

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:** N2 - Mid century neighborhood
- 2. **Written description of the Zone Change Plan** including existing and proposed new zoning:
N3 - Suburban neighbor
- 3. **Subject Property Map:** please attach to this form
- 4. **Legal Description of Property:**
Emma Jean Sabin and filing (15) S 23 T 1 N, R 26 Block 1 Lot 2
- 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 _____, day of _____, 20__.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Penny R. Levy Telephone: 406 - 860 855 4
Address: 1411 Emma Ave Email: fullcircle Realty.penny@gmail.com

Agent (s): _____ Telephone: _____
Address: _____ Email: _____

December 2, 2021

Dear Property Owner,

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

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

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

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

Sincerely,

 *Charles J Felton*

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

EMMA JEAN HEIGHT REZONE MEETING

DEC 11, 2021

ATTENDEES

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

EMMA JEAN HEIGHT REZONE MEETING

DEC 11, 2021

ATTENDEES

11 FULL NAME * PHONE * REASON
 Steven SPRAGUE SR 406 480 0863
 EMAIL STEVENSPRAGUE-SR@yaho.com

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

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

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

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

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

17 FULL NAME * PHONE * REASON
 EMAIL

FULL NAME * PHONE * REASON
 EMAIL

19 FULL NAME * PHONE * REASON
 EMAIL

FULL NAME * PHONE * REASON
 EMAIL

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

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

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

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

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

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

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

Synopsis prepared by Kerry Martinson