

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:** Agriculture _____
- 2. **Written description of the Zone Change Plan** including existing and proposed new zoning:

Existing use of Agriculture to be changed to Residential use N1, NX2, NX3 AND P1 _____

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

- 4. **Legal Description of Property:**
S10, T01 S, R25 E, C.O.S. 2828, TRACT 1
S10, T01 S, R25 E, C.O.S. 2828, TRACT 2
Drain ROW (legal description attached) **Exhibit A**

- 5. **Neighborhood Task Force Area:** Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson:

Yes. West End Task Force. Chairperson: Gordon Olson windrivermts@yahoo.com

- 6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form **Exhibit B**

- 7. **A copy of the meeting notice.** please attach to this form **Exhibit C**

- 8. **A brief synopsis of the meeting results including any written minutes or audio recording.** please attach to this form **Exhibit D** Synopsis of additional public input in exhibits E, F, and G

- 9. **The undersigned affirm the following:**

- 1) The pre-application neighborhood meeting was held on the 25, day of Oct, 2022, 20__.
- 2) The zone change application is based on materials presented at the meeting.

Owner (s): Dorn Property & Homes Telephone: (406) 652-8232

Address: PO Box 81524 Email: rick@dornrealestate.com

Agent (s): Dorn/ Lowe LLC Telephone: (406) 652-8232

Address: PO BOX 81524 Email: rick@dornrealestate.com
BILLINGS, MT 59108-1524

Exhibit A

LEGAL DESCRIPTION: DRAINAGE DITCH RIGHT-OF-WAY

A 55-foot wide strip of land adjoining the south line Tracts 1 and 2 of Certificate of Survey 2828, located in the Northeast Quarter of Section 10, Township 1 South, Range 25 East, P.M.M., Yellowstone County, Montana, more particularly described as follows:

Beginning at the southeast corner of Tract 1 of Certificate of Survey 2828, thence S 00°08' 00" W, a distance of 55.00 feet along the prolongation of the east line of said Tract 1 to the east-west mid-section line of Section 10, Township 1 South, Range 25 East, P.M.M.; thence N 89°49' 29" W, a distance of 817.10 feet along said east-west mid-section line to a point being the intersection of said east-west midsection line and the prolongation of the west line of Tract 2 of Certificate of Survey 2828; thence N 00°08' 00" E, a distance of 55.00 feet along said prolongation of the west line of Tract 2 to the southwest corner of Tract 2 of Certificate of Survey 2828; thence S 89°49' 29" E, a distance of 408.59 feet along the south line of said Tract 2 to the southeast corner of said Tract 2, also being the southwest corner of said Tract 1 of Certificate of Survey 2828; thence S 89°49' 29" E, a distance of 408.51 feet along the south line of said Tract 1 to the southeast corner of said Tract 1 and the point of beginning. Said strip of land containing 1.0317 acres.



PRE-APPLICATION MEETING
ATTENDANCE SIGN-IN SHEET

Date: 10/25/2022

Time: 5:30

Project: Down/Pull

Project No.: 12004.01

Meeting Location: King of Glory

Name and Title: (Please Print)	Representing:	Phone Numbers		Email Address
		Office	Mobile	
VERA Willis			678-863-6741	WILLENE1129@COMCAST.NET
Cinda & Greg Biggs			406 656 6664	cinda.sbiggs@nr.com
Terri Kaufman			928-242-7966	kaufmanterri@gmail.com
DONNA TIMMERMAN			406-860-4597	2golft4life@gmail.com
JAN ROSS			406 598 1641	JAN.ROSS49@gmail.com
DEEWIN & BEV McCRAZY			307-654-1589	WYOGEESEK@HOTMAIL.COM
Dwight & Lisa Moen			406-955-8102	dmdist@bresnan.net
VERN & DIANNE SANDAU			406 692-7203	SANDAU@OV@GMAIL.COM
Rick & Kathy Brookshire			(406) 670-5205	rck.brookshire@outlook.com
Toby Erickson			281-468-1872	TLAERICKSONMAIL@gmail.com
Nancy Pederson			406-860-0150	ourmen47@gmail.com

October 17, 2022

Reference: Notice of Pre-Application Neighborhood Meeting for Annexation and Planned Neighborhood Development (PND) Zone Change Certificate of Survey No. 2828, Tracts 1 and 2.

Dear Neighbors:

You are receiving this letter because the City of Billings requires a pre-application neighborhood meeting for any zone change request on property located within or intending to be annexed to the City. By City Code, the surrounding property owners within 1,320 feet (quarter mile) are notified of this meeting so you can ask questions of the materials described in this letter. This is not your last time to comment on this proposal, as future public hearings by the Zoning Commission and City Council will be scheduled.

The request for this property involves annexation of the two tracts of land, as noted in the enclosed exhibit, and a zone change from Agricultural to a combination of NI-First Neighborhood, NX1-Mixed Residential 1 (1-4 dwelling units per structure), NX2-Mixed Residential 2 (2-8 dwelling units per structure), NX3-Mixed Residential 3 (5 or more dwelling units per structure) and PI-Open Space, Parks, Recreation. As part of its process, variances are being sought to honor neighbors' requests to bar vehicular access to Obie Lane and Bell Avenue, although pedestrian access to Bell Avenue will be provided.

The Neighborhood Pre-Application Meeting will be held on **Tuesday, October 25, 2022, at 5:30 PM**. This meeting will be held in-person at King of Glory Lutheran Church. Their address is 4125 Grand Ave, Billings, MT 59106. You may also receive log in credentials so that you can join remotely via Teams. If you plan on attending or would like the log in information, please email John Halverson at jhalverson@sandersonstewart.com so that we can verify accommodations for the in-person meeting and have a list of attendees that will be joining via Teams.

Comment may also be given via an online survey, which can be accessed by typing the following URL address into your internet browser:

<https://lp.constantcontactpages.com/sv/euWqtM5/WestBillingsPUD>

The survey may also be accessed by opening your smart phone's camera and aiming it at this QR code:



Exhibit C



Billings
Bozeman
Fort Collins

Please plan on attending this Neighborhood Pre-Application meeting if you have comments or questions regarding the proposed Annexation and Planned Neighborhood Development Zone Change. If you have immediate questions or cannot attend the meeting, please contact me at (406) 869-3311 or via my email at jhalverson@sandersonstewart.com

Respectfully,

A handwritten signature in blue ink, appearing to read 'John Halverson'.

John Halverson, LEED AP, Land Planner

JDH/hl

Enc.

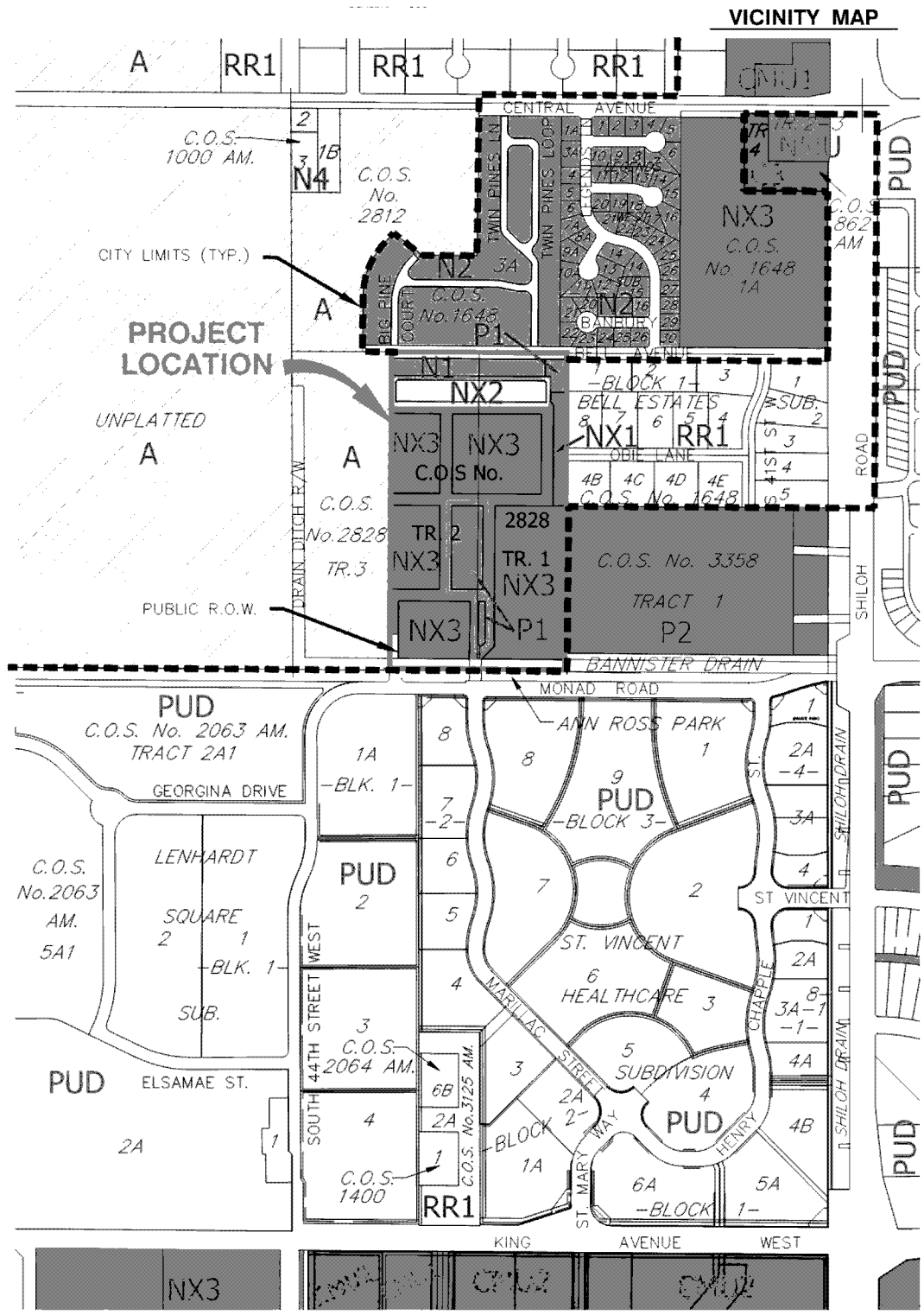
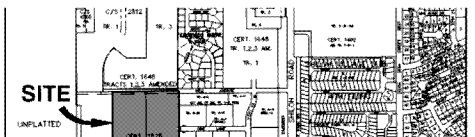
c: Nicole Cromwell, Zoning Coordinator / Code Enforcement Supervisor, City of Billings
Rick Dorn, Dorn Real Estate and Development

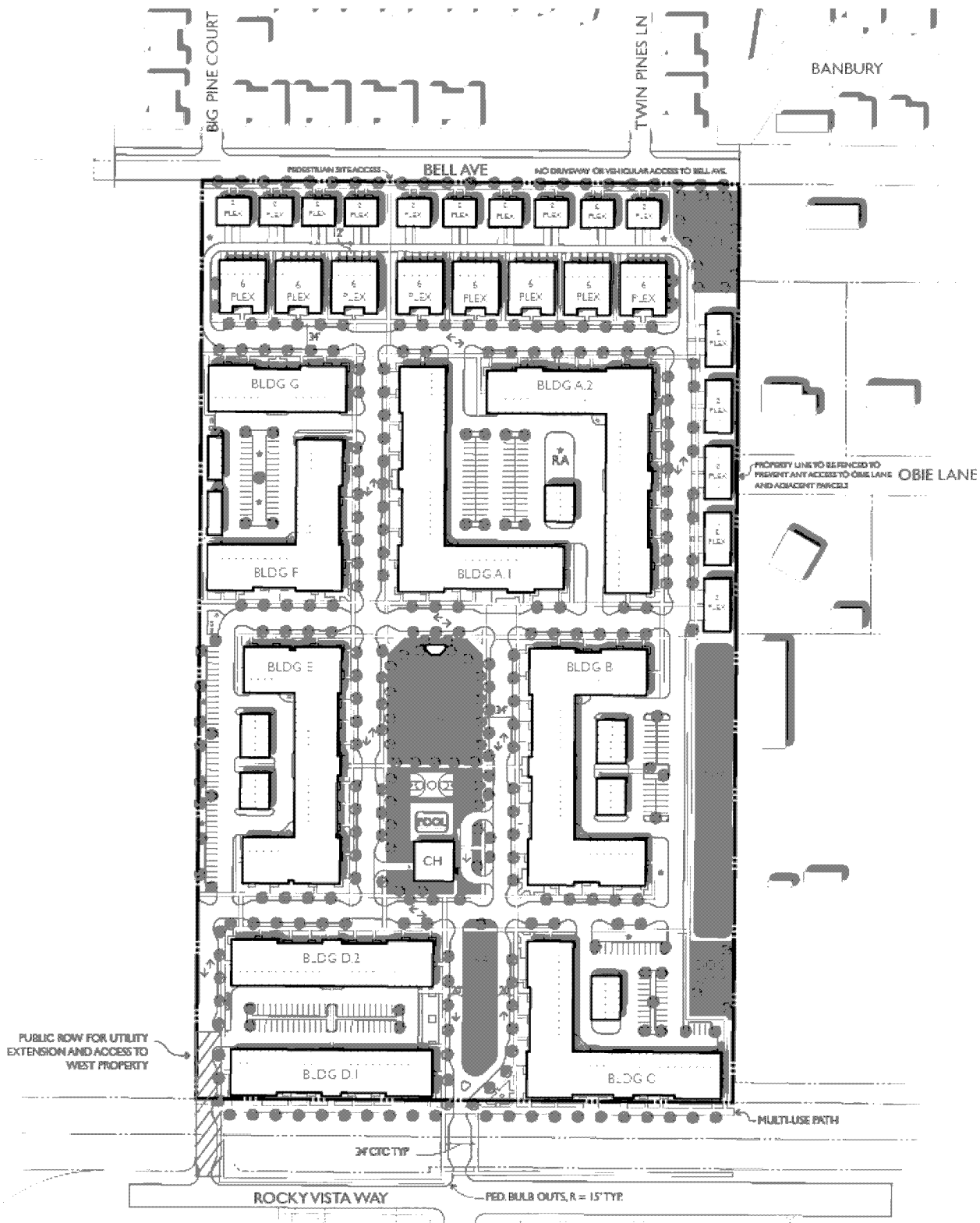
PREPARED FOR : BORN REAL ESTATE AND DEVELOPMENT

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA OCTOBER, 2022

LAND USE SUMMARY





PROGRAM	
MF Units (NX3)	504
6-plex Units (NX2)	48
Duplex Units (N1, NX1)	30
Total Dwelling Units	582
Res Surface Pkg Stalls	495
Res Garage Pkg Stalls	380
Parking Stalls Per Dwelling Unit	1.5
Recreation Area	2.58 Acres

ZONES			
Zone	Acres	% Net	% Gross
NX3	15.0	73.5	57.5
NX2	1.6	7.9	6.1
NX1	0.7	6.4	2.8
N1	1.3	6.4	5.0
P1	1.7	8.5	6.6
ROW	5.7	-	21.8

LEGEND	
Dumpsters	
Snow Storage	
Site Boundary	
Recreation Area	
Landscape	

ABBREVIATIONS	
Stormwater	SW
Clubhouse	CH
Recreation Area	RA

MEETING MINUTES

PROJECT: Certificate of Survey #2828 Tracts 1& 2			
Project No: 12004.01			
Meeting Location: King of Glory Lutheran Church 4125 Grand Ave, Billings MT 59106		Meeting Date: 10/25/22 5:30 PM	
Meeting Subject: Zone Change Neighborhood Pre-Application Meeting		Prepared by: John Halverson	
Attending:		(See attached sign-in sheet)	
Sanderson		Rick Leuthold	
Stewart:		John Halverson	
Date of Issue: 12/01/2022			

Minutes:

- Mr. Halverson opened the meeting at 5:30 PM by introducing himself and outlining the agenda, which included a presentation on the zone change, a brief explanation of the new zoning code, and time for questions and comments.
- After completing that presentation, Mr. Leuthold and Mr. Halverson took questions and comments from the attendees.
- An attendee asked how many residential homes would be included in the planned neighborhood development.
- Mr. Leuthold responded that the estimated number of units was about 550, but that the development is early in its process, and that actual counts would not be solidified until an architectural plan was completed.
- An attendee asked what the future development and approvals process is.
- Mr. Leuthold answered that the current plan would require a variance to allow it not to connect to the public rights of way of Bell Avenue and Obie Lane. He explained that staff had objected to the proposed plan

on those grounds and had asked Sanderson Stewart to create an alternative plan illustrating what the street layout would be without that variance.

- An attendee asked about traffic impacts in the surrounding area.
- Mr. Leuthold answered that a “traffic study lite” had been undertaken as part of the previous zone change effort in 2021 and that a full traffic impact study would be completed in the site development phase of project approval.
- An attendee asked for clarification on the matter of the variance and non-variance plans that would proceed concurrently.
- Mr. Leuthold responded that, at the pre-application staff review meeting, police, fire, planning, and engineering staff had raised concerns about lack of connection to Bell Ave. and Obie Lane, and asked Sanderson Stewart to draw up an alternative concept plan that does connect to those public rights of way.
- An attendee raised the concern that the variance concept plan shown having only 2 points of access onto Rocky Vista Way was not sufficient
- Another attendee asked if the variance could be rescinded after it was granted.
- Mr. Leuthold answered that it could not and explained the impacts of the variance.
- An attendee suggested that, if the variance were not granted, a security gate could be installed to restrict access onto Bell Avenue.
- Mr. Leuthold replied that such a restriction was unlikely, but that traffic calming measures could be taken on Bell Avenue to ensure safety.
- An attendee asked if the development would be under an HOA.
- Mr. Leuthold answered that it would likely be under collective management by Dorn Real Estate.
- An attendee asked if a buffer yard and fence would be included at Obie Lane.
- Mr. Leuthold responded that, under the plan that would require a variance, a buffer yard and fence would be included, and that, if the variance were denied, a buffer yard would be included along the boundary with Bell Estates.
- An attendee asked if a fence would be built along the western boundary of the project where it abuts an agricultural field.
- Mr. Leuthold answered that it would not be fenced, but that measures could be taken to prevent people from driving onto that field from the site.

Exhibit D

- An attendee asked if short term rentals or VRBOs would be part of the development.
- Mr. Leuthold replied that Dorn Homes would retain full ownership of the site and any development thereon, and that there were no plans to include short term rentals on site.
- An attendee stated their preference for the site to have no access to any adjacent properties other than to the south.
- An attendee urged the other attendees to google Dorn Real Estate.
- An attendee asked why the city would consider a non-compliant option at all.
- Mr. Leuthold responded that the neighborhood held sway over council despite non-compliance.
- An attendee referred to the proposed zone change as “the same pig in different skin” and stated that “we’re not going to let it happen.” They also stated a preference to see the entire project changed to only N zones (rather than NX zones) and stated that they would be mobilizing to oppose the project.
- Mr. Leuthold responded that most of Billings is Single detached housing and that this project would help supply much needed housing choice.
- An attendee raised concerns that there was not enough parking on site.
- Mr. Halverson responded that residents would likely use public transit at higher rates.
- Attendees laughed at Mr. Halverson’s response.
- An attendee asked about stormwater provisions on the site.
- Mr. Leuthold responded that a legal manual dictated what stormwater facilities would be required on site, and that underground facilities, green space and city stormwater would be utilized.
- An attendee stated that he had been a broker in Jackson Wyoming and that developers there followed their profit motive.
- Mr. Leuthold cited the city’s current housing crisis, that there are 4300 unfilled job openings in Billings. He noted the need to house the city’s workforce and the basic supply and demand dynamics of housing market.
- An attendee asked what could be done to prevent the owner from accepting a section 8 housing voucher.
- Mr. Leuthold responded that land would have to be specially designated for HUD’s voucher program and that there were no plans to do so on this property.

Exhibit D

- An attendee suggested that development already approved in the area would provide sufficient supply to meet the region's demand.
- Mr. Leuthold responded that the homes approved in the area of King and 48th is planned to be 4-plex development and was not of sufficient scale to satisfy the Billings job market's housing demand.
- An attendee asked why NX1 and 4-plexes were planned for the land immediately abutting Bell Estates. And stated a preference for N1 at that location to provide a more significant buffer.
- An attendee asked if such residential density could be moved further west to where there were no neighbors.
- Mr. Leuthold answered that it would not be efficient to provide services to such far-flung locations without first developing closer-in areas such as the area in question.
- Mr. Leuthold closed the meeting at 6:50 PM

MEETING MINUTES

PROJECT: Certificate of Survey #2828 Tracts 1& 2			
Project No: 12004.01			
Meeting Location: Connections Church 5554 Grand Avenue		Meeting Date: 11/15/22 7:00 PM	
Meeting Subject: West End Neighborhood Task Force Meeting		Prepared by: John Halverson	
Attending:	(See attached sign-in sheet)		
Sanderson	John Halverson		
Stewart:			
Date of Issue: 12/01/2022			

Minutes:

- Mr. Halverson was invited to present the proposed zone change/ PND at the West End Neighborhood Task Force by task force chairperson, Gordon Olson, who, having completed discussion of several other items on the evening’s agenda, introduced Mr. Halverson and gave him the floor.
- Mr. Halverson introduced himself and outlined the agenda, which included a presentation on the zone change, a brief explanation of the new zoning code, and time for questions and comments.
- After completing that presentation, which was substantially the same presentation given at the neighborhood pre-application meeting on October 25 at King of Glory Lutheran Church, Mr. Halverson opened the floor to questions and comments from the attendees.
- An attendee asked if the homes in the proposed PND would be for sale or rent.
- Mr. Halverson answered that the homes would all be for rent.
- An attendee raised concerns that the two access points onto Monad [Rocky Vista Way] would be too much for that right of way to handle.
- Mr. Halverson explained that city staff had raised the same concern at the project’s pre-application staff meeting and directed Sanderson

Stewart to create an alternative plan that provided access onto Bell and Obie Lane.

- An attendee raised the concern that there is not enough parking on the site.
- Mr. Halverson explained how parking calculated for multi-family residential under the zoning code and that the project takes advantage of a reduction in parking stalls required by purchasing bus passes for residents, which is allowed under the code. He also explained that the project's proximity to commercial and job centers makes it more likely that residents will make trips by bicycle, walking, or public transit.
- An attendee asked how this development would impact public services like schools, and asked how children living in this development would safely walk to school.
- Mr. Halverson answered that Billings SD2 has an advisory role in the approval process for residential development and that he was unaware of the district's plans to accommodate increasing population. He explained that safe routes to school on Billings' West End is a major cause for concern and called out the planned multi-use path along Rocky Vista Way's north side. He also explained that a traffic impact study would be completed later in the development process, which could include broader pedestrian improvements in the area.
- An attendee asked about trail access for the residents in the proposed PND.
- Mr. Halverson reiterated the planned mixed-use path on Rock Vista Way and that broader trail connectivity concerns were beyond the scope of this project.
- An attendee suggested that the West End would benefit from a community center.
- Mr. Halverson pointed out the clubhouse planned for the central park of the PND.
- Mayor Cole mentioned that a new transit plan is in progress and may affect the PND's ability to make use of the transit parking discount.
- An attendee mentioned that in their neighborhood, Vintage Estates, that a developed park had been advertised, but had yet to be built.
- Mayor Cole explained that, depending on whether the park were dedicated or privately owned, either the city or the developer would be responsible for the park improvements.
- An attendee asked whether bike lanes would be included in the PND.
- Mr. Halverson answered that the streets were designed with traffic calming features so as to create a slow-speed right of way in which a

Exhibit E

bicycle could safely share the lane with vehicular traffic similar to those found in Annafeld or Josephine Crossing.

- An attendee raised the concern that in those neighborhoods, street parking made driving difficult at higher speeds.
- Mr. Halverson responded that that outcome is intended as part of the design to slow vehicular traffic and create pedestrian and child-friendly streets.
- At this point Mr. Olson moved the meeting onto its next agenda item.
- After the meeting adjourned, Mr. Halverson made remained to answer any questions attendees still had.
- An attendee raised the concern that the PND did not have enough connectivity to surrounding neighborhoods.
- Mr. Halverson answered that he shared those concerns and that the developer is seeking a variance not to connect to those surrounding neighborhoods as a concession to the residents of those neighborhoods.
- An attendee stated their preference for a separated bicycle facility

EVENT MINUTES

PROJECT: Certificate of Survey #2828 Tracts 1& 2			
Project No: 12004.01			
Event Location: Riverfront Park		Event Date: 10/22/22 10:30 AM	
Event Subject: Zone Change/ PND Public Input Event		Prepared by: John Halverson	
Attending:	Unknown members of the public		
Sanderson Stewart:	John Halverson		
Date of Issue: 12/01/2022			

Public Comments:

- Mr. Halverson set up a table and three presentation boards (attached) and solicited public comment from attendees of The Great Masked Pumpkin Race at Riverfront Park.
- At 10:30 AM the race event was initiated. The organizer introduced Mr. Halverson and stated his purpose for tabling at the event and invited the attendees to give comment on the proposed PND.
- At 10:36 AM a member of the public expressed the need for a new public high school on the West End.
- At 10:56 a member of the public expressed that they liked the pool on the concept plan.
- At 11:07 a member of the public expressed that more apartments are needed for both young people and elderly in the Billings area.
- At 11:23 a member of the public stated that the PND looked good and they like Shiloh Commons and the businesses therein. They also asked the cost of rent.
- Mr. Halverson replied that these homes would likely have similar rents to those in the area.

Exhibit F

- The same member of the public stated that rentals are good for immigration and noted the need to supply housing for the workers at the Laurel refinery and that such development is “a good thing.”
- At 11:55 a member of the public expressed that locating housing close to the commercial uses on Shiloh would have the benefit of reducing travel distances.
- At 12:16 a member of the public expressed that, “as long as it’s not in my back yard, I like it.”
- At 12:26 a member of the public stated that they “like it” but also said the PND has “too many apartments” while also stating the need for the city to develop efficiently for tax and service efficiency. They also expressed the need for sufficient parking, and noted that Interpointe is high quality. They stated that they like the park and expressed the need for understandable addressing and wayfinding.
- At 12:30 Mr. Halverson broke down the booth and left the event.

Exhibit G

Constant Contact Survey Results

Campaign Name: Dorn PUD Survey

Survey Starts: 197

Survey Submits: 25

Export Date: 11/22/2022 01:39 PM

MULTIPLE CHOICE

"A mix of housing types that meet the needs of a diverse population is important."

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Very Well			9	39%
Well			8	34%
Somewhat			3	13%
Poorly			3	13%
Very Poorly			0	0%
Total Responses			23	100%

MULTIPLE CHOICE

"Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy, and safe."

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Very Well			10	41%
Well			6	25%
Somewhat			6	25%
Poorly			1	4%
Very Poorly			1	4%
Total Responses			24	100%

MULTIPLE CHOICE

"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."

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Very Well			13	54%
Well			4	16%
Somewhat			5	20%
Poorly			2	8%
Very Poorly			0	0%
Total Responses			24	100%

Exhibit G

MULTIPLE CHOICE

"Allowing a mixture of housing types provides housing options for all age groups and income levels."

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Very Well			8	33%
Well			8	33%
Somewhat			6	25%
Poorly			1	4%
Very Poorly			1	4%
Total Responses			24	100%

MULTIPLE CHOICE

"Community investments that attract and retain a strong, skilled, and diverse workforce also attracts businesses."

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Very Well			12	50%
Well			6	25%
Somewhat			5	20%
Poorly			1	4%
Very Poorly			0	0%
Total Responses			24	100%

MULTIPLE CHOICE

Do you rent or own the home where you currently live?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Rent			5	20%
Own			19	79%
Total Responses			24	100%

MULTIPLE CHOICE

Approximately how close do you live to this PND?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Immediately Adjacent			1	4%
Less than 1/4 mile			0	0%
Between 1/4 mile and 1 mile			4	16%
1 mile or more			19	79%
Total Responses			24	100%

OPEN QUESTION

What else would you like us to know?

Housing affordability also involves integrating work opportunities into the neighborhood, reducing the burden of vehicle ownership and complicated commuting for work and childcare—how does this neighborhood support light mixed use or neighborhood commercial activities?

All access to the site appears from one point—how is this site safe for fire services access, evacuation, or reduced traffic congestion? Will only one entrance degrade faster causing wear the City will need to maintain?

My parents built their dream home two years ago. This potential PND abuts next to their property. I don't think they would have built there if they knew this could happen. They moved to the outskirts of Billings for peace and quiet. I don't think they were counting on the equivalent of a small Montana city to move in next door. These developments effect people's lives. They worked their whole life for their dream home on the outskirts of town. Not sure this development is appreciated.

Are these for sale? Then I'm all in.

I would like to see more fourplex, duplex options and a little less apartment living to integrate more generations and appeal to greater income levels.

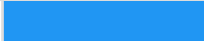

It is difficult to agree with any of the policy statements regarding mixed housing without knowing the targeted income levels for the housing types.

I hope the city approves this annex proposal so that anything built in such a prime location complies with our Growth Policy. I also love that these will be majority apartments. The lack of affordable housing options in Billings, especially apartments for rent, impacts everyone in our city, not just people who leave near this PND. The positive impact of a project like this needs to carry as much weight--or more!--than any potential opposition from residents in the immediate vicinity.

11 Response(s)

MULTIPLE CHOICE

Do you plan on attending the neighborhood meetings or public hearings?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			7	29%
No			17	70%
Total Responses			24	100%