

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1021 - Project # PZX-22-00289

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 Agriculture

Proposed Zoning: N1, NX2, NX3, P1

TAX ID# D00503, D00503A, D00486A CITY ELECTION WARD 5

Legal Description of Property: S10, T01 S, R25 E, C.O.S. 2828, TRACTS 1 & 2 Drain ROW (attached)

Address or General Location (If unknown, contact City Engineering): Bell Ave.

Size of Parcel (Area & Dimensions): Approx 27.7 Acres, 816' wide x 1482' long

Present Land-Use: Agriculture

Proposed Land-Use: Residential, SF, Duplex and MF

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): Dorn Property & Homes

(Recorded Owner)
PO Box 81524

(Address) (406) 652-8232 rick@dornrealestate.com

(Phone Number) (email)

Agent(s): Rick Dorn, Dorn/ Lowe LLC

(Name)
PO Box 81524

(Address) (406) 652-8232 rick@dornrealestate.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: *Rick Dorn* Date: 11/30/22
(Recorded Owner)

Dec 1, 2022



Certificate of Survey 2828, Tracts 1 & 2, & Drainage Ditch ROW

Zone Change Request from Agriculture to N1 First Neighborhood Residential, NX2 Mixed Residential 2, NX3 Mixed Residential 3 and P1

Statement of Proposal

Dorn Property and Homes LLC, with Dorn/ Lowe LLC, are seeking to Annex and Rezone Tracts 1 and 2 of Survey CS 2828 and A 55-foot wide strip of land adjoining the south property lines of Tracts 1 and 2.

The intent of the requested zoning will allow for the future development of duplex, townhome, and multi-family residential units. The proposed zoning meets the intent of the Planned Neighborhood Development (PND) standards by providing the requisite mix of residential zones, open public space, and block formats.

The proposed Residential PND will allow for a transition between the existing Twin Pines Townhomes and Legends West subdivision to the north and existing county residential lots to the east of the subject parcels. This is in accordance with the general development pattern for adjacent development to the south of the subject parcels.

Responses to Questions in Zoning Application

- a. **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 requested zoning is in compliance with the following growth guidelines:

Essential Investments (Relating Public and Private Expenditures to Public Values)

- ***The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plan.***

Yes. Streets within the PND are designed for low speeds to calm traffic and provide safe environments for all users while still providing enough room for emergency vehicles to safely navigate.

- ***Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.***

Yes. This PND will provide pedestrian connections to adjacent development on Bell Avenue and along the Bannister Drain.

- ***Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community***

Yes. This PND will provide a centrally located park that will be developed, owned, and maintained by the developer. This park area will be zoned P1 and will host amenities including a clubhouse and pool. Other areas within the development are also planned to include dog parks and play equipment.

- ***Infill development and development near existing City infrastructure may be the most cost effective***

Yes. The proposed PND is in close proximity to areas of similar intensity of development which already have city services. When annexed, extension of City and municipal infrastructure will be more cost effective than less-dense development, on a per-capita basis.

- ***Neighborhoods that are safe and attractive and provide essential services are much desired***

Yes. The design of this PND, in compliance with relevant PND and zoning regulations will promote a high level of public safety. This includes streets, parking and recreational areas which are easily observable from residences within the development. This property will not impact public health, safety and welfare any differently than the other neighborhood developments which are developed in accordance with the City's zoning requirements.

Place Making (Enhance, Maintain, Preserve, and Improve Existing Public Places)

- ***A multi-use community recreation facility is desirable***

Yes. This PND provides recreational open spaces in the form of pedestrian connections, a centrally located park space, a dog park, tot lot, and private pool.

- ***The history and heritage of Billings are cornerstones of our community***

Yes. 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.

- ***Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City***

Yes. The PND's centrally located public park will serve as a shared community gathering and recreation space for the entire neighborhood. The compact nature of this development will ensure that the public space is a well-used and vibrant community asset.

Community Fabric (Attractive, Aesthetically Pleasing, Uniquely Billings)

- ***Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods***

Yes. This PND will be developed in accordance with the City's code regulating street section to include planted boulevards. This will ensure that vehicular traffic is calmed and can navigate the development at slow, safe speeds for all street users. Street-front landscaping will be provided in accordance with the zoning code's landscape section, providing street trees and other water-efficient landscaping.

- ***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)

- ***Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels***

The mixture of zones and housing types within this PND exceeds the percentages required by the city's PND regulations. Most of the site, 54% gross, is proposed as NX3 which, because of its efficient use of land, will be the most affordable rental homes within the proposed PND. NX2 is the second-most prevalent zone district in the PND with almost 9% of the site's gross area. This zone can host structures of up to eight units, which will likely take the form of townhomes or multiplexes designed to closely resemble large mansion-style homes. The remainder, 7.7% gross, of residentially zoned land within the proposed PND is N1 first neighborhood, which can host single family or duplex homes. The diversity of housing in the proposed PND will allow residents of varying income levels to call this neighborhood home.

- ***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 medical school, commercial and business uses to the property's south, 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, the lifestyle and amenities it will offer will attract a diverse demographic of residents seeking housing alternatives to single-detached residential. The property's proximity to the commercial center developing around the intersection of Shiloh and King 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.

The COS 2828 Tracts 1 and 2 and the drainage ditch ROW Zone Change will help Billings manage its growth by encouraging development within and adjacent to the existing City limits, giving preference to areas where City and municipal infrastructure exists helping to maintain fiscal responsibility for the City. This development will allow the City to increase tax revenue and the City will prosper by further developing a variety of neighborhoods with their own unique character that are governed by City regulations and provide a further choice of housing options and additional housing inventory.

The West Billings Plan states:

- ***More compact development patterns are desirable because they make full use of urban services, offer cost-effective infrastructure, and hold down costs to the taxpayer***

Yes. This proposed PND will develop in a compact manner and will host residential densities that will support cost-effective provision of municipal services.

- ***Plan for a mix of land uses that reduces automobile usage by locating stores, housing, schools, and recreation within a very short drive (or walking distance) from each other in compact neighborhoods with pedestrian-oriented streets***

Yes. The proposed PND is in very close proximity to job and commercial centers and planned recreational facilities on the Shiloh Corridor. Streets within the proposed PND will be designed in accordance with all relevant City regulations to include pedestrian facilities and planted boulevards.

- ***PG1.M.5 Enable the approval of development project that incorporate innovative mixed-use land planning concepts that provide for community aesthetics, compatible land uses, a mix of housing opportunities, open space, and other community amenities by revising zoning and subdivision regulations***

Yes. In accordance with the City of Billings' PND regulations, the proposed PND includes a mixture of housing opportunities including zones that allow single-detached homes, duplexes, townhomes, multiplexes, and apartment buildings. The proposed PND also includes area zoned P1 public space for a centrally located park and a tot lot in the northeastern corner of the site for use by the development's residents and the surrounding neighborhood. The total area in the proposed PND designated P1 is nearly 300% of the area required by code.

The 10 Zone Change Criteria:

- ***Whether the new zoning is designed in accordance with the Growth Policy***

Yes, tracts 1 and 2 of COS 2828, and the drainage ditch ROW are being developed under the consideration of the Growth Policy statement and guidelines on previous pages. It is a project adjacent to parcels where municipal services exist and is compatible with other recent developments in the area to the south and is in accordance with the newly adopted Recode zoning document.

- ***Whether the new zoning is designed to secure from fire and other dangers***

Yes, 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.

- ***Whether the new zoning will promote public health, public safety and general welfare***

Yes, All development on Tracts 1 and 2 of COS 2828 and the drainage ditch ROW 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.

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

Yes, the proposed PND will provide streets designed in compliance with relevant City of Billings regulations for adequate transportation provision. Water, sewer and storm facilities will also be developed in accordance with all relevant regulations. The residential densities proposed in this PND will create a neighborhood that costs less for schools to serve, as it will require less distance for buses to travel for student pick up and drop off. Areas zoned P1 within the PND exceed the city's PND regulations by nearly 300%, thus providing ample recreational opportunity for area residents.

- ***Whether the new zoning will provide adequate light and air***

Yes. Tracts 1 and 2 COS 2828 and the drainage ditch ROW are being developed in accordance with City of Billings rules and regulations and therefore meets this requirement.

- ***Whether the new zoning will affect motorized and nonmotorized transportation***

Because the proposed zone change/ PND is adjacent to one of the fastest growing and largest commercial and job centers in the state, it is reasonable to predict that a significant portion of the trips generated by the residential uses planned for this site will be captured by walking, bicycling, or public transit use, thus reducing the impact of this development on the surrounding roadway network.

When this development progresses through the approvals process to master site plan review, a Traffic Impact Study will be completed, and the developer will be responsible for any improvements the study deems necessary because of the trips generated by this development.

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.

- ***Whether the new zoning will promote compatible urban growth***

Yes, the proposed PND site is within a quarter mile of Shiloh Road, is a principal arterial, designated as a controlled access highway and facility, and is one of the most heavily trafficked and quickly developing corridors in the state of Montana. The Shiloh Road corridor hosts a broad range of uses and intensities of development both existing and planned. Exhibit C, attached to this application, illustrates this point. The intersection of Shiloh Road and King Avenue, approximately one-half mile from this site, is the center of a rapidly developing commercial and job center that rivals many of the downtowns in Montana in terms of its economic activity. Locating the number of homes that this PND proposes near this activity center will yield significant cost efficiencies to the City of Billings and its taxpayers for provision of services.

The proposed PND also provides an ample transitional distance of approximately 350' between the existing duplex residential uses across Bell Avenue, north of the subject parcels to the proposed NX3 zone. It similarly provides a transitional distance of approximately 220' between the single-detached uses to the east of the subject parcels and the proposed NX3-

zoned areas within the subject parcels. The proposed zone change provides NX3-zoned area where it faces, across the Bannister Drain and Rocky Vista Way to the Rocky Vista Medical School Campus and existing NX3-zoned areas to the south-east of the subject parcel.

- ***Whether the new zoning considers the character of the district and the peculiar suitability of the property for the particular use***

Yes. The property is located to the north, across the Monad and Bannister Drain rights of way from the existing multi-family and commercial center at Lenhardt Square and the new medical school campus. This proposal is compatible with those developments while providing a transition to existing single-detached and duplex residential uses to the north and single-detached uses east of the subject parcels.

The subject parcels and those parcels to the west of the proposed PND are undeveloped, and currently under agricultural use. The commercial center south of the proposed PND hosts a variety high intensity uses as compared to those uses to the north and east of the subject parcels. Thus, any one character in this neighborhood has not been established and will continue change as development occurs.

- ***Whether the new zoning will conserve the value of buildings***

Neutral. 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-detached and twin home residential uses, the design of this development will provide generous transitional buffer zones of N1 and NX2 between existing single-detached twin home uses and proposed NX3 uses.

The residential uses included in this PND will likely have a positive effect on the commercial properties to the south and the residential properties to the southwest of the subject parcels.

- ***Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings***

Yes. The City of Billings continues to need projects that provide for a variety of 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 new medical school campus and other business and commercial uses in order to reduce overall vehicular loads on local area streets.

Exhibit C: Shiloh Corridor

Existing and Planned Uses

- Res - Single Family
- Res - Townhouse/Duplex
- Res - Mobile Home
- Res - Multi Family (2 Lvl)
- Res - Multi Family (3-4 Lvl)
- Commercial
- Civic
- Office
- School
- Misc PUD
- Industrial
- Green Space
- Ag/Undeveloped

RIMROCK RD

GRAND AVE

CENTRAL AVE

Project Location

KING AVE W

48TH ST W

HESPER RD

SHILOH RD

32ND ST W

I-90

