allowable uses in the zoning area. Traffic is a concern. Normally he agrees higher density is agreeable but where should it be put.

Commissioner White is called 3-4 times a day looking for rentals. People who want nice rentals in a nice neighborhood. The price is not an object. She would like to see more twinhomes.

Commissioner McCall talked about PNDs, annexation requires more than one zoning. The new code is addressing sprawling.

Commissioner Larson explained he heard objections or concerns with most of the 10 criteria at this meeting.

Motion

Commissioner White made a motion and Commissioner McCall seconded the motion to approve City Zone Change 1004, with staff recommendations, based on the Traffic Impact Study

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

The Motion tied to Approve City Special Review 1004 with a 2-2 vote. No recommendation to City Council.

Other Business:

Adjournment: The meeting adjourned at 6:15PM.

ATTEST: To be Approved by a motion February 1, 2022.

--Robbin Bartley, Administrative Assistant

Cromwell, Nicole

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

Follow Up Flag: Follow up
Flag Status: Flagged

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

December 28 2021

Planning Division
2825 3rd Ave N
4th Floor
Billings MT 59101

Dear Members of the Planning Division,

We have great concerns regarding the proposed development south of Bell Avenue from A to PND.

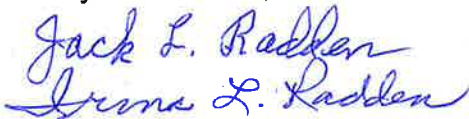
We recently, in August 2021, purchased a home located at 4229 Bell Ave directly across from the proposed area. Of course, we understood there would eventually be housing built on the beautiful hayfield. Having been raised on a farm it is beautiful.

Therefore we are desperately asking there be at least 2 or 3 rows of duplex homes built from Bell Ave south. There are apartments built on the south end by Monad which would lend to the apartment living. Homes built from Bell Ave south would blend with the Twin Pines Subdivision Also, Bell Avenue from Shiloh is congested because of the retirement home parking and would add to problems.

We are Seniors (80s) and have worked for many years to have a nice, quiet retirement. We grew up in Wyoming and retired in Grand Junction CO for 16 years in a patio home senior subdivision. Moved to Billings to be close to family and bought this home on Bell Ave in a mostly senior subdivision we thought was comparable.

We are asking you to please consider the residence in the Twin Pines Subdivision.

Thank you so much,



Jack and Irma Radden
4229 Bell Ave
Billings MT 59106

January 4, 2022

Attn: City/County Planning Division
RE: City Zone Change 1004
Project Number: PZX-21-00900
Certificates of Survey #2828, Tracts 1 & 2

As a current home owner at 4185 Obie Ln, building the home on an undeveloped lot in 2002, we have a vested interest in the zoning change requested. We built the home, at the time, at the edge of Billings, with beautiful views of the Beartooth Mountains and the Rims. Over time, development has changed the environment. We recognize that growth on the West End is inevitable, yet trust that the City of Billings will support growth that is in the best interest of current and future residents.

According to the Big Sky Economic Development's Community Development Mission: Community Development provides the leadership and resources to plan and initiate programs, projects, and partnerships that stimulate public and private investment, **provide a better quality of place**, and enhance the community's economic wellbeing, providing the foundation for economic development and a vibrant economy.

We are opposed to the currently proposed zoning change and want to go on record with the opposition. Further, it is our recommendation that the planning division and city council consider the current surrounding property types when making a decision, using the Bannister Drain as a natural defining border between current development of N2/RR1 and the large PUD development which includes MCOM/RVU campus. In addition, we would recommend retaining a consistent N2 zoning in Tract 1 and a maximum of NX2 zoning in Tract 2.

We attended the informational meeting on 11/22/21, and although provided feedback, did not see the feedback noted in the minutes. We would like to not only provide that feedback now, but also using some of the criteria used for review of zone changes, we would like you to consider the following:

- **Whether the new zoning will promote public health, public safety and general welfare?** While we are confident that the building will adhere to city stated codes, the addition of potentially 1500 residents or more (the details were not provided in the informational meeting, they were actually intentionally vague and misrepresenting) will not promote public safety and general welfare. The traffic that will be pulled into Monad Road as a main thoroughfare, must be taken into consideration. With the addition of another large apartment complex on the South portion of Monad along with future planned development of the same type on the southern side of Monad will continue to put a large amount of traffic onto the same major artery. The more traffic on Monad, the more the residents of this proposed apartment complex will detour through the existing streets, mostly Bell Avenue, Legends Way and Twin Pines. None of

those streets can safely handle the dramatic increase of traffic. This will put the current and future residents at risk.

- **Whether the new zoning will facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements?** Again, we are confident the build will provide appropriate access to water and sewage, there is no addition of public parks or green space to beautify the Billings Community and provide a better quality of space. In addition, there is a proposed “walking path” that enters right into Obie Lane, which does not provide a through route to the walking path along Shiloh Road. There is no function to this walking path for the residents of Bell Estates as there is no public park or walking paths that can be accessed. This feels like a thoughtless attempt at connecting the large lot residences in Bell Estates with the new zoned area without any benefit to the existing residents.
- **Whether the new zoning will affect motorized and nonmotorized transportation?** The existing road, Bell Avenue, cannot sustain the proposed dramatic increase in traffic. This increase, because there is only one side developed with a sidewalk and drain, will increase a risk to the current residents on Bell Avenue, and any pedestrians using this road for access to the Shiloh walking path. We want to again state that Bell Avenue is essentially a single wide road and it is NOT appropriate to increase traffic on that road at the level that is proposed especially if the Big Pine Court road is gated. Again, with the proposed growth that will increase motor vehicle traffic on Shiloh will force vehicles to a different path.
- **Whether the new zoning considers the character of the district and peculiar suitability of the property for particular use?** The application states that the proposed zoning provides “a transition to single-family and twin home residential uses to the north and single family uses east”. This is largely overstated. The transition, based on the zoning requests, move very quickly and in a cumbersome way directly to the apartment complex (NX3). The developers force a small area of N2 and NX1 as what they consider a buffer, which will only give a small transition from high value single family large lot homes into very compressed population. It is our recommendation that the character that exists currently (N2), be continued North of the Bannister Drain and East of 48th Street. This will maintain the character of the current developments, and the character of the district. The Bannister Drain creates a natural barrier between these neighborhoods and the developments south of Monad.
- **Whether the new zoning will conserve the value of buildings?** Although the specifics of the proposed development were intentionally vague during the informational meeting, the suggested buffer will not do anything to conserve or improve the value of the existing N2 and RR1 developments. There is no proposed beautification, parks for public, green space to buffer the transitions, and the increase in traffic alone will detract from the value of homes particularly on Bell Avenue.
- **Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings?** While it does not go unnoticed that affordable housing is needed in Billings, there are numerous options for providing affordable housing that are not large apartment complexes that deter from the existing communities. If development continues as proposed, NX3 will continue to 48th street (will foster similar development

from this point forward). The traffic will continue, the congestion will continue, and it will deter from the value of the land and existing developments.

Generally, our request is to keep the NX3 apartment developments to the West of Monad, deny this zoning request based on the following:

- **No attention to place making in the proposed zoning. No large green spaces, no public park (existing will be for residents only), no thoughtful walking paths for the public, and no intentional, logical transition from residences to apartments.**
- **The proposed development does not add to the community fabric, it is a detraction. The Olympic Village is a great example of the type of communities that Billings has planned to not repeat. This zoning would repeat that development without the road infrastructure.**
- **Increased risk of health and safety secondary to the traffic flow and lack of access through Bell Avenue (primarily due to the number of proposed inhabitants)**
- **Precedent for further NX3 zoning north of Monad to Central and 48th. Will continue to add dense population into an existing residential area, further increasing traffic and congestion.**

Kind Regards,
Lincoln and Judi Powers
4185 Obie Ln
Billings, MT 59106
406-855-5149
powersjudi@gmail.com
lincolnpowers@gmail.com

From: Terri Kaufman <kaufmanterri@gmail.com>

Sent: Tuesday, January 4, 2022 11:15 AM

To: John Halverson <jhalverson@sandersonstewart.com>; rleuthold@sandersonstewart.com

Cc: Kelly, Hunter <KellyH@billingsmt.gov>

Subject: [EXTERNAL] Public Hearing--City Zone Change 1004

While I understand the need for affordable housing, the proposed zone change is excessive. At the pre-ap neighborhood meeting on November, 23, 2021, the project was described as "720 units" and as a "highrise" building. This plan is not congruent with the existing neighborhood. The surrounding area consists of townhomes, single family dwellings, and a retirement community. The existing streets are not designed for the amount of traffic this plan would produce.

Sincerely,

Terri Kaufman

110 Big Pine CT

Billings, MT 59106

From: cfpratt677@gmail.com
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] ZONE CHANGE
Date: Tuesday, January 4, 2022 9:34:37 AM

My wife and I live at 42 TWIN PINES LANE and against
CITY ZONE CHANGE 1004
PROJECT NUMBER PZX-21-00300

we are opposed to this City Zone Change, traffic to and from the proposed building site
will be using our streets from Central Ave as Bell Ave is too narrow and hard to access off Shilo

Charlie Pratt
42 Twin Pines Lane
Billings, MT 59106
406-861-5061
cfpratt677@gmail.com

Sent from my iPhone

Zoning Commission

Date: 02/01/2022
Title: Zone Change 1005 - 934 Lewis Ave - from CMU1 to CMU1, NX1 and MX3
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 1005.

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

This is 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, an 8.02 acre parcel located at 934 Lewis Ave (Elks Lodge & Tennis Center property). A pre application neighborhood meeting was held on December 16, 2021.

APPLICATION DATA

OWNER: Billings Elks Lodge BPOE #394
AGENT: Dave Goodridge, Goodridge Real Estate and Jeff Lee, Thrive Corporation
LEGAL DESCRIPTION: Parcel 1 of C/S 2474
ADDRESS: 934 Lewis Avenue
CURRENT ZONING: CMU1
EXISTING LAND USE: Elks Lodge and Tennis Center
PROPOSED USE: Apartments and fitness center
SIZE OF PARCEL: 8.2 acres

Concurrent Applications: None

SURROUNDING LAND USE & ZONING

NORTH: Zoning: N2 - Mid-Century Neighborhood Residential
Land Use: Single family, 2-family and multi-family dwellings
SOUTH: Zoning: P3- Civic Campus, N1 - First Neighborhood Residential, NX2 - Mixed Residential 2
Land Use: YWCA Campus, single family & two-family dwellings, Midway Townhomes
EAST: Zoning: N1 and N2
Land Use: Single family and 2-family dwellings
WEST: Zoning: NO - Neighborhood Office, NMU - Neighborhood Mixed Use, NX3 - Mixed Residential 3
Land Use: Accountant office, Apex Fitness, The Art of Play children's center, Family Support Network, Stoneridge Apartments

The Elks Lodge, in the heart of the Mid-town neighborhoods of Billings, put its property up for sale in 2019. Membership in the lodge was not robust and declining revenues from the facility required the sale of the property. The lodge itself will move to another smaller location. The lodge has filed for bankruptcy protection. A buyer, Thrive Corporation from Utah, has come forward and proposed to build residential apartments and re-use the entire property for new development.

Prior to the zoning update in 2021, the property was partially zoned Residential 7,000 (R-70) and partly Community Commercial. The north 200 feet was zoned R-70 and the eastern 100 feet was also zoned R-70. The remaining five acres of Community Commercial took up the southwest portion of the property. During the map update in 2021, the parcel was zoned as CMU1 to better match the current and future uses of the land. The parcel has received previous approvals to have on-premise liquor service and events and gatherings were held in the Elks Lodge building. The Elks Lodge was built here in 1967. About 10 years ago, a tennis center was constructed in partnership with the local tennis association. The plan is to leave this large recreational facility in place and re-purpose it if possible as an amenity for the new residents and for the community.

The current zoning of CMU1 requires a mixed use building for any residential development. Single family, two-family or multi-family dwellings would have to be within a building with a ground floor commercial use. The proposed zoning keeps the CMU1 zoning around the tennis center (~1.5 acres), and down-zones the remaining 6.5 acres to NX1 (1 to 4-family dwellings - ~2 acres) on the Lewis Avenue frontage and NX3 in the southwest 4.5 acres of the property. A Master Site Plan approval will be required for the new residential development. This will include adjacent street improvements and on-site improvements to accommodate the development. The developer is financially responsible for these improvements. No

adjacent owners will be asked or required to participate in improvements required to accommodate this development.

STAKEHOLDERS

The applicant conducted a pre application neighborhood meeting as required on December 16, 2021 at the Elks Lodge. Twelve surrounding owners or interested citizens attended the pre app meeting. There were questions on tenancy of the proposed units (unit-owned or developer-owned), the development of 10th St West to be a complete street, the number of dwellings units (200-250 estimated) and the type of units allowed in the NX1 zone district. The pre-app meeting notes are included as an attachment. In addition, Planning staff received a few phone inquiries from surrounding owners about the zone change process and how to participate. One owner asked for information on filing a valid protest petition. No written communication from surrounding owners has been received at the time of the staff report.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1005; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1005; 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 Central Terry Neighborhood Plan (1999):

The Central Terry Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The Central Terry Neighborhood Plan was written when the task force area was much smaller and did not necessarily include this specific area. However, some of the stated goals of the neighborhood plan related to housing and land uses are applicable to this major in-fill/re-fill development proposal. The proposed down-zoning is responsive to the need to not allow commercial or non-residential uses to interfere with the existing residential neighborhood patterns. The NX1 proposed for the Lewis Avenue frontage will match the similar type of development on the north side of Lewis that has single-family, two-family and multi-family dwellings. The NX3 zoning for the southwest corner of the property matches the zoning and development on the west side of 10th St W (Stoneridge Apartments). The P3-Civic Campus for the YWCA to the south will be compatible with the proposed uses in the NX3 zone. Reducing the CMU1 zone to just contain the existing tennis center, will allow this recreational facility to be re-used or re-purposed as an amenity for the new development and the neighborhood.

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

Prosperity:

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

This area of Billings has attracted some new developments over the past decade including the new Midway Townhomes project to the south and west, and new townhomes (4-unit dwellings) on Wyoming Avenue. The YWCA has also invested in housing to support women and their families transitioning to independent living. There are additional in-fill/re-fill opportunities in the area including some vacant residential lots to the south and west, the Shrine property on Broadwater Avenue, and other property that is ready for a "second" cycle of development. Many of the non-residential buildings in the area are reaching an expected life span of 50-70 years. These properties will be re-developed or re-purposed in the coming decades.

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

The zoning requires build-to zones, setbacks, open and landscaped areas and building separations. The proposed zoning 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 will provide more certainty both for the property owner and the surrounding owners. Completing incomplete city streets and infrastructure is beneficial to the general welfare.

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

Transportation: The applicant will need to develop a traffic impact study and will need to coordinate with the city Engineering Division. The type of traffic generated (or was generated) by the Elks Lodge facility is very different from the day-to-day traffic of a residential neighborhood. Event-type traffic can bring several hundred vehicles to the location in a short period of time. Lewis Avenue is designated a collector street and currently handles about 5,000 vehicle trips per day. Collector Roads are intended to carry more vehicles than a local street. Specifically, collector roadways collect traffic from the locals streets and link them to arterial roadways. Collector roads are intended to handle lower volumes of traffic, at slower speeds, than an arterial, but are more robust than local streets. These collectors may provide direct residential access. On this section of Lewis, bicycles share the road with vehicles and parked cars. Further west, there is an on-street bike lane and limited on-street parking. In addition to Lewis, the property is adjacent to 9th Avenue, 10th Avenue and Yellowstone Avenue. These are all considered local streets. Tenth Street does not have full right of way and lacks some improvements. Yellowstone Avenue also lacks improvements. Public improvements for all of the streets around the property required by this development will be evaluated by the Public Works department during site plan review.

The tennis center is estimated to generate a maximum of 1,240 trips per day. Multi-family developments can generate between 5 and 8 trips per dwelling unit or about half the number of trips a single family development generates per dwelling unit. A traffic impact study is never required at the time of zoning determinations. This is due to the cost of such study based on uncertain numbers of new dwelling units or intensity of development. One will be required prior to development and will include potential impacts and mitigations for adjacent streets, and street intersections. The mitigation, as determined by the city engineer, will be the responsibility of the developer.

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 in-fill city neighborhood. Any new children in the development will attend Broadwater Elementary School, Lewis and Clark Middle School and Senior High School. 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 and building separations 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 this area of Billings. There are some deficiencies in the

surrounding road network including half-built or under-built roads. Connecting this property to a full mobility network will be essential. Completion of the roadway and walking infrastructure usually only happens with new development. The property is within walking distance to Grand Avenue (1/4-mile north) and Broadwater Avenue (2 blocks south) - two major commercial corridors connecting to the rest of Billings. Fixed bus routes on MET transit are available on Grand and Broadwater. Lewis Avenue is a major bikeway corridor connecting this property to the downtown core.

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

The proposed down-zoning from CMU1 to the NX1 and the NX3 zone districts 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. The CMU1 zone can allow up to a 4-story structure with ground-floor commercial uses and 3 stories of apartment above. The proposed NX1 zoning for the Lewis Avenue frontage will be height limited to 27 feet, and all garages will be rear-loading to allow a compatible residential frontage. The NX3 zone can allow taller structures - up to 4 stories - but also requires rear loading garages or surface parking/detached garages to the rear of a building space. The NX3 also requires provision of some usable open space for each 3 acres of development. The NX3 zone is not across the street from any single-family or two-family zone districts.

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 Lewis Avenue and Broadwater is an under-developed are of the Central Terry Neighborhood. Geographic challenges are in the area including Spring Creek, a large underground drain and dramatic changes in topography from north to south. The property is suitable for the proposed uses for multi-family development.

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

The property has an older structure that will be difficult to re-purpose as is. The new zoning will place this building in a zone that does not allow the use by right. It will become legally non-conforming. The buyer does not intend to keep this structure. The newer tennis center will be in the remaining area of the CMU1 zone district. This will preserve the value of this building. Approval of the zone change will provide certainty for the intended development to surrounding landowners and may help to maintain property values of adjacent buildings. In general, new construction tends to raise surrounding property and building values.

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

The proposed down-zoning from CMU1 to NX1 and NX3 for 6.5 acres of the 8-acre parcel will encourage the most appropriate use of this land in Billings.

Attachments

Exparte BZC 1005
Zoning Map and Site photos
Proposed zoning Plan
Application and Pre app meeting
Applicant Letter

Dear Members of the City Zoning Commission,

I am asking that you deny the rezoning of the land at 934 Lewis Avenue

(Elks Club) for the following reasons.

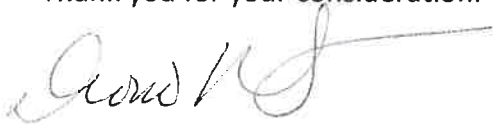
-The new zoning will NOT prevent overcrowding of the land. On page 7 the developer states that to be profitable, 200 to 250 units would have to be built. That could average 300 or more cars. How can the tennis courts stay, the units be built and 300 cars fit in that area? Already, the apartments to the west of the Elks has overflow parking that parks along the Elks. Where will those cars go?

-The new zoning will NOT avoid undue concentration of population. Again, citing page 7, if 200 to 250 units are built at an average 2-3 people to unit, that would add 400 to 750 people to this area.

-The new zoning will ABSOLUTELY NOT lessen congestion on the streets. Again, adding 300 or more cars to this corner is too many. 10th street is not finished and dead ends at Yellowstone. Yellowstone is not finished and has no gutters, proper paving or street lights and it dead ends near 10th. This leaves all traffic to be on Lewis and 9th. Both of these streets are 2 lane. Overflow parking will line the streets of Lewis and 9th is narrow and can't accommodate overflow parking.

In conclusion, I have no problem with mixed use 1 but using that to add a buffer (pretty face) on Lewis and then putting the less attractive high density mixed use 3 housing hiding in back abutting our single family homes is not reasonable for the character of our neighborhoods.

Thank you for your consideration.



Dionē Roberts

833 Wyoming Avenue

Billings, MT 59101

(406)591-7591



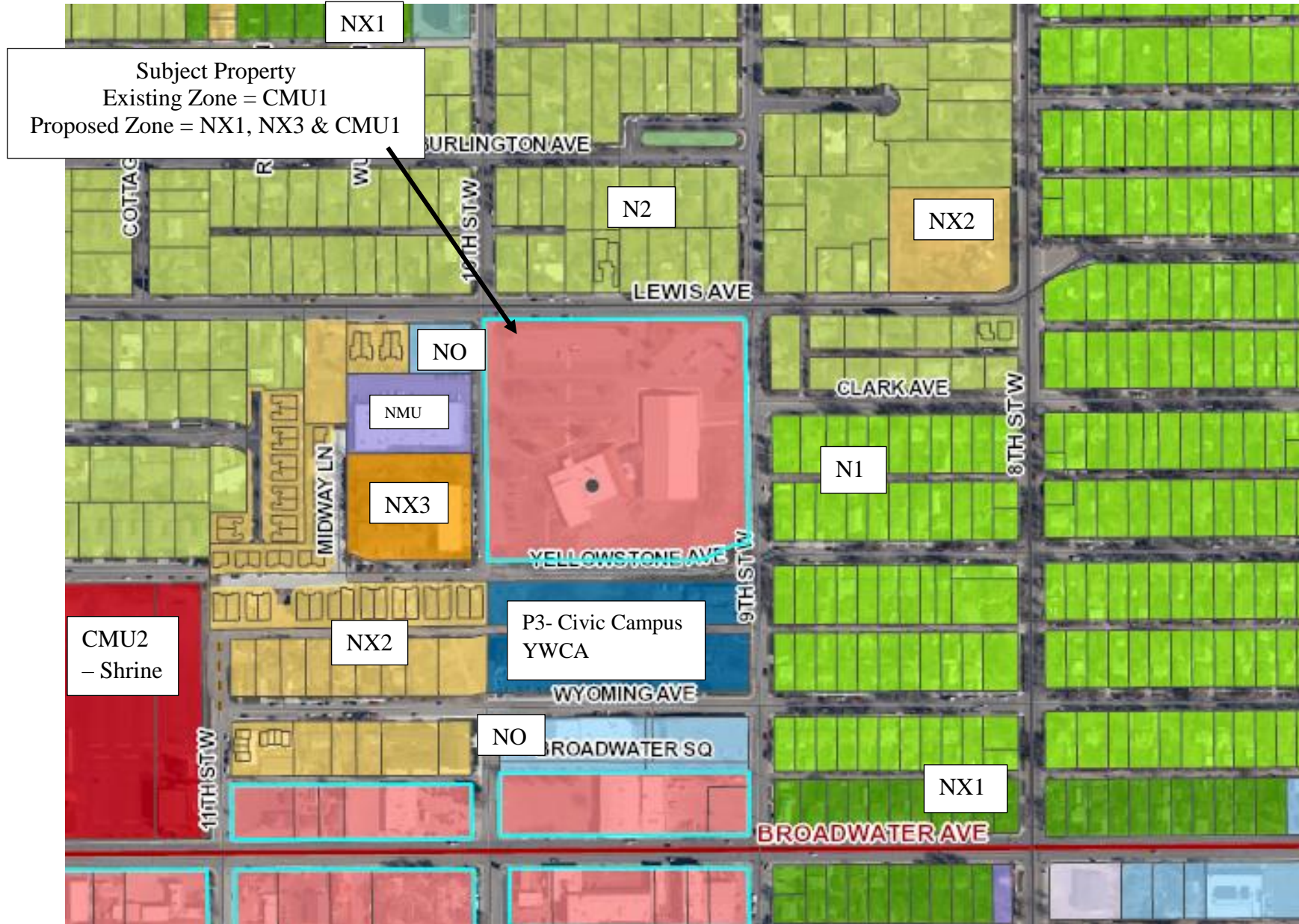
From: [Tara Stricker](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] zoning
Date: Tuesday, January 25, 2022 2:48:13 PM

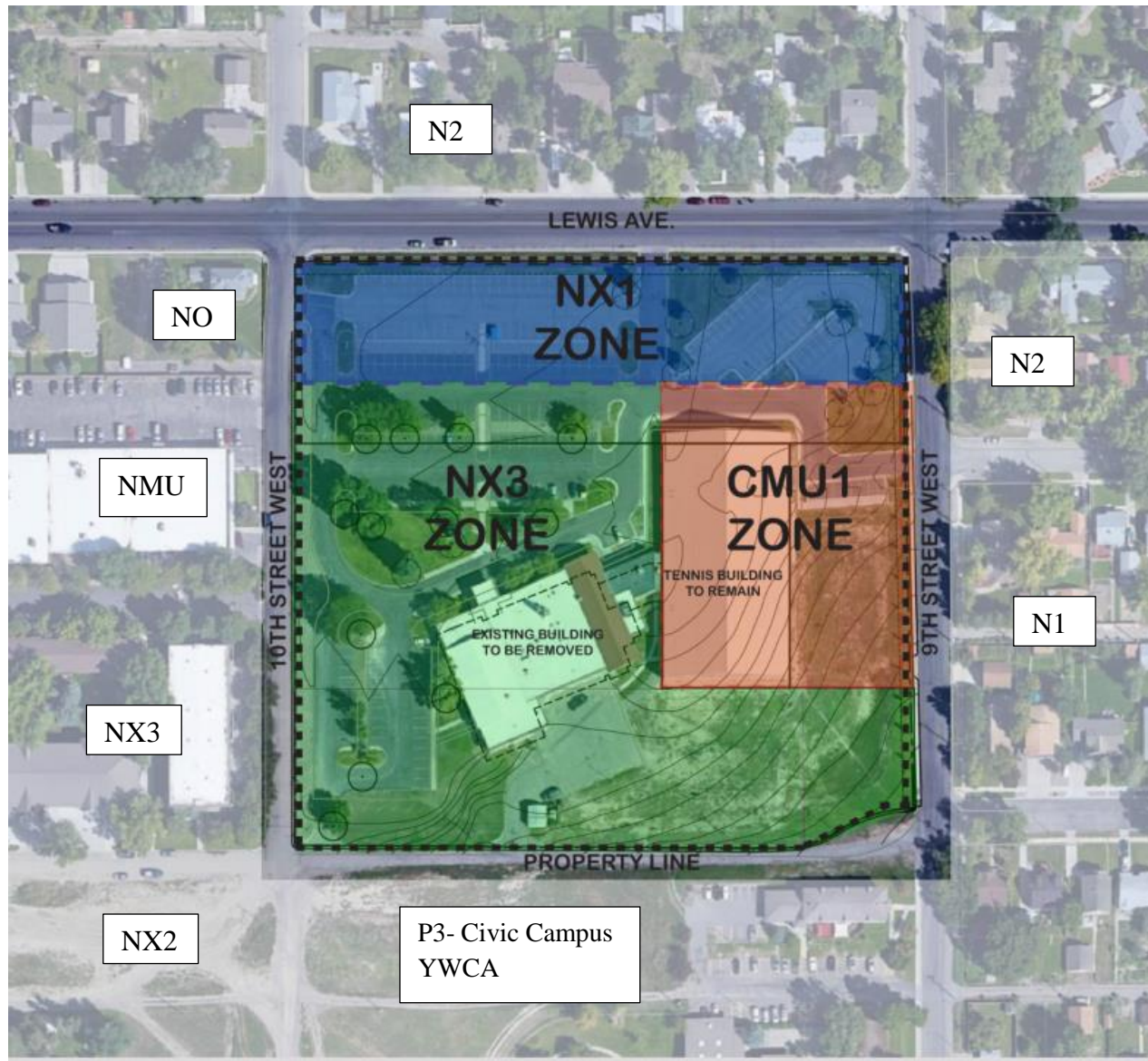
Good Afternoon

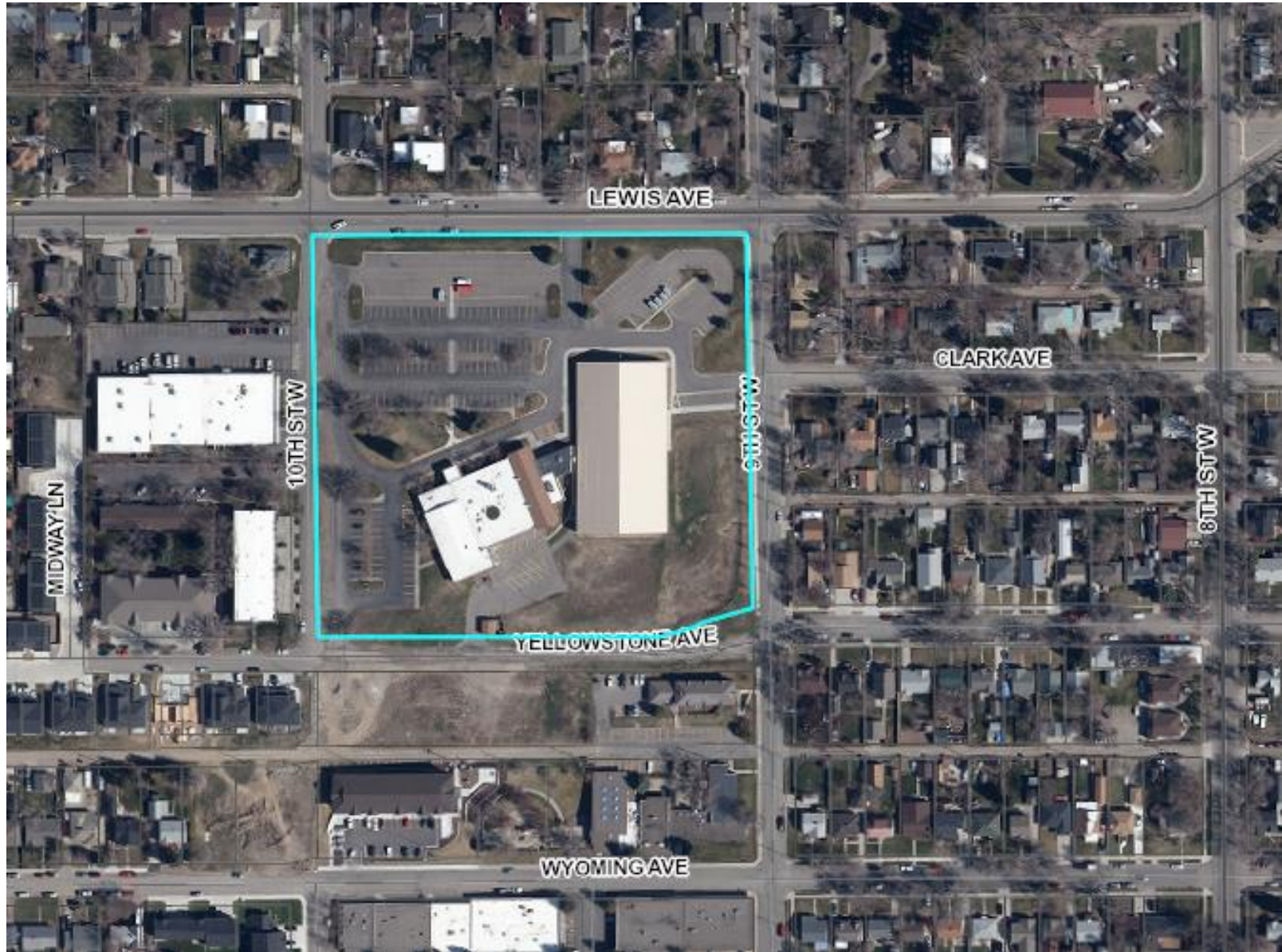
I am emailing regarding the proposed unit to be built on the Elks Property. As a homeowner in this area, I very much disagree with this unit being built. In addition to creating a huge amount of traffic, this will also adversely affect our sewer system. Where will the parking be for the apartment complex? People moving into this unit with children will then inundate our school district with new enrollment. I would like info on how to share my concerns with the city, in addition to the email. I will also be walking door to door to discuss this with area homeowners. Thank you

Tara Stricker
taras@queenbeebilling.com
406-702-0055

City Zone Change 1005 – 934 Lewis Avenue
Zoning Map and Site Photos









Subject Property at Lewis Ave



View east on Lewis Avenue



View north east across Lewis Avenue



View north across Lewis Avenue



View west on Lewis Avenue



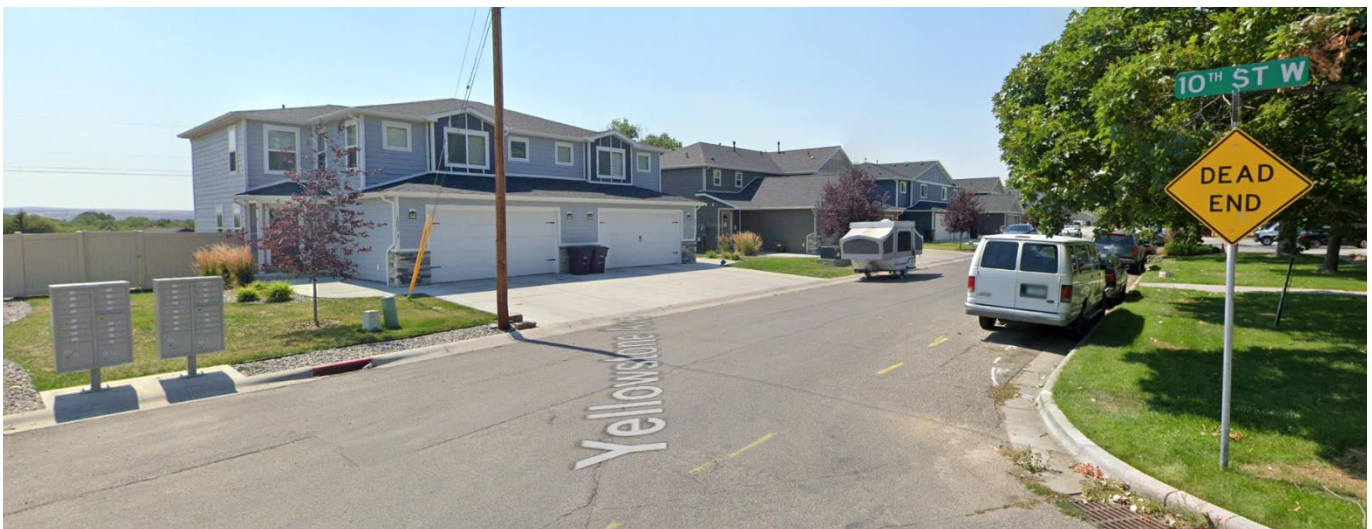
View from south east corner to the north and west



View north from Yellowstone Avenue



View south and east from Yellowstone Avenue – YWCA Campus



Yellowstone Ave and 10th St West – Midway Townhomes



View north on 10th St West from intersection of Yellowstone Avenue



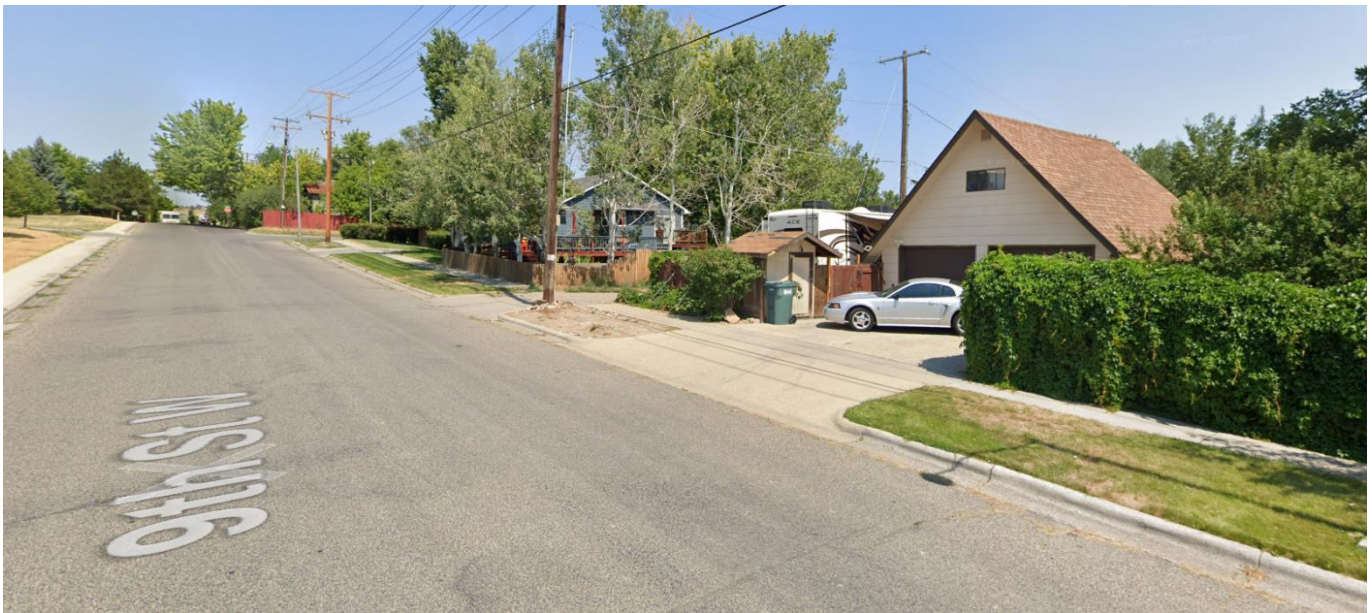
View north and east from 10th St West



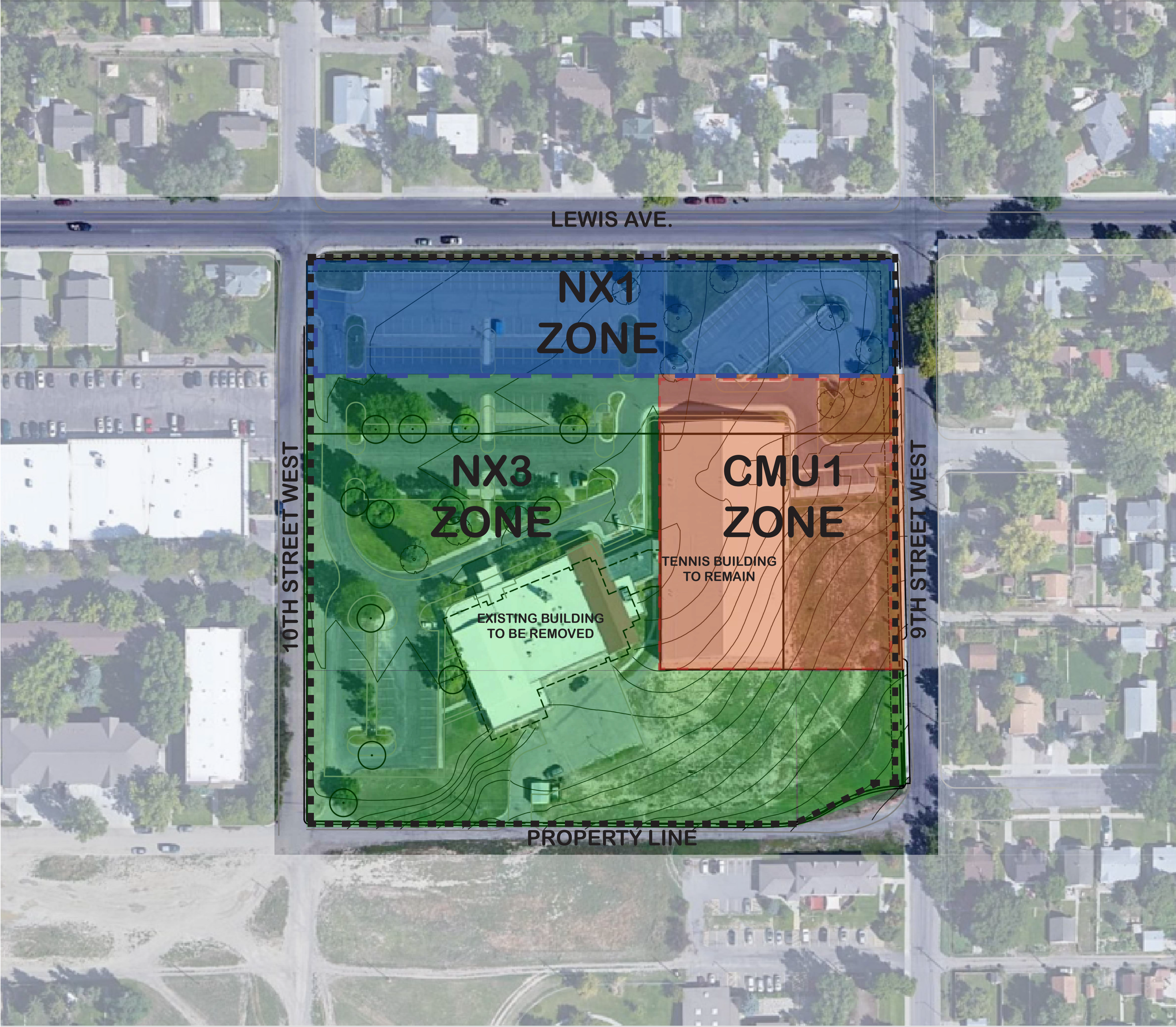
View west on 10th St West near Lewis Ave intersection



View south and west from intersection of 9th St West



View north and east on 9th St West



ZONING SITE PLAN

APPLICATION FORM

CITY ZONE CHANGE

Billings Zone Change #

~~1005~~ 1005

- Project #

PZX21-00314

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning CMU 1

Proposed Zoning: NX1, CMU 1, NX3

TAX ID# D 012810

CITY ELECTION WARD _____

Legal Description of Property: D 05, T 01 S, R 26 E, C.O.S. 2474, PARCEL 1

Address or General Location (If unknown, contact City Engineering): 934 LEWIS AVE, BILLINGS, MT 5910

Size of Parcel (Area & Dimensions): 8.20 ACRES

Present Land-Use: CMU 1 - CORRIDOR MIXED USE

Proposed Land-Use: CMU 1 (TO REMAIN IN A DESIGNATED LOCATION) - CORRIDOR MIXED USE
NX1 - MIXED RESIDENTIAL 1, AND NX3 - MIXED RESIDENTIAL 3.

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Billings CLKs BPOE # 394
(Recorded Owner) 934 Lewis Ave
(Address) 406 670 6419
(Phone Number) jrliceman1963@gmail.com
(email)

Agent(s): JEFF LEE
(Name) 7585 UNION PARK AVE. STE 200, COTTONWOOD HEIGHTS, UT 84047
(Address) 801.808.3288
(Phone Number) JEFF@THRIVECORP.COM
(email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Special Representative Date: Dec 02 2021
(Recorded Owner) BPOE 394



Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. Present Zoning: CMU 1

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

TO ADD AN "NX1" ZONE ON THE NORTH, REDUCE THE "CMU1" ZONE, & ADD "NX3" ON THE WEST & SOUTH OF THE PARCEL.

3. Subject Property Map: please attach to this form

4. Legal Description of Property:

S05, T01 S, R26 E, C.O.S. 2474, PARCEL 1

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

CENTRAL TERRY TASK FORCE, LISA SANDAU - 845 MILES AVE., BILLINGHAM, MT 59111

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 16, day of DECEMBER, 2021.

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

Owner (s): Billings EIKS BPOE # 394 Telephone: 406 670 6419

Address: 934 Lewis Ave Email: griceman1963@gmail.com
Billings MT 59101

Agent (s): JEFF LEE Telephone: 801. 808. 3288

Address: 7585 UNION PARK AVE. STE 200 Email: JEFF@THRIVECORP.COM
COTTONWOOD HEIGHTS, UT

84047

PLEASE SIGN IN

Roster of Names in Attendance per City of Billings Requirement

	First Name	Last Name	Contact Information (Voluntary)
1	Steve	Zeier	Steve@trinityrent.com
2	JASON + Desirae	Miller	
3	Frank	Witt	fjwitt4@hotmail.com
4	Conna	Johnson	
5	Jeff	Isom	jr.isom1963@gmail.com
6	Joan	CLARK	
7	Dee Dee	Chiesa	
8	MARV	Volesky	
9	Robert	Ostler	(406) 671-4005
10	Michael	Burke	406-6705243 mburke@chgh.net
11	Ernie	Dutton	406 591 1290
12	Russ	Fagg	406-855-0224
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David Goodridge
PO Box 3174
Billings, Mt
59103
(406)591-1605

December 21, 2021

City of Billings Zoning

Summary of Pre-App Neighborhood meeting held December 16th, 2021, at 7:00PM at 934 Lewis for the purpose of informing the immediate neighbors of the intent to change the current zoning at 934 Lewis.

The meeting was started at 7:00PM. There were 12 in attendance at the start of the meeting with three more coming in a little later for a total of 15. Along with the 15 attendees there were 2 from Thrive Development (applicant), the party seeking the zone change. There were 2 from Thrive's contracted architect firm Collaborative Design, Jeff Kanning and Bill Haynes. Also in attendance was the buyer's Real Estate Broker David Goodridge with Good Ridge Real estate.

Jeff Kanning from Collaborative Design started the meeting by describing the property and its current zoning and what that zoning allows and does not allow. He also described the desired zoning that the applicant is looking to obtain. Collaborative brought illustrations showing the approximate locations of the different zoning lines, NX1, NX3, and CMU1.

Steve Broadbent, Principal with Thrive Development, provided a description of his company and what kind of structures could be built if the desired zoning was obtained. Examples of structures were supplied on boards showing the types of structures that could be built. He and Jeff Kanning both emphasized that a final product and location was not solidified in any way at this point.

Questions from attendees (15 minutes)

- Were there going to be condos available for purchase?
 - No, these units would all be built for rent.
- What was going to happen with the 10th St W half street? Would it be fully built out?
 - Owner/developer would complete whatever the city required.
- How many units would be built?
 - Unknown for right now. Thrive said they need 200-250 for it to make financial sense.
- How far back from Lewis would the bigger apartment buildings be located?
 - Thrive and Collaborative informed the neighbor that it would be behind the NX1 zoning but could not inform him an exact measurement at this time.

The meeting was adjourned at 7:35 after having no more questions.



Three Categories discussed in this document:

- 1) Statement How the Proposed Zone Change Is consistent with the adopted Growth Policy, Neighborhood Plans, and other city development policies**
- 2) How the Zone Change meets the 10 Statutory Criteria for a zone change**
- 3) Statement how it fits in with Existing or Planned Developments in the Area**

Statement How the Proposed Zone Change Is consistent with the adopted Growth Policy, Neighborhood Plans, and other city development policies

The proposed zone change is consistent with the Growth Policy, Neighborhood Plans, and other City Development Policies because we are following the city guidelines and policies to ensure a beautiful and healthy development and neighborhood.

One of the city policies our project meets is to have a neighborhood that is safe and attractive, and that provides essential services (such as housing) that are desired. It also meets the policy of choosing to have infill development that is near city infrastructure that will add real value to the community. Currently, much of the parcel goes unused, is allocated purely for parking, or is unfinished grass. Providing a mix of beautiful housing that meets the needs of various Billings residents is an important aspect of city growth.

We also wish to incorporate amenities that are otherwise non-existent in Billings that will provide a nice and different lifestyle than is currently available.

We will enhance and maintain the community fabric as we intend to build aesthetically pleasing, and uniquely Billings, landscapes and architecture that beautify and inspire the residents of the city.

Providing a safe and livable neighborhood can be achieved through smart subdivision design that focuses on complete streets, and walkable access to public spaces. We intend to both provide and enhance a neighborhood that is safe, attractive and provides essential services that are strongly desired.

How the Zone Change meets the 10 Statutory Criteria for a Zone Change

- 1) The new zoning is consistent with the growth policy because it provides special amenities and active living opportunities that are desirable for an attractive and healthy community. The development will also improve the property values and provide an excellent infill development near existing City infrastructure.
- 2) The new zoning will meet all fire codes and safety codes for all tenants and guests on the property as we will abide by and incorporate all Billings city fire and safety codes into the development.
- 3) It promotes public health, safety, and welfare as it will allow a mixture of housing types with access to recreation, special amenities and active living opportunities that are desirable for an attractive and healthy community.
- 4) It will facilitate adequate provision of transportation, water, sewer, schools, parks, and other public requirements as we will design the property to meet these City requirements and provide for the tenants accordingly.
- 5) It will provide adequate light and air as we will not exceed the allowable density allotments.
- 6) We will provide motorized and non-motorized transportation accordingly and build the project in compliance with parking and safety standards for transportation.
- 7) It does provide for compatible urban growth as we are building a buffer which will contain a mixture of densities for multi-family use. We will have both townhomes and apartments to provide an opportunity for families of all shapes, sizes, and income levels.
- 8) The architecture will be in character of the district and will be suitable for the property and particular uses. We plan to incorporate architecture that both accentuates and beautifies the surrounding area and landscape.
- 9) The new zoning will conserve and increase the value of existing and surrounding buildings.
- 10) The new zoning will encourage the most appropriate use of the land throughout the City of Billings. The parcel is essentially mostly parking lot and grass. We intend to provide the necessary parking through the infill project and provide beautiful and clean housing for all people in Billings.

Statement how it fits in with Existing or Planned Developments in the Area

The proposed zoning fits in with the area as we will be providing infill development that beautifies and adds value to the property and surrounding neighborhood. It also allows a mixture of housing types to provide housing options for all age groups and income levels. A nice mixture of housing also provides for a vibrant and unique community. We will also be planning and enhancing the public space and landscaping on the parcel.

Lastly, the mix of housing types will meet the needs of a diverse population, and the housing and community will be clean, healthy, and safe.

Zoning Commission

Date: 02/01/2022
Title: Zone Change 1006 - 1204 Howard from N1 to NX1
Presented by: Karen Husman
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 1006.

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

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, 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. A pre application neighborhood meeting was held on December 18, 2021.
Presented by Karen Husman, Planner I

APPLICATION DATA

OWNER: Ashley Delp
LEGAL DESCRIPTION: Block 2, Lots 1-2 of the West Billings Heights Subdivision
CURRENT ZONING: N1
EXISTING LAND USE: One two-unit dwelling and one single family dwelling
PROPOSED USE: Residential multi-family (increase units in duplex to make a 4-unit dwelling)
SIZE OF PARCEL: 7,000 sf

CONCURRENT APPLICATIONS:

None

SURROUNDING ZONING AND LAND USE:

NORTH: Zoning: N1 & NX2
Land Use: Residential single family & a 4-unit dwelling
SOUTH: Zoning: N2
Land Use: Residential single family (2 single family dwellings)
EAST: Zoning: NX1
Land Use: Residential multi-family (3-unit dwelling)
WEST: Zoning: N1
Land Use: Residential (2 single family dwellings)

The proposed zoning would allow an existing duplex dwelling to use the basement area to add two units, creating a 4-unit dwelling on the property along with the existing single family dwelling. This will provide additional affordable housing choices without increasing the footprint of the existing structures. There are other similar multi unit properties in the area and throughout this neighborhood, including two 4-unit dwellings on the northeast corner of 12th St West and Howard Avenue. The property east across 12th Street West is zoned NX1 and has a multi-unit building. A Master Site Plan review will be required with the increase in dwelling units, the applicant is prepared to provide additional off-street parking. The additional units will have egress windows added for safety as required by building code, and the new units will meet all other requirements for building and fire codes.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1006; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1006; 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

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

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

The proposed zone change does conform to the following guidelines of the 2016 Growth Policy:

The proposed zone change does conform to the following guidelines of the 2010 Growth Policy:

Strong Neighborhoods:

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

Home Base:

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

The proposed zoning would allow an existing duplex dwelling to use the basement to add two units, creating a 4-unit dwelling on the property along with the existing single family dwelling. The proposed zone is consistent with the City's Growth Policy and increases density without adding a large demand on city services. This will provide additional affordable housing choices without increasing the footprint of the existing structures.

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

The new zoning requires minimum build-to zones, open and landscaped areas, and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The existing structure footprints will not be expanded so current setbacks and building separation will not be reduced.

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

Public health and public safety will be promoted by the proposed zoning. The existing parcel has already been developed and used for as a two-family residence and for a single family residence since they were built in the 1930's. A zoning of NX1 is required to have more than 2 attached dwelling units. The proposed zoning would allow the owner to acquire a rebuild letter under the new zoning after converting the basement into two more dwelling units. This will also allow the owner to reduce the risk associated with insuring the property and investing in property improvements. The proposed zoning (NX1) would allow the owner to ensure development is not intrusive to neighboring property, and still allow compatible uses with the adjacent N1 and the NX1 zoning.

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

Transportation: The proposed zoning will have little impact on the surrounding transportation systems.

Water and Sewer: The property has City water and sewer services.

Schools and Parks: Schools and parks should not be significantly affected by the proposed zone change, this will depend on the new tenants.

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?

The new zoning will have little effect on vehicle and pedestrian traffic, although additional off-street parking for the added units will be provided.

7. Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. The proposed zoning will allow an existing structure to become conforming to the NX1 zone district as a four dwelling unit structure.

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning will allow expansion of an existing residential use, without increasing the footprint of the structure. There are other multi unit properties in the area.

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

The new zoning is not expected to alter the value of any buildings in the area. Any development of the property will need to meet the site development requirements in the zoning code, including landscaping, screening, building heights and setbacks. A Master Site Plan will be required with the remodel and additional dwelling units.

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

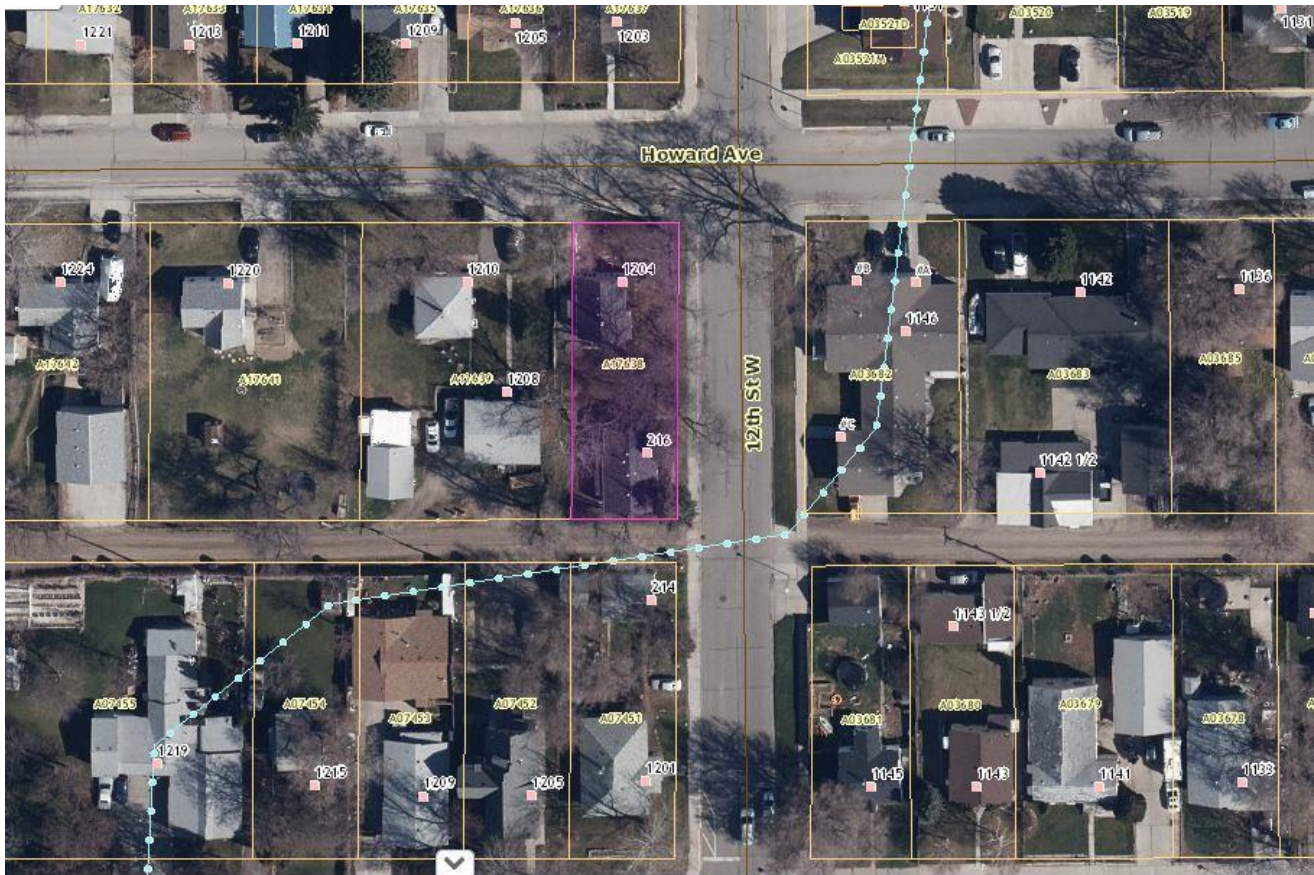
The proposed zoning will allow an existing structure to be rebuilt as a 4-unit dwelling if it were destroyed. This is an appropriate location for the zoning to allow additional density that is compatible with adjacent uses. The parcel directly across 12th Street West is currently NX1 and has a multi unit residential structure.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Preapplication Meeting Held

reapplication meeting held
Zoning History

Zoning Map & Site Photos





South



East



North



West



East



Looking from the intersection south west toward the property

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # _____ - Project # PZX-21-00313

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning: N1-First Neighborhood

Proposed Zoning: NX1 - Mixed Residential 1

TAX ID# A17638

CITY ELECTION WARD : Ward 3

Legal Description of Property:

WEST BILLINGS HEIGHTS, S05, T01 S, R26 E, BLOCK 2, Lot 1-2

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

1204 Howard Avenue, Billings MT, 59102

Size of Parcel (Area & Dimensions): 7000 sq. ft.

Present Land-Use: Residential Multi Family

Proposed Land-Use: Residential Multi Family (Increased by two units) My goal is to configure the duplex into a four-plex. The layout makes it ideal for this modification without changing the footprint of the building.

Covenants or Deed Restrictions on Property: Yes _____ No _____ If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s):

(Ashley Delp)

(1204 Howard Avenue, Billings MT, 59102)

(406-690-4388) (ashley@ashleydelpteam.com)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: 

Date: 12/19/2021

13 Zone Change Application Packet 2021/2022

To whom it may concern,

I would like to take this opportunity to request a zone change for my recently purchased home at 1204 Howard Ave. The property currently is zoned N1 with a Duplex and stand alone 2 bed, 1 bath home. Our goal with the zone change is to get the zoning switched to NX1 which would allow us to modify the duplex into a 4 plex unit. This goal can be achieved without changing the footprint of the existing building. The only access to the basement portion of the duplex is on the west side of the building so makes it very easy to add two additional units as it will just be interior modifications. The proposed zone change request is consistent with the city of Billings growth policy and increases density without a large demand on city services. There is a lack of affordable housing in Billings and this will allow us to provide two more living units in an area that desperately needs additional housing units.

The master site plan will include additional parking with alley access and expanding the on site parking currently in place, additional units will have egress added for safety/light/air, units to be built to code with appropriate fire rating between units, property will have exterior security cameras installed. Being centrally located in Billings and having access to public transportation within walking distance will make this an ideal rental unit.

There are a precedent of multi family units in the direct vicinity of the property and will not affect the usability of the property or the nature of the neighborhood.

This will add value to the lot as current units are renovated, parking improved, unfinished basement will be converted to living quarters so will be 100% completed vs. finished upstairs and less than 25% finished basement.

I feel that I can accomplish this goal with the favorable support of the community and zoning board. I am prepared to accommodate any provisions that the city may impose upon me in granting this zone change request.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Ashley Delp
406-690-4388

Ashley Delp

406-690-4388

12/11/2021

Dear Property Owner:

Please be advised that a formal application will be submitted to Yellowstone County seeking approval of a zoning change for the following described property:

WEST BILLINGS HEIGHTS, S05, T01 S, R26 E, BLOCK 2, LOT 1 - 2

The petitioner is asking the County to approve this application to allow development of the above address to transition from N1-First Neighborhood to NX1 zoning multi family housing on the described property.

In compliance with the City Zoning requirements, a Neighborhood Information Meeting will be held to provide you an opportunity to become fully aware of our development intentions. The Neighborhood Information Meeting will be held on December 18, 2021 at Elks Lodge, Lounge. 934 Lewis Avenue, Billings MT 59101 @ 2:00 p.m

At this meeting the petitioner will make every effort to illustrate how the property will be developed and to answer any questions. Should you have questions prior to the meeting, please contact me.

Sincerely,

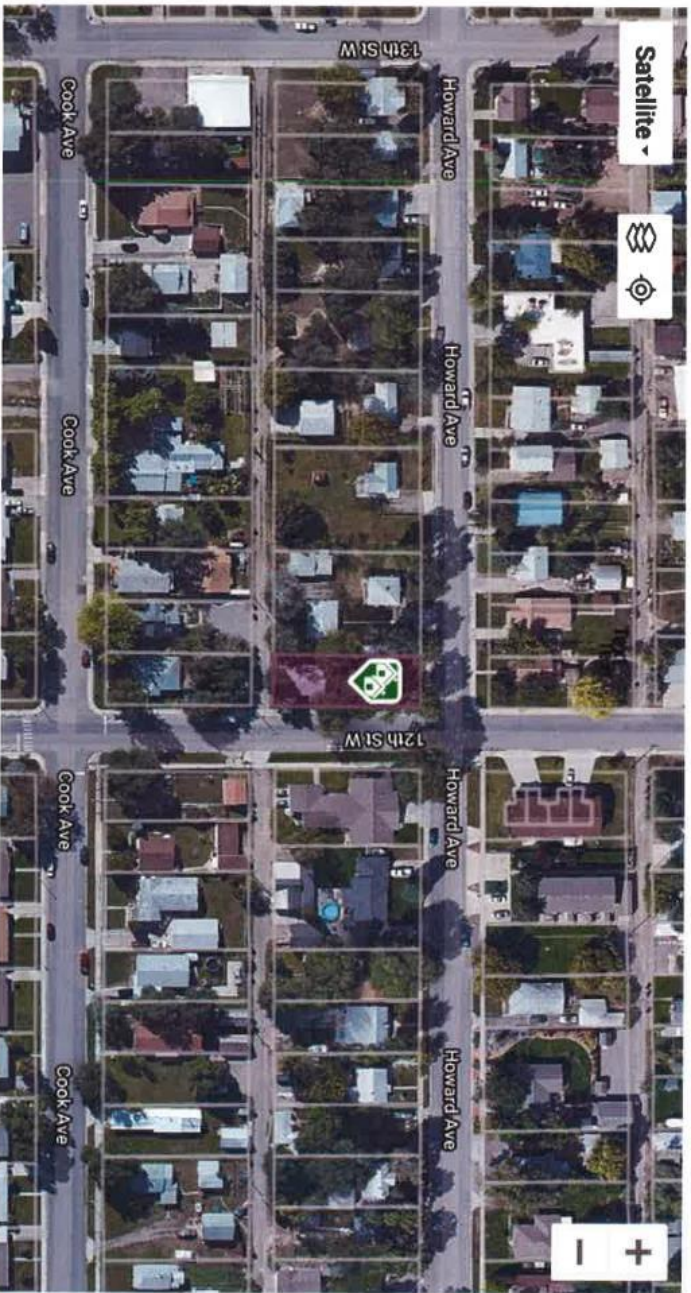
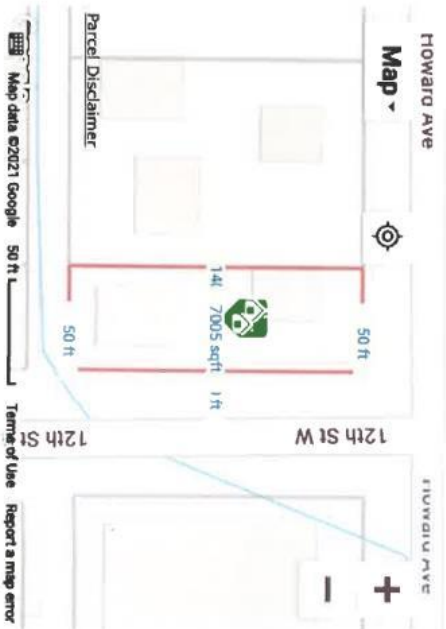
Ashley Delp

□ 1204 Howard Ave, Billings, MT 59102
WEST BILLINGS HEIGHTS, S05, T01 S, R26 E, BLOCK 2, LOT 1 - 2

Project Summary:

Zone Change: currently zoned N1, proposed conversion to N1 Zoning
This will allow us to modify the duplex into a 4-plex unit. The current building will allow for this modification without changing the footprint of the building itself.

Contact: Ashley Delp
406-690-4386



SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1204 Howard Ave	None				
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Broadwater Sub Blk 4, Lt 8-18	ZC # 314	4/6/81	R60 – RMF-R	N	Denied
Broadwater Sub Blk 16, Lt 1 & 2	ZC # 417	12/12/83	R60 to NC	N	Denied
Keirle Sub, Blk 8, Lt 11-15	ZC # 320	6/8/81	R60 to Public	Y	3 rd Filing
Keirle Sub, Blk 5 Lt 1&2	ZC # 340	11/23/81	R72 to R60	N	Denied
Glenn Sub, Lt 8-14	ZC # 43?	11/27/73	CC to R60	Y	2 nd filing
Ross Sub, Blk 1, Lt 13-24	ZC # 270	10/22/79	R60 to RP	Y	
1107 Alderson Ave	ZC # 8	3/26/1973	R60 to RMF-R	Y	Apt Building
940 Avenue B	ZC # 53	4/22/1974	R-60 to RMF-R	Y	Renovation of MF
130 Prickett Ln	ZC # 733	07/26/2004	R60 to RMF	N	Denied
1545 Hawthorne Ln	ZC # 936	07/17/2015	R50 to RMF-R	Withdrawn	Applicant Withdrew

Zoning Commission

Date: 02/01/2022
Title: Zone Change 1007- Emma Jean Heights
Presented by: Karen Husman
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

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

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

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. A pre application neighborhood meeting was held on December 11, 2021.

APPLICATION DATA

OWNER: Chamberlain Construction, Charlie Felton, Felton Associates, Rodney & Mary Giesler, Jerry & Sandra Stoltenberg, Livelynny, LLC., Brent & Krista Montague, Kenneth & Denise Roesch, Green Jeans, LLC

AGENT: Charlie Felton & Kerry Martinson

LEGAL DESCRIPTION: Emma Jean Heights Sub. 1st Filing, Block 2, Lots 12-15, Emma Jean Heights Sub 2nd, Block 4, Lot 1, Block 9, Lots 10 & 11, 1 Block 10, Lots 10 & 11, Block 19, Lot 1, Emma Jean Heights Sub 4th filing, Block 8, Lots 1-20, Block 9, Lots 12-20, Block 10, Lots 1-9, Block 11, Lot 4, Block 13, Lots 2-14

ADDRESS: Multiple

CURRENT ZONING: N2

EXISTING LAND USE: Residential single family and vacant lots

PROPOSED USE: Residential single family

SIZE OF PARCEL: Multiple

CONCURRENT APPLICATIONS

Several pending Building Permit applications for new construction

SURROUNDING LAND USE & ZONING

NORTH: Zoning: N2/N3

Land Use: Residential

SOUTH: Zoning: N2/N3

Land Use: Residential

EAST: Zoning: N2/N3

Land Use: Residential

WEST: Zoning: N2/N3

Land Use: Residential

STAFF REVIEW

This is a zone change request to change from N2 to N3. The proposed zoning would update the properties within the Emma Jean Heights Subdivision from a mixture of N2 - a zone that allows 1 and two family dwellings - to N3 - a zone that only allows single family dwellings. Both zone districts allow single family dwellings on individual lots. The N2 zone district was included in Project Recode map update for these parcels in an effort to keep the existing development moving forward with the same allowed uses as the previous Residential 7,000 (R-70) zone district. The previous R-70 zoning and the N2 zoning both allow single family dwellings as well as 2-unit dwellings. Planning Staff chose the N2 zone district as it closely resembled the previous zone (Residential-7000). The applicants are requesting the change to N3 for the undeveloped

parcels as these current owners only intend to build single family dwellings, and to clarify the recently constructed single family homes that do not meet the N2 district requirements. During the transition from the previous zoning to the new zoning code, there have been a few building permits that were approved under the previous code and are now nonconforming under the N2 zone district. The change to N3 would bring the nonconforming structures into conformance. The zone change will also allow the developer to use existing house plans for the remainder of parcels in this portion of Emma Jean Heights Subdivision.

Project Recode was widely publicized and all property owners, developers and task forces were encouraged to attend the neighborhood meetings and public meetings to voice their opinions, concerns and recommendations on the proposed changes. After years of preparation and numerous working group meetings developing the code, the Zoning Commission and City Council held public hearings in the summer of 2020 through the end of the calendar year. The new zoning code and map were adopted by the City Council on January 25, 2021. The draft maps and new maps were available online for review and everyone was encouraged to view and comment on the changes. During 2021 there was a transition period allowing staff to make amendments to zoning on parcels and address minor changes or amendments that did not fit the new designation. The transition period ended, and these property owners are requesting a change to N3 on their properties to continue developing the parcels in uniformity with the previous suburban single family development.

The Planning staff has reviewed the request and is recommending approval based on the findings of the 10 review criteria. The adjacent zoning and development is similar and will provide continuity within the subdivision and between adjacent subdivisions. The adopted Growth Policy of Billings does support compatibility of development. The proposed zoning and uses are conforming to the growth policy and development can occur without disrupting the existing neighborhood fabric. Staff received several phone calls from residents within the subdivision asking for an explanation of the zone change and who initiated it. Staff explained the details and the residents were satisfied and were not concerned about their own property.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1007; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1007; 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

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

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

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

Strong Neighborhoods:

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

Home Base:

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

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

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

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

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

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

Public health and public safety will not be affected by the proposed zoning. The new zone would not change the public health, safety and general welfare status from the existing zoning.

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

Transportation: The proposed zoning will not significantly increase post-development traffic volume.

Water and Sewer: The City provides water and sewer to the property.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. School population may increase depending on the demographic of the new residents as homes are built.

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?

The new zoning designation itself should not have any increase effect on the transportation system. The N2 zoning may have brought in more dwelling units under the allowed density, therefore the proposed N3 may actually have less of an impact on the transportation system.

7. Will the new zoning promote compatible urban growth?

The new zoning does promote compatibility with urban growth. The proposed zoning will allow this subdivision to provide single family housing compatible with most of the existing neighborhood.

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use.

Previous filings of Emma Jean Heights are built out in accordance with the N3 district. Therefore, allowing these additional lots to be constructed in the same pattern expands the already existing character. Further, the proposed zoning will continue to allow a housing choice that is in demand in the area and could be built in N2 or N3 zoning districts.

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

Both the N3 (new zone) and N2 (old zone) conserve the value of buildings and allow for single family dwellings. The existing homes in the neighborhoods are predominantly single-family homes and some homes that have already been constructed are built to the N3 standard. Therefore, the new zoning will not diminish the value of the existing neighborhood or the newly zoned property.

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

The proposed zoning will allow the continuance of an existing housing choice in this area of Billings Heights. Residential uses are the most appropriate use of the land.

Attachments

Zoning Map & Site Photos

Applications

Preapplication Meeting Held

Zoning History

Zoning Map & Site Photos







Looking West on Anchor





Looking North at the corner of Anchor and Columbine



Looking South



South East



Looking West on Anchor



North on Columbine
Photos submitted by applicant







APPLICATION FORM

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

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning N-2

Proposed Zoning: N-3 which is consistant with Existing home of 100 plus

TAX ID# _____ CITY ELECTION WARD 2

Legal Description of Property: Numerous: Attached

Address or General Location (If unknown, contact City Engineering): _____

Size of Parcel (Area & Dimensions): _____

Present Land-Use: Single Family Homes

Proposed Land-Use: Single Family Homes

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

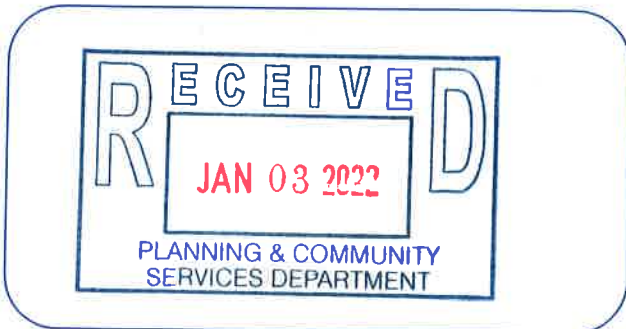
*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Felton Associates INC. Charles J Felton President
(Recorded Owner)
(Address) P.O. Box 598 Frenchtown, MT 59834
(Phone Number) (406) 239-4964 (email) _____

Agent(s): Kerry Martinson
(Name)
(Address) 2044 Broadwater Ave Billings MT 59102
(Phone Number) (406) 690-5737 (email) _____

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Charles J. Felton Date: _____
(Recorded Owner)



APPLICATION FORM

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

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning N2 - Mid-Century Residential Neighborhood

Proposed Zoning: N3 - Suburban Residential Neighborhood

TAX ID# None; A35410, A35407 A35408, A35409, A34268 A34269 A34271 A34270 CITY ELECTION WARD 2

Legal Description of Property: See attached sheet

Address or General Location (If unknown, contact City Engineering): Emma Jean Heights

Size of Parcel (Area & Dimensions): NA

Present Land-Use: vacant

Proposed Land-Use: single family residences

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Charlie Felton

(Recorded Owner) **Felton Associates**

(Address) P.O. Boc 598 Frenchtown, MT 59834-0598

(Phone Number) 406-239-4964 (email) charlie.felton@yahoo.com

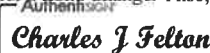
Agent(s): Kerry Martinson

(Name) **4 Seasons Real Estate**

(Address) 2044 Broadwater Ave Suite A Billings MT 59102

(Phone Number) 406-690-5737 (email) kerry.martinson@outlook.com

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature:  Charles J Felton Date: 11/29/2021
11/29/2021 8:07:05 AM MST
(Recorded Owner)



APPLICATION FORM

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

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning N2 - Mid-Century Residential Neighborhood

Proposed Zoning: N3 Suburban Residential Neighborhood

TAX ID# None CITY ELECTION WARD 2

Legal Description of Property: Emma Jean Heights 4th Block 13, Lot 14

Address or General Location (If unknown, contact City Engineering): 1357 Tania Cir

Size of Parcel (Area & Dimensions): 7,918 sf

Present Land-Use: vacant

Proposed Land-Use: single family residence

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Chamberlain Construction

(Recorded Owner)

(Address) 1506 Anchor Ave Billings, MT 59105

(Phone Number) _____ (email) _____

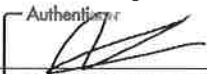
Agent(s): Charile Felton & Kerry Martinson

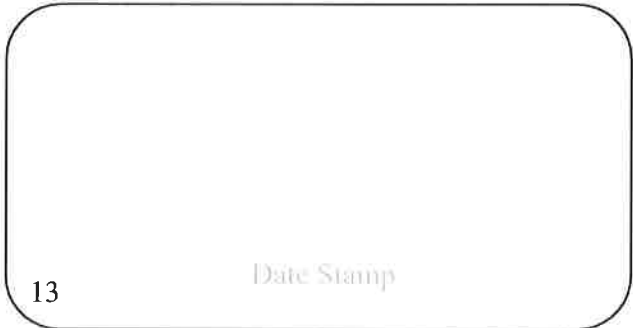
(Name) Felton Associates & 4 Seasons Real estate

(Address) _____

(Phone Number) _____ (email) _____

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature:  Date: 11/29/2021
(Recorded Owner)



APPLICATION FORM

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

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning N2 - Mid-Century Residential Neighborhood

Proposed Zoning: N3 Suburban Residential Neighborhood

TAX ID# None CITY ELECTION WARD 2

Legal Description of Property: Emma Jean Heights 4th filing Block 9, Lot 20

Address or General Location (If unknown, contact City Engineering): 1306 Tania Circle (aka 1309 Anchor Ave)

Size of Parcel (Area & Dimensions): 8,745 sf

Present Land-Use: vacant

Proposed Land-Use: single family residence

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Jerry & Sandra Stoltenberg

(Recorded Owner)

(Address) 1840 Walter Rd Billings MT 59105

(Phone Number)

(email)

Agent(s): Charlie Felton & Kerry Martinson

(Name) Felton Associates & 4 Seasons Real Estate

(Address)

(Phone Number)

(email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature:  Sandra Stoltenberg
11/28/2021 10:41:09 AM MST
(Recorded Owner)

11/28/2021 10:43:30 AM MST Date: 11/28/2021



APPLICATION FORM

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

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning N2 - Mid-Century Residential Neighborhood

Proposed Zoning: N3 Suburban Residential Neighborhood

TAX ID# None CITY ELECTION WARD 2

Legal Description of Property: Emma Jean Heights 4th Block 13 Lts 7 & 8

Address or General Location (If unknown, contact City Engineering): 1327 & 1331 Tania Circle

Size of Parcel (Area & Dimensions): 7,973 sf & 8,213 sf

Present Land-Use: vacant

Proposed Land-Use: single family residences

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): KENNETH & DENISE ROESCH

(Recorded Owner)

(Address) 1415 Granite Ave Billings, MT 59102

(Phone Number)

(email)

Agent(s): _____

(Name)

(Address)

(Phone Number)

(email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature:   Date: 11/27/2021 11/27/2021
(Recorded Owner) 11/27/2021 2:39:42 PM MST



APPLICATION FORM

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

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning N2 - Mid-Century Residential Neighborhood

Proposed Zoning: N3 Suburban Residential Neighborhood

TAX ID# A35382 CITY ELECTION WARD 2

Legal Description of Property: EMMA JEAN HEIGHTS SUBD 2ND FILING BLOCK 4, Lot 1

Address or General Location (If unknown, contact City Engineering): 1419 Anchor Ave

Size of Parcel (Area & Dimensions): 7,479 sf

Present Land-Use: single family residence

Proposed Land-Use: same

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): MONTAGUE, BRENT & KRISTA

(Recorded Owner)

(Address) 1419 Anchor Ave Billings MT 59105

(Phone Number)

(email)

Agent(s): Charlie Felton & Kerry Martinson

(Name) Felton Associates & 4 Seasons Real Estate

(Address)

(Phone Number)

(email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct

Signature: [Signature] Date: 12-5-21

(Recorded Owner)



Date Stamp

APPLICATION FORM

CITY ZONE CHANGE **Billings Zone Change #** _____ **- Project #** _____

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning: N2 - Mid-Century Residential Neighborhood

Proposed Zoning: N3 Suburban Residential Neighborhood

TAX ID# None CITY ELECTION WARD 2

Legal Description of Property: Emma Jean Heights 4th Block 10, Lot 3

Address or General Location (If unknown, contact City Engineering): 1312 Emma Ave

Size of Parcel (Area & Dimensions): 8,131 sf

Present Land-Use: vacant

Proposed Land-Use: single family residence

Covenants or Deed Restrictions on Property: Yes No _____

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): LIVELYNYE LLC

(Recorded Owner) 1930 VILLAGE CENTER CIRCLE #3-104

(Address) Las Vegas NV 59134

(Phone Number) _____ (email) _____

Agent(s): Charlie Felton & Kerry Martinson

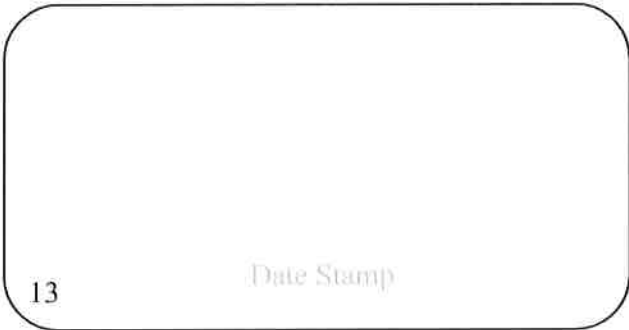
(Name)

(Address)

(Phone Number) _____ (email) _____

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature:  Date: 12/05/21
(Recorded Owner)



APPLICATION FORM

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

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning N2 - Mid-Century Residential Neighborhood

Proposed Zoning: N3 Suburban Residential Neighborhood

TAX ID# None CITY ELECTION WARD 2

Legal Description of Property: Emma Jean Heights 4th Block 13, Lt 10 & Block 10, Lot 2

Address or General Location (If unknown, contact City Engineering): 1341 Tania Cir & 1308 Emma Ave

Size of Parcel (Area & Dimensions): 10,202 sf & 8,131 sf

Present Land-Use: vacant

Proposed Land-Use: single family residences

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Green Jeans LLC

(Recorded Owner)

(Address) P.O. BOX 50597 Billings, MT 59105

(Phone Number) _____ (email) _____

Agent(s): Charlie Felton & Kerry Martinson

(Name) Felton Associates & 4 Seasons Real Estate

(Address) _____

(Phone Number) _____ (email) _____

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature:  William B Thompson Date: 11/27/2021
11/27/2021 5:22:10 PM MST
(Recorded Owner)



APPLICATION FORM

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

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning N2 - Mid-Century Residential Neighborhood

Proposed Zoning: N3 Suburban Residential Neighborhood

TAX ID# None CITY ELECTION WARD 2

Legal Description of Property: Emma Jean Heights 4th Filing, Block 10, Lot 9

Address or General Location (If unknown, contact City Engineering): 1410 EMMA AVE

Size of Parcel (Area & Dimensions): 8,195 sf

Present Land-Use: vacant

Proposed Land-Use: single family residence

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): RODNEY & MARY GIESLER

(Recorded Owner)

(Address) 15875 SD HIGHWAY 73 Faith, SD 57626

(Phone Number)

(email)

Agent(s): Charile Felton & Kerry Martinson

(Name) Felton Associates and 4 Seasons Real Estate

(Address)

(Phone Number)

(email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: *Rodney & Mary Giesler* Date: 12-7-2021

(Recorded Owner)



Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

- 1. **Present Zoning:** N-2
- 2. **Written description of the Zone Change Plan** including existing and proposed new zoning:

Change zoning from N-2 to N-3

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

- 4. **Legal Description of Property:**

numerous & attached

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

Ming Cabrera

- 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 11th, day of December, 2021.

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

Owner (s): Fallon Assoc Inc. Charles Fallon Telephone: (406) 239-4964

Address: P.O. Box 598 Frenchtown, Mt 59834 Email: Charlie.fallon@yahoo.com
Cindysoffice@yahoo.com

Agent (s): Kerry Martinson Telephone: (406) 690-5737

Address: 2044 Broadwater Ave Email: kerry.martinson@outlook.com
Billings, Mt 59102

December 2, 2021

Dear Property Owner,

This letter is to inform you of an informational meeting regarding a zoning change for Emma Jean Heights Subdivision, 4th Filing, that is being made to the city of Billings. The meeting will be held at 1410 Jean Avenue in the Emma Jean Heights Subdivision on December 11, at 10:00 am.

As you may or may not know, the city recently adopted a new Zoning Code for the entire city. The 1st, 2nd, and 3rd Filings in the Emma Jean Heights Subdivision are now zoned N-3. This is labeled by the city as suburban residential zoning and homes that have been built in the subdivision meet this zoning guideline. The 4th Filing (new filing with vacant lots available) has been zoned N-2, which is labeled by the city as mid 20th century zoning and does not allow for many of the features found in the style of homes that have been and are currently being built in the subdivision. This issue came to the developer's attention when it was discovered that the homes currently being built (and approved by the city) were apparently approved in error after the new zoning took effect. Other than the public hearings regarding the new Zoning Code, there was no notice by the city and it is still not clear to the developer why the change was unilaterally made. There had been no notice by the city of the change that was made and it is still unclear as to why. The City of Billings is requiring the developer and land owners of 4th Filing lots formally apply to change the zoning district to N-3, a zoning designation that will match the rest of the subdivision. It is the city's position that it does not "zone downward", but it is the position of the developer that the 4th Filing has been zoned downward so that the zoning request change will be submitted to protect Subdivision property values.

Attached you will find the city supplied definitions of N-2 and N-3 zoning, the legal descriptions of the Emma Jean 4th Filing lots, map of Subdivision showing current zoning, as well as the contact information for the current owners of affected lots.

Developer, Charles Felton, believes this is in the best interest of all lot owners in the Subdivision to maintain the attractive look and desirability of the Subdivision. 100% of the builders currently building in the 4th Filing of the Subdivision have signed the application for the requested change as well. The developer will be present at the meeting to answer any questions you may have regarding the proposed change to N-3 zoning to conform with the rest of the Subdivision.

Sincerely,

 *Charles J Felton*

Charles Felton
(406) 239-4964
1616 Bitterroot Drive
Billings, MT 59105

SECTION 27-306 N3 DISTRICT

The following site and structure regulations apply to any lot in the N3 district. Refer to 27-303 for general regulations applicable to all districts and Table 27-300.5, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(3). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-300.5 : SITE AND STRUCTURE REGULATIONS

A. BUILDING SITING		REFERENCES
1	Minimum Lot Width (feet) per principal building 65 Minimum Lot Size (square feet) per principal building none	See Article 27-1500 existing lots of record. See 27-306.C for exemption from minimum lot widths.
2	Maximum Building Width (feet) None	
3	Front Setback (feet) 20 minimum	
4	Street-Side Setback (feet) 10 minimum	
5	Side Setback (feet) 5 minimum Space Between Principal Buildings on Lot (feet) 10 minimum	
6	Rear Setback (feet) 5 minimum	
7	Accessory Building Yard Location Rear	
8	Accessory Building: Rear Setback (feet) 5 minimum, except 0 at alley	
9	Maximum Total Building Coverage (%) 40	
10	Permitted Driveway Access Location Any	See BMCC Section 6-1200 for driveway access standards.
11	Attached Garage Entrance Location Any façade; front façade limited to no more than 50% of façade	
B. Height		
	Principal Building: Maximum Height (stories) 3	See Article 27-1800 for instructions for measuring height. Accessory roof pitch shall match principal building
	Maximum Height (feet) 34	
	Accessory Building: Maximum Height (stories) 1.5 stories, no taller than the principal building	

SINGLE-UNIT HOME

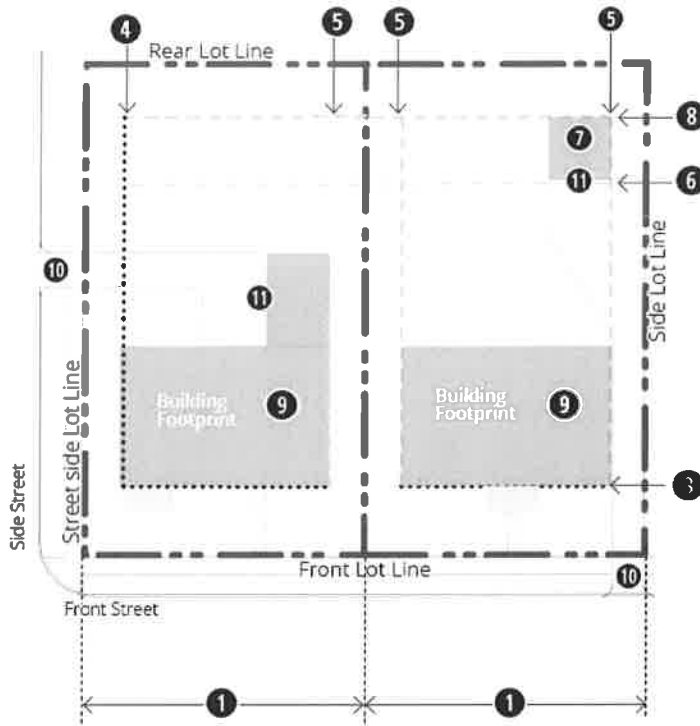


Figure 27-300(3)- N3-district diagrammatic plan.

C. Supplemental Regulations

Lots on cul-de-sacs and flag lots are exempt from minimum lot width regulations. See also Article 27-1500, Nonconformities, for existing lots of record.

SECTION 27-305 N2 DISTRICT

The following site and structure regulations apply to any lot in the N2 district. Refer to 27-303 for general regulations applicable to all districts and Table 27-300.4, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(2). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-300.4 : SITE AND STRUCTURE REGULATIONS

A. BUILDING SITING			REFERENCES
1	Minimum Lot Width(feet) per principal building	50	See <u>27-305.D</u> for 2-unit buildings. See Article 27-1500 existing lots of record.
	Maximum Lot Width (feet) per principal building	120	
2	Maximum Front Building Width (feet)	80 per principal building	
3	Front Build-to Zone (feet)	10-20; match block face average	See Article 27-1800 for block face averaging instructions
4	Street-Side Build-to Zone (feet)	10-15	
5	Side Setback (feet)	5 minimum	
	Space Between Principal Buildings on Lot (feet)	10 minimum	
6	Rear Setback (feet)	5 minimum	See <u>27-305.D</u> for side street lots
7	Accessory Building Yard Location	Rear	
8	Accessory Building: Rear Setback (feet)	3 minimum, except 0 at alley	
9	Maximum Total Building Coverage (%)	40	
10	Permitted Driveway Access Location	Any	See BMCC Section 6-1200 for driveway access exceptions
11	Attached Garage Entrance Location	Any façade; front façade limited to no more than 50% of façade	
B. HEIGHT			
12	Principal Building: Maximum Height (stories).	1.5; 2 stories on maximum 60% of footprint except as provided in 27-305.D	
	Maximum Height (feet)	27	
13	Accessory Building: Maximum Height (stories)	1.5 stories, no taller than the principal building	Accessory roof pitch shall match principal building
C. WINDOWS, FRONT DOOR, ROOF			
14	Minimum Window & Door Coverage: Front Façade (%)	15 per story	Measured per each full and half story. See Article 27-1800 for information on measuring window and door facade coverage
15	Front Door Location	Street Façade	See <u>27-305.D</u> for 2-unit buildings.
16	Permitted Roof Types	Low pitched, flat	See Article 27-1800 for definition of roof types and exception for other allowed roof types.
	Minimum pitch	3:12 (rise:run)	
	Maximum pitch	6:12 (rise:run), except as provided in 27-305.D	

SINGLE-UNIT OR TWO-UNIT HOME

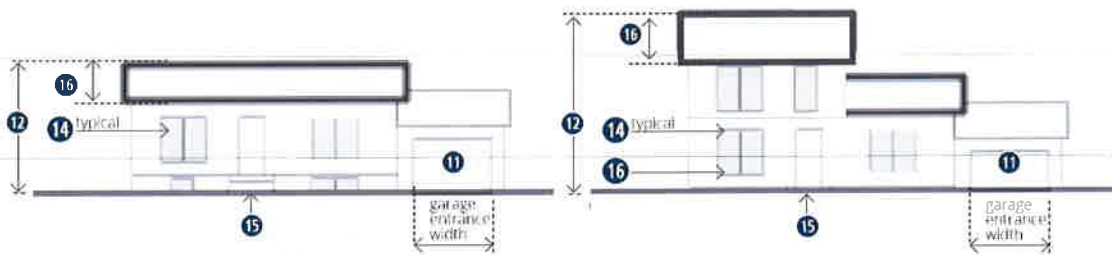
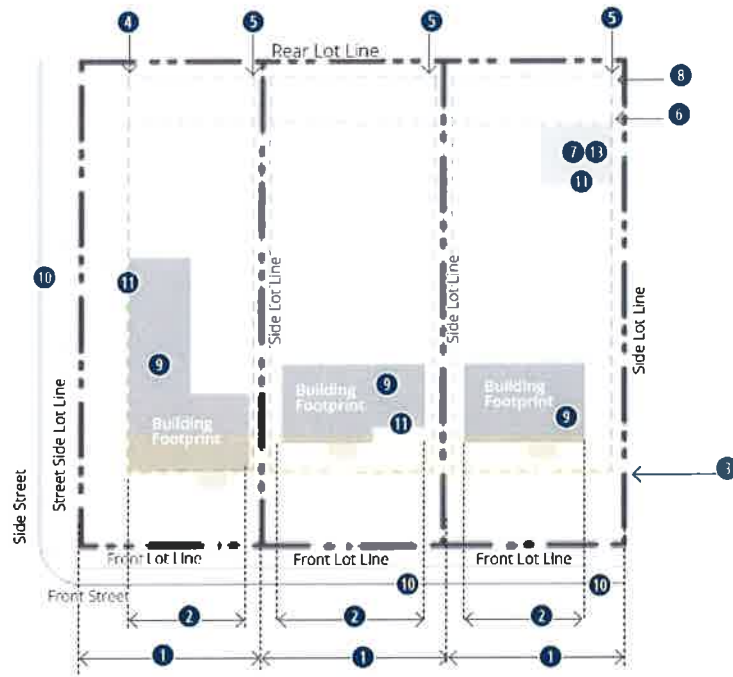


Figure 27-300(2). N2 district diagrammatic plans and elevations.

D. Supplemental Regulations

1. Side Street Lots. Side street lots are those lots located along the short end of blocks, where the front of the lot faces the side street and the depth of the lot is generally the width of most of the lots on the block. Lots with only side street frontage are allowed maximum building coverage of 80%.
2. The following standards apply to 2-unit buildings:
 - (a) Configuration. Allowed configurations include the following: side-by-side per below, stacked units, front and rear units, all located in the principal building; two principal buildings on one lot; or a principal building with an accessory building (see Article 27-1000).
 1. Garage entrances located on the front façade are limited to no more than 50% of the front façade width.
 2. Up to two front door entrances are permitted on the street façade (Table 27-300.4.C)
 3. Principal buildings may have two stories for the entire footprint of the structure.
 4. Roofs may exceed the 6:12 maximum roof pitch.



300 ft radius map – parcels in Emma Jean Heights 1st Filing – Zone Change N2 to N3



Map above indicates Emma Jean Heights Subdivision 1st, 2nd, 3rd, and 4th Filings

City provided Definitions of N-2 and N-3 Zoning below. Note that existing homes in Emma Jean Heights do not meet N-2 Zoning Guidelines.

N2: MID-CENTURY NEIGHBORHOOD RESIDENTIAL The N2 district is intended to continue the existing character of the residential neighborhoods with single-and two-family homes developed during the middle of the twentieth century. This district may also be used for new neighborhoods designed with similar characteristics of the mid-century neighborhoods. These characteristics include homes wide on the lot, proportionate garages located in the front façade, low pitched roofs, and doors and windows on the front facades. Building and garage location are specified in the regulations, with basic parameters for front doors and windows

N3: SUBURBAN NEIGHBORHOOD RESIDENTIAL The N3 district is intended for residential neighborhoods primarily with single-family homes. Characteristics include wide lots and attached garages typically located on the front building façade, often greater than 35% of the façade. Basic setback and height parameters apply.

Pre application Statement of Owner or Agent

Re: Zone change request – 4th Filing of Emma Jean Heights Subdivision

The zone change from N-3 to N-2 would be inconsistent with the intent for single family homes. With the changes in the set backs in the front and back of new homes with current N-2 zoning, it would be a great contrast with the already over 100 homes built and would seriously change the look of homes built in the subdivision. It is not the intent of the developer to change the look or characteristics of the subdivision. I believe the changes made by the Zoning and Planning Department would diminish the number of future lot sales, and devalue the value of existing homes and lots. I have already lost many lot sales over the erroneous change of zoning for the 4th filing and have had threats of lawsuits for recent lot sales against myself and my Realtor, Kerry Martinson.

There is a great need for single family homes with -3 zoning. N-3 zoning protects people with existing homes in the subdivision from box like looking homes and from multi family homes being built in the subdivision, now that multifamily homes can be built on a 7000 sf lot. With regard to Emma Jean Heights Subdivision, any multifamily builds would create parking issues and would inundate the streets with parked cars and trucks making travel and snowplowing a challenge. In closing, I would ask to change the zoning of the 4th filing of the subdivision to an N-3 designation that would be consistent with the current homes built in the subdivision and would better reflect the old zoning of R-7000. I also have several 4th filing lot sales pending with a contingency in each contract of the approval by the City of Billings for zoning of those lots to be changed to N-3.

Emma Jean Heights is a planned development in the Billings Heights of approximately 60 acres in size with an estimated build out of 190 lots. The master plan was approved in 2007 after a lengthy process with the City of Billings departments, HKM Engineering and the Developer. Covenants and restrictions were drafted with input of the City of Billings and to reflect the developers desire to create a subdivision of mostly single family homes. The property was also annexed into the City of Billings so that the developer could create a higher density and provide city services of water, sewer, and garbage collection as well as public transportation to the residents of the subdivision. A land dedication of greater than 11% was granted by the developer to provide for a large city park and a walking path that runs through the entire subdivision from Bitterroot Drive to Hawthorne Avenue. As part of the agreement, it was agreed that the trail would be constructed by the developer as part of the development cost. A list of street names were provided to the Fire Marshall and through interaction between the developer and the Fire Marshall, street names were chosen so that emergency personnel would

EMMA JEAN HEIGHT REZONE MEETING

DEC 11, 2021

ATTENDEES

	FULL NAME *	PHONE *	REASON
1	William C. Urickson	406 480-1462 EMAIL Willcutband@yahoo.com	
	Phyllis A. Urickson	406-480-2673 EMAIL	
3	ARDENE BIERWAGEN	406-598-8803 EMAIL	
	Susan Schleining	406-208-5785 EMAIL *Prefer Hockey 59102@hotmail.com	
5	Terry & Schlemmer	406-281-0524 EMAIL WRongway 59105@hotmail.com Dec 11-10 AM	Meeting
	Ross McCulloch	406 860 4586 EMAIL bttrækker@bresnack.net	
7	Stan Kondracki	406-698-7079 EMAIL skondracki@bresnack.net	
	Scott Helmbrecht	406-672-5552 EMAIL scottfeyel@hotmail.com	
9	Brianna Monahan	760-914-1726 EMAIL briemonahan91@gmail.com	
	William Thompson	406.850.9765 EMAIL	

EMMA JEAN HEIGHT REZONE MEETING

DEC 11, 2021

ATTENDEES

11 FULL NAME * PHONE * REASON
 Steven SPRAGUE JR 406 480 0863
 EMAIL STEVENSPRAGUEJR@YALCO.COM

FULL NAME * PHONE * REASON
 GARY BECKER 406 696-9940 CONCERNS
 EMAIL gbecker64@gmail.com ??

13 FULL NAME * PHONE * REASON
 Jerry Stoltenberg 406-698-8309 Lot Owner
 EMAIL wrench2424@gmail.com

FULL NAME * PHONE * REASON
 Jason Cummings 626 827 0478 Owner in the
 EMAIL Cummingsjg@hotmail.com Neighborhood

15 FULL NAME * PHONE * REASON
 Vanessa Cummings
 EMAIL Vanessa.ovando@gmail.com
 "on REASON ↓

FULL NAME * PHONE * REASON
 Lindsey wright (406) 671-0785
 EMAIL Jacob wright

17 FULL NAME * PHONE * REASON
 EMAIL

FULL NAME * PHONE * REASON
 EMAIL

19 FULL NAME * PHONE * REASON
 EMAIL

FULL NAME * PHONE * REASON
 EMAIL

Synopsis of meeting for preapplication neighborhood meeting for request of rezone of Emma Jean Heights

Meeting was held at 1410 Jean Avenue Billings, MT on December 11, 2021 at 10:00 am

Several people from the community attended the meeting and they are documented on the attached attendees list with contact information.

Charlie Felton and Kerry Martinson explained the chain of events in a chronological order, including summarizing e mail chain between city employees, Charlie Felton & Kerry Martinson that prompted the rezoning request after discovering that the 4th filing of the subdivision had been rezoned to an N-2 designation in late November.

Multiple attendees questioned why the change was made and voiced that they are unhappy with the change to N-2 zoning. All attendees were surprised and concerned that the city has the ability to rezone property without notifying property owners. City documents describing N-2 and N-3 zoning and a map of lots in subdivision were provided in all mailings with notice of meeting. The differences between homes and setbacks for the 2 zoning designations were discussed at length. Beau Thompson, owner of Thompson Homes and longtime builder in the subdivision shared how the changes have negatively impacted him.

100% of attendees agreed that they are unhappy with the city decision to change the 4th filing to an N-2 zoning designation, that homes built meeting N-2 zoning will damage the aesthetics of the subdivision, and fear that their property values will decline if N-2 zoning remains in place. 100% of attendees are supportive of change to N-3 Zoning. There was a large amount of frustration with the city voiced by attendees, as there is no understanding why this change was made. Charlie Felton then explained the city position that 2 family homes can be built on the lots and that he is only intending to have single family homes built in the future.

Discussion ensued between attendees and they agreed that they will be reaching out to city council members to encourage the zoning to be changed to N-3 as well as actively encouraging the city to make the zoning change to an N-3 designation. The meeting ended at 10:50 am.

Synopsis prepared by Kerry Martinson

SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Lot 2, Block 1 Cherry Creek Estates	County ZC 496	Feb 1998	A-1 to R-70 and RMH	Withdrawn	
	City ZC 633	April 1998	A-1 to R-70	Withdrawn	Northern lot on Wicks Lane
	County ZC 506	August 1998	A-1 to R-96	Approved	Riverview Estates east of Cherry Creek
	County ZC 524	Dec 1999	A-1 to PD with RMH & Public zones	Denied	BOCC recommended annexation
	County ZC 541	April 2001	A-1 to R-96 & Public	Approved	Subject Property
	County ZC 543	May 2001	A-1 to RMH & Public	Approved	Litigated & BOCC Decision Affirmed
	County ZC 551	March 2002	Clarifying Zone Boundaries R-96 & Public	Approved	
	City ZC 696	April 2002	A-1 to RMH, RMH to Public & R-96 to Public	Withdrawn	Mistaken submittal by agent
	City ZC 702	July 2002	RMH & Public to R-96	Denied	City Council initiated after annexation in June 2002
	City ZC 703	10/6/2020	R96 to R80	Denied	
	City ZC 983	7/27/2020	P to R80	Withdrawn	
	County ZC 562	July 2003	A-1 to R-96	Approved	Small area east of MHP
	County ZC 673	March 2016	R-96 to RMH	Withdrawn	Subject Property
Cherry Island Est	City ZC 995	9/13/2021	RR1 to P1 & N3	y	
Bitterroot Sub, Lt 1-16, bk1	City ZC 673	9/14/98	R7 to R96	Y	
Bitterroot Heights	City ZC 751	2/14/05	R7 to R7R	Y	
1922 – 1950 Mary St	County ZC 85	4/27/1976	R-70 to RMH	Y	Court reversed ZC
1415 Yellowstone River Rd	County ZC 312	1/22/1982	R-70 to Public	Y	Eagle Cliff Nursing Home
1817 Bitterroot Dr	County ZC 371	11/84	R-70 to R-60	Withdrawn	Annexed
Bitterroot Dr & Walter Rd	County ZC 505	9/28/1998	R-70 to R-96	Y	Multiple owners adjacent to Cherry Creek
1601 – 1747 Wicks Ln	City ZC 637	9/14/1998	R-70 to R-96	Y	Multiple owners adjacent to Cherry Creek
Caleb Park Hawthorne & Wicks Ln	City ZC 761	9/20/2005	R-70 to R-50	Y	Townhomes

Zoning Commission

Date: 02/01/2022
Title: Zone Change 1009 - Zimmerman Home Place
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 1009.

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

This is a zone change request for two lots within the Zimmerman Home Place Subdivision that are requesting annexation to the city. The current zoning was updated from the previous County adopted zoning of Residential 7,000, Residential 5,000, Residential 9,600, Public and Residential Multi-family-Restricted was adopted by the County in August 2016. When the County and City updated the zoning regulations in 2020 and 2021, new zoning districts were placed on these two lots that reflected to the maximum extent the previous zoning districts. The current zoning of these lots is N3 - Suburban Neighborhood (1 family dwellings), NX1 - Mixed Residential (1-4 family dwellings), NX3 - Mixed Residential 3 (5 and up attached dwellings), and P1 - Parks and Open Space. The arrangement of the current zoning districts is shown on the Zoning Map attachment. The proposed zoning intends to eliminate the N3-Suburban Neighborhood zoning from the northern edge of Lot 1 in Block 2 and replace it with N2 - Mid-century Neighborhood (1 and 2 family dwellings). The applicant also proposes to re-arrange the P1 zoning to be more distributed throughout the NX3 zone district and increases the area from 2.67 acres in Lot 1, Block 2 to 4.32 acres. In Lot 1 of Block 1, the applicant proposes to eliminate the 4.79 acres of N3 zoning on the northern part of the parcel and replace it with 1.02 acres of P1 adjacent to Colton Boulevard and 3.77 acres of NX1 zoning. This will match the southern 12.90 acres of existing NX1 zoning in Lot 1 Block 1.

APPLICATION DATA

OWNER: Highlands ZHP Subdivision LLC, Preston Lees
AGENT: Performance Engineering, Robert Neihart, P.E.
LEGAL DESCRIPTION: Lot 1, Block 1 and Lot 1, Block 2, Zimmerman Home Place Subdivision
CURRENT ZONING: N3, NX1, NX3 and P1
EXISTING LAND USE: Agriculture
PROPOSED USE: Mixed Residential development with 1-2 family as well as multi-family dwellings
SIZE OF PARCEL: 36.66 acres

CONCURRENT APPLICATIONS:

Petition for Annexation 22-02

SURROUNDING ZONING AND LAND USE:

NORTH: Zoning: N3 - Suburban Neighborhood
Land Use: 1 family dwellings
SOUTH: Zoning: RR1 (County), NMU and CMU1(City)
Land Use: Vacant land
EAST: Zoning: NO - Neighborhood Office
Land Use: Vacant
WEST: Zoning: N2 and N3
Land Use: 1 and 2 family dwellings

This area of Billings has been developing over the past 10 to 15 years following the connection of Zimmerman Trail through the Yegen Family Grand Avenue Farm and the major reconstruction of Shiloh Road, another major north/south connection. The Zimmerman family chose to zone the property outside the city limits in 2016, and then market the pre-entitled property to developers who would then annex and build within the city limits. In 2017, Town Pump bought all the commercially zoned property on the southeast corner of the subdivision and put in a new gas station, convenience food store, liquor store and casino. The northern lots of the Zimmerman Home Place subdivision are the subject of this proposed re-arrangement of zoning boundaries. Block 3, Lot 1 will remain in its current zone district of Neighborhood Office (NO) and is being annexed along with Blocks 1 and 2.

Village West Subdivision (west of the subject parcels) began building out in 2005. The subdivisions to the north - Poly Vista and Green Valley - are older subdivision that have homes built in the late 1970s through the 1980s, 1990s and 2000s.

The unit ownership development just the west of Zimmerman Trail (Icewine Drive) was built in the 2010s after the completion of Zimmerman Trail south of Poly Drive.

Housing demand reached a high level in 2021 and the trend continues into 2022. 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 dwellings (studios and 1-bedroom units). Developers have made robust investments in multi-family dwelling choices in west Billings but less so in northwest Billings. There have been more new residential developments south of Broadwater Avenue than this area to the north. The most recent multi-family dwelling development in this area is at 41st St West and Avenue C - Wheatbaker Patio Homes (2016). Prior to 2016, only a handful of multi-family dwellings have been built (Grand Peaks and Falcon Ridge) north of Broadwater. There is a significant deficit of this type of housing choice in this area of West Billings.

There are challenges to an area of urban development that is on an infill property with existing development around it. This is not meant to ensure homogenous development patterns between neighborhoods, but the development plan should include similar and compatible zone districts, 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 adjustment to the zone district boundaries. 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 December 16, 2021. The requirement of annexation stipulates a 1/4-mile notification area for surrounding owners. Over 680 individual property owners were notified of the proposed zone change. The pre-application meeting synopsis is attached to this report. Over 30 persons attended the on-line meeting. The Planning staff has received a few phone calls from surrounding owners regarding the process for the zone change and participation in the hearings. No written comments have been received at the time of the staff report.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1009; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1009; 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 adjustment to the current zone districts and boundaries is consistent with the following adopted Policies of Planned Growth Goal 1: Establish Development Patterns that Use Land More Efficiently

- Policy A "Promote efficient utilization of land within the West Billings planning area by promoting well-designed, more pedestrian friendly, urban development patterns with a mix of uses and an efficient, creative use of land."

- Policy K "Increase residential densities within the West Billings planning area by approving requests for residential zoning that are consistent with this plan."
- Policy M "Development in the West Billings planning area shall provide for a variety of residential types and densities."
- Policy N "Medium and high-density residential development(including elderly and disabled housing) should be located nearby and within walking distance to commercial centers, medical facilities, parks, and recreational amenities."
- 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 new mixed residential neighborhood. The proposed development will also have good access to outdoor activities and is in proximity to commercial centers and transportation options. The proposed zoning and development will provide for a variety of housing choices that are not abundant in this area of West Billings. The property is within walking distance to a commercial center, medical facilities, parks and a multi-use trail system.

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 streetlights, 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 property will allow the higher density housing to be located internal to the property and the dwellings adjacent to the city neighborhoods to the north and west will be similar in choice (1 or 2 family dwellings). The proposed P1 zoning for the north end of Block 1 is a more reasonable and predictable zoning because of the physical limitations the ditch imposes on this parcel. (see attached maps) The proposed N2 zoning for the northern edge of Block 2 Lot 1 will allow a 1 or 2 family dwelling that will be similar and compatible to the single-family dwellings in the subdivisions north of Colton Boulevard. The developer intends to rear-load the garage on these new homes. This will reduce the number of driveway crossings of the multi-use trail that will be constructed on the south side of Colton Boulevard. The development of the multi-family dwellings will be further south on the property behind this row of dwellings that face Colton Boulevard. The proposal for several interspersed recreation areas for the new apartment residents will provide a much-needed amenity for this area. The proposal is to zone these amenities as P1 - Parks and Open Space to provide predictability to the final development. The NX1 zoning on Block 1 will provide an area to build a mixed residential neighborhood with at least four options for housing. Single family dwellings, two-family dwellings or 3/4 family dwellings are all allowed within the NX1 zone district. Similar NX1 zoned areas include the south end of Grand Peaks Subdivision, the southwest corner of the new Sweetgrass Creek Subdivision, and some townhomes along Golden Boulevard.

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 plan and street layout within Block 2, 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 adjustment to the zoning boundaries 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. The completion of the south half of Colton Boulevard, the multi-use trail connection from the end of 38th St W to the multi-use trail on

Zimmerman Trail, connecting Green Valley Drive and completing the utility connections will all benefit the general welfare of the city.

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

- **Transportation:** The applicant will start the process of developing a traffic impact study and will coordinate with the city Engineering Division. 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. The County Subdivision Improvement Agreement (SIA) anticipated the requirement for analysis of the traffic impact.
- **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 to be finished on Colton Boulevard and connection to the Zimmerman Trail multi-use path, the school and park to the northwest and the commercial area and facilities to the south and east. Pedestrian connections will be ensured through the development, and the property is close to three fixed route MET bus lines (two on Grand and one on Poly Dr). There are no traffic counts on Zimmerman Trail between Rimrock Road and Broadwater Avenue. Traffic counts on Poly Drive near the Zimmerman Trail intersection are about 5,000 vehicle trips per day. Traffic counts on Grand Avenue near the Zimmerman Trail intersections are between 18,000 and 20,000 vehicle trips per day. The proposed street connections with the development will allow multiple pathways for the new residents to enter and leave the area including Green Valley Drive and Avenue E. Green Valley Drive will be built to a local commercial street standard (the NO zone and the CMU1 zone), and will provide the most direct connection to Zimmerman Trail to the east (through Colton Boulevard) and Grand Avenue to the south. A traffic impact analysis will be done prior to any development and mitigation will be required by the City Engineering Division to ensure all existing and future street intersections are maintained in good capacity.

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 Broadwater Avenue and Rimrock Road is beginning to experience growth and development similar to areas further south in West Billings. The city's investment in public infrastructure in the area is spurring the development of new areas for city infill.

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 adjustments to the zoning boundaries will encourage the most appropriate use of this land in Billings.

Attachments

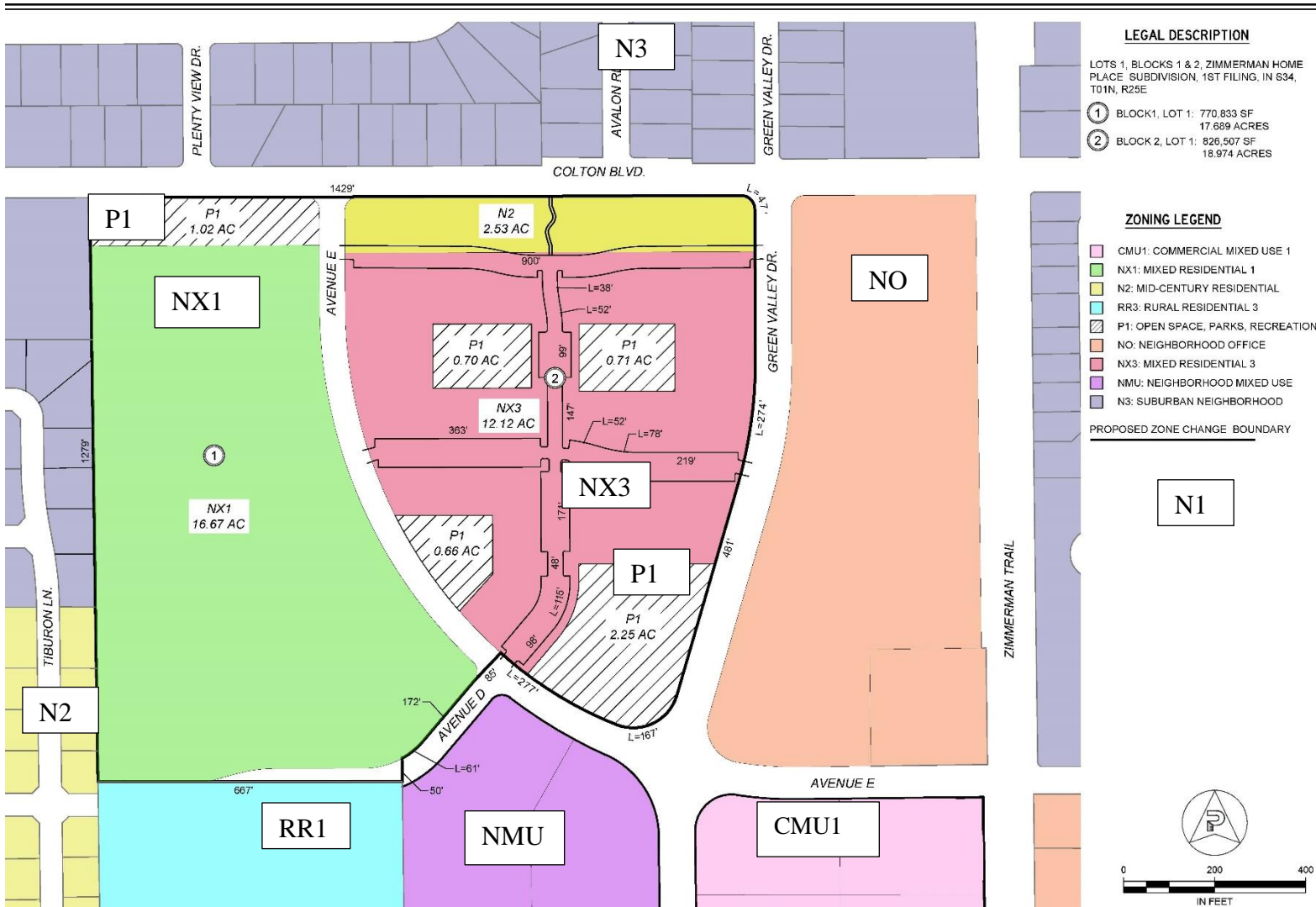
Zoning Map and Site Photos
Pre application meeting notes
Applicant Letter
Application Form

Applicants Zoning Exhibit

Chart of Zoning History

City Zone Change 1009 – Zimmerman Home Place
Zoning Map and Site Photos





HIGHLANDS
APARTMENTS, LLC

BILLINGS, MT 59102

DATE PREPARED BY	SCALE
DATE	PROJECT NO.
DATE	DATE
DATE	DATE

SHEET TITLE
ZIMMERMAN HOME PLACE
PROPOSED ZONING MAP

PROJECT NUMBER	2021-173
SHEET NUMBER	2 OF 2
EXHIBIT	B

Proposed Zoning Boundary Adjustments





View south from Colton Boulevard



View west on Colton Boulevard from intersection of Avalon Road



View north across Colton Boulevard at Avalon Road



View northeast across Colton Boulevard at Avalon Road



View east on Colton Boulevard



Intersection of Green Valley Drive at Grand Avenue

Block 1, Lot 1, and Block 2, Lot 1, of Zimmerman Home Place Subdivision, 1st Filing

Zone Change Neighborhood Meeting Notes

The meeting was conducted from 6-7 PM on December 16th, 2021 via a virtual Zoom meeting. The meeting was hosted by Robert Neihart of Performance Engineering (agent).

There were approximately 30 members of the public that participated in the virtual Zoom meeting.

Questions from the individuals and subsequent responses are shown below:

- Who will pay for the public improvements and interior parks as part of the development project?

The developer will pay for the public improvements through private financing. This will be accomplished through a Private Contract through the City of Billings' Public Works Department. The developer will also pay for the development of the private parks within the development, which will include any amenities such as a basketball court, amphitheater, pickle ball court, etc.

- What is the timeline on the development of the property?

The developer will start construction on the public improvements (roads, curb & gutter, sidewalks, water, sewer, and stormwater) in the spring of 2022. The site within the development will be built starting from the south end and working to the north. This will take place once the public improvements are completed.

- Why is it being proposed to switch the existing N3 property zoning to N2?

The N2 district allows more flexibility on the type of homes that can be constructed. The developer currently has plans to construct twin homes with rear loaded garages along Colton Blvd. Under the current N3 zoning, twin-homes are not allowed per the zoning code. If the property were to remain N3, the single-family houses would likely be front loaded off Colton Blvd.

- I am concerned that my property value will decrease with this development.

This is often a question nearby homeowners have when multifamily development occurs. A study was completed by Harvard University titled, [Overcoming Opposition to Multifamily Rental Housing](#) in which the researchers compiled information from several studies across the county in regards to the impacts of

multi-family housing on nearby single-family property values. A few quotes from this study are provided below:

1. "We find that large, dense, multi-family rental developments...do not negatively impact the sales price of nearby single-family homes." - "Effects of Mixed-Income, Multi-family Housing Developments on Single-family Housing Values," Cambridge, MA: MIT Center For Real Estate, April 2005
2. "We find that if located properly with attractive landscaping and entranceways, adverse price effects can be minimized and sometimes can add value. In the long term, such apartment complexes probably raise the overall value of detached homes relative to their absence." - "Apartments and Detached Home Values," On Common Ground, National Association of Realtors, 2003; "Price Effects of Apartments on Nearby Single-family Detached Residential Homes," Virginia Tech University, 2003

- Will the homes along Colton Blvd. create a transient community?

This local developer currently plans to construct "high-end" twin homes along Colton Blvd. with the intent being to attract long-term tenants. These units will be operated and maintained by the overall development of Lot 1, Block 2 to ensure the entire property is kept up to a high standard.

- What is going to be done to address the increase in traffic in the area?

A Traffic Impact Study (TIS) was previously completed for this development. However, since the zone change request is being submitted, the developer is required to complete an updated TIS. This TIS report will be submitted to the City's Public Works Department with the Master Site submittal. The updated TIS will include any recommendations of traffic improvements that may be warranted with the revisions to the proposed zoning. If traffic improvements are warranted based on the updated TIS the developer will be required to install these as part of the public improvements with the Private Contract.

Lots 1, Blocks 1 & 2, Zimmerman Home Place Subdivision, 1st Filing

Zone Change Questions

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

Essential Investments – The proposed project is classified as an “infill development” making it very cost effective to provide essential City services to the property. The project will extend existing water and sewer infrastructure to service the development. Furthermore, this project will incorporate developed parks which will provide recreation opportunities such as pickleball and basketball courts and playground areas.

Strong Neighborhoods – The proposed project will utilize a mix of housing options (NX1, NX3, and N2) to draw individuals of all ages in addition to families. The development is planned in a way as to provide a strong community by providing easy access to pocket parks and outdoor areas for neighbors to gather.

Business Access – The proximity of the medium- and high-density housing to commercial areas located near this development serve as an attraction for national and regional businesses, which in turn helps to build our city’s tax base. Attraction of anchor tenants will lead to the draw of smaller local businesses, developing a well-rounded community node where people can find jobs near where they live.

Zoning – The proposed project complies with the regulations outlined in the new zoning code in the following ways:

- a. Districts within the same district category shall face each other across the streets. N2 on the north portion of Lot 1, Block 2 faces N3 across Colton Boulevard. NX1 and NX3 face each other across Avenue E.
 - b. Change in districts shall generally occur at a rear lot line or an alley. Lot 1, Block 1 provides a transition from N2/N3 to NX1 across the rear (west) property line.
2. Explain how the proposed project meets the 10 zone change criteria.
 - a. Is the new zoning is designed in accordance with the growth policy?

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

The proposed project will extend existing water mains and implement new hydrants for fire protection of the proposed residences.

- c. **Will the new zoning promote public health, public safety and general welfare?**

The proposed project will promote a strong diversified community where residents will be able to access businesses and special outdoor amenities via pedestrian routes. Furthermore, the development of medium- to high-density housing adjacent to commercial areas alleviates traffic as residents will be able to access amenities and services closer to their homes rather than traveling extended distances on city roadways.

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

The new zoning is located just north of an existing MET route which will service this growing area. The proposed project will extend existing water and sewer infrastructure in Avenue E and Green Valley Dr. The development will also implement a mixture of Greens and larger park spaces to provide outdoor areas for the public. Furthermore, sidewalks and pedestrian paths will interconnect the development to trails along Colton Blvd.

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

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

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

The proposed project will have some impact on the motorized transportation system in the area as it was historically agricultural property and will move to residential development. However, the development of medium- and high-density housing near commercial districts affords residents the ability to access amenities and services by walking or driving on roadways internal to the subdivision, and not needing to enter onto the city's main roads. Additionally, this development will extend sidewalks internally within the subdivision as well as the multi-use path along Colton Boulevard. The developer has already begun the process of coordinating with City personnel for a traffic study update to be submitted at the time of master site plan submittal.

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

The proposed zoning will promote compatible urban growth, providing the desired density gradient from the north and west down to the commercial areas located around the Grand Avenue and Zimmerman Trail intersection.

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

The proposed development continues the character of the N district category from the north and transitions the property effectively down into the commercial district. The proposed PND will maintain the character of the existing neighborhoods while also providing diversification in housing options for the area.

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

The proposed development will conserve the value of buildings by maintaining characteristics of the existing neighborhood while providing an attractive blend of housing options to the area.

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

The proposed development is surrounded by city limits and therefore is the next logical annexation for the City and it meets the intent of the zoning code by providing diverse housing options near commercial areas and major intersections.

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

To current surrounding zoning is generally described as single-family homes to the north and west (N2 and N3), professional services to the east (NO), and commercial to the south (NMU and CMU1). The proposed PND fits with the existing zoning in the area by maintaining district categories across Colton Boulevard (N3 to N2) and Avenue E (NX1 to NX3), and providing a preferred density gradient from the surrounding low density neighborhoods towards the existing commercial districts just south of the proposed PND. transitioning to high-density as one moves south toward the commercial districts. Additionally, the proposed NX1 and NX3 will face each other across Avenue E.

single-family, to 2-unit residences and then continuing that gradient to high-density housing to the south. The high-density residential will then transition to the existing zoning of commercial to the south and east.



ZONE CHANGE PRE-APPLICATION MEETING AFFIRMATION

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a zone change application.



Check one: **City of Billings Zone Change** **Yellowstone County Zone Change**

Property Address Near the intersection of Colton Blvd. and Avenue E.

Legal Description Lot 1, Blocks 1 & 2 of Zimmerman Home Place Subdivision, 1st Filing

City Present Zoning NX3 - Mixed Residential 3 City Proposed Zoning? PD – Planned Development and

County Present Zoning Choose One County Proposed Zoning Choose One

Neighborhood Task Force Area? Westend Task Force

Task Force Chairperson Howard Holz

Required Uploads to Online Project Attachments:

- **Zone Change Pre-application Meeting Affirmation Form**
- **Statement:** Written description of the Zone Change Plan including square footage or acres of proposed new zoning.
- **Subject Property Map**
- **Roster of persons who attended the pre-application neighborhood meeting**
- **Meeting Notice and a brief synopsis of the meeting results**

Affirmation:

1) *The pre-application neighborhood meeting was held on:* December 16, 2021

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

Recorded Owner(s) Highlands ZHP Subdivision, LLC

Owner's Address 2116 Broadwater Ave., Ste. 101, Billings, MT 59102

Owner's Phone Number (406) 839-7661 E-mail preston@beartoothholding.com

Applicant/Agent Performance Engineering, Robert Neihart

Applicant/Agent's Address 608 N. 29th Street, Billings, MT 59101

Applicant/Agent's Phone Number 406-384-0080 E-mail rob@performance-ec.com

Signature of Recorded Owner(s)

Date 12/22/21

**Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.



ZONE CHANGE REQUEST



The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Regulations.

Check one: **City of Billings Zone Change** **Yellowstone County Zone Change**

Address Near the intersection of Colton Blvd. and Avenue E.

Legal Description Lot 1, Blocks 1 & 2 of Zimmerman Home Place Sub. 1st Filing

STATEMENT: Answer the following questions on a separate document and upload to the online project attachments.

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?
Explain your need for the intended zone change and why the property cannot be used under the existing zoning.
2. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

REQUIRED UPLOADS Online Applications: <https://services.billingsmt.gov/citizenaccess/>

--**Pre-Application Statement of Owner(s) or Agent(s)** affirming pre-application meeting was held, and include the following: 1) the pre-application neighborhood meeting was held, and 2) the zone change application is based on materials presented at the meeting. Include a copy of the meeting notice, written materials mailed or provided at the meeting, the sign-in sheet of attendees, and a brief synopsis of the meeting results.

--**Signed Application and Zone Change Statement** (Zone Change questions)

--[Site Plan](#)

--[Typed Mailing Labels Certified Surrounding Property Owners](#)

--[Radius Map & Certified List of Property Owners](#)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. I attest that all the information presented herein is factual and correct.

Recorded Owner(s) **Highlands ZHP Subdivision, LLC**

Owner's Address **2116 Broadwater Ave., Ste. 101, Billings, MT 59102**

Owner's Phone Number **(406) 839-7661** E-mail **preston@beartoothholding.com**

Applicant/Agent **Performance Engineering, Robert Neihart**

Applicant/Agent's Address **608 N. 29th Street, Billings, MT 59101**

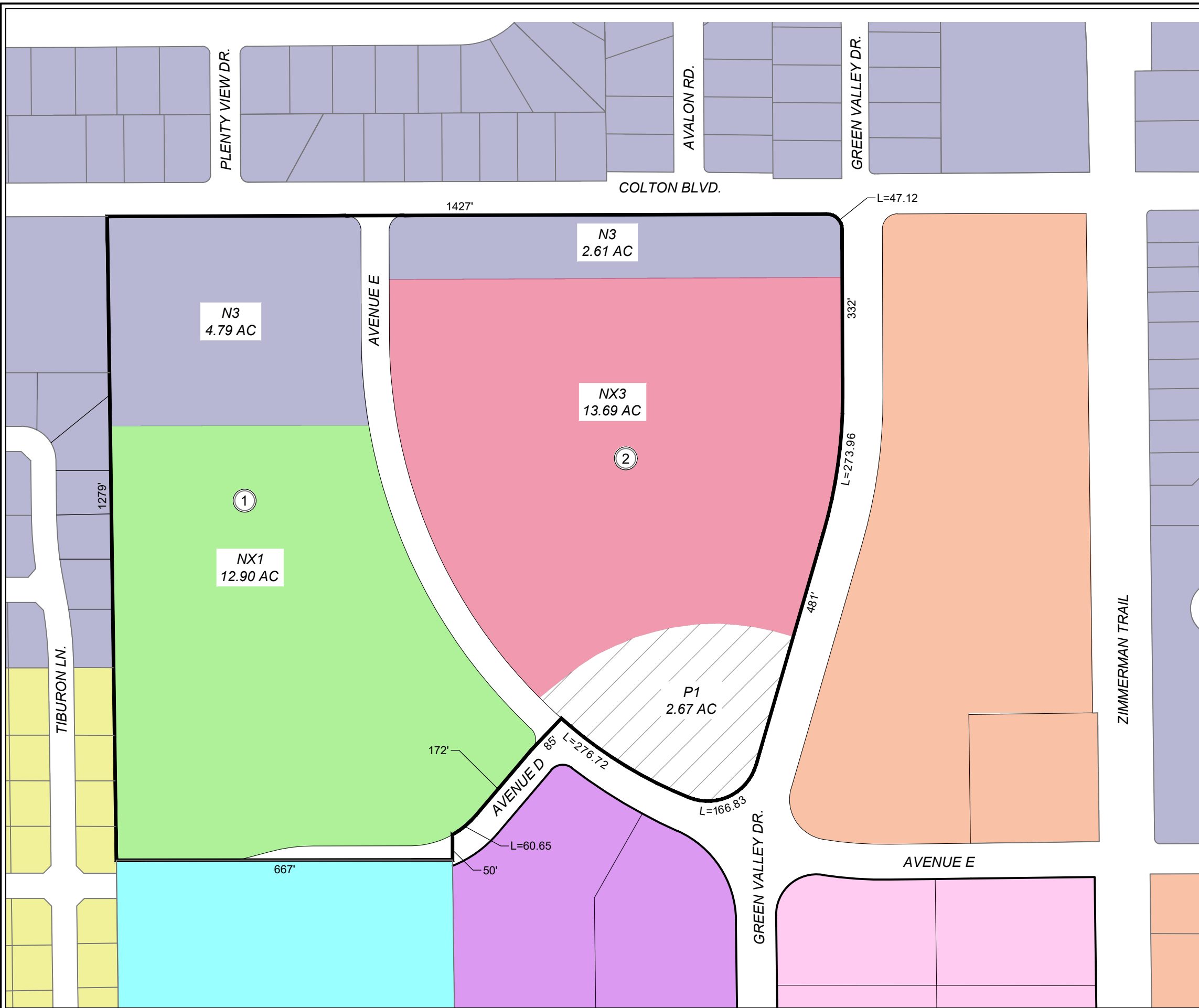
Applicant/Agent's Phone Number **406-384-0080** E-mail **rob@performance-ec.com**

Signature of Recorded Owner(s)

Date

AUTHORITIES: Procedures and Review Criteria for Zone Change requests Billings Montana City Code (BMCC) Section 27-1502 et seq. SEC. 27-1502. AMENDMENTS TO CHAPTER. (a) General. This chapter, including the official zoning map, may be amended only by the city council but no amendment shall be finally approved by the city council unless it has been submitted to the city zoning commission for review and recommendation. Proposals to amend this chapter, including the official zoning map, may be initiated by the city council or by the board of planning. Proposals to amend this chapter, except for the official zoning map, may also be initiated by the city zoning commission. Before enacting an amendment to this chapter, the city council shall give public notice and hold a public hearing thereon. Before enacting on its own motion an amendment to the official zoning map, the city council shall provide written notification by mail of such amendment to each property owner whose name appears on the last tax record of the property subject to the amendment. The notification shall include what the proposed amendment is, the time, date and place of the public hearing on the proposed amendment. Such notification shall be made no less than fifteen (15) days nor more than thirty (30) days in advance of the date of public hearing.

AUTHORITIES: Procedures and Review Criteria for Zone Change requests Unified Zoning Regulations Section 27-1508 et seq. SEC. 27-1508. AMENDMENTS TO CHAPTER. (a) General. Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this chapter to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this chapter and the objectives of the comprehensive plan. ****Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.**



LEGAL DESCRIPTION

LOTS 1, BLOCKS 1 & 2, ZIMMERMAN HOME PLACE SUBDIVISION, 1ST FILING, IN S34, T01N, R25E

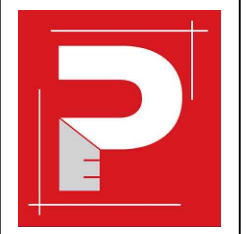
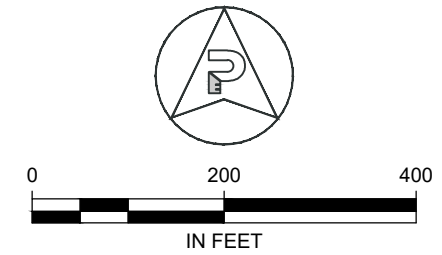
① BLOCK1, LOT 1: 770,833 SF
17.689 ACRES

② BLOCK 2, LOT 1: 826,507 SF
18.974 ACRES

ZONING LEGEND

- CMU1: COMMERCIAL MIXED USE 1
- NX1: MIXED RESIDENTIAL 1
- N2: MID-CENTURY RESIDENTIAL
- RR3: RURAL RESIDENTIAL 3
- P1: OPEN SPACE, PARKS, RECREATION
- NO: NEIGHBORHOOD OFFICE
- NX3: MIXED RESIDENTIAL 3
- NMU: NEIGHBORHOOD MIXED USE
- N3: SUBURBAN NEIGHBORHOOD

PROPOSED ZONE CHANGE BOUNDARY



HIGHLANDS APARTMENTS, LLC

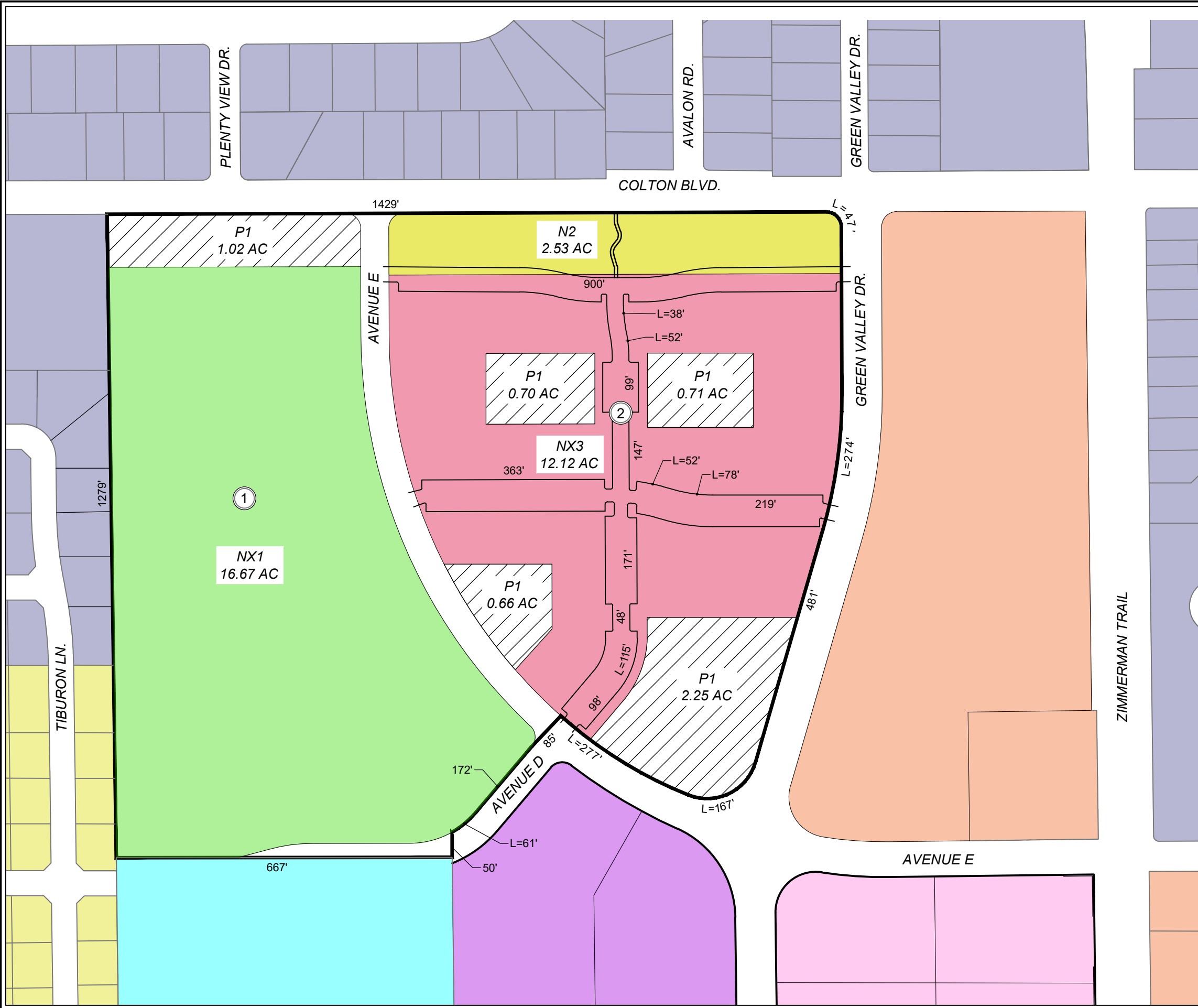
BILLINGS, MT 59102

RDN DESIGNED BY		QUALITY ASSURANCE	
RDN DRAWN BY		RDN CHECKED BY	
12/2021 DATE		12/2021 DATE	
REV BY	DATE	CHKD BY	

SHEET TITLE
ZIMMERMAN HOME PLACE
EXISTING ZONING MAP

PROJECT NUMBER 2021-173
SHEET NUMBER 1 OF 2
EXHIBIT A
COPYRIGHT 2021 ©

1/11/2022 4:03:58 PM
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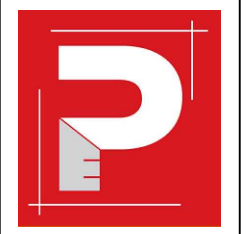
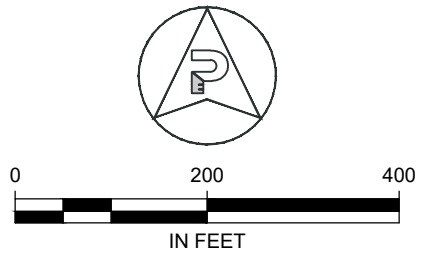
LEGAL DESCRIPTION

- LOTS 1, BLOCKS 1 & 2, ZIMMERMAN HOME PLACE SUBDIVISION, 1ST FILING, IN S34, T01N, R25E
- ① BLOCK1, LOT 1: 770,833 SF
17.689 ACRES
 - ② BLOCK 2, LOT 1: 826,507 SF
18.974 ACRES

ZONING LEGEND

- CMU1: COMMERCIAL MIXED USE 1
- NX1: MIXED RESIDENTIAL 1
- N2: MID-CENTURY RESIDENTIAL
- RR3: RURAL RESIDENTIAL 3
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PROPOSED ZONE CHANGE BOUNDARY



HIGHLANDS APARTMENTS, LLC

BILLINGS, MT 59102

RDN DESIGNED BY	QUALITY ASSURANCE	
RDN DRAWN BY	RDN CHECKED BY	
12/2021 DATE	12/2021 DATE	
REV BY	DATE	CHKD BY

SHEET TITLE
 ZIMMERMAN HOME PLACE
 PROPOSED ZONING MAP

PROJECT NUMBER 2021-173
SHEET NUMBER 2 OF 2
EXHIBIT B
COPYRIGHT 2021 ©

SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Zimmerman Home Place Subdivision	County ZC 675	August 2, 2016	A-1 to CC, NC, RP, Public, RMF-R, R-50, R-70 and R-96	Y	CC & NC parcels annexed for Town Pump development 3411 Grand Ave 2018
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Cardwell Ranch PD	986	October 26, 2020	Update to PD	Y	
E.D. King Sub	782	7/10/2006	A-1 to CC	Y	Country Meadow Apts 1997
1501 Zimmerman Trail	807	7/9/2007	R-60-R to CC & RP	Y	Ace Hardware & Offices
3737 Grand Ave	779	6/26/2006	RP to NC	Y	Multi-tenant office/retail
1500 Golden Blvd	572	2/28/1994	A-1 to RMF	Y	Carriage Homes 1997
3155 Avenue C	413	10/25/1983	R-96 to RMF-R	Y	Aspen Meadows 2005
2291 Avenue C	68	8/26/1974	PD to R-60	Y	Rosepark Plaza Apts 1981