



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

NOTICE TO THE PUBLIC

****ATTENTION****

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

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 September 6, 2022. --DELAYED

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

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

Regular Business:

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

Public Hearings:

- a. **City Zone Change 1019 -- Zimmerman Trail -- NO to CMU1** - A zone change request from Neighborhood Office (NO) to Corridor Mixed Use 1 (CMU1), on Lot 2 and 3 of Block 1, Zimmerman Home Place Subdivision, 3rd Filing, a 7.513 acre parcel of land. A pre-application neighborhood meeting was held on August 24, 2022, on ZOOM, a virtual meeting platform. Tax ID: TBD -- portions of A36264

Applicant has requested a delay in hearing City Zone Change 1019 until the November 1, 2022 meeting. The City Zoning Commission will motion and vote on this request.

- b. **City Zone Change 1018 -- 2110/2116/2130 Bench Blvd -- NX1 to NX1 and CX** - A zone change request from Mixed Residential 1 (NX1 -- 1 to 4 unit buildings) to NX1 and Heavy Commercial (CX), on Lot 9A of Amended Holling Ranch Sub and Parcel A (less 815 sf for Bench ROW) of C/S 451, a 2.91 acre parcel of land. A pre-application neighborhood meeting was held on August 11, 2022, at Medicine Crow Middle School. Tax IDs: D05197A, D05198
- c. **City Zone Change 1020 -- RR3 to NX1 and NX3** - A zone change request from Rural Residential 3 (RR3 -- County) to Mixed Residential 1 (NX1 -- 1 to 4 unit buildings) and Mixed Residential 3 (NX3 -- 5 or more unit buildings), on Parcel 2B Amended of C/S 2974, a 6.9997 acre parcel of land. A pre-application neighborhood meeting was held on August 17, 2022, at the Lutheran Church of the Good Shepherd. A concurrent annexation petition has been submitted. Tax ID:D04783A

Other Business/Announcements

Adjournment

The City Council has designated October 24, 2022, at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for the zone changes and hold their public hearings. The Council will **conduct a public hearing for the first reading of the ordinance on October 24, 2022.** If approved on first reading, **a second reading will occur on November 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.

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

Zoning Commission

Date: 10/04/2022
Title: City Zone Change 1019 - Zimmerman Home Place - NO to CMU1
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff is recommending approval and adoption of the proposed findings of the 10 criteria for Zone Change 1019.

On September 27, the Planning Division received a request to delay action on this application. Since the public hearing has been noticed, the Zoning Commission must take action to delay the application at this meeting. It is customary to grant this request. This application would return to the Zoning Commission in November.

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

This is a zone change request from Neighborhood Office (NO) to Corridor Mixed Use 1 (CMU1) to allow a wider range of uses and multi-story structures on two lots in the Zimmerman Home Place Subdivision (3rd Filing). The lots are generally located between the intersections of Zimmerman Trail, Avenue E and Colton Boulevard and are just north of the Children's Clinic medical office at 3401 Avenue E.

Prior to the adoption of the new zoning code, the city and county regularly zoned property on arterial street frontages with low density residential or low-intensity commercial zones such as Residential Professional (RP). The new zoning for the city requires different choices for arterial street frontages including mixed use districts or mixed residential districts. This is to ensure that neighborhoods are places in areas away from traffic noise, and do not need to "wall off" the neighborhood from the adjoining street. In the code update in 2021, the corollary zone for RP was Neighborhood Office (NO) and parcels that were vacant at the time of the update, went from RP to NO. Neither the RP zone or the NO zone are appropriate for such a large area on an arterial street. The district description for NO includes this language: "*The NO district is intended to accommodate office and office/residential uses on neighborhood corridors and internal neighborhood locations where other commercial uses are inappropriate. This district is meant to be highly walkable and accessible to pedestrians and to fit well with the context of adjacent neighborhood residential buildings, when located on corners or block ends.*" (BMCC 27-402) The lots to the north and south of the subject property do meet the district descriptions for a NO zone being at street intersections at entrances to the neighborhood, and those lots are not included in the zone change. Also, CMU1 is very different than the old Community Commercial district with improved site and form requirements, a mix of uses but also a more limited set of uses that fit better on arterial streets even in a mixed use neighborhood.

The proposed zoning of CMU1 is intended to allow a commercial mixed-use building or buildings for these two lots. The CMU1 zone allows a wide variety of the retail, services as well as offices and upper-story residential apartments. The property owner is developing several hundred apartments on a lot to the west - zoned Mixed Residential 3 (NX3). The zone change would allow this owner to provide walkable access to businesses and services for this new neighborhood. Currently, all retail-type businesses are located about 3/4-mile to the southeast or southwest. Walkable neighborhoods usually have retail services 1/2-mile or less from the residential area - even if it is just a corner store, a coffee shop or similar business.

There is a variety of zone districts in the area including the Mixed Residential 3 (NX3) to the west, NO north and south of the subject property, and Suburban Neighborhood Residential (N3) east across Zimmerman Trail, a Principal Arterial street. The homes in the N3 zone do not take frontage from Zimmerman Trail and are behind some landscaping and a sight-obscuring fence that runs parallel to the street. Most of these patio homes and townhomes were built on private streets in the late 1990s and early 2000s. Most are single story single family homes.

Zimmerman Trail is an arterial street and was completed from Poly Drive to Broadwater Avenue in 2004/2005. Prior to this time, Zimmerman Trail was known as 34th St West north of Grand Avenue and 32nd St West south of Broadwater. The city acquired the right-of-way and built the connection as an arterial street to complete this part of the city's street network. There are few north/south arterial streets west of 17th St West. Zimmerman Trail carries about 15,000 vehicle trips per day along this corridor between Broadwater Avenue and Poly Drive. Additional traffic is expected when several new apartment projects are completed in the next two years including the Zimmerman Home Place development and the Icon and Steward Land apartments south of Grand in Cardwell Ranch Subdivision. Zimmerman Trail is a 2-3 lane arterial street with a capacity to handle larger volumes of traffic. There are traffic signals at Rimrock Road, Poly Drive, Grand Avenue and Broadwater Avenue. South of Broadwater Avenue, the street name changes to 32nd St West. A mixed use development on these parcels would likely require a traffic update to ensure nearby intersections can still function as designed. Any traffic

management or upgrades would be the responsibility of the project developer.

APPLICATION DATA

OWNER: Highlands ZHP Subdivision LLC, Preston Lees

AGENT: Performance Engineering, Scott Aspenlieder, P.E.

LEGAL DESCRIPTION: Lots 2 and 3, Block 1, Zimmerman Home Place Subdivision, 3rd Filing

CURRENT ZONING: NO

EXISTING LAND USE: Vacant

PROPOSED USE: Mixed Use development with ground level commercial uses and apartments in upper stories

SIZE OF PARCEL: 7.513 acres

SURROUNDING ZONING AND LAND USE

NORTH:

Zoning: NO - Neighborhood Office

Land Use: Vacant

SOUTH:

Zoning: NO

Land Use: Children's Clinic and vacant land

EAST:

Zoning: N3 - Suburban Neighborhood Residential

Land Use: Single family homes

WEST:

Zoning: NX3 - Mixed Residential 3 and P1 - Public 1

Land Use: Apartments and parkland

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 property to the west went through a Planned Neighborhood Development zone change when it was annexed in early 2022. A PND zone change was not required, but the owner preferred this zoning process to allow for placement of the Public 1 zone parcels within the new apartment development (ZC 1009).

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 zoning of CMU1 for the subject property with Zimmerman Trail frontage. The CMU1 zone district is intended to be placed on arterial street corridors where neighborhood zoning is adjacent or across the street. The uses allowed within the CMU1 zone do not allow uses by right that could cause noise and disruption such as car washes, drive through restaurants, bars or casinos. The West Billings Neighborhood Plan goals and objectives stated the need to locate more intense uses along arterial street corridors 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 meeting at the subject property on August 24, 2022. The meeting was conducted via ZOOM. The synopsis of the meeting questions and answers are attached to this report. There were questions about the need for the zone change, the pedestrian crossing a Colton Blvd and Zimmerman Trail, and increasing traffic. Planning staff has received input from a neighboring property owner regarding protest provisions. One of the reasons for the requested delay of this application by the applicant is to provide additional information to the neighborhood.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval of the Zone Change and adopt the proposed findings of the 10 review criteria; or,
- Recommend denial of the Zone Change and adopt different findings of the 10 review criteria; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the application.

FISCAL EFFECTS

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

SUMMARY

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 most 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 will accommodate uses that are complementary to this new mixed residential neighborhood. The proposed development will also have good access to the adjacent street network and is in proximity to several residential neighborhoods. The proposed zoning and development will provide for a variety of retail and commercial services as well as housing choices that are not abundant in this area of West Billings. The property is within walking distance to the multi-use trail system and neighborhoods.

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
- A mix of housing types that meet the needs of a diverse population is important

Home Base

- 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 and Essential Investments

- Infill development and development near existing City infrastructure may be the most cost effective
- A diversity of available jobs can ensure a strong Billings' economy
- Retaining and supporting existing businesses helps sustain a healthy economy

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

The CMU1 Zone requires adequate building separations and density limits which creates security from fire and other dangers. Specifically, the CX zone regulates setbacks, lot coverage, height and other site characteristics which preserve the ability to protect from fire and other dangers.

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

Public health and public safety are promoted by the proposed zoning. This is not a unique to the CMU1 zone, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in 27-400-3 in the CMU1 district promote the minimum standards to ensure public healthy and safety and promote general welfare. Public health and public safety will be promoted by the proposed change. The property will not have direct vehicle access to Zimmerman Trail but pedestrian access and "front-door" requirements will apply to this frontage.

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

Transportation: The applicant will likely need to provide an update to the already completed traffic impact study for the subdivision. The applicant 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 Engineer will determine the required improvements based on the specific information provided in the update or existing traffic study.

Water and Sewer: This property is located in the City Limits and is required to be served by city water and sewer. There are no known capacity impacts related to water and sewer that are identified through any adopted studies or staff input.

Schools and Parks: Schools and parks may be effected by the proposed zone change. The NO zoning allows 1-4 family dwellings and the CMU1 zone allows upper story apartments. Development of apartments may attract families with children. SD #2 had no comment on the proposed zoning. The Planning Division coordinates input from the School District administration.

Fire and Police: The subject property is served by city public safety services. Development of the property, regardless of zone will be served by existing police and fire services. The Police and Fire Departments had no concerns with the zone change as requirements for access, water supply and fire codes will apply to the site and any construction on the subject property.

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

Similar to criteria 2 and 3, the proposed CMU1 zone, like all zones, requires minimum setbacks to allow for adequate separation between structures and adequate light and air. This parcel is presently vacant therefore any new structure will be required to meet the standards required by Section 27-400-3.

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

Non-motorized travel -- walking and biking -- is an essential part of the city's transportation plan both within the proposed development and connecting to adjacent areas. Pedestrian connections to the new development will be allowed from Zimmerman Trail as well as across Green Valley Drive to the west. The subdivision has a no vehicle access strip across the frontage of Zimmerman Trail, so all vehicle access will be from internal streets. The property is close to three fixed route MET bus lines (two on Grand and one on Poly Dr). There are no specific 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 to 6,000 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. A traffic impact analysis already completed for the apartment project to the west will need to be updated based on the new zoning and land uses allowed on this 7.5 acre parcel. Mitigation may 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 with similar uses. Zimmerman Trail acts as a major transportation corridor so the expectation of commercial or mixed use services is appropriate. As more housing choices move to this area it is important that some services are available in the vicinity. There is no CMU1 directly adjacent to this parcel, however, CMU1 is located just south of Avenue E. Commercial development along the Zimmerman corridor does consider the character and suitability of the area.

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

There are currently no buildings on the property, therefore the new zoning does not propose a risk of creating a non

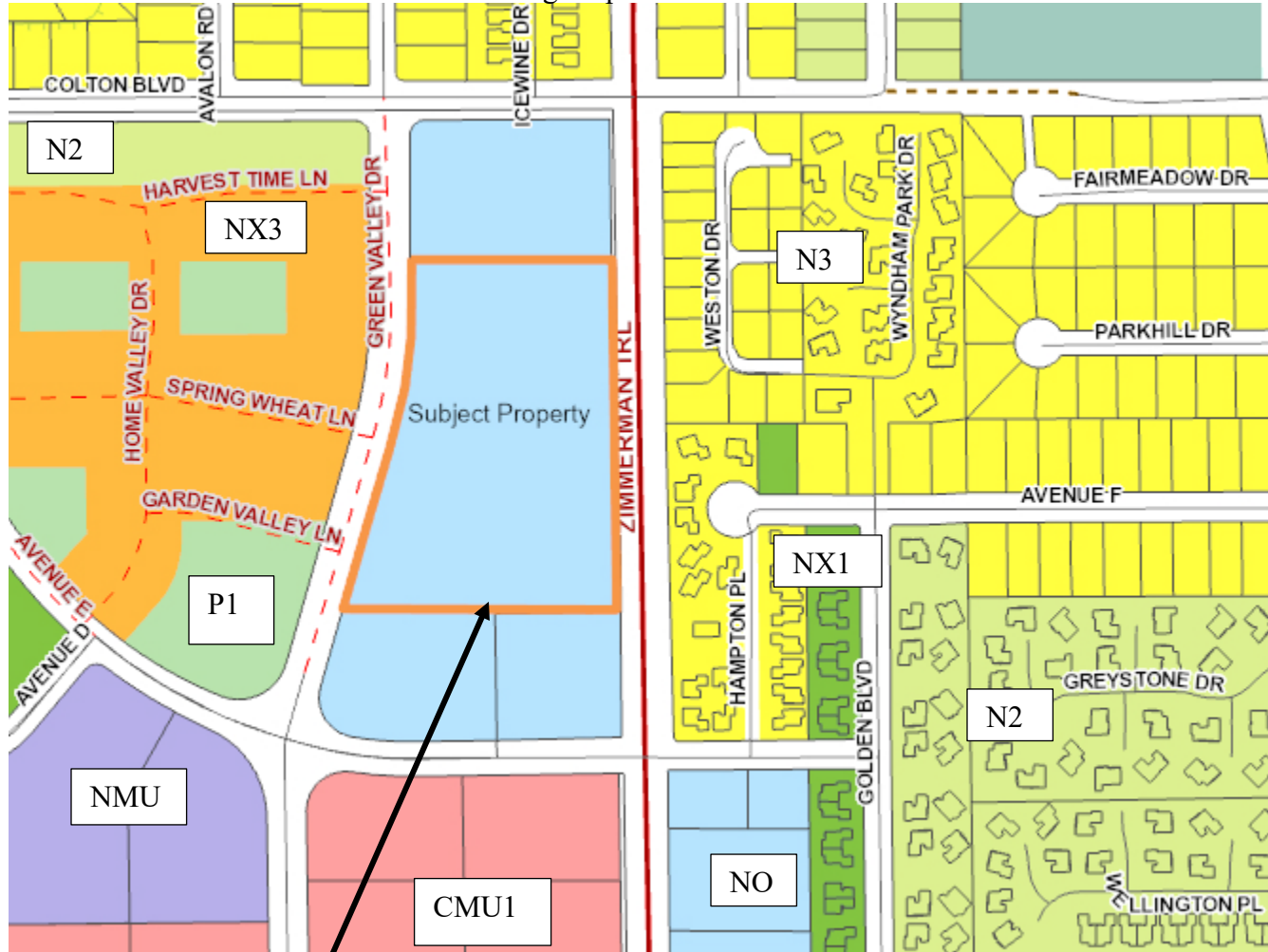
conformity or other value associated issues. Any new development must be in conformance with the zoning regulations, thus conserving the value of buildings for the parcel. There has been no evidence to support the zone change will negatively affect the surrounding property and existing buildings. The new zoning is not expected to alter the value of any buildings in the area.

10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?
The proposed zone change will encourage the most appropriate use of this land in Billings.

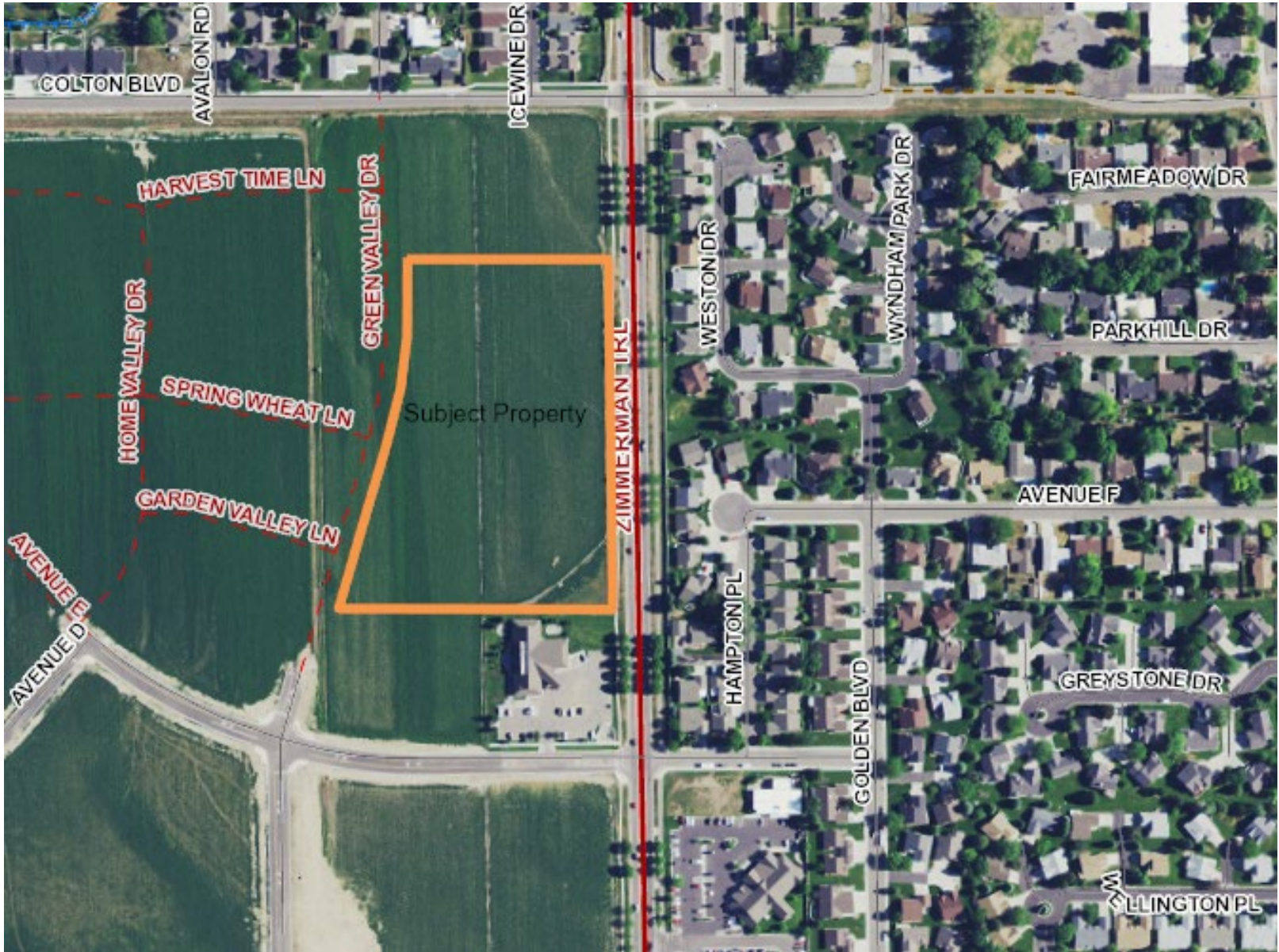
Attachments

Zoning Map and Site Photos
Application Letter and Preapplication notes
Chart of Zoning History

City Zone Change 1019 – Zimmerman Home Place Sub 3rd Filing
Zoning Map and Site Photos



Subject Property
Existing Zone = NO
Proposed Zone = CMU1





Subject Property – view west from Zimmerman Trail



View north on Zimmerman Trail



View north and east across Zimmerman Trail



View south to the Children's Clinic – directly south of subject property



View south on Zimmerman Trail



View north on Zimmerman Trail

APPLICATION FORM

PZY

CITY ZONE CHANGE

Billings Zone Change # 1019

- Project # 22-00224

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 NO - Residential Office

Proposed Zoning: CMU1 - Mixed-Use Corridor

TAX ID# A36264 CITY ELECTION WARD 4

Legal Description of Property: Zimmerman Home Place Subdivision 3rd Filing, Lot 2 & 3 Block 1, Section 34, T01 N, R25 E, Billings, MT, P.M.M.

Address or General Location (If unknown, contact City Engineering): Near Colton Ave & Zimmerman Trail Intersection

Size of Parcel (Area & Dimensions): 7.513 acres

Present Land-Use: Vacant Rural Land

Proposed Land-Use: Mixed-Use Commercial

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): Highlands ZHP Subdivision, LLC

(Recorded Owner) 2116 Broadwater Ave., Ste. 101, Billings, MT 59102

(Address) (406) 839 - 7661 preston@beartoothholding.com

(Phone Number) (email)

Agent(s): Performance Engineering, Scott Aspenlieder

(Name) 608 N. 29th Street, Billings, MT 59101

(Address) (406) 384 - 0080 scott@performance-ec.com

(Phone Number) (email)

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

Signature: [Signature]
(Recorded Owner)

Date: 8/20/22





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

Lots 2 & 3, Block 1, Zimmerman Home Place Subdivision, 3rd 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 a very cost-effective option for the city. The current development would also allow for the interconnectivity of sidewalks from homes to commercial businesses.

Business Access - The location of the project along Zimmerman Trail would allow easy access to commercial businesses constructed on site. The short distance to the new apartments and existing residential neighborhoods in the area also allow many residents to commute to the stores without driving on city roads. This accessibility will attract many types of businesses to the growing area.

Infill Development Policy - The goal of the Billings Infill Policy is to promote housing and retail choices to encourage economic development, by rezoning this area it will stimulate development of the area and provide a more enjoyable neighborhood environment for the residents.

2. Explain how the proposed project meets the 10 zone change criteria.
 - a. **Is the new zoning designed in accordance with the growth policy?**
The new zoning adheres to the City of Billings growth policy as it is an essential investment because it is an infill development and provides commercial business/retail access to the residents in the area.
 - b. **Is the new zoning designed to secure from fire and other dangers?**
There are fire hydrants located an adequate distance from the site on Zimmerman Trail. The site is also located outside of any floodplain.
 - c. **Will the new zoning promote public health, public safety and general welfare?**
The proposed zone change will diversify the surrounding neighborhood and allow for easier access to commercial businesses closer to their homes. This makes it possible for residents to use non-motorized transportation, keeping less cars off local roadways which increases the

general welfare of both commuters on the roads and residents of the neighborhood.

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

The change in zone will not require any additional water or sewage to the site as it is provided by the development being constructed to the west. It will also improve the effectiveness of the MET as there is a stop located just south of the property location, increasing the number of businesses available to the passengers. Park land was identified and dedicated in the PD development to the west.

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

The proposed zone change will have minimal impact on light and air in the surrounding area. Any improvements on the land must adhere to the zoning requirements for lighting laid out by the City's Zoning Code.

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

The proposed zone change will have some impact on the motorized transportation in the area, however, its short distance to the new apartment complex and existing residential houses in the area allow for nonmotorized vehicles be used to travel to future development on the property. Additionally, there is an MET bus stop in the area to accommodate mass transit use.

g. Will the new zoning promote compatible urban growth?

The proposed zoning will promote urban growth to the surrounding area. Development on the west side of Zimmerman Trail and on Green Valley Drive between Avenue E and Grand Avenue is expected. Most of the proposed development is expected to be commercial to further serve the new development at Zimmerman Home Place and surrounding residential developments.

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

The proposed zoning expands the CMU district from Grand Avenue up closer to Colton Boulevard providing easier access for the residents in the area and will help blend the CMU district to the N district to the north and east.

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

The new zoning will conserve the value of buildings in the area by creating new amenities for nearby neighborhoods while not intruding upon them.

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

The zoning will encourage appropriate use of land by expanding the CMU district on Grand Avenue allowing residents easy access to more businesses in the area.

- 3. **Does the new zoning fit with the existing or planned developments within the area?**

The new zoning will fit seamlessly into the existing developments, land currently being developed, and future developments in the area. The site will help provide many amenities and necessities for the residents in the area.

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:** NO - Residential Office _____
2. **Written description of the Zone Change Plan** including existing and proposed new zoning:

Zone Change from NO to CMU1 _____

3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:**
Zimmerman Home Place Subdivision 3rd Filing, Lot 2 & 3 Block 1, Section 34, T01 N,
R25 E, Billings, MT, P.M.M. _____
5. **Neighborhood Task Force Area:** Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson:
Westend Task Force. Gordon Olson. _____
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 24th, day of August, 2022.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Highlands ZHP Subdivision, LLC Telephone: (406) 839 - 7661
Address: 2116 Broadwater Ave., Ste. 101, Email: preston@beartoothholding.com
Billings, MT 59102 _____

Agent (s): Performance Engineering, Scott Aspenlieder Telephone: (406) 384 - 0080
Address: 608 N. 29th Street Email: scott@performance-ec.com
Billings, MT 59101 _____

Lots 2 & 3, Block 1, Zimmerman Home Place Subdivision, 3rd Filing

Zone Change Neighborhood Meeting Notes

The meeting was conducted from 6-7 PM on August 24, 2022 via a virtual Zoom meeting. The meeting was hosted by Scott Aspenlieder of Performance Engineering (agent).

There were public participants for the virtual Zoom meeting. We did receive two calls prior to the meeting that night from the HOA east of Zimmerman Trail which had the following questions/comments regarding the proposed zone change along with one email which is included in the packet.

Questions from the individuals and subsequent responses are shown below:

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

The developer could potentially start construction on the lots in the spring of 2023 with building construction following subdivision and zoning.

- **Why is it being proposed to switch the existing property zoning to CMU1?**

The CMU1 district allows more flexibility and allows for a mix of residential and commercial uses. This will allow for an intermix of community service style businesses and restaurants along with residential use.

- **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. It is likely that an update to the TIS could be required based on use and projected trip generation for the future use. If required, the TIS update would 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 development permits for the lots and/or building permits.

- **Neighbors are concerned about the pedestrian crosswalk at Colton and Zimmerman with additional traffic?**

The pedestrian crosswalk is designed and permitted to City of Billings standards. If concern continues the City could be petitioned to included a flashing beacon or lighting to notify drivers of an occupied crosswalk. That would be an issue for the City of Billings to address, not this zone change.

- Will the new zoning allow for any casinos to be constructed on the lots?

No casinos can be permitted on the proposed lots due to proximity to residential properties. There could be the potential for full beverage liquor licenses on the property but gaming would not be permitted under current City Code.

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
Zimmerman Home Place Subdivision	City Zone Change 1009	March 14, 2022	N3, NX1, NX3, and P1 through a PND to N2, NX1, NX3, and P1	Yes	Concurrent Annexation
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

Zoning Commission

Date: 10/04/2022
Title: City Zone Change 1018 - 2110, 2116, 2130 Bench Blvd.- NX1 to NX1 & CX
Presented by: Karen Husman
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff is recommending approval based on the findings of the 10 criteria for Zone Change 1018.

REQUEST

City Zone Change 1018 -- 2110/2116/2130 Bench Blvd -- NX1 to NX1 and CX - A zone change request from Mixed Residential 1 (NX1 -- 1 to 4 unit buildings) to NX1 and Heavy Commercial (CX), on Lot 9A of Amended Holling Ranch Sub and Parcel A (less 815 sf for Bench ROW) of C/S 451, a 2.91 acre parcel of land. A pre-application neighborhood meeting was held on August 11, 2022, at Medicine Crow Middle School. Tax IDs: D05197A, D05198

APPLICATION DATA

OWNER: Old Hickory Shed, LLC and Randy Miller
AGENT: IMEG Corp.- Shawn Thorson
LEGAL DESCRIPTION: Lot 9A of Amended Holling Ranch Sub and Parcel A (less 815 sf for Bench ROW) of C/S 451
ADDRESS: 2110, 2116, 2130 Bench Blvd
CURRENT ZONING: NX1
EXISTING LAND USE: Residential
PROPOSED USE: Residential and commercial
SIZE OF PARCEL: 2.91 acres

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

NORTH: Zoning: CMU1
Land Use: Pet daycare and grooming
SOUTH: Zoning: NX1
Land Use: Residential
EAST: Zoning: N2
Land Use: Residential
WEST: Zoning: CX
Land Use: Commercial

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

A zone change request from Mixed Residential 1 (NX1 -- 1 to 4 unit buildings) to NX1 and Heavy Commercial (CX), on Lot 9A of Amended Holling Ranch Sub and Parcel A (less 815 sf for Bench ROW) of C/S 451, a 2.91 acre parcel of land. A pre-application neighborhood meeting was held on August 11, 2022, at Medicine Crow Middle School. The intent, if approved, is to relocate the zoning to align with the proposed change area and allow the existing business to the west to acquire 1.93 acres of the subject property to continue using it for its business. There are currently three single family dwellings on the easterly portion of the properties adjacent to Bench Blvd. Approval of the zone change would trigger a requirement for the CX zoned property to install a landscaping buffer along the new property line on the westerly side of the NX1 zone parcel per section 27-1204 (bufferyards required).

The applicant has indicated in their statement a "grandfathered use", however there is no "grandfathered use" on the property. Currently, and in recent history, the Shed Company has been storing sheds on the property that is currently zoned NX1, this is a "non-conforming" use. It is not known or documented how long the business has been utilizing the property for storage for the business, and it is not considered a use that can continue without the benefit of a zone change. In this case the zone change is necessary for the business to continue using the property for commercial business storage.

STAKEHOLDERS

The applicant conducted a pre-application meeting at the subject property on August 11, 2022. There were six members of the public in attendance. The synopsis of the meeting and the attendance list are attached to this report.

ALTERNATIVES

The Zoning Commission may:

- Recommend Approval of the Zone Change and adopt the findings of the 10 review criteria; or,
- Recommend Denial of the Zone Change and adopt different findings of the 10 review criteria; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the application.

FISCAL EFFECTS

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

SUMMARY

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

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

The proposed zone change is most consistent with the following guidelines of the 2016 Growth Policy:
Prosperity (promoting equal opportunity and economic advancement)

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy

The proposed zoning would allow an existing business to expand. The current business of the "Old Hickory Shed" center abuts Main Street to the west of Bench Blvd. The applicant is requesting the zone change to allow the residential use to remain along Bench Boulevard and allow an expansion of storage area for the shed sale business adjacent to the west. The Growth Policy encourages prosperity in promoting equal opportunity and economic advancement. The Policy also states support for retaining and supporting existing businesses helps sustain a healthy economy. Approval of the zone change will allow an existing business a possible compliant expanded storage area as well as the NX1 to remain along Bench Blvd. buffering the residential district east of Bench Blvd.

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

The new zoning (Heavy Commercial) requires minimum setbacks, open and landscaped areas and building separations which creates security from fire and other dangers. The new zoning, as do all zoning districts, provides adequate building separations. This is an already constructed and established business location, and it appears to meet the separation requirements for the district. The existing single family dwellings appear to be constructed in compliance with these separation requirements. Approval of the zone change would trigger a requirement to install a landscaping buffer between the residential zone and the commercial zone. The nearest fire hydrant is approximately 360 feet from the subject property and serviced by the City of Billings Fire Department.

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

Public health and public safety are promoted by the proposed zoning. This is not a unique to the CX zone, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in 27-400-6 in the CX district promote the minimum standards to ensure public healthy and safety and promote general welfare. The proposed zoning of CX would allow the owners to expand the existing business operation at this location as well as ensure the residential uses are buffered from the commercial use with the requirement of landscaping buffer yard. The approval of the zone change should not have negative affects on the public health, safety and welfare given the existing conditions and site requirements.

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

Transportation: The proposed zoning itself will not increase the traffic at this location. The residential use along Bench Blvd. will not increase, so the traffic should continue to be consistent with existing conditions. The existing commercial use has access along Main Street, a principal arterial, a street designed to handle high volumes of traffic. It is with business expansion traffic can increase, but the amount is largely unknown as it will depend on the business itself and the amount of increased production and delivery it provides.

Water and Sewer: Water is provided by the Heights Water District and sewer is provided by the City of Billings. There are no anticipated impacts related to these services for the expansion of an existing business in an already established service area.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. These uses are impacted

through additional residential development. This is a commercial development therefore there are no identified concerns for parks and schools.

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

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

Similar to criteria 2 and 3, the proposed CX zone, like all zones, requires minimum setbacks to allow for adequate separation between structures and adequate light and air. The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. The existing buildings are sited in a way which also provides adequate light and air.

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

Traffic generation for the existing residential uses will remain the same. The existing commercial business is accessed from Main Street. There is likely to be an increase in traffic with any commercial business expansion, but there are no concerns given the property is accessed from Main Street which is a principal arterial. Principal arterials even with high volumes of traffic are designed to carry the maximum traffic. Traffic counts in this area are estimated to be 18,140 at the intersection of Main Street and Wicks. This subject property is north of this intersection. With the businesses being existing, any increase to this principal arterial would be negligible.

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. Existing CX zones are located immediately west. Additionally, site and landscape requirements of the CX district will promote compatibility specifically by requiring a landscaped buffer to residential zones.

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

This is a suitable use for this parcel of land and the zoning is appropriate in this situation. The shed company had been storing sheds on their property that is NX1, City Code Enforcement received a complaint about it and it was resolved by letting them put the sheds on the back side of the property near the CX zone. Therefore, the expansion of the CX zone would bring the property into compliance. The proposed zoning is identical to the zoning west of the subject property and is an appropriate zone with the adjacent businesses and arterial street.

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. Due to the existing businesses and established zones at the west of this location the similarity in use should not affect value of adjacent or neighboring properties. There has been no evidence to support the zone change will negatively affect the surrounding property and existing buildings.

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

As collectively mentioned in above criteria, the proposed zoning will encourage an appropriate commercial use, and maintain the existing residential use on this property.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Neighborhood Meeting information
History

Zoning Map & Site Photos



Existing Zoning



Proposed Zoning



Subject Property Looking West from Bench Blvd.



Looking North on Bench



Looking South on Bench



East across Bench

APPLICATION FORM

P2X -
22-00214

CITY ZONE CHANGE Billings Zone Change # 1018 - Project # 22-00214

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 NX1- Mixed Residential 1

Proposed Zoning: CX- Heavy Commercial

TAX ID# D05197A; D05198 CITY ELECTION WARD 2

Legal Description of Property: Lot 9A of Amd (13) Holling Ranch Sub. and Parcel A (less 815sf Bench ROW) COS 451 both in Sec 15, T1N, R26 E
Address or General Location (If unknown, contact City Engineering): 2110, 2116, and 2130 Bench Blvd.

Size of Parcel (Area & Dimensions): 2.91 ac total

Present Land-Use: Storage of Manufactured Sheds and Residential

Proposed Land-Use: Storage of Manufactured Sheds

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): Old Hickory Shed, LLC and Randy Miller

(Recorded Owner)
PO Box 331973, Murfreesboro, TN 37133
(Address)
615-890-8075 406-561-9026 michael.hazlett@oldhickorybuildings.com
(Phone Number) (email) mrservices264@yahoo.com

Agent(s): IMEG CORP

(Name)
175 N27th St. Ste 1312, Billings, MT 59101
(Address)
406-248-9000 shawn.m.thorson@imegcorp.com
(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct. 8/30/2022

Signature: Randy Miller Michael Hazlett Date: 8/29/2022
DocuSigned by: Randy Miller, SVP Old Hickory Shed, LLC DocuSigned by: Michael Hazlett, SVP Old Hickory Shed, LLC



TITLE 10 Zone Change Criteria:

Below is a list of Title 10 Zone Change Criteria with each criteria addressed in **bold**

1. Whether the new zoning is designed in accordance with the growth policy;
The new zoning of the parcels is in accordance with the City of Billings Growth Policy. The City of Billings Growth Policy states for prosperity in promoting equal opportunity and economic advancement. The Growth Policy also states support for retaining and supporting existing businesses helps sustain a health economy. By allowing for the requested rezone of CX the property will continue to be used for storage of sheds (a grandfathered use) and allow for possible expansion of commercial use. Additionally, the rezone allows for NX1 to remain adjacent to Bench Blvd. This will also allow for a buffer from the residential in the area and promote community wellbeing by promoting a strong neighborhood.
2. Whether the new zoning is designed to secure from fire and other dangers;
City of Billings zoning is design with setbacks and public safety in mind. The property is within the City of Billings. The property will continue to be approximately 360 feet from the closest fire hydrant and serviced by City of Billings Fire Department. The new zoning will be secure from fire and other dangers.
3. Whether the new zoning will promote public health, public safety, and general welfare;
City of Billings zoning is design with setbacks and public safety, public health and general welfare in mind. The new zoning of Heavy Commercial has been selected for the property due to the continuation of use for the grandfathered parcel and the adjacent property. Considering that the grandfathered use is 1.93 acres and the requested zoning of CX will zone approximately 1.93 acres to CX, the overall amount of acreage that will be aliquoted to the new zoning of CX will remain the same. Therefore, public health, public safety and general welfare will continue being unaffected. The applicants have additionally provided for approximately .98 acres of the lots to remain NX1 which further protects the public health, public safety, and general welfare of the Billings community.
4. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
The new zoning will facilitate the adequate provision of transportation, water, sewerage and public requirements. The new zoning requested is CX, heavy commercial. CX zoning currently exists on adjacent properties to the west. The property that is addressed as 2130 and 2116 Bench Blvd is grandfathered into a use aligned with CX, heavy commercial. As with all development and future development of property within the City of Billings adequate water and sewerage are a requirement. Additionally, the requested heavy commercial zoning will have a positive effect on parks and schools in the community. Commercial zoning typically pays higher taxes and does not use these types of facilities providing a benefit for the community.
5. Whether the new zoning will provide adequate light and air;
The zoning will allow for adequate light and air by having required setbacks and building standards associated with the zoning.
6. Whether the new zoning will effect motorized and nonmotorized transportation;
The new zoning will not have an effect on motorized and nonmotorized transportation. The new zoning will be in a sense a reallocation of the current

allowed uses on the property. The new zoning does not accompany any building permit or subdivision request. This new zoning request will therefore have no effect on the motorized and nonmotorized transportation.

7. Whether the new zoning will promote compatible urban growth;
The new zoning is adjacent to zoning that is similar to the request. The new zoning request would be for CX on the western part of the parcel with NX1 on the eastern side of the parcel. Both requested zonings have other parcels zoned the same adjacent. Additionally, the property currently allows for a grandfathered use of CX through storage of buildings on 1.93 acres currently zoned NX1. The new zoning requests that the storage of buildings be on the western side of both parcels which totals to 1.93 acres of land zoned as CX. The new zoning also requests that the eastern side of both parcels totaling to .98 acres be zoned NX1. This NX1 zoning is currently what the property is zoned. This zoning allows for 107-175' of NX1 zoning between Bench Blvd and the CX zoning. This alignment allows for compatible urban growth.
8. Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
The new zoning is adjacent to zoning that is similar to the request taking the character of the district into mind. The new zoning request would be for CX on the western part of the parcel with NX1 on the eastern side of the parcel. Both requested zonings have other parcels zoned the same adjacent. Additionally, the property currently allows for a grandfathered use of CX through storage of buildings on 1.93 acres currently zoned NX1. The new zoning requests that the storage of buildings be on the western side of both parcels which totals to 1.93 acres of land zoned as CX. The new zoning also requests that the eastern side of both parcels totaling to .98 acres be zoned NX1. This NX1 zoning is currently what the property is zoned. This zoning allows for 107-175' of NX1 zoning between Bench Blvd and the CX zoning taking the character of the district into mind.
9. Whether the new zoning will conserve the value of the buildings;
The new zoning is adjacent to zoning that is similar to the request and is an existing use on one of the properties and should have no effect on the value of the buildings. The new zoning request would be for CX on the western part of the parcel with NX1 on the eastern side of the parcel. Both requested zonings have other parcels zoned the same adjacent. Additionally, the property currently allows for a grandfathered use of CX through storage of buildings on 1.93 acres currently zoned NX1. The new zoning requests that the storage of buildings be on the western side of both parcels which totals to 1.93 acres of land zoned as CX. The new zoning also requests that the eastern side of both parcels totaling to .98 acres be zoned NX1. This NX1 zoning is currently what the property is zoned. This zoning allows for 107-175' of NX1 zoning between Bench Blvd and the CX zoning. This new zoning should have no effect on the value of the buildings.
10. Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings
The new zoning is adjacent to zoning that is similar to the request and is an existing use on one of the properties. The new zoning request would be for CX on the western part of the parcel with NX1 on the eastern side of the parcel. Both requested zonings have other parcels zoned the same adjacent. Additionally, the property currently allows for a grandfathered use of CX through storage of

buildings on 1.93 acres currently zoned NX1. The new zoning requests that the storage of buildings be on the western side of both parcels which totals to 1.93 acres of land zoned as CX. The new zoning also requests that the eastern side of both parcels totaling to .98 acres be zoned NX1. This NX1 zoning is currently what the property is zoned. This zoning allows for 107-175' of NX1 zoning between Bench Blvd and the CX zoning. This new zoning is a reallocation of zoning on the properties. This will allow to align the use with the zoning for the parcel owners, promote economic prosperity, and allow for a buffer between adjacent residential which correlates to neighborhood requests from the neighborhood meeting. This new zoning is the most appropriate use for the property owners and the land as it's currently used in the City of Billings today.

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:** NX1- Mixed Residential 1

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

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

4. **Legal Description of Property:**

Lot 9A of AMD (13) Holling Ranch Subd. located in S15, T1N, R26 E.
Parcel A (Less 815SF Bench ROW) (15) of COS 451 located in S15, T1N, R26E

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

Heights Task Force, Ming Cabrera, billingsheightstaskforce@gmail.com
1734 Poly Dr. Billings, MT 59102

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 August, 2022

2) The zone change application is based on materials presented at the meeting.
Old Hickory Shed, LLC and Randy Miller

Owner (s): _____ Telephone: 615-890-8075; 406-561-9026

Address: PO box 331973 Email: michael.hazlett@oldhickorybuildings.com
Murfreesboro, TN 37133 rnrservices264@yahoo.com

Agent (s): IMEG Corp Telephone: 406-248-9000

Address: 175 N 27th St. Ste 1312 Email: shawn.m.thorson@imegcorp.com
Billings, MT 59101

Shawn Thorson, P.E.
Civil Project Engineer



IMEG Corp.

175 N 27th Street | Suite 1312 | Billings, MT 59101

(406) 414-7768 | single reach

(307) 620-0130 | mobile

Shawn.M.Thorson@imegcorp.com



ZONE CHANGE PRE-APPLICATION NEIGHBORHOOD MEETING MINUTES

Hazlett Old Hickory Buildings & Sheds City Rezone

IMEG #2205347

Wednesday, August 10, 2022

5:30 P.M.

Location: Medicine Crow Middle School

MEETING DATE: August 10, 2022
LOCATION: Medicine Crow Middle School
PRESENT: An attendance list is attached.

ITEMS DISCUSSED:

1. Introduction:
 - a. Shawn Thorson (IMEG) presented the overall project and discussed Old Hickory Shed, LLC (OHS) purchased the parcel at 2130 Bench Blvd and is in the process of purchasing the connecting parcel to the south. OHS is now pursuing a rezone. The rezone is requesting to change the parcel from Neighborhood Mixed Residential (NX1) to Heavy Commercial (CX).
2. General Information:
 - a. Shawn discussed the general information on the Zone Change Request. He explained the rezone process and how OHS already owns the neighboring property to the West and wants to use the new parcels to store the sheds they manufacture. Legally storing the manufactured sheds is OHS's main goal.
3. Questions: The following questions were asked by the attendees as follows:
 - Dale Smith:
 - o They just want to store sheds? What about the existing houses on the properties?
 - Shawn answered that the existing houses could be used as office buildings, but with a CX zoning, residential living is not permitted.
 - Lorne Armer:
 - o He expressed concern that OHS would level the trees, clearing out the parcels and set up a store front if they wanted to if the zoning changed to CX. He was also concerned about right lights and semis driving right in front of the residential properties. What is heavy commercial?
 - Anna explained that there are rules regarding setbacks from the road and anything they did on the parcels would not be directly on the street in front

of the residential properties. She explained that Bench Blvd is a public street, and we don't have the ability to restrict them from driving there. She also read and explained the heavy commercial designation and what was allowed.

- James and Kristy Johnson:
 - Expressed concern for OHS's current practices. Said that they weren't good neighbors – they have a lot of trucks going in and out, they make a lot of noise at all hours of the day, and they are worried about their grandchildren playing on the street across from the heavy truck traffic.
 - Shawn and Anna explained to the attendees that operations on 2130 Bench Blvd are grandfathered into the previous zoning, so they are not doing anything that it isn't already zoned for.
- Lorne Armer:
 - He expressed concern for his rental property and doesn't want a commercial property across the street to affect his property taxes/appraisal value to be decreased. What will happen in 10 years if the current owners sell and it becomes something junky?
 - Anna explained that the surrounding properties won't affect the appraisal value, that is based off of the value of the building and the value of the land.
 - Anna and Shawn answered that they have no way of knowing what OHS will do with the land in the future and they have the right to sell it if they want.
- Shawn Thorson:
 - What do you not like about the zoning CX? Is there anything that it allows for that you would like to not see on the parcels?
 - Lorne Armer: He would like certain requirements placed and restrictions. Required to have a 20 ft landscape buffer and no truck access off Bench. Also, hard to know what is going to happen in the area because of changes to the intersection North of the parcels.
- James and Kristy Johnson:
 - Hard no for both because there is no enforcement of the regulations in place now and OHS hasn't been a good neighbor for the past year. They have been pushing the boundaries for the past year, how many more are they going to push when the zoning changes?
 - Shawn and Anna thanked them for their input.
- Lorne Armer:
 - He stated that he would be okay with CX if there was a landscape buffer, no entrance on bench, and if OHS kept the area clean and safe for kids. He would be okay with them storing their sheds there.
 - Shawn and Anna thanked them for their input.
- Dale Smith: He expressed that the truck traffic loves Bench because they don't have to fight with Main Street and the median.



- o Anna and Shawn said that they will bring the input back to the client and see if there can be something stated where the parcel isn't accessed from Bench.
- Shawn wrapped up the meeting by informing the attendees that we would be bringing their input back to OHS to find a solution that would work for all parties. He thanked everything for being there and their input towards the zoning change request.

The foregoing constitutes our understanding of the matters discussed during the meeting.

Prepared by: Amber E. Long, E.I.

SMT/hsc

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cc: All Present





NEIGHBORHOOD MEETING ATTENDANCE RECORD

IMEG #: 22005347

Project: Hazlett Old Hickory Buildings & Sheds City Rezone

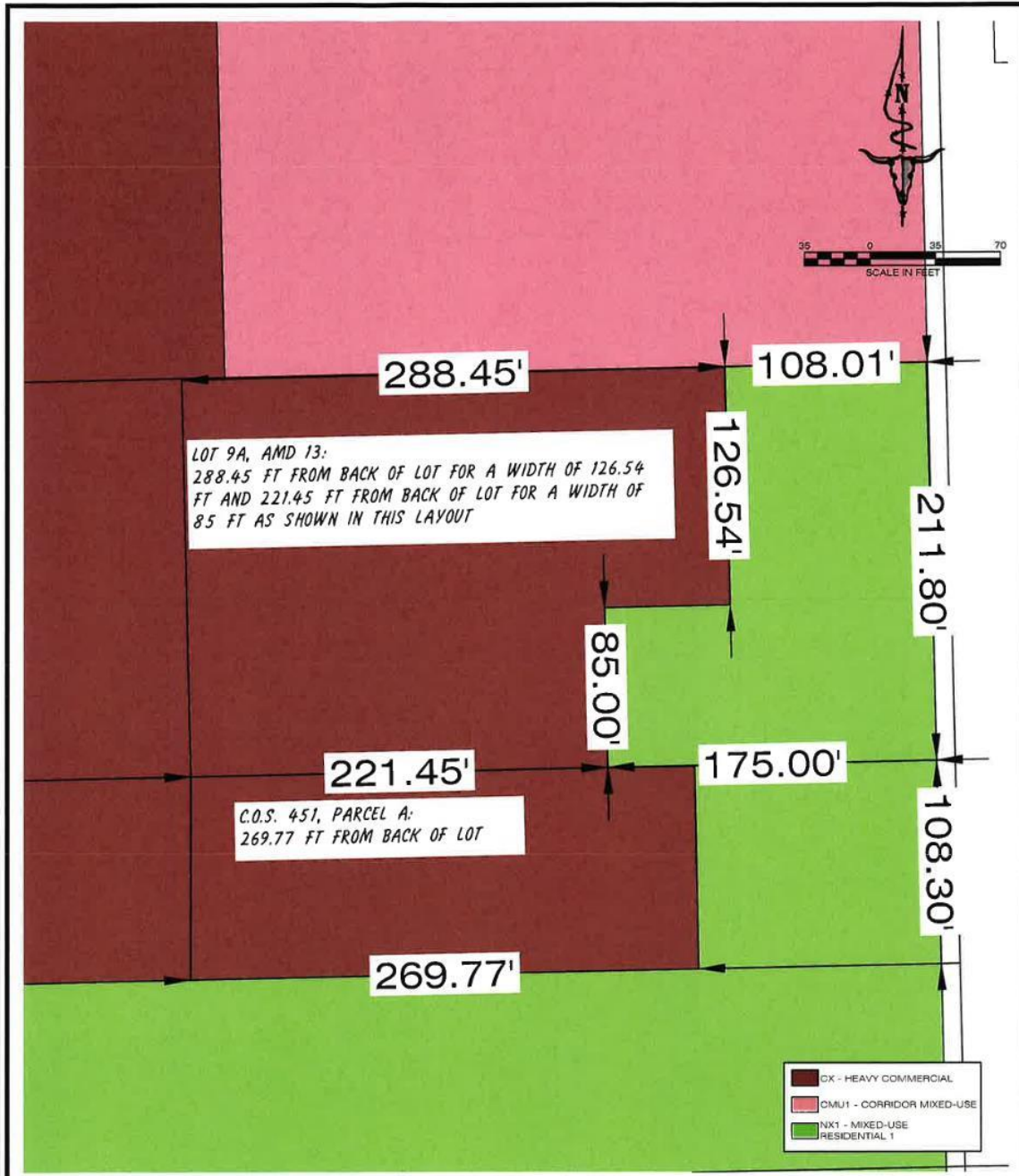
Meeting Description: Zone Change Neighborhood Meeting

Date: 8/10/2022 Time: 5:30 PM

Place: Medicine Crow Middle School

ATTENDEE NAME	ADDRESS	PHONE #	E-MAIL
Shawn Thorson	175 N 27 th St, Ste 1312, Billings, MT 59101	(406) 248-9000	shawn.m.thorson@imegcorp.com
Anna Vickers	175 N 27 th St, Ste 1312, Billings, MT 59101	(406) 248-9000	anna.m.vickers@imegcorp.com
Amber Long	175 N 27 th St, Ste 1312, Billings, MT 59101	(406) 248-9000	amber.e.long@imegcorp.com
Dale Smith	2145 Bench Blvd, Billings, MT 59105		smithsmetalworks@bresnan.net
James and Kristy Johnson	802 Kale Dr, Billings, MT 59105		str8pipes4ever@msn.com
Lorne Armer	801 Kale Dr/2119 Bench Blvd Billings, MT 59105		ldarmer@gmail.com

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175 N. 27TH ST., STE 1312 PH: 406.545.6420
 BILLINGS, MT FAX: 406.256.1191
 59101 www.imegcorp.com

SITE MAP
ZONE CHANGE DIMENSIONS
 S15, T01 N, R26 E
 LOT 9A AND C.O.S. 451
 CITY OF BILLINGS

PROJECT#: 22005347
 TAB: ZONING
 DRAFTER: AL
 DATE: AUGUST 2022
 SHEET 3 OF 3

August 2, 2022



City of Billings Planning Division
2825 3rd Avenue North 4th Floor
Billings, MT 59101

RE: Pre-Application Neighborhood Meeting – City Zoning Change on properties located at Section 15, Township 01 North, Range 26 East, Lot 9A, AMD (13) & Section 31, Township 01 North, Range 26 East, C.O.S. 451, Parcel A (Less 815 SF Bench Row) (15)

To Whom It May Concern:

The purpose of this notification is to inform you of a Pre-Application Neighborhood Meeting on Wednesday, August 10th at 5:30 p.m. The meeting will be held in the Cafeteria/Commons at Medicine Crow Middle School, which is located at 900 Barrett Rd, Billings, MT 59105.

This meeting will address questions and comments regarding a proposed zoning change for the parcel located at 2130/2116 Bench Blvd and the connecting southern parcel, 2110 Bench Blvd. The subject properties are legally described as Section 15, Township 01 North, Range 26 East, Lot 9A, AMD (13) and Section 31, Township 01 North, Range 26 East, C.O.S. 451, Parcel A (Less 815 SF Bench Row) (15). The properties are a total of 2.91 acres in size and are currently zoned NX1 – First Neighborhood. The proposed zoning after the rezone would be CX – Heavy Commercial. The property owner is Old Hickory Shed LLC.

An exhibit has been included with this letter which depicts the two properties for rezoning and the surround properties with their zone designations. The owner intends to store sheds that are manufactured on the neighboring property to the west.

We look forward to seeing you at the meeting. If you are unable to attend, please feel free to send your questions and/or comments to amber.e.long@imegcorp.com or mail them to the address found at the bottom of this page.

Sincerely,

IMEG

A handwritten signature in blue ink that reads "Amber E. Long".

Amber Long, E.I.T.
Civil Designer

Enclosures: As noted in text above.
CC: File

\\files\Active\Projects\2022\22005347.00\Design\Civil\CC07 PLANNING\Rezoning Application\Neighborhood Meeting\20220728 Neighborhood Meeting Notice OHS LLC.docx



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OLD HICKORY SHED LLC

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	JOHNSON, JAMES R & KRISTYL L 802 KALE DR BILLINGS MT 59105-4158				
	WOODARD, AMBER M & JUDITH DAHL 807 BETSY DR BILLINGS MT 59105-4122				
	KAUFMAN, LARRY K & JANICE EGAN 1817 DOVER RD BILLINGS MT 59105-5522				

See Reverse for Instructions

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2204 Bench Blvd					
2347 Main St	2 (County)	4/1/74	R96-CC	Y	
514 Laurie Lane	137 (County)	9/19/77	R72-CC	Y	
2244 Main St	171 (County)	2/28/78	RMH-HC	Y	
1931 Main St	267 (County)	12/31/79	R60-HC	Y	
2050 Main St	313 (County)	10/1981	RMH-HC	Y	
1602 Main St	314 (County)	3/18/82	NC-HC	Y	
8068 Laurie Lane	454	1/28/85	NC-HC	Y	
1710 Main St	597	7/10/95	NC-HC	Y	
2202 Main St	602	10/10/95	RMH-HC	Y	
636Pemberton &2318Main	639	10/13/98	RMH-HC	Y	
525 Jerrie Lane	726	3/8/04	RMH-HC	Y	
2200 Main St	760	8/8/05	RMH-HC	Y	
2302 Lake Elmo	770	12/12/05	RMH-R60	Y	
406 Roxy Lane	772	1/23/06	RMH-R60	Y	
2100 Main St	859	12/21/09	RMH-HC	Y	

Zoning Commission

Date: 10/04/2022
Title: Zone Change 1020 - Michelotti Sawyers & Nordquist - Avenue D - RR3 to NX1 & NX3
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 1020.

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

This is a zone change request for a property for annexation to the city limits of less than 10 acres in area. The requirement to submit a Planned Neighborhood Development (PND) is not triggered unless the property is 10 acres or larger. The current zoning in the County is Rural Residential 3. This zone requires lots to be at least 3 acres in area. The proposed zoning is Mixed Residential 1 (NX1) a district that allows 1-4 unit structures and Mixed Residential 3 (NX3) a district that requires at least 5-unit per structure. The NX1 zone requires a maximum height of 2.5 stories or 27 feet and the NX3 zone requires a minimum height of 2 stories, a maximum height of 4 stories for multi-unit structures. Side-by-side unit structures have a maximum height in the NX3 zone of 3 stories. The property is legally described as C/S 2974, Parcel 2B amended and is 6.99 acres in area.

APPLICATION DATA

OWNER: Michelotti Sawyers & Nordquist Mortuary, Inc
AGENT: Steward Land Company, and Sanderson Stewart
LEGAL DESCRIPTION: C/S 2974, Parcel 2B Amended
CURRENT ZONING: RR3 (County)
PROPOSED ZONING: NX1 and NX3 (City)
EXISTING LAND USE: Agriculture
PROPOSED USE: Mixed Residential development with 1-4 unit structures and apartments
SIZE OF PARCEL: 6.99 acres

CONCURRENT APPLICATIONS:

Petition for Annexation 22-07

SURROUNDING ZONING AND LAND USE:

NORTH:

Zoning: NX1
Land Use: Agriculture/vacant annexed land

SOUTH:

Zoning: Public 2 (P2)
Land Use: Yellowstone Valley Memorial Park

EAST:

Zoning: Neighborhood Mixed Use (NMU) and Corridor Mixed Use 1 (CMU1)
Land Use: Vacant

WEST:

Zoning: N2
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. In 2017, Town Pump bought all the commercially zoned property on the northwest corner of Grand and Zimmerman Trail and put in a new gas station, convenience food store, liquor store and casino. The northern lots of the Zimmerman Home Place subdivision were purchased by a local development company and an annexation and zone change to adjust boundaries was submitted in early 2022. This project was approved and new apartment buildings are under construction to the north and east of the subject property.

The subject property boundary line was amended in 2012 after the County Board of Adjustment approved a reduced lot area for the previous zoning of Agriculture Open-Space (A-1). The lot was reduced from 10 acres to 7 acres through the lot line adjustment. The Yellowstone Valley Memorial Gardens, Tract A of C/S 2974, to the south was increased in lot area as a

result. When the County updated its zoning code in 2020, the new zoning for each parcel reflected the area and use of each one. Tract A for the cemetery was updated to Public 2 (P2) to reflect the use as a cemetery. It was also previously zoned A-1. The subject parcel was updated to Rural Residential 3 (RR3). Both parcels are currently outside the city limits. This zone change was accompanied by a petition to annex the property for the provision of city services.

Village West Subdivision (west of the subject parcel) began building out in 2005. These lots were updated to the N2 zoning when the city updated all zone districts in 2021. The subdivisions to the north - Zimmerman Home Place Subdivision - is a newer subdivision and most of the neighborhood zoning has not yet started development. The parcel to the north is an 18-acre parcel zoned NX1. To the south is the 12.5-acre cemetery zone P2 and to the east are two parcels owned by Town Pump zoned Neighborhood Mixed Use (NMU). The proposed zoning of NX1 for the west ~180 feet and NX3 for the eastern ~487 feet, is compatible with these surrounding zoning districts. Avenue D - an incomplete right-of-way will be completed and connect through to 38th Street West to the west and Zimmerman Trail to the east via the road network in the Zimmerman Home Place Subdivision. Currently, the 133-acre neighborhood to the west has no access to the east. All paths into and out of this neighborhood are to the south and west.

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 the Zimmerman Home Place apartments - just started this past summer. Prior to Zimmerman Home Place, new apartments were developed at 41st St West and Avenue C - Wheatbaker Patio Homes in 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 August 17, 2022 at the Church of the Good Sheperd on 24th ST W. The requirement of annexation stipulates a 1/4-mile notification area for surrounding owners. Over 250 individual property owners were notified of the proposed zone change. The pre-application meeting synopsis is attached to this report. Five surrounding property owners signed the attendance sheet for the meeting. The Planning staff has not received any emails, letters or phone calls concerning the application at the time of this staff report.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1020; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1020; 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 zoning will allow the lower density housing type and style to be adjacent to and to the rear of the existing homes in the Village West Subdivision, west of the subject property. NX1 is considered to be more compatible with the Neighborhood zone districts and is typically found in mid-block or block-end locations throughout Billings. The higher density housing in the NX3 zone will be located further to the east and across from the NX1 zoned parcel to the north and the NMU parcels to the east. The NX1 zone allows 1-4 unit structures while the NX3 requires a minimum of 5 units in a structure. There are no minimum or maximum lot area requirements however each structure in the NX1 zone with 1 or 2 units must have 20 feet of street frontage (public or private) and each unit with 3-4 units must have 50 feet of street frontage. In the NX3 zone, each multi-unit structure requires at least 50 feet of street frontage. There similar siting and building standards for both NX zones.

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

The proposed zoning of NX1 and NX3 requires minimum setbacks, open and landscaped areas and building separations which creates security for fire and other dangers. Street frontage - public or private - will be required as well as street frontage landscaping, perimeter landscaping and screening based on the adjacent zoning and use, off-street parking and adequate pathways and driving aisles throughout to ensure public safety.

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

Public health and public safety are promoted by the proposed zoning. This is not a unique to the NX zones, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in 27-300.6&7 in the NX districts promote the minimum standards to ensure public healthy and safety and promote general welfare. Annexation and provision of public health and safety services from the city will promote the general welfare of the area. The completion of Avenue D to the Village West Subdivision and 38th Street West to the west and the internal street network to the east will promote public safety and the general welfare by ensuring a traffic connection to the east and west of the subject property.

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 do a traffic impact study if the development will create 500 or more new trips per day. It is likely a study will be required. Each single family dwelling generates about 10-13 daily traffic trips while apartments and townhomes generate between 7-10 trips per day. The study and scope will be coordinated with the city Engineering Division. The traffic study will analyze each of the nearby street intersections and determine if mitigation or improvements are needed to accommodate the additional traffic. City Engineering will determine the required improvements. The concurrent annexation and Development Agreement may also include requirements for site development.
- **Water and Sewer:** The City will provide water and sewer to the property. There will be no additional impacts to the system from the proposed changes.
- **Schools and Parks:** Schools and parks may be effected by the proposed zone change and development of a new city neighborhood. SD #2 did not provide any comments.
- **Fire and Police:** The subject property will be served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

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

Similar to criteria 2 and 3, the proposed NX zones, like all zones, requires minimum setbacks to allow for adequate separation between structures and adequate light and air. This parcel is presently vacant therefore any new structure will be required to meet the standards required by Section 27-300-6&7.

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

Non-motorized travel -- walking and biking -- is an essential part of completing Avenue D as part of this development. 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 Grand Avenue near the Zimmerman Trail intersections are between 18,000 and 20,000 vehicle trips per day. The proposed street connection with the development will allow at least two pathways for the new residents to enter and leave the area including Avenue D to Zimmerman Trail or Avenue D to 38th St W (collector) and south to Grand Avenue. A traffic impact analysis will be done prior to any development and mitigation may 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. Specifically this property is immediately south of property already zoned NX1 and is adjacent to N2 property to the west. Compatibility of these residential districts is preserved by the site and structure standards required in 27-307 and 308. Further site development requirements for parking, landscaping, frontage etc will be required with new development.

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 Zimmerman Trail and Shiloh 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. The existing zones and development pattern for the area is suitable for the NX 1 and 3 district.

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

The property is an undeveloped agricultural parcel that is immediately adjacent to city limits and is in close proximity to all city services. Approval of the zone change will provide a housing choice in a residential and commercial area. The zoning designation itself will not influence the value of buildings.

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

The proposed zoning will encourage the most appropriate use of this land in Billings. This parcel is one of the last to be proposed for development in this section of developing land west of Zimmerman Trail.

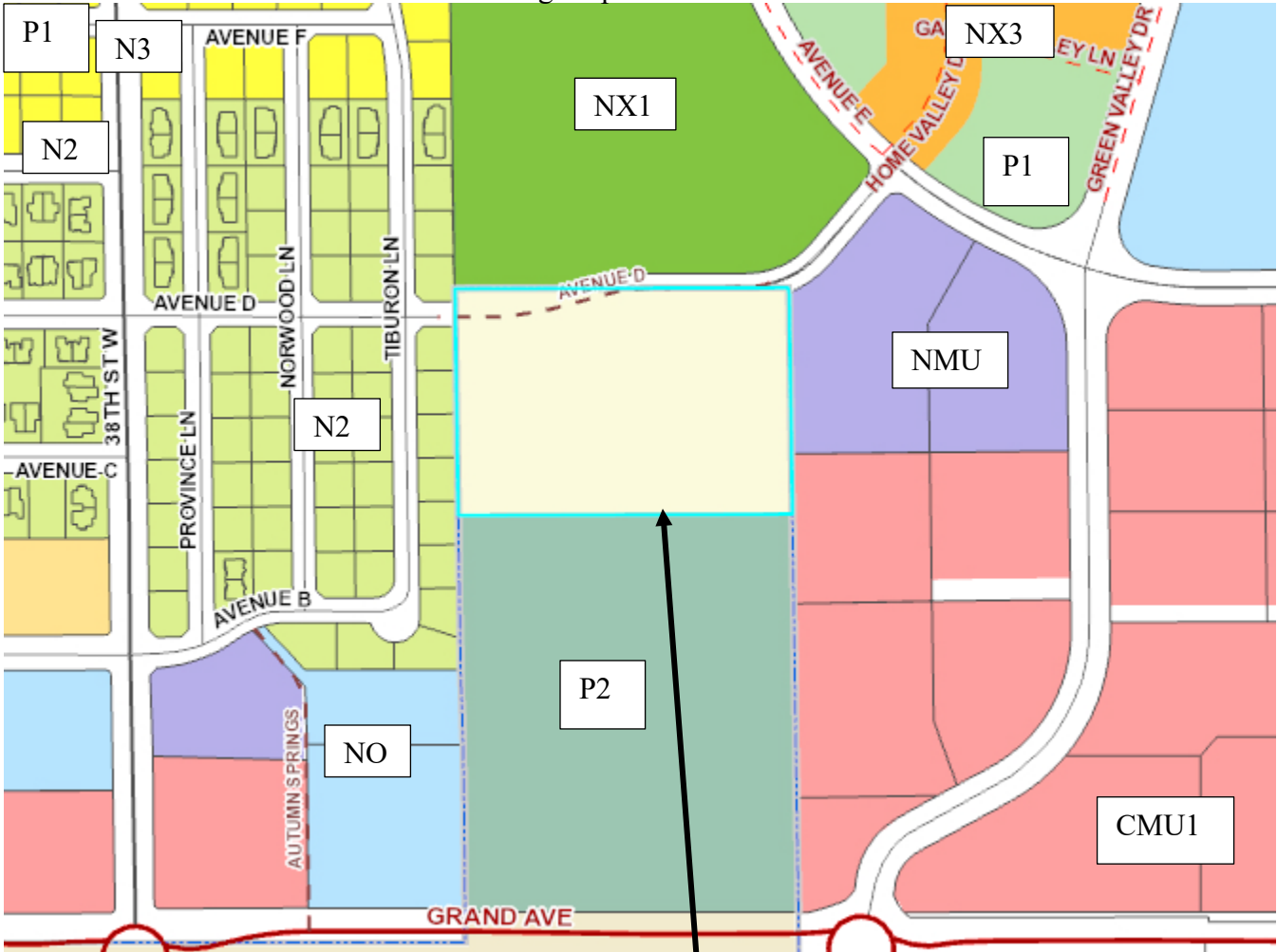
Attachments

Zoning Map and Site Photos

Application Letter and Preapplication notes

Chart of Zoning History

City Zone Change 1020 – Michelotti, Sawyers & Nordquist – C/S 2974 Tarct 2B
Zoning Map and Site Photos

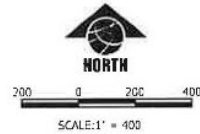


Subject Property
Existing Zone = RR3
Proposed Zone = NX & NX3

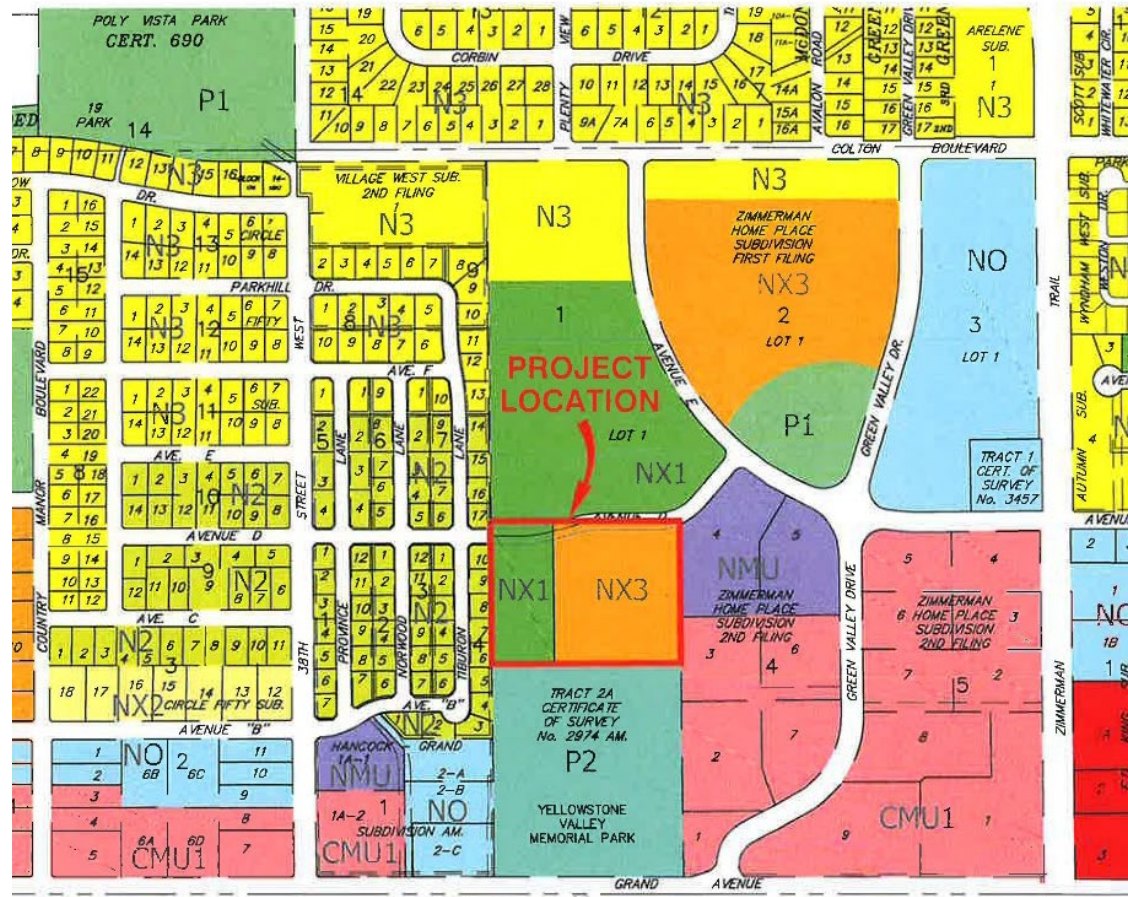
EXHIBIT A
LAND USE AND ANNEXATION DETAILS
TRACT 2B, CERTIFICATE OF SURVEY No. 2974 AM.

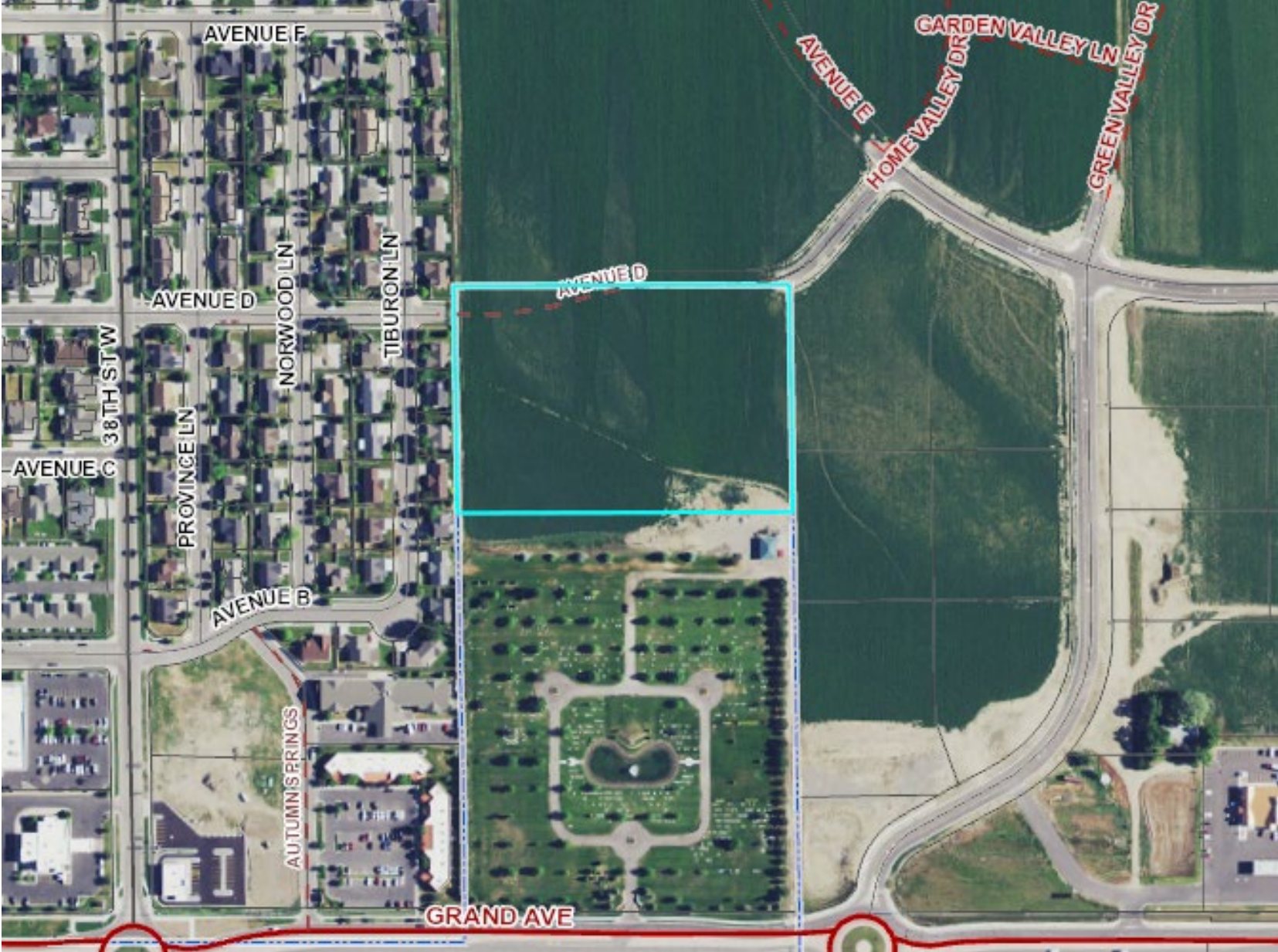
PREPARED FOR : STEWARD LAND COMPANY
 PREPARED BY : **SANDERSON STEWART** 
 BILLINGS, MONTANA MARCH 17, 2022

LAND USE SUMMARY
 NX1 = 2.5172 ACRES = 36%
 NX3 = 4.4825 ACRES = 64%



VICINITY MAP







Subject Property – view south and west from the deadend of Avenue D



Dead end of Avenue D – north east property corner



View north and west across subject property



View west across subject property



View north to apartments under construction in Zimmerman Home Place



View south and east from dead end of Avenue D – Village West Subdivision

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 Rural Residential 3

Proposed Zoning: NX1, NX3

TAX ID# D04783A CITY ELECTION WARD TBD

Legal Description of Property: S34, T01 N, R25 E, C.O.S. 2974, PARCEL 2B, AMD (13)

Address or General Location (If unknown, contact City Engineering): Ave. D, N of Yellowstone Valley Meml Park

Size of Parcel (Area & Dimensions): 6.9997 Acres, 506' in length, 667' in width

Present Land-Use: Agriculture

Proposed Land-Use: Residential, SF and MF

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): MICHELOTTI SAWYERS & NORDQUIST MORTUARY INC

(Recorded Owner) _____

(Address) 1001 ALDERSON AVE BILLINGS, MT 59102-4215

(Phone Number) 406-252-3417 (email) _____

Agent(s): Steward Land Company

(Name) _____
(Address) 1708 E 5550 S Ste 18

(Phone Number) (801) 590-0980 (email) brad@stewardland.com

(Phone Number) _____ (email) _____

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

Signature:  Date: 08/30/22

(Recorded Owner) 9ACCCDB501F4C0...



Date Stamp

**Zone Change Request
Certificate of Survey 2974
Rural Residential 3 to NX1 Mixed Residential 1 and NX3 Mixed
Residential 3**

Statement of Proposal

Michelotti Sawyers & Nordquist Mortuary Inc. with Steward Land Company as their agent, are seeking to Annex and Rezone Survey CS 2974, located in the Southeast Quarter of Section 34, Township 1 North, Range 25 East, P.M.M., Yellowstone County, Montana in order to develop townhome, and multi-family residential units, which will allow for a transition between the existing Village West and Neighborhood Mixed-Use and Corridor Mixed-Use zoned parcels in the Zimmerman Home Place subdivision to the east. This is in accordance with the general development pattern for adjacent development to the north, northeast, and west of the subject parcels.

Responses to Questions in Zoning Application

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

The Growth Policy states:

In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe and provide a choice of housing and transportation options.

The 10 Zone Change Criteria

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

Yes, COS 2974, is being developed under the consideration of the Growth Policy statement above. It is a project adjacent to parcels where municipal services exist and is compatible with other recent developments in the area to the north, northeast, and west, and is in accordance with the newly adopted Recode zoning document.

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

The subject parcels will be serviced by City fire and police services and will be designed in accordance with City of Billings rules and regulations thus assuring protection from common dangers.

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

All development on COS 2974 will be designed under the new City Zoning code which will regulate density and land use transitions. All residential uses will be subject to City of Billings building codes, and the utility and surface infrastructure will be constructed in accordance with City of Billings rules and regulations assuring compliance to this criterion.

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

The modifications proposed by this zone change ensure an area that is desirable for developers, the home buyers, renters and the current demographic and development trends they face. The project will be responsible for extending municipal water, sewer and storm drain to service the new development as well as constructing new asphalt roads and sidewalks to service the new residents.

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

COS 2974 is being developed in accordance with City of Billings rules and regulations and therefore meets this requirement.

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

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

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

The zone change is intended to provide a transition from the existing single-family and duplex residential uses to the west to the existing neighborhood mixed use and commercial mixed uses east of the subject parcel.

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

The property is located to the west of the existing commercial neighborhood center at Zimmerman Trail and Grand Avenue. This development is designed to contribute to that neighborhood center and provide a transition to single-family and twin home residential uses to the west of the subject parcel.

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

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

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

The City of Billings continues to need projects that provide for a variety of affordable housing types. It is appropriate to continue to promote efficient development in close proximity to the City Limits boundaries. This zone change helps support an appropriate level of development which will serve the City both now and in the future. It is also beneficial to have greater densities near the commercial and business uses at the intersection of Grand and Zimmerman Trail in order to reduce overall vehicular loads on local area streets.

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

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

This development will provide pedestrian sidewalks along Avenue D connecting residents of the Village West subdivision to the neighborhood park at the center of the Zimmerman Home Place subdivision.

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

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

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

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

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

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

Billings has always adapted to the changes in economic drivers and been welcoming of projects that allow the community to continue to grow and prosper in a systematic and planned way. This zone change will follow in that light by supporting a variety of housing units at an attainable price.

Community Fabric (Attractive, Aesthetically Pleasing, Uniquely Billings)

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

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

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

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

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

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

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

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

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

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

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

Prosperity (Promoting Equal Opportunity and Economic Advancement)

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

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

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

This development will attract a diverse demographic of residents seeking housing alternatives to single-family detached residential. The property's proximity to the commercial center developing along Grand Avenue will also reduce those residents' transportation costs. The density that will result from the proposed zone change will also provide tax revenues that will support the high-quality services that a quality work force demands.

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

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

- 1. **Present Zoning:** Agriculture _____
- 2. **Written description of the Zone Change Plan** including existing and proposed new zoning:
Existing RR-3 zoning to be changed to Residential use NX1 and NX3 _____

3. **Subject Property Map:** please attach to this form [Exhibit A](#)

4. **Legal Description of Property:**
S34, T01 N, R25 E, C.O.S. 2974, PARCEL 2B, AMD (13)

5. **Neighborhood Task Force Area:** Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson:
Yes. Midtown Community Collaborative. Chairperson: Neil Beyer: alexlclark85@gmail.com

6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form [Exhibit B](#)

7. **A copy of the meeting notice.** please attach to this form [Exhibit C](#)

8. **A brief synopsis of the meeting results including any written minutes or audio recording.** please attach to this form [Exhibit D](#)

- 9. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 17th , day of August , 2022
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Michelotti Sawyers & Nordquist Mortuary Inc Telephone: 406-252-3417
Address: 1001 Alderson Ave Billings, MT 59102-4215 Email: _____

Agent (s): Steward Land Company Telephone: _____
Address: 1708 E 5550 S Ste 18 Email: brad@stewardland.com
(801) 590-0980

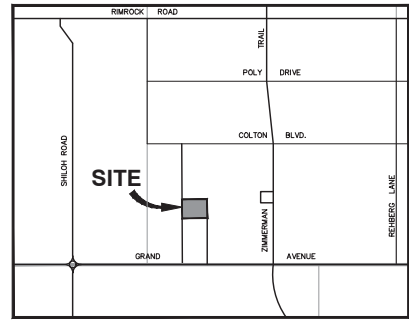
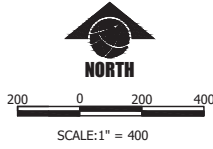
Owner Signature: *Seve Michelotti* **Date:** 08/30/22
DocuSigned by: 35BCE544A44453...

Agent Signature: *Sky Hanzelhurst* **Date:** 08/30/22
DocuSigned by: 35BCE544A44453...

EXHIBIT A
 LAND USE AND ANNEXATION DETAILS
TRACT 2B, CERTIFICATE OF SURVEY No. 2974 AM.

PREPARED FOR : STEWARD LAND COMPANY
 PREPARED BY : **SANDERSON STEWART**
 BILLINGS, MONTANA MARCH 17, 2022

LAND USE SUMMARY
 NX1 = 2.5172 ACRES = 36%
 NX3 = 4.4825 ACRES = 64%



VICINITY MAP

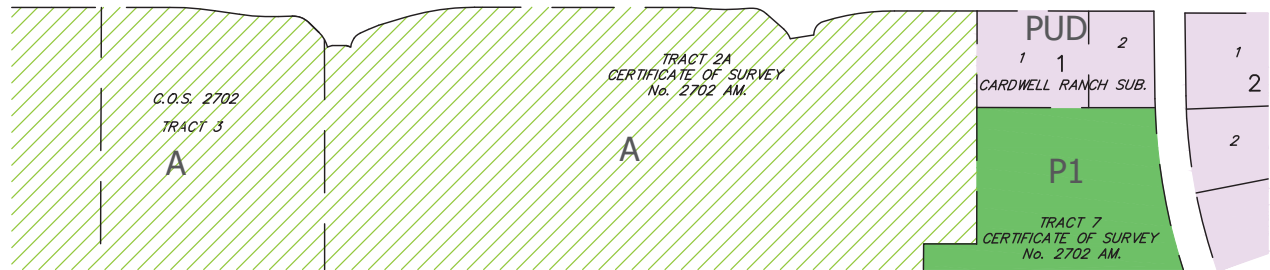
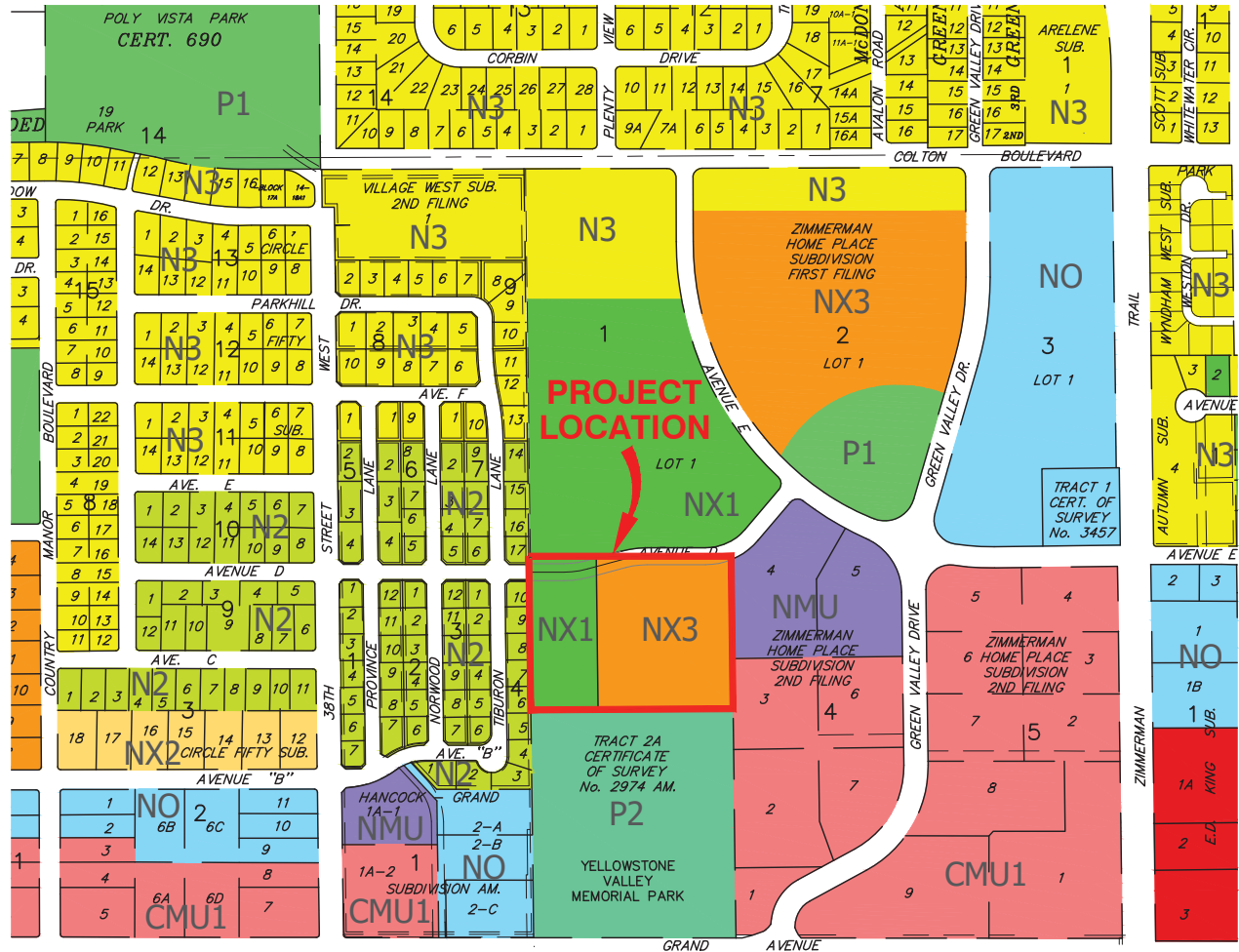




Exhibit D

MEETING SUMMARY

PROJECT: Certificate of Survey #2974 AM			
Project No: 22065			
Meeting Location: 1108 24 th St. Billings, MT		Meeting Date: 8/17/21 - 5:30 P.M.	
Meeting Subject: Neighborhood Meeting		Prepared by: John Halverson	
Attending:	(See attached sign-in sheet)		
Sanderson	Rick Leuthold	Steward Land:	Targee Tomisin
Stewart:	John Halverson		
Date of Issue: 08/18/21			

Minutes:

- Mr. Halverson opened the meeting at 5:30 by introducing himself, Rick Leuthold and Targee Tomisin, who was representing the developer. He also stated the purpose of the meeting was to inform the surrounding neighborhood of the process the property owners have begun on COS 2974 to annex and establish city zoning on the subject parcel.
- There were five members of the neighborhood in attendance per the attached sign-in form.
- Mr. Halverson gave the outline for the meeting, what would be covered, and the anticipated duration of the meeting.
- Mr. Halverson covered existing conditions on the subject property and surrounding uses.
- About five minutes into the meeting an attendee began a long series of very broad complaints and concerns about how dangerous the area streets have become and concerns about the ever growing and developing areas west of Shiloh Road. We spent 40-45 minutes trying to distill these comments down to actionable comments.
- Concern was raised regarding the access points in and out of the area and if they were sufficient.

- The safety of both the vehicular and pedestrian traffic along Grand Ave and at the roundabouts was noted.
- Concern was made regarding the significant number of signs along the Grand Ave Corridor and the abrupt change in speeds from 35 or 45 mph to 15 mph at the roundabouts.
- The question was asked about who approves projects and what the process is to approve these things. Not just this project, but the existing projects as well as future projects. Rick Leuthold went through the various aspects of Zoning, Annexation and Subdivision review processes and when additional public input could be received.
- A question was raised regarding the increase of taxes. Apparently, there was an SID that was spread on the existing properties to the west on an earlier development that came as a surprise. Rick indicated that no SID's were planned for this project and that all improvements were to be built by the developer as far as they were created by their project. Rick did indicate that did not guarantee that a broad area project might not result in an SID based on City needs or an increase in taxes to cover City provided services.
- Although not specifically tied to this project, concern was raised about the high speed of traffic on Colton Blvd in the area. It was suggested that the City might look at some traffic calming measures there.
- The same attendee stated his opposition to the connecting of Avenue D through the subject parcel. He then left the meeting.
- Mr. Halverson then explained that the previous zoning code was Euclidean in nature, and that the new code was a Euclidean-form-based-hybrid. He also explained that the new code promotes a mixture of housing types, and that neighborhoods with connected street grids, and a diversity of housing types and commercial uses like the one surrounding the subject parcel, generate fewer car trips than single-use neighborhoods.
- Mr. Halverson then led the room in a game in which participants were shown images of existing development and called out which regulations in the new code prevent certain aspects of that development.
- Mr Halverson then lead the room in a second game in which participants were shown images of structures and asked to guess whether those structures were single or multi-family.
- Attendees then asked questions about allowable uses in the proposed zones, whether commercial is allowed, and why other zones were not chosen by the applicant.

- Mr Halverson and the applicant's representative, Mr. Tomisin answered the attendee's questions.
- Mr. Halverson then concluded the meeting with a summary of the zone change proposal and the meeting was adjourned at approximately 7:00pm.



Exhibit C

Billings
Bozeman
Fort Collins

August 10, 2022

Reference: Notice of Pre-Application Neighborhood Meeting for Annexation and Zone Change Certificate of Survey No. 2974

Dear Neighbors:

You are invited to attend a pre-application neighborhood meeting as part of the City of Billings' required public notification process for a zone change request on property located within or intended to be annexed into the City. By City Code, the surrounding property owners within 1,320 feet (quarter mile) are notified of this meeting so you can ask questions regarding the materials described in this letter. This is not your last time to comment on this proposal, as future public hearings by the Zoning Commission and City Council will be scheduled.

The zone change request for this property involves annexation as noted in the enclosed exhibit and a zone change from Rural Residential Three to NX1 and NX3.

The Neighborhood Pre-Application Meeting will be held on **Wednesday, August 17th, 2022, at 5:30 PM**. The Lutheran Church of the Good Shepherd has graciously agreed to host this meeting at their facilities at **1108 24th Street West, Billings MT, 59102**. The Lutheran Church of the Good Shepherd is in no way party to this proposed zone change. If you plan on attending, please email John Halverson at jhalverson@sandersonstewart.com so that we can verify accommodations for all at the meeting.

Please plan on attending this Neighborhood Pre-Application meeting if you have comments or questions regarding the proposed Annexation and Zone Change. If you have immediate questions or cannot attend the meeting, please contact me at 406-869-3311 or via my email at jhalverson@sandersonstewart.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Halverson', is written over a light blue circular stamp.

John Halverson, LEED AP BD+C
Planner

JDH/bc

c: Nicole Cromwell, Zoning Coordinator / Code Enforcement Supervisor, City of Billings
Brad Brown, Steward land Company

SUBJECT PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
	County Variance 264	August 9, 2012	Lot area less than 10 acres	Yes	
SURROUNDING PROPERTY	Zone Change #	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Cardwell Ranch PD	986	October 26, 2020	Update to PD	Y	
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
Zimmerman Home Place Subdivision	City Zone Change 1009	March 14, 2022	N3, NX1, NX3, and P1 through a PND to N2, NX1, NX3, and P1	Yes	Concurrent Annexation
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