

**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:

Zone Change from NX1 to a combination of NX2 and NX3 on 12.41 acres \_\_\_\_\_

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

4. **Legal Description of Property:**

Zimmerman Home Place Subdivision 1<sup>st</sup> Filing, Lot 1, Block 1, Section 34, T01 N, R 25 \_\_\_\_\_

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, Steve Zeier \_\_\_\_\_

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 2023.

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., Suite 101, Email: preston@beartoothholding.com  
Billings, MT 59102

**Agent (s):** Performance Engineering, Scott Aspenlieder Telephone: (406) 384 - 0080

Address: 608 N. 29<sup>th</sup> Street Billings, MT 59101 Email: scott@performance-ec.com

## Lots 2 & 3, Block 1, Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing

### Zone Change Neighborhood Meeting Notes

The meeting was conducted from 6-7:30 PM on August 24, 2023 at the Arrowhead Elementary School. The meeting was hosted by Scott Aspenlieder of Performance Engineering (agent) and Preston Lees (developer).

There were eleven (11) public participants for the meeting. We did not receive any calls prior to the meeting or following the meeting. Significant discussion occurred regarding the development plan for Block 2 and the ongoing construction, which was not relevant to this application but all information available was shared by Mr. Lees. Those discussions are not summarized below as they are not relevant to this application.

Questions from the individuals and subsequent responses are shown below:

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

*The developer noted that the timeline for this project was to be under construction in 2024, based on completion timelines for ongoing project adjacent to the parcel. That construction would include the completion of Avenue D along the southern boundary of the project area. Construction would likely take up to 24 months to complete.*

- **Why is it being proposed to switch the existing property zoning to NX2 and NX3?**

*NX1 demand is not moving the land forward at this point. Current market interest is higher for multi-family development than for a lower density NX1 residential development. The combination of NX2 and NX3, we believe, is a compromise and consistent with ongoing development to the east of the parcels on Block 2 and the zone change south which was approved by Council for Steward Land Company, essentially the same as what is being proposed. The proposed zoning configuration allows the developer the ability to mix densities and housing products providing more housing choices to the market and residents. This diversity is imperative for the current market to be able to fit multiple housing levels and price points.*

- **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. The TIS did anticipate the a change to Block 1 to account for elevated travel from a future change. Remaining within the NX zone types by only adding NX2 and NX3 we'll see a slight increase in trip generation and thus a negligible impact on the existing transportation system aside from the impacts paid for by the developer to*

*intersections in the area. Nonetheless, the results of the TIS show the project will trigger upgrades to the intersection of Avenue E and Zimmerman Trail, calling for installation of a stop light upon full buildout of the Zimmerman Home Place development. The developer will have made the financial contributions to the City of Billings for their impact on those improvements. The lighted intersection will take pressure off the Colton and Zimmerman intersection once installed helping the road network in the area. Again, it should be noted that trip generation from NX2 and NX3 on Block 1 was planned for with the study completed anticipating a change in the future so the contributions made for intersection impacts by the developer will be sufficient to account for their financial obligations. Lastly, it should be noted that completion of Ave. D to the existing neighborhood west of Zimmerman Home Place Subdivision will assist in serving as an outlet for residential traffic from those streets to get to the new lighted intersection at Ave. E and Zimmerman Trail and the roundabout at Grand Ave. and Green Valley Dr.*

- **How many stories will the buildings constructed likely be on the property?**

*NX3 zoning allows for up to four (4) stories in construction. It is likely that 3- to 4-story construction would occur on the site to maximize development potential and value for the lot and neighborhood. There is no definitive plan for how the lots will be developed at this point. It is more likely that a development like that occurring on Block 2 will be carried over to this area but there have been no formal design level efforts put to that at this stage. Securing the zoning approval is necessary before investing and putting at risk any more capital on the development of these lots.*

- **What impact will this development have on property values of the existing homes in the area?**

*There are a handful of studies that point to continued development of vacant lands increasing values to adjacent neighborhoods, even with higher density development. There are no accredited studies we have seen that show that by building higher density development adjacent to single-family housing that a reduction in home value occurs. There certainly will be a change in viewshed from Colton Boulevard but that would also occur if a home was built to the maximum height allowed by NX1 zoning. The development has stepped back density using an NX1 buffer on the west side of the lot to minimize impact, pushing the NX3 to the center and as far away as possible from existing neighborhoods.*

- **Why can't the area be built out under the existing NX1 zoning?**

*There is increasing demand for NX2 and NX3 densities in development to provide a housing need which is not met under NX1. Currently, with the cost of construction large swaths of land are cost prohibitive to develop with only NX1 zoning because developers cannot get the density necessary to offset construction and land costs with current interest rates and inflation.*







608 North 29<sup>th</sup> Street, • Billings, MT 59101 • (406) 384-0080

August 16, 2023

Dear Interested Neighbor,

On behalf of Highlands ZHP Subdivision, LLC, 2116 Broadwater Ave., Suite 101, Billings, MT 59102, Performance Engineering, LLC, is writing to inform you of a zoning pre-application neighborhood meeting scheduled to be held on **August 24, 2023** at Arrowhead Elementary School, 2510 38<sup>th</sup> St. West, Billings, MT 59102. Interested parties can attend the meeting held in the Library from 6-7 PM.

The meeting is being held to discuss a proposed zone change regarding the existing property located southwest of the intersection of Colton Boulevard and Avenue E. The owner is requesting the properties shown in the attached exhibits, and described below, be re-zoned to accommodate future development:

**A portion of Lot 1, Block 1, of Zimmerman Home Place Subdivision, 1<sup>st</sup> Filing, S34, T01N, R25E, City of Billings, Yellowstone County, Montana except the western most 151-foot (5.279 ac remaining NX1). Having a total area of approximately 12.41 acres.**

The intent of the meeting is to make neighboring property owners aware of the proposed zoning change for the subject properties, discuss the potential for redevelopment, and to answer questions about the project. Below is a summary of the existing zoning and the proposed zone changes:

Existing Zone District	Existing Area (acres)	Proposed Zone District	Proposed Area (acres)
NX1	17.689	NX2	6.240
		NX3	6.170

The City of Billings generally describes the zoning districts included in this application as:

- NX2: Mixed Residential 2
- NX3: Mixed Residential 3
- A total of 16.41 acres is included in the proposed zone change.

Representatives for Performance Engineering, LLC and the Developer will be present at the meeting to answer questions from those who attend. For those unable to attend the meeting, written letters can be directed to Performance Engineering at 608 North 29<sup>th</sup> Street, Billings, MT 59101, attention Scott Aspenlieder, or emails may be sent to [scott@performance-ec.com](mailto:scott@performance-ec.com). We look forward to discussing the proposed zone change with you and hope to see you on **August 24, 2023 at Arrowhead Elementary.**

Sincerely,

Scott Aspenlieder, PE  
Project Manager