

Opposition to City Zoning Change 1021

January 3, 2022, 4:30 pm.

1st Floor conference room, The Miller Building

2825 3RD Ave N

General Overview:

We are requesting the Zoning Commission deny the application for the Zoning Change 1021. The request is being made by many of the individual property owners and interested parties located within the ¼ mile distance from the property boundary who are adamantly opposed to the proposed change. We are requesting the proposed zoning change be denied for the following reasons: the change is not in accordance with the Growth Policy; is not designed to secure fire and other dangers; does not promote public health, public safety and general welfare; does not facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; will adversely affect motorized and nonmotorized transportation; is contradictory to compatible urban growth; does not consider the character of the district and the peculiar suitability of the property for the particular use; will reduce the value of established homes and neighborhoods; is not the most appropriate use of land throughout the City of Billings. A detailed description for the opposition will be presented in the later sections of this document.

A similar zoning change was requested and defeated approximately 10 years ago. Another request was made last year and was withdrawn by the applicant after significant opposition to the request was made. The land owner/developer and the professional community designer, Sanderson Stewart have stated that the development now meets the new requirements for the proposed changes. They have presented an optimistic overview of the proposed development. Many of the overarching issues that resulted in the previous defeat are still applicable today and at best have only been partially addressed or not at all. They are utilizing the development of Interpoint Apartments, InterUrban Apartments and Happy Homes Apartments as justification to approve the proposed changes. The proposal, as presented, “checks the boxes” for meeting all of the 10 criteria used for review of a zoning change. When all of the factors are more closely examined, the proposed development fails to meet the criteria used for review of the zoning change.

The developer has submitted the modified plan after “feedback” from the community. The only modifications to the 2022 plan was to not connect the PND to Bell Ave and Obie Lane. The developer failed to acknowledge any of the other larger concerns regarding the number of units that would be add to the neighborhood and the negative impact to the fiber of the community. The develop submitted a plan that knowing violates the connectivity of the PND in hopes of

gaining approval of the zoning change then blaming the city for requiring the connectivity issue to be resolved. The Planning and Community services group has already made the recommendation to reject the variance and requested a second layout be submitted with connectivity to Bell Ave and Obie Lane. That puts the request back to the same status that was strongly opposed by the residents of the existing neighborhood and re introduces the traffic concerns down Bell Ave and thru the subdivisions of Legends Way and Twin Pines Townhomes. The developer 2022 traffic study identified that over 1000 vehicles will not utilize Bell Ave daily and well over 100 vehicle will “cut” through Legends Way and Twin Pines Townhomes. The number if “cut” through exceed the number of units in Legends Way and Twin Pines Townhomes

The polished campaign by the paid contractor, Sanderson Stewart is specifically designed to convince all parties that this is the best utilization of the tracts of land. The goal of Sanderson Stewart is to get this approved at the direction of the land owner and developer. This approval will optimize profits for the land owner and developer. However, if approved it will be at the expense of the nearby neighborhoods, the City of Billings, and the County of Yellowstone.

This proposal does not fully meet the growth policy and we are opposed to zoning change. The Growth Policy states: “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 development and maintenance of neighborhoods like Bell Estates, Legends West, and Twin Pines are the backbone of prosperity for Billings. The pride in ownership, the sense of community, the fabric of family, the feeling of a friendly, quiet neighborhoods are the key aspects to the value of the neighborhoods in Billings. The proposed changes will not enhance the value of the neighborhoods but will significantly diminish them. This development will not make Billings a better place to live. If approved it will be at the expense of the nearby neighborhoods, the City of Billings, and the County of Yellowstone. These neighborhoods already offer a diverse choice of housing. Our recommendation is to development the property in alignment with the current neighborhoods and that is the most appropriate us of the land.

The Growth Policy also 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 exist or can be extended within the fiscally constrained budget** and with consideration given to increased tax revenue from development.” The development as proposed addresses the infrastructure needs along the southern portion of the development but ignores the infrastructure improvements needed as a result of the development for Bell Estates, Legends West, and Twin Pines. If approved it will be at the expense of the nearby neighborhoods, the City of Billings, and the County of Yellowstone.

We are opposed to the proposed zoning because it will place a higher burden on fire and police services. These services are currently stretched very thin and by adding a high density

population expansion, it will negatively impact those services. The proposed zoning change does address many of the design criteria to secure fire and other dangers such as setbacks, open spaces, internal street design and others. However, it does not address all of the concerns and the additional cost associated with expanded fire and police services. Those costs will be at the expense of the nearby neighborhoods, the City of Billings, and the County of Yellowstone.

The new zoning will not promote public health, public safety and general welfare and we are opposed to the zoning changes. The proposed modifications will significantly increase the population density and will create additional public safety concerns. The safety concerns associated with large multi-dwelling units versus single and two family dwellings are well documented. There is a concern that higher crime rates will adversely affect the neighborhoods of Bell Estates, Legends West, and Twin Pines.

The new zoning does not facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements and we are opposed to the zoning changes. The high density population will place an additional burden on the already over extended SD#2 school system. There are improvements over the 2022 design in the area of parks but they are inadequate for development. The existing transportation infrastructure is not adequate to support this development. Although the developer is proposing providing primary access via Monad, a large percentage will be leaving/accessing the development from Central via Twin Pines and Legends Way. Additionally, traffic to the development from the North will turn onto Bell avenue to gain access. This will place a much higher traffic flow on existing streets. The additional cost associated with developing more schools, improved roads more sidewalks, more parks will be passed on to the nearby neighborhoods, the City of Billings, and the County of Yellowstone.

The proposed zoning change does not adversely affect the quality of light and air.

We are opposed to the new zoning as it will adversely affect motorized and nonmotorized transportation. Sanderson Stewart has stated they anticipate the new development will generate approximately 3000 vehicle trips per day and the majority of these trips will utilize Monad as the primary route. Sanderson Stewart has also stated they will extend to connect to Bell Ave and Obie Lane. This will create a secondary access to and from the development through the existing neighborhoods of Bell Estates, Legends West, and Twin Pines. The 2022 traffic study shows that 1038 the new vehicles will utilize Bell Ave that 116 vehicles that would "cut" through Legends Way and Twin Pines Townhomes. We recognize that this number is less than the designed capacity for these roads, however, it is a **significant** increase in the traffic of the neighborhoods. This significant increase in traffic will adversely affect the quality of life and the property values of Bell Estates, Legends West, and Twin Pines.

In anticipation of the negative impacts due to the increase in traffic, the residents of Twin Pines have announced their intention to gate off Twin Pines Lane and Big Pine Court. Twin Pines is a unit owner development and is well within their rights. The additional costs to control traffic

within Twin pines will be a burden to residents of Twin Pines caused by the proposed development.

Once the gates are installed at Twin Pines, all of the secondary traffic will be forced to Bell Ave and Legends Way. The section of Bell Ave between Twin Pines Lane and Legends Way currently has between 50 and 75 vehicles per day (as observed by local residents). If this zoning change is approved, Bell Ave will have 20 times as many vehicles as it currently carries. This increase in traffic will present many challenges. The additional costs to control traffic along Bell Ave will be at the expense of the nearby neighborhoods, the City of Billings, and the County of Yellowstone. The south side of Bell Ave (county subdivision) does not have sidewalks or curb and gutters. The paved section of Bell Ave is very narrow. Additionally, the Moring Star employees park along on the road which contributes to traffic issues. The northside of Bell Ave has sidewalks and curb and gutters. Another item to consider is the intersection of Bell Ave and Shiloh. With the speed of the southbound traffic on Shiloh and the additional traffic that will have to make a right hand turn on to Shiloh from Bell Ave, the probability of major traffic accident will be significantly increased.

Currently, Bell Ave is the “feeder” for nonmotorized traffic for the residents Bell Estates, Legends West, and Twin Pines to the pedestrian path along Shiloh. This translates to a large number of pedestrians and cyclists that utilize Bell Ave. Additionally, many of the residents from Morningstar walk along Bell Ave. Another important item is the pedestrian path at Shiloh that crosses Bell Ave before the Stop sign. There is a cross walk with signage along Bell Ave but this last year there was a bicycle / vehicle incident. With the addition of 1000 more vehicles per day, the probability of major incident will be significantly increased.

We are opposed to the new zoning as it is contradictory to compatible urban growth. The application states that the proposed zoning provides “a transition to single-family and twin home residential uses to the north and single family uses east”. This is largely overstated. The transition, based on the zoning requests, move very quickly and in a cumbersome way directly to the apartment complex (NX3). The developers force a small area of N2 and NX1 as what they consider a buffer, which will only give a small transition from high value single family large lot homes into very compressed population.

The new zoning does not consider the character of the district and the peculiar suitability of the property for the particular use, and we are opposed to the change. The proposed changes do not take into consideration the existing single and two family dwellings in the surrounding neighborhoods to the north and east and in fact, directly discount those established neighborhoods.

The new zoning does not conserve the value of buildings and property and therefore we are opposed to the zoning change. The development of large scale apartment buildings and the added traffic in the area will reduce the desirability of the neighborhood and reduce from the value of the homes in the neighborhood.

The new zoning does not encourage the most appropriate use of land throughout the City of Billings. The need for suitable housing is a concern for Billings and its residents. The development of additional of large multi-dwelling units in the location does not constitute the proper use of this land. There is a continued need for affordable single and two family homes and would be a more suitable use of the tracts in question.

From: [ROGER FUHRMAN](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] Zone change Dorn Property and Homes
Date: Tuesday, January 3, 2023 9:26:31 AM

From: Roger Fuhrman, 191 Legends Way, Billings

I am writing an opposition to the zone changing for the Dorn property and homes request. I feel the zoning proposal is not significantly different from previous proposals and that it remains essentially a high density apartment development. I offered the following considerations.

Monad is a two-lane traffic street including the east west flow at the Monad/Shilo roundabout. Considering the expected traffic from the apartments yet to come online south of Monad, the medical school and the adjacent campus I feel Monad will be insufficient to effectively handle this increased traffic.

This area is already the highest density area in Montana and this development does nothing to address infrastructure needs it will further impact including police, fire, school and traffic.

These costs will be shifted to the city of billings and county of Yellowstone.

I feel it is short-sighted to focus on maximizing profits for developers and shifting burden for infrastructure development to Billings and Yellowstone County. I feel the so-called expected increase tax revenue will not come close to covering increased cost. I am there for opposed to this proposed development. Monad is The logical dividing line in this area between high density development and single to smaller condo units.

Thank you for your consideration.

Roger Fuhrman

December 30, 2022

Attn: City/County Planning Division
RE: CITY Zone Change 1021
Project Number: PZX-22-00289

We are vehemently opposed to the city zone change 1021, this development does not comply with many of the 10 criteria used for review of zoning changes.

As a current home owner at 4185 Obie Ln, building the home on an undeveloped lot in 2002, we have a vested interest in the zoning change requested. We built the home, at the time, at the edge of Billings, with beautiful views of the Beartooth Mountains and the Rims. Over time, development has changed the environment. We recognize that growth on the West End is inevitable, yet trust that the City of Billings will support growth that is in the best interest of current and future residents. This is the third attempt at zoning to NX3, and the two times prior it has not proceeded likely due to the development planned, safety, objection of the current residents, and the roadway access.

Using some of the criteria, we would like to clarify our opposition:

- **Whether the new zoning will promote public health, public safety and general welfare?** While we are confident that the building will adhere to city stated codes, the addition of 550 units and potentially 1100 residents or more will not promote public safety and general welfare. The traffic that will be pulled into Monad Road as a main thoroughfare, must be taken into consideration. With the addition of the immense apartment complexes on the South portion of Monad, and the pending opening of MCOM/RVU, there will be a large amount of traffic placed onto the same major artery (Monad/Shiloh). The more traffic on Monad, the more the residents of this proposed apartment complex will detour through the existing streets, mostly Bell Avenue, Legends Way, Twin Pines, and now Obie Lane, with the revised recommended compliant change from the city planning commission. None of those streets can safely handle the dramatic increase of traffic. This will put the current and future residents at risk. In addition, Obie Lane and 41st Street are unmaintained county roads with no traffic signs or easements for the volume of traffic, and snow maintenance in the winter.

Bell Avenue is a right in, right out, and current traffic who want to access Central cut through either Legends West or Morning Star. The volume of individuals will increase due to the traffic pressure that will increase with a left out onto Monad, and the amount of traffic at high pressure times. Bell Avenue is also not adequate to handle the traffic flow today. Morning Star employees park on the north side of the road, leaving, essentially, a single lane for traffic.

The right out onto Shiloh from Bell also crosses the ditch, there is a walking/biking path that crosses the road, limited visual access to the right and high potential for injury/accidents.

Since the development of the large apartment complexes, there have been three occasions where individuals, appearing impaired, at very late hours while out in the yard with our pets (11pm to 2am), have been found wandering through the adjacent field to our home, in the dark, looking for a boyfriend in one situation, a main road in another, and in the third a woman crying hysterically unable to be stopped. In all situations, the individuals were offered police involvement and all scampered away into the dark of the field quite quickly. This has always been a safe environment, and thoughtful development will keep it as such.

- **Whether the new zoning will affect motorized and nonmotorized transportation?** The existing roads, Bell Avenue/Obie Lane/41st Street, cannot sustain the proposed dramatic increase in traffic. This increase, because there is only one side developed with a sidewalk and drain, will increase a risk to the current residents on Bell Avenue, and any pedestrians using this road for access to the Shiloh walking path. We want to again state that Bell Avenue is essentially a single wide road and it is NOT appropriate to increase traffic on that road at the level that is proposed especially if the Big Pine Court road is gated. Again, with the proposed growth that will increase motor vehicle traffic on Shiloh will force vehicles to a different path. This will be further exacerbated if Twin Pines gates their community. Obie Lane and 41st Street are unmaintained county roads without traffic signage and sidewalks, intended for a minimal number of vehicles to drive throughout the subdivision.
- **Whether the new zoning considers the character of the district and peculiar suitability of the property for particular use?** The application states that the proposed zoning provides “a transition to single-family and twin home residential uses to the north and single family uses east”. This is largely overstated. The transition, based on the zoning requests, move very quickly and in a cumbersome way directly to the apartment complex (NX3). The developers force a small area of N2 and NX1 as what they consider a buffer, which will only give a small transition from high value single family large lot homes into very compressed population. **It is our recommendation that the character that exists currently (N2),** be continued North of the Bannister Drain and East of 48th Street. This will maintain the character of the current developments, and the character of the district. The Bannister Drain creates a natural barrier between these neighborhoods and the developments south of Monad.
- **Whether the new zoning will conserve the value of buildings?** There is no accommodation or assumption that the proposed zoning would conserve the value of current homes (buildings). The existing Bell Estates subdivision, where the bulk of the traffic will pass by design, will see a decrease in the value to the current owners, and likely decrease re-sale. Individuals, especially those with families, will not want to risk purchasing in a high traffic area that was not built with that intent. This is currently a subdivision with homes of value, spacious lots, and limited traffic. The proposed zoning and development plan will put all of that value at risk, therefore there is no reason to

assume the value will be conserved. While some studies state that multi-family dwellings increase single home values, in this situation, the traffic alone will create a perfect scenario for decrease in the ability to sell the existing homes.

- **Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings?** While it does not go unnoticed that affordable housing is needed in Billings, there are numerous options for providing affordable housing that are not large apartment complexes that deter from the existing communities. If development continues as proposed, NX3 will continue to 48th street (will foster similar development from this point forward). The traffic will continue, the congestion will continue, and it will deter from the value of the land and existing developments. In addition, the city definition of affordable housing is not what many individuals are seeking. They are seeking a home they can own, first home often, where they can establish some equity to subsequently sell and purchase the next home. Apartments, by design, generate transient individuals. Those who are primarily looking for temporary housing while they look for more affordable options, finish school, or are between more permanent residences.

We are opposed to the currently proposed zoning change and want to go on record with the opposition. Further, it is our recommendation that the planning division and city council consider the current surrounding property types when making a decision, use the Bannister Drain as a natural defining border between current development of N2/RR1 and the large PUD development which includes MCOM/RVU campus, St. Vincent Healthcare Medical Offices, and existing NX3 complexes. In addition, we would recommend retaining a consistent N2 zoning, with a maximum of NX2 zoning.

Generally, our request is to keep the NX3 apartment developments to the West of Monad, do not set a precedence for more NX3 large apartment complexes. We implore you deny this zoning request.

Kind Regards,
Lincoln and Judi Powers
4185 Obie Ln
Billings, MT 59106
406-855-5149
powersjudi@gmail.com
lincolnpowers@gmail.com

From: [Kim Welzenbach](#)
To: [Council](#); [Cole, Bill](#)
Cc: [Cromwell, Nicole](#); [Steve Simonson](#); daniel@billingschamber.com
Subject: [EXTERNAL] Support for PND Project
Date: Tuesday, January 3, 2023 1:47:10 PM
Attachments: [image001.png](#)

Good afternoon Mayor Cole, City Council members and City staff:

I am writing today to add our support to the upcoming building/development project being reviewed today and coming before Council on the February 13th agenda.

Thank you,
Kimberly Welzenbach, CEO

"In the middle of difficulty lies opportunity."

- *Albert Einstein*

Kimberly Welzenbach, Executive Officer

Home Builders Association of Billings

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Billings, MT 59102

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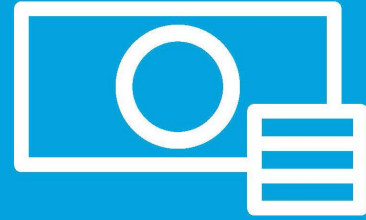


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December 28, 2022

City of Billings
ATTN: Mayor Cole and City Council
PO Box 1178
Billings, MT 59103

Dear Mayor Cole and City Council Members,

At our recent West Billings Task Force meeting, John Halvorson, the planner from Sanderson Stewart on the Vista West C/S 2828 project presented to our group. With the changes suggested at the task force meeting to improve neighborhood traffic patterns, I would like to add our support for the project as amended.

On behalf of the Government Affairs and Economic Development Committees, I am adding our support for the proposed housing units that are associated with this development. While BAR's focus is on home ownership, we feel that increasing the housing supply will help our community.

Thank you all for your service and leadership to our community!

Sincerely,

Steve Simonson

Steve Simonson
Government Affairs Director

From: [Terri Kaufman](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] City Zone Change 1021-Vista West-PND
Date: Thursday, December 29, 2022 11:34:13 AM

Dear Billings Metropolitan Planning Organization:

The design of the project as presented at the Pre-application Neighborhood Meeting for Annexation and Planned Neighborhood Zone Change Certificate of Survey No. 2828, Tracts 1 and 2, is excessive on many levels. The total dwelling units is listed as 582. Planning to place 582 people, and more likely at least double that number, on those small tracts of land will not solve any of the problems Billings has. Fewer dwellings would allow for yards, rather than asphalt, and add to the quality as opposed to the quantity in the space.

At the October 25, 2022, Pre-Application Neighborhood Meeting, the developer stated that there were 4,300 jobs open in Billings. In the year since changes to this tract of land were introduced, the city council has stamped for approval apartment complexes very similar to the one proposed in this application in at least four other spots in the Billings area. These complexes will add approximately 2,000 new rentals. Considering these additions and additions of the numerous apartments that are already built to the west and south of this area, are we going to end up with many empty apartment buildings in Billings? How is the city planning for these abandoned spaces?

In addition, the excessive traffic and parking concerns with adding 582 dwellings in the area have not been sufficiently addressed. Please do not approve the plan as proposed.

Sincerely,
Terri Kaufman
110 Big Pine CT
Billings, MT 59106