

February 1, 2022

City of Billings Zoning Commission
City/County Planning Division
2825 3rd Avenue North
Billings, MT 59101

RE: YWCA Billings comments to requested Zone Change 1005-934 Lewis Avenue

City Zoning Commission Members:

YWCA Billings is the largest adjacent property owner to the project proposed by Thrive Development on the site of the Elks Lodge and Tennis Center. We own the block that stretches between 9th and 10th Streets West, and from Wyoming Avenue north to the undeveloped stretch of Yellowstone Avenue.

Our campus presently includes a shelter for women and children who are victims of domestic violence and human trafficking, a 24-unit apartment building that provides homes for victims and their children, a play park, and an administrative/ services/and community center. We have a new project underway which is a 25-unit shelter for battered women for which plans have been approved by the City. It is scheduled for ground-breaking in March. Another undeveloped lot on our property is large enough to support a second apartment building or a third shelter to protect more victims.

In our build-out of the YWCA campus, we have been careful to avoid situations that would create unpleasant or unsafe situations for the neighborhood. We have committed to preserving green space, to spreading buildings apart, to not building anything over three-stories, to managing parking and traffic control, and avoiding large signage or tall, bright outdoor lighting.

We are not opposed to development of the Elk's property. We are concerned, though, about the density of units, the height of the buildings immediately contingent to our campus, the proximity of units and/or parking to YWCA's two shelters where security is a top priority (we are obligated to provide 24/7 365 days per year protection from further threat to the victims of violence whom we house). We are also very concerned about the effects on traffic, overall noise levels, and changes to the local environment.

The streets adjacent to the Elks property and YWCA's campus, are narrow and limited to 25 miles per hour. The main access road is Lewis Avenue, which intersects with 8th Street West at the awkward, inefficient, and dangerous intersection where Lewis does not match up. There is no traffic control anywhere along Lewis in the area of the project, other than stop signs. Tenth Street does not go through, nor does Yellowstone Avenue – and Yellowstone west of 9th Street does not align with Yellowstone east of 9th, creating another very awkward and hazardous traffic control situation. There is no stoplight to control traffic entering onto Broadwater Avenue at 9th Street. YWCA is concerned about how our employees and campus residents and our neighbors will get in and out to go to work and school.

YWCA requests that the City Zoning Commission and other City departments carefully consider the overall impacts of the very large number of units proposed on the property and work closely with Thrive to assure that best interests of the neighbors and the victims that YWCA safeguards are protected.



Merry Lee Olson, CEO

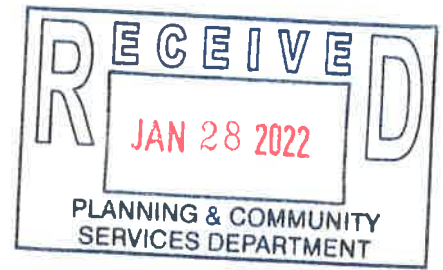


YWCA Billings
909 Wyoming Ave
Billings, MT 59101
P 406.252.6303
F 406.245.7867
ywcabillings.org

January 25, 2022

828 Yellowstone Avenue
Billings, MT 59101

RE: Billings Zoning Change #1005, Project # PZX21-00314



Dear Members of the Zoning Commission:

For the following reasons, I oppose this zoning change for, among other reasons, health and safety concerns, auto and pedestrian traffic concerns, bicycle travel concerns on Lewis Avenue, increased traffic on Yellowstone Avenue, noise concerns, and parking concerns since the residents of the apartments SW of the Elks Club already have inadequate parking and are parking in the Elks parking lots. The intersections of Lewis and 13th and Lewis and 8th Street West are already fraught with danger for the inattentive travelers. Children who attend Lewis and Clark Middle school are far from the most attentive when it comes to their own safety. Many car accidents have occurred at the intersection of Lewis and 8th and that is the current reality. Since your decision must be based on the criteria set out, I am addressing each one individually.

1. Whether the new zoning is designed in accordance with the comprehensive plan;

Saying that the new zoning would be consistent with the growth policy, The application's assertion that it designed in accordance with the plan, without evidence, is like me saying, no it doesn't without evidence. If the following criteria are indicative of the growth policy, then my conclusion has more merit than their statement. Only the planning department can make this determination as I have not read the policy, nor do I suspect have the out of state developers.

2. Whether the new zoning was designed to lessen congestion in the streets.

Not surprisingly, the request for a zoning change from Thrive Development completely ignores this criterion completely. The math would be that 200 units would increase the number of cars on the streets by, conservatively 300, going in and out of this concrete complex. These additional cars would add traffic to Lewis Avenue, Yellowstone Avenue, Clark Avenue and 8th and 9th streets before entering Broadwater and/or Grand Avenues. Certainly this proposed change will not lessen congestion in the streets but rather will further congest already busy streets. More cars equal more accidents, injuries, etc.

With the added traffic entering Broadwater Avenue and 8th Street West, will traffic lights become necessary at those intersections, paid for with taxpayer, not Thrive Development dollars to address the increased, not decreased congestion?

Parking will also add congestion to the streets. Already the residents of the apartments located to the SW of the current Elks Club are already parking in the Elks Club lot. In other words, there is inadequate parking for those apartments. It's not farfetched to suggest that the developer of those apartments promised there would be adequate parking when their requests were approved but that is not the case.

Parked cars will line Lewis, Clark, Yellowstone and 8th and 9th. More cars parked on the street will further cause congested parking. It will be like the streets around Daylis Stadium jam packed with cars when Senior plays West in football. Unlike that scenario, which is temporary, this will be a constant in my neighborhood.

3. Whether the new zoning will promote health and general welfare.

The application boldly addresses this criterion by painting a picture of nirvana for its residents. Recreation, special amenities and active living are benefits they stated in their application. Aside from the already existing tennis courts, it is hard to imagine where these special amenities will be located in such a dense housing area. These only speak to the residents of this concrete complex. I believe that this criterion be applied to the promotion of health and general welfare of the whole community and neighborhood. Under my belief, this application fails for many of the reasons stated throughout this objection. Traffic problems, parking problems, potential drug problems, and problems between neighbors, in and out of the complex, do not promote the health and general welfare of our community. The only general welfare being promoted by the request will be the monetary profit of an out-of-state corporate developer. Conservatively stated, 200 plus units at a minimum of \$1000 a month per unit would result in a minimum \$200,000 leaving Billings every month landing in the bank accounts of Utah developers.

4. Whether the new zoning is designed to secure from fire and other dangers;

Increased housing density, regardless of the building practices, increases the possibility of fire in one or more of the 200 – 250 units that Thrive Development proposes to build on this one city block. If each unit, on average, houses 3 people, that is an additional 600 to 750 fallible people who can make a mistake and turn the entire block into a blaze. High density living increases the risk of high density disaster. The number of proposed or required units (to make the project financially feasible) increases the risks of a catastrophe. The entire block could easily burn down before the Fire Department could even reach it.

Other dangers include traffic problems, potential drug problems, parking problems and garbage problems, all which will be exacerbated by high density housing.

5. Whether the new zoning will provide light and air

More cars equals more exhaust pollution impacting the air quality in my neighborhood. As for light, that remains to be seen. When horizontal space is limited the only option is to build vertically. There is simply no way that a developer can build 200 – 250 units on the available horizontal space, especially if the land abutting Lewis Avenue is for nice townhouses, or what I call the lipstick on the pig and the smells and squalor is to the south of that. That is the approach to requesting that strip along Lewis be changed to NX1. The garbage, or less desirable and denser, housing would be built on NX3. How would they do this? If this request is granted, it will followed by a variance request to build higher than the currently allowed 27 feet. The housing building near 13th and Poly Drive is one example of when that happened. In the case of higher, much higher buildings, the view, or light, from my living room window will be impaired.

6. Whether the new zoning will prevent the overcrowding of land

It's hard to imagine a more overcrowding of land than in this proposal. The targeted area for construction is surrounded to the north, east and west by mostly single family dwellings. It's a nice area of mostly older homes, most of which are owner occupied. 200 – 250 rental units simply will not comfortably, aesthetically, or safely fit into the horizontal space allowed.

7. Whether the new zoning will avoid undue concentration of population

This another criterion that the applicant failed to address. Again, I cannot imagine a greater undue concentration of population than the project proposed by Thrive Development of Salt Lake City, Utah. 200 -250 units would house 600 – 800 people on one square block. That is the definition of over concentration of people. As I have already stated, problems multiply when the dense population increases.

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

My city councilwomen, in justifying the ubiquitous water rate increases stated that the increases were necessary because of the old and antiquated water treatment plant. There will be huge new demands on the water system of the city. Rather than facilitating the aforementioned items, if the proposed project zoning changes are granted there will be additional stress on the existing city infrastructure serving this neighborhood.

Additionally, during the construction of this concrete complex, if these changes are granted, there will be disruptions to traffic, bicycle lanes, pedestrian paths, not to mention the noise and other disruptions during the months, or even years of construction. This area of the city will not be the same during construction nor the years thereafter.

9. Whether the new zoning gives reasonable consideration to the character of the district.

The proposal, evidenced by the zoning change request is totally out of character of the district. While Broadwater and Grand Avenues are mainly commercial streets, the surrounding residential streets are comprised of mostly single family dwellings, with some basement apartments. It is a far cry to say look, there's a rental here and there in the area so let us build a dense housing area of 200 – 250 units in the heart of the area. Thrive Development's proposal doesn't care about the character of the district. They see maximum profits from their building a dense concrete complex. Profit should never be a reason for a zoning change.

10. Whether the new zoning gives reasonable consideration to peculiar suitability of the property for particular uses.

No. This property would be a good site for a city park, 15 – 20 single family dwellings, several office buildings, or a community garden or wildflower garden. It

is not suitable for 200 – 250 rental units, 500 or more people, with 300 additional cars on the streets, or the parking problems that an approval would create.

11. Whether the new zoning was adopted with a view to conserving the value of buildings.

Let's face facts. An out of state real estate developer does not and will not care about maintaining the value of my house or any other houses or buildings in the area. They may argue that their glorious concrete complex will maintain or even enhance the values of houses in the surrounding area but they have no way to prove it. They may even hope so while those of us who live here, not in Utah, may fear just the opposite.

No one has seen any plans or architectural drawings to know what is being proposed, or what zoning variances they may seek in the future. We only have their words and mere words, without proof, should not be the reason to grant several zoning changes that will change the character of our neighborhood.

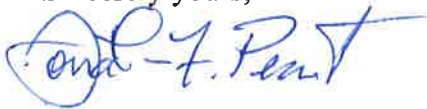
12. Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

Adequate housing, especially affordable housing is an issue in Billings. Rents are incredibly high, especially for low income families. That being said, Thrive Development has made no mention of building low income housing. Their website speaks of "luxury" apartments they have built in Utah. They also are not saying that they would build luxury apartments on the land for which they are seeking zoning changes. In other words, we do not know what they are really planning. What if they go bankrupt during the construction phase? Who would pick up the pieces with a full block of a concrete mess?

Appropriate and better uses for this land would be a city park, homeowner occupied houses, office space, mix of office space and housing.

In conclusion, I oppose the zoning changes sought by Thrive Development for the reasons stated above and respectfully ask the Zoning Commission to reject the request for zoning changes for the property currently known as the Elks Club.

Sincerely yours,



Jonathan F. Peart

Cc: Denise Joy, Council Member Ward 3, Danny Choriki, Council Member Ward 3

Bartley, Robbin

From: Bartley, Robbin
Sent: Tuesday, February 1, 2022 8:26 AM
To: Daniel Brooks; David G. Goss (dgg954@gmail.com); Greg McCall; Michael Larson; Trina White
Cc: Cromwell, Nicole
Subject: FW: [EXTERNAL] Concerns About Zoning Change To Allow Construction Of 250 Unit Housing Complex On Lewis

FYI

Robbin P. Bartley

Admin. Support I
Planning & Community Services Division
406-247-8676

City of Billings email messages and attachments are subject to the Right to Know provisions of Montana's Constitution (Art. II, Sec. 9) and may be considered a "public record" pursuant to Title 2, Chapter 6, Montana Code Annotated. As such, this email, its sender and receiver, and the contents may be available for public disclosure and will be retained pursuant to the City's record retention policies. Emails that contain confidential information such as information related to individual privacy may be protected from disclosure under law. This message is intended for the use of the individual or entity named above. If you are not the intended recipient of this transmission, please notify the sender immediately, do not forward the message to anyone, and delete all copies. Thank you.

From: Rita Harding <mtroses22@gmail.com>
Sent: Saturday, January 29, 2022 7:40 PM
To: Bartley, Robbin <bartleyr@billingsmt.gov>
Subject: [EXTERNAL] Concerns About Zoning Change To Allow Construction Of 250 Unit Housing Complex On Lewis

I have lived on Alderson Avenue for about 15 years. I bought the property specifically because I like the quietness and friendliness of the bigger neighborhood. People are often seen walking these streets to do errands or to work downtown. I personally walk the larger neighborhood area regularly to do errands and for exercise. I find the area to be relaxing, safe, and not disturbed by heavy traffic.

The proposed conversion of the Elks property to include 250 housing units is alarming. It has the potential to destroy the neighborhood atmosphere and make walking or driving much more congested. Small residential lots like a subdivision and housing that already exists certainly could work but high rise buildings to house hundreds of people all with vehicles is very alarming.

It seems like this change is for commercialization and for profit and has the potential to destroy the neighborhood atmosphere.

Rita Harding
123 Alderson
Billings, MT

From: [Julie Brown](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] Elk's Club zoning request
Date: Monday, January 31, 2022 1:05:10 PM

Ms. Cromwell,

I am Julie Brown. I live at 726 Lewis Ave. We are 3rd generation homeowners. I am concerned about the change in zoning for the 800 block of Lewis Ave and its negative impact it will have on our neighborhood. We hate to see the charm of our neighborhood change for the worse as it has become revitalized in the last 10 years. The 8th and Lewis intersection is a worry as is the extra traffic (speeders) on our street. What impact will it have on Broadwater Elementary, Lewis and Clark and Senior High? I am not sure to whom I submit my concerns to. Could you please help me?

Thank you,

Bob(Robert J.) and Julie A. Brown

p.s. I sent this email to Robbin Bartley first before I saw the blurb about your position.

From: [Bartley, Robbin](#)
To: [Daniel Brooks](#); [David G. Goss \(dgg954@gmail.com\)](#); [Greg McCall](#); [Michael Larson](#); [Trina White](#)
Cc: [Cromwell, Nicole](#)
Subject: FW: [EXTERNAL] Comments Re: Proposed Zoning Change at 9th and Lewis
Date: Friday, January 28, 2022 8:36:56 AM

Good morning Commissioners,

Please see the following letter of support.

Thank you.

Robbin P. Bartley

Admin. Support I
Planning & Community Services Division
406-247-8676

City of Billings email messages and attachments are subject to the Right to Know provisions of Montana's Constitution (Art. II, Sec. 9) and may be considered a "public record" pursuant to Title 2, Chapter 6, Montana Code Annotated. As such, this email, its sender and receiver, and the contents may be available for public disclosure and will be retained pursuant to the City's record retention policies. Emails that contain confidential information such as information related to individual privacy may be protected from disclosure under law. This message is intended for the use of the individual or entity named above. If you are not the intended recipient of this transmission, please notify the sender immediately, do not forward the message to anyone, and delete all copies. Thank you.

From: Simon Cecil <scecil42@gmail.com>
Sent: Thursday, January 27, 2022 6:44 PM
To: Bartley, Robbin <bartleyr@billingsmt.gov>
Subject: [EXTERNAL] Comments Re: Proposed Zoning Change at 9th and Lewis

Good Evening Ms. Bartley,

Would please pass my comments on to the commission? Thank you so much!

-Simon

Good Evening members of the zoning commission,

My name is Simon Cecil. I currently live on Yale Avenue two blocks from Rocky Mountain college. Prior to moving to our current home, my spouse and I lived in the 300 block of Lewis Ave.

I am writing to express my strong support for the proposed zoning change at 9th and Lewis where the Elks Club currently stands. It is my understanding that Thrive, a developer, is requesting the opportunity to build denser housing on this site. I cannot think of a better use of the space. I strongly encourage you to vote in favor of this zoning change.

The site sits less than a mile from Billings downtown. Continuing to build housing close to downtown

will help keep our city vibrant and our downtown area thriving. Moreover, by building housing in our existing city instead of on the far west end we will have an easier and less costly time providing all of the municipal services citizens should expect such as fire protection, police, and snow plowing. Support for public safety levies over the past two years highlights just how important our citizens think those services are. The opportunity to keep them economical is a wonderful chance to provide what residents need without continuing to increase taxes.

In the past two years I have seen home prices in my neighborhood increase by close to 25%. While this is a nice windfall for those of us who own homes, it is not sustainable for our city. Having lived in cities across the country, one thing I love about Billings is that blue collar workers can afford homes and a good life in our city, while they would be stuck in small apartments in a place like Bozeman or Denver. Increasing our housing supply is an important step to help keep home values from sky rocketing.

Additionally, research is quite clear that there is a close connection between housing prices and homelessness. I think all of us understand the homeless population downtown is a concern for residents across our city. If we can make housing more affordable in our city, we will be able to reduce homelessness in turn allowing people in our city to have the dignity of living in a home and strengthening the appeal of our downtown.

I know that there are neighbors who do not wish to see housing built on this site. However, almost all of us started out our lives in a house different from where we now live. Those of us who have the chance to enjoy all the good things Billings provides should do what we can to afford others the same opportunity, not slam the door in the face of those who wish to join our fair city.

We must put the overall wellbeing of our city and its residents at the top of our considerations. Strengthening our downtown, keeping taxes from rising, keeping home prices under control and reducing homelessness are all critical goals that make this a great project that I strongly hope you will support.

Simon Cecil
923 Yale Ave
Billings, MT

From: [Katelyn Rebecca Cameron](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] City Zone Change 1005 934 Lewis
Date: Wednesday, January 26, 2022 5:02:33 PM

I do not own a lot in this area but i am a resident and property owner of Billings. I fully support this rezoning. Please allocate a portion to affordable housing or subsidized housing. The market is so tight that people cannot find housing, especially if they are on any form of assistance. We need more housing in almost every area of the city.

Please help that become a reality.

- Katelyn

From: [Plecker, Monica](#)
To: [Bartley, Robbin](#); [Cromwell, Nicole](#)
Subject: Fw: [EXTERNAL] FW: Very concerned about the plans for apartment buildings to be built on Lewis Avenue
Date: Friday, January 28, 2022 9:35:26 AM
Importance: High

From: Greg Cook <grcook@bresnan.net>
Sent: Thursday, January 27, 2022 8:08 PM
To: Plecker, Monica <PleckerM@billingsmt.gov>
Subject: [EXTERNAL] FW: Very concerned about the plans for apartment buildings to be built on Lewis Avenue

The concentration of people and housing will be too dense. It sounds like the out of state company is trying to make as much money as possible by cramming as many people in a small space as possible. Definitely not good for this area of Billings!

From: Greg Cook [mailto:grcook@bresnan.net]
Sent: Thursday, January 27, 2022 6:30 PM
To: 'pleckerm@billingsmt.gov'
Subject: Very concerned about the plans for apartment buildings to be built on Lewis Avenue
Importance: High

Hello, Ms. Plecker, We are very concerned about the construction of apartment buildings/multifamily units on Lewis Avenue. We have lived on Lewis Avenue for years. It is a beautiful neighborhood. Our neighbors are all single family homes! There may be a duplex scattered here and there, but they are not noticeable. Why would anyone authorize that apartment buildings be allowed to be built there? It will ruin the neighborhood! It will mean a lot more traffic in an already congested street. People complain about the traffic as it is! Not to mention that it is not zoned for multifamily! I understand that it is zoned for commercial, right now. It needs to be zoned for single family, like the rest of the area. I appeal to your sense of fairness and your commitment to the people who live in the area and ask you to not allow apartments to be built there. Please zone it for single family homes, not multifamily units.

Sincerely, Greg and Rose Cook

Dear Members of the City Zoning Commission,

I am asking that you deny the rezoning of the land at 934 Lewis Avenue (Elks Club) for the following reasons.

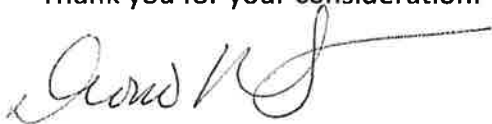
-The new zoning will NOT prevent overcrowding of the land. On page 7 the developer states that to be profitable, 200 to 250 units would have to be built. That could average 300 or more cars. How can the tennis courts stay, the units be built and 300 cars fit in that area? Already, the apartments to the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

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

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

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

Thank you for your consideration.



Dionë Roberts
833 Wyoming Avenue
Billings, MT 59101
(406)591-7591



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

Good Afternoon

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

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

February 1, 2022

Billings Zoning Commission

Hello, my name is Ernie Dutton. I reside at 2046 Mariposa Lane here in Billings. I am part-owner of the commercial property directly west of the Elks Club.

I am concerned that the proposed zone change #1005 will adversely affect the neighborhood. If approved, this zone change will significantly and negatively impact the parking and traffic in the area.

The City of Billings does not have the means to adequately mitigate the problems.

The Elks Club has never granted the City of Billings any right-of way on their side of 10th Street West. They have granted utility easements, but have specifically retained their “right to fully use and enjoy” the property.

Consequently, 10th Street West south of Lewis Avenue to Yellowstone Avenue is only ½ of a City Street right of way. This substandard street is the only real access for numerous properties, including the Stoneridge apartment complex and numerous duplexes. There is a shortage of on-street parking, (See the picture of the overflow parking from the Stoneridge apartments onto the Elks property), as well as a safety hazard along this substandard road, which is the only way in or out of the area (See the dead-end streets marked on the map.).

You know that you are prohibited from attaching any conditions onto zone change. You may not know that the City is unable to require a right-of-way dedication, unless a property owner seeks to subdivide (confirmed with City Planning and Engineering departments). So please don't be seduced into thinking that a traffic study or the site plan approval can cure the parking and traffic problems previously identified.

Do not be persuaded to approve this zone change based on the argument that the proposed zoning is better than the existing zoning that allows potential commercial development to occur. As a commercial broker in this community for over 40 years, I can tell you that this is not a good commercial location. That is why the property hasn't previously sold despite being on the market for over 2 years. Multi-family might be good use of the property, but the proposed density will have a significant and permanent impact on the neighborhood. Let's make sure that the negative consequences are minimized.

You and the City of Billings only get one bite at the apple. Hopefully, your denial of this zone change request will motivate the Elks Club to dedicate the right-of-way needed to complete 10th Street West, before they attempt another bite of the apple.

The Elks property is strategically located and can potentially be developed to be a significant asset to our community. The property isn't going anywhere, and you will surely have another opportunity to see that it gets properly developed.

I respectfully request you recommend denial of this zone change.