

# **Opposition to City Zoning Change 1021**

**February 13, 2023, 5:30 pm.**

**2<sup>nd</sup> Floor of City Hall**

**210 N 27<sup>th</sup> Street**

## **General Overview:**

We are requesting the City Council 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 petition opposing the zone change has been submitted to the Planning Division. The petition has the signatures of approximately 70 individuals representing approximately 45 of the properties with a lot within 150 feet of the proposed changes. In addition, the petition has the signatures of approximately 45 individuals representing approximately 35 of the properties with a lot within ¼ mile of the proposed changes. The signatures represent the bulk of the residents in Bell Estates, Legends West, and Twin Pines.

A similar zoning change was requested and withdrawn approximately 1 year ago. 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 significant opposition to the development 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 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 developer. **This approval will optimize profits for the 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 use 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. 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. The developer submitted an initial plan that included a variance that did not connect the tracts to Bell Avenue or Obie Lane. However, the city planner has recommended this variance be denied. Although the developer is proposing providing primary access via Monad, if the variance is denied 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 existing transportation infrastructure is not adequate to support this development. Sanderson Stewart has previously stated from their own initial traffic study, they anticipate the new development will generate approximately 1000 vehicle trips per day and the majority of these trips will utilize Bell Avenue. There will create approximately 125 secondary trips of to and from the development through the existing neighborhoods of Bell Estates, Legends West, and Twin Pines. 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.

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.