

# APPLICATION FORM

PZY

CITY ZONE CHANGE

Billings Zone Change # 1019

- Project # 22-00224

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 NO - Residential Office

Proposed Zoning: CMU1 - Mixed-Use Corridor

TAX ID# A36264 CITY ELECTION WARD 4

Legal Description of Property: Zimmerman Home Place Subdivision 3rd Filing, Lot 2 & 3 Block 1, Section 34, T01 N, R25 E, Billings, MT, P.M.M.

Address or General Location (If unknown, contact City Engineering): Near Colton Ave & Zimmerman Trail Intersection

Size of Parcel (Area & Dimensions): 7.513 acres

Present Land-Use: Vacant Rural Land

Proposed Land-Use: Mixed-Use Commercial

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): Highlands ZHP Subdivision, LLC

(Recorded Owner) 2116 Broadwater Ave., Ste. 101, Billings, MT 59102

(Address) (406) 839 - 7661 preston@beartoothholding.com

(Phone Number) (email)

Agent(s): Performance Engineering, Scott Aspenlieder

(Name) 608 N. 29th Street, Billings, MT 59101

(Address) (406) 384 - 0080 scott@performance-ec.com

(Phone Number) (email)

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: [Signature]  
(Recorded Owner)

Date: 8/20/22







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

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

1. Explain how the proposed project is consistent with the adopted Growth Policy, Neighborhood Plans, and other applicable city development policies.

Essential Investments - The proposed project is classified as an “infill development” making it a very cost-effective option for the city. The current development would also allow for the interconnectivity of sidewalks from homes to commercial businesses.

Business Access - The location of the project along Zimmerman Trail would allow easy access to commercial businesses constructed on site. The short distance to the new apartments and existing residential neighborhoods in the area also allow many residents to commute to the stores without driving on city roads. This accessibility will attract many types of businesses to the growing area.

Infill Development Policy - The goal of the Billings Infill Policy is to promote housing and retail choices to encourage economic development, by rezoning this area it will stimulate development of the area and provide a more enjoyable neighborhood environment for the residents.

2. Explain how the proposed project meets the 10 zone change criteria.
  - a. **Is the new zoning designed in accordance with the growth policy?**  
The new zoning adheres to the City of Billings growth policy as it is an essential investment because it is an infill development and provides commercial business/retail access to the residents in the area.
  - b. **Is the new zoning designed to secure from fire and other dangers?**  
There are fire hydrants located an adequate distance from the site on Zimmerman Trail. The site is also located outside of any floodplain.
  - c. **Will the new zoning promote public health, public safety and general welfare?**  
The proposed zone change will diversify the surrounding neighborhood and allow for easier access to commercial businesses closer to their homes. This makes it possible for residents to use non-motorized transportation, keeping less cars off local roadways which increases the

general welfare of both commuters on the roads and residents of the neighborhood.

**d. Will the new zoning facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements?**

The change in zone will not require any additional water or sewage to the site as it is provided by the development being constructed to the west. It will also improve the effectiveness of the MET as there is a stop located just south of the property location, increasing the number of businesses available to the passengers. Park land was identified and dedicated in the PD development to the west.

**e. Will the new zoning provide adequate light and air?**

The proposed zone change will have minimal impact on light and air in the surrounding area. Any improvements on the land must adhere to the zoning requirements for lighting laid out by the City's Zoning Code.

**f. Will the new zoning effect motorized and nonmotorized transportation?**

The proposed zone change will have some impact on the motorized transportation in the area, however, its short distance to the new apartment complex and existing residential houses in the area allow for nonmotorized vehicles be used to travel to future development on the property. Additionally, there is an MET bus stop in the area to accommodate mass transit use.

**g. Will the new zoning promote compatible urban growth?**

The proposed zoning will promote urban growth to the surrounding area. Development on the west side of Zimmerman Trail and on Green Valley Drive between Avenue E and Grand Avenue is expected. Most of the proposed development is expected to be commercial to further serve the new development at Zimmerman Home Place and surrounding residential developments.

**h. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?**

The proposed zoning expands the CMU district from Grand Avenue up closer to Colton Boulevard providing easier access for the residents in the area and will help blend the CMU district to the N district to the north and east.

**i. Will the new zoning conserve the value of buildings?**

The new zoning will conserve the value of buildings in the area by creating new amenities for nearby neighborhoods while not intruding upon them.

- j. **Will the new zoning encourage the most appropriate use of land throughout the City of Billings?**

The zoning will encourage appropriate use of land by expanding the CMU district on Grand Avenue allowing residents easy access to more businesses in the area.

- 3. **Does the new zoning fit with the existing or planned developments within the area?**

The new zoning will fit seamlessly into the existing developments, land currently being developed, and future developments in the area. The site will help provide many amenities and necessities for the residents in the area.

**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:** NO - Residential Office \_\_\_\_\_
2. **Written description of the Zone Change Plan** including existing and proposed new zoning:

Zone Change from NO to CMU1 \_\_\_\_\_

3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:**  
Zimmerman Home Place Subdivision 3rd Filing, Lot 2 & 3 Block 1, Section 34, T01 N,  
R25 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. Gordon Olson. \_\_\_\_\_
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, 2022.
  - 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., Ste. 101, Email: preston@beartoothholding.com  
Billings, MT 59102 \_\_\_\_\_

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Billings, MT 59101 \_\_\_\_\_

## 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 PM on August 24, 2022 via a virtual Zoom meeting. The meeting was hosted by Scott Aspenlieder of Performance Engineering (agent).

There were public participants for the virtual Zoom meeting. We did receive two calls prior to the meeting that night from the HOA east of Zimmerman Trail which had the following questions/comments regarding the proposed zone change along with one email which is included in the packet.

Questions from the individuals and subsequent responses are shown below:

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

*The developer could potentially start construction on the lots in the spring of 2023 with building construction following subdivision and zoning.*

- **Why is it being proposed to switch the existing property zoning to CMU1?**

*The CMU1 district allows more flexibility and allows for a mix of residential and commercial uses. This will allow for an intermix of community service style businesses and restaurants along with residential use.*

- **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. It is likely that an update to the TIS could be required based on use and projected trip generation for the future use. If required, the TIS update would include any recommendations of traffic improvements that may be warranted with the revisions to the proposed zoning. If traffic improvements are warranted based on the updated TIS the developer will be required to install these as part development permits for the lots and/or building permits.*

- **Neighbors are concerned about the pedestrian crosswalk at Colton and Zimmerman with additional traffic?**

*The pedestrian crosswalk is designed and permitted to City of Billings standards. If concern continues the City could be petitioned to included a flashing beacon or lighting to notify drivers of an occupied crosswalk. That would be an issue for the City of Billings to address, not this zone change.*

- Will the new zoning allow for any casinos to be constructed on the lots?

*No casinos can be permitted on the proposed lots due to proximity to residential properties. There could be the potential for full beverage liquor licenses on the property but gaming would not be permitted under current City Code.*