



November 1, 2021

City of Billings
Planning and Community Services Department
2825 3rd Ave North, 4th Floor
Billings, MT 59101

RE: The Timbers, First Filing Zone Change Application

To Whom it May Concern,

We have included all documents necessary for a rezoning to occur at what is legally described as Tracts A and B of COS 3795 located in the Northeast Quarter, Southeast Quarter, Southwest Quarter, and Northwest Quarter of Section 19, and the Northeast Quarter of Section 30, Township 1 North, Range 26 East, Principal Meridian Montana, Yellowstone County Montana. This area contains approximately 316.71 acres of land that is currently zoned, Zone A – Agriculture 10 or more acres within Yellowstone County zoning. We are requesting to rezone this property to three different zoning districts within the City of Billings new Re:Code zoning. These zonings are N3 – Suburban Neighborhood Residential, NX1 – Mixed Residential 1, and NMU – Neighborhood Mixed-Use.


On September 17, 2021 notifications were sent to all parties that were included on the certified list. This notification was provided 10 calendar days before the rezoning meeting occurred. The rezoning meeting was held via Microsoft Teams meeting on September 27, 2021. Due to numerous public comments and concerns for elderly members of the community an additional in-person meeting was also offered. This additional mailing was sent on September 23, 2021 to all parties on the certified list informing of both meeting options. The in-person meeting was held on September 28, 2021. This mailing also included a map displaying the area to be rezoned and names of zoning districts.

This submittal contains the following information and supporting documents to facilitate your review:

- Rezoning application
- Radius map
- List of surrounding property owners certified by the Yellowstone County Clerk and Recorder
- Original List for certification submitted to Yellowstone County Clerk and Recorder
- Mailing labels for each certified property owner that received a notification letter
- Certificate of Mailing from the United States Postal Service
- Sample letter of mailing sent on September 17, 2021
- Sample letter of mailing sent on September 23, 2021
- Zone Map sent with mailing on September 23, 2021
- Meeting Notes from September 27, 2021 (contains list of attendees and minutes)
- Meeting Notes from September 28, 2021 (contains list of attendees and minutes)
- Title 10 Zone Change Criteria

Please feel free to reach out to us if you require any additional information or have any concerns.

Sincerely,
IMEG Corp.



Kolten Knatterud, P.E.
Client Executive

Kolten.I.knatterud@imegcorp.com



Anna Vickers
Land Use Planner

anna.m.vickers@imegcorp.com

hsc

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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:** Yellowstone County Zoning - Zone A, Agriculture 10+ Acres _____

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

Change zoning from County Zone A to City of Billings NX1 - Mixed Residential, NMU - Neighborhood Mixed-Use and N3 - Suburban Neighborhood Residential _____

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

4. **Legal Description of Property:**

Tracts A and B of COS 3795 located in the NE1/4, SE1/4, SW 1/4 and NW1/4 of Section 19, and the NE1/4 of Section 30 Township 1 North, Range 26 East, Principal Meridian Montana, Yellowstone County Montana

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

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 27, day of September, 2021.

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

Owner (s): Ali and David Mitchell Telephone: _____

Address: 1655 Valley Heights Road Email: d@cbcmontana.com
Billings, MT 59105 _____

Agent (s): Anna Vickers and Kolten Knatterud Telephone: 406-545-6420

Address: 175 N 27th St. Ste. 1312 Email: anna.m.vickers@imegcorp.com
Billings, MT 59101 _____

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 Yellowstone County Zoning - Zone A, Agriculture 10+ Acres

Proposed Zoning: City of Billings NX1 - Mixed Residential, N3 - Suburban Neighborhood Residential, and NMU - Neighborhood Mixed-Use

TAX ID# 000D052500 CITY ELECTION WARD N/A

Legal Description of Property: Tracts A & B of COS 3795 Section 19 and 30, Township 1 North, Range 26 E, P.M.M.

Address or General Location (If unknown, contact City Engineering): East of Alkali Creek Rd. North of Airport

Size of Parcel (Area & Dimensions): 316.71 acres

Present Land-Use: Agricultural

Proposed Land-Use: Residential single family and multifamily

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): Ali and David Mitchell

(Recorded Owner)
1655 Valley Heights Road, Billings, MT 59105
(Address)

(Phone Number) d@cbcmontana.com
(email)

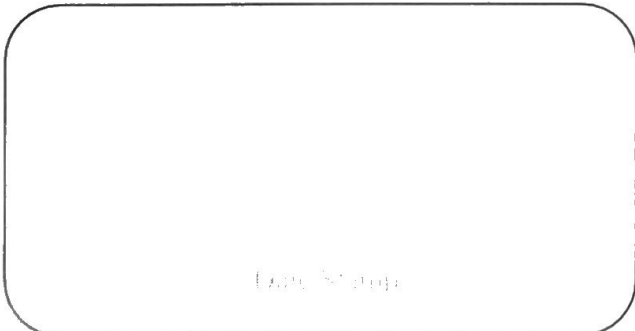
Agent(s): Anna Vickers and Kolten Knatterud/ IMEG Corp.

(Name)
175 N 27th St. Ste. 1312 Billings, MT 59101
(Address)

(Phone Number) 406-248-9000
(email) anna.m.vickers@imegcorp.com

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

Signature: *Aliison Mitchell* Date: 10/31/21
(Recorded Owner)





Title 10 Zone Change Criteria

1. Whether the new zoning is designed in accordance with the growth policy:
The new zoning is designed in coordination with the growth policy. The property is close to the City of Billings (City) and being annexed into the City. The City is extending water and sewer lines to the development area. The new zoning allows for mixed residential, neighborhood mixed-use, and suburban neighborhood residential.
The new zoning will allow for a strong neighborhood to be part of the City. There will be walkability throughout the neighborhood via sidewalks and a nature trail. By part of the new zoning mixed residential, this zoning promotes a mix in housing options to the community. This promotes prosperity and equal opportunity within the area. The new zoning is compliant with the growth policy and promotes most if not all goals of the growth policy.
2. Whether the new zoning is designed to secure from fire and other dangers:
The new zoning will be secure from fire and other dangers. The property being zoned is currently within Yellowstone County (County) but is being annexed into the City. The City of Billings will be extending City water and sewer lines to the subdivision and the developer extending the water and sewer lines throughout the subdivision. The extension of these water lines will allow for fire hydrant installation throughout the subdivision. The fire hydrants will help City of Billings fire department respond to any fires within the neighborhood, should there be any. The annexation of the subdivision into the city means that emergency services will be provided by the City of Billings and Yellowstone County. This new zoning promotes the land to be developed with good design and safety for the public.
3. Whether the new zoning will promote public health, public safety, and general welfare:
The property will be rezoned to mixed residential, NX1, neighborhood mixed use, NMU, and suburban neighborhood residential, N3. These three districts have setbacks for design. The zonings will promote sidewalks, and streets with safety standards. This new zoning will be within the City of Billings. As the property is annexed and zoned for the City of Billings there will be City water and sewer connections extended to the property. The use

of water and sewer promotes public health and future welfare for the community. The sidewalks also promote health and welfare for citizens. The street standards and setbacks take into visibility and open spaces to promote happiness and safety for residents.

4. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements:
The property being zoned is currently within Yellowstone County but is being annexed into the City of Billings. The City of Billings will be extending City water and sewer lines to the subdivision and the developer extending the water and sewer lines throughout the subdivision. The new zoning does promote adequate transportation, schools, parks, public health, safety and general welfare. The property will be developed in accordance with the zoning and subdivision regulations. By having this property that is being annexed zoned into suburban neighborhood residential, N3, mixed residential, NX1, and Neighborhood Mixed-Use, NMU, this will promote development on the property to have adequate provision for transportation, water, schools, parks, and other public requirements.
5. Whether the new zoning will provide adequate light and air:
The new zoning will provide adequate light and air. This property will have three new zonings. The first zoning is mixed residential, NX1. NX1 intends to allow single-family, two-family, and small-scale multiple-family homes with three to four units. These multiple-family homes are intended to match the scale of scale of single-family homes. This will allow for a mix in housing options within the community but the spacing to provide for adequate light and air.
The second zoning is neighborhood mixed-use, NMU. This zoning is intended to accommodate mixed use that are highly walkable and include stores that are necessary for daily primary needs adjacent to neighborhood residences. Allowing for high walkability promotes public health, safety, and welfare and also allows for adequate light and air.
The third zoning is suburban neighborhood residential, N3. This district promotes single-family homes and includes wide lots with attached garages. This zoning like the others has adequate setbacks and height restrictions. This will allow for adequate light and air throughout the subdivision.
6. Whether the new zoning will affect motorized and nonmotorized transportation:
Currently the property is within Yellowstone County but will be annexed into the City of Billings. This new zoning will promote the standards of development that are applicable to the City of Billings. The new zoning will



require all development on this property to take into account, dependent on size, the impact on motorized and nonmotorized transportation. This property is proposed to be developed as a subdivision. This subdivision is a major subdivision and will have a traffic impact study completed. The roads in the area will have to be upgraded in accordance with the traffic impact study results, City of Billings standards, and MDT standards. So, new zoning will affect motorized and nonmotorized transportation in a positive way by promoting development standards of motorized and nonmotorized transportation.

7. Whether the new zoning will promote compatible urban growth:
The new zoning will promote compatible urban growth by allowing multiple different zoning districts. The new zoning will be for the City of Billings and in accordance with the City of Billings growth policy. The property will be annexed into the City of Billings to allow for compatible urban growth within the area in accordance with City goals.

8. Whether the new zoning considers the character of the district and peculiar suitability of the property for particular uses:
The new zoning was determined by discussions with the City of Billings. The new zoning follows the City of Billings recently implemented new zoning standards. The property will be zoned as mostly suburban neighborhood residential with a small portion of neighborhood mixed use and mixed residential. With the new zoning being mostly suburban neighborhood residential the lot width requirements being the largest of the new zoning standards. The property will be adjacent to agriculture, the airport, and existing subdivisions. The lot sizes of the new subdivision will be larger than many of the other subdivision lot sizes in the area. This larger zoning will provide a good transition between agriculture, the airport, and existing residential.

9. Whether the new zoning will conserve the value of buildings; and
The new zoning will conserve the value of buildings due to the lot sizes the new zoning will encourage on the property. There are no existing buildings on the property. However, future development will follow setbacks, lot, sizes, and development standards offered within the new assigned zoning. These larger lot sizes with mixed residential which offers larger lots for multi-dwelling buildings, will allow for future building value to increase in a time where smaller lot sizes are normally developed.



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

The new zoning will encourage the most appropriate land throughout the City of Billings because this new zoning will be within the City of Billings. The property will be annexed into the City of Billings. The City of Billings needs more housing and is extending municipal facilities in the area. This new zoning encourages development near infrastructure. This new zoning will also provide for transition between agriculture, the airport, public land and existing residential within Yellowstone County.

