

# 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

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: *Seve Michelotti* Date: 08/30/22

(Recorded Owner)



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

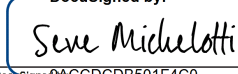
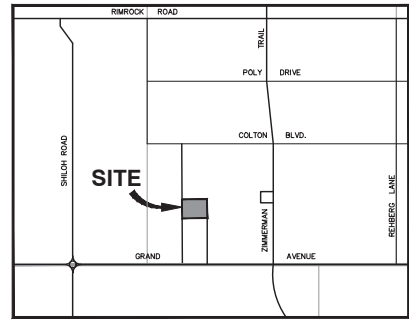
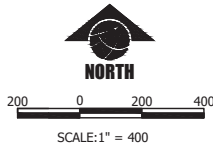
**Owner Signature:**  **Date:** 08/30/22  
**Agent Signature:**  **Date:** 08/30/22

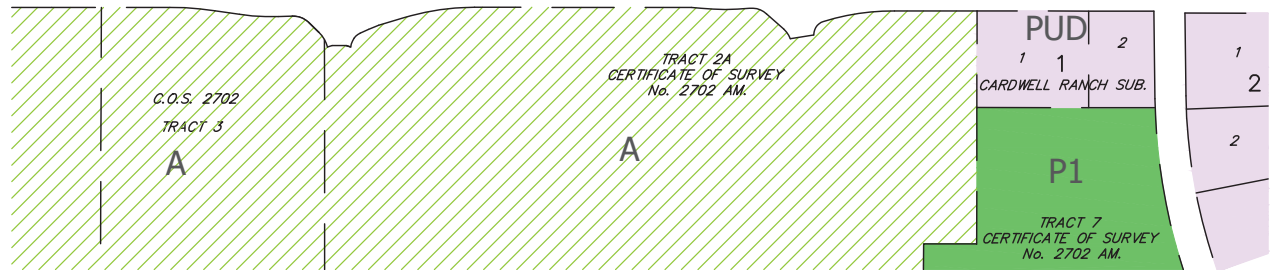
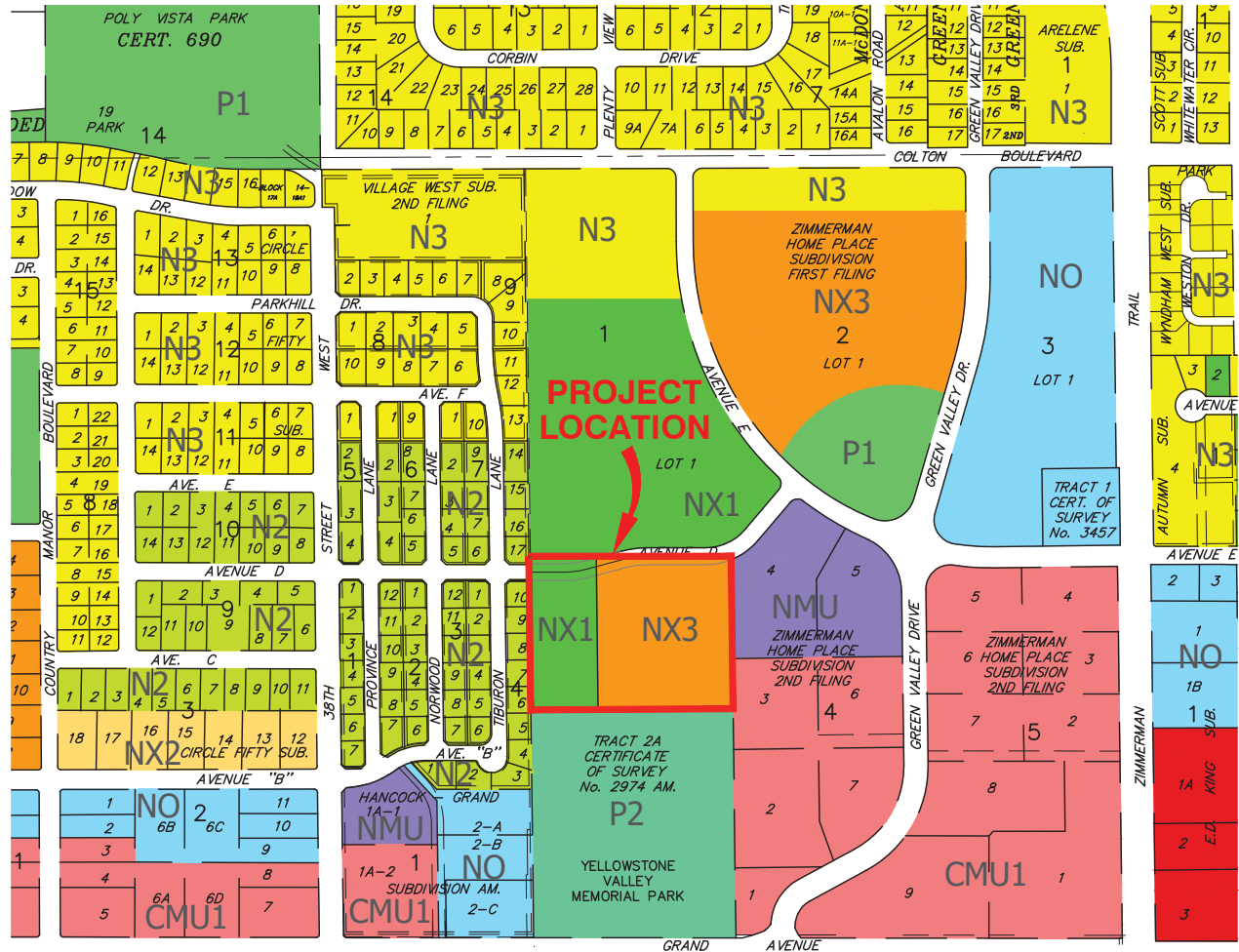
EXHIBIT A  
 LAND USE AND ANNEXATION DETAILS  
**TRACT 2B, CERTIFICATE OF SURVEY No. 2974 AM.**

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

<b>PROJECT: Certificate of Survey #2974 AM</b>			
Project No: 22065			
Meeting Location: 1108 24 <sup>th</sup> 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](mailto: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](mailto:jhalverson@sandersonstewart.com).

Sincerely,

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

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