

**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:** Planned Development Agreement

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

The existing zoning provides for highway commercial underlay of school restricted use buffer zone A and controlled industrial underlay of school restricted use buffer zone B. The proposed zoning provides both of these zoning types but relocates the boundary of restricted use buffer zone A and buffer zone B to accommodate for the school's growth that's occurred since 2013, when the original agreement took place. Additionally, the expansion of highway commercial with buffer zone A allows for potential residential uses adjacent to the school.

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

4. **Legal Description of Property:**

Parcel 1A1 of COS 832 (Amd), Parcel 2A of COS 3535 Amended,

Tracts 2, 3, 4, and 5 of COS 234 Second Amendment in Section 24, Township 1 south, Range 25 east, PMM, Yellowstone County, MT

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

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 March, 2023.

2) The zone change application is based on materials presented at the meeting.

**Owner (s):** Viking Land, LLC; Development 55, LLC, Elysian Telephone: \_\_\_\_\_  
School District #23, Billings, Montana, and Cogburn Holdings, LLC - Under contract

**Address:** 6844 South Frontage Rd. Billings, MT 59101; 6416 Elysian Rd. Billings, MT 59101; 2210 N Plaza Dr. Rapid City, SD 57701 **Email:** \_\_\_\_\_

**Agent (s):** IMEG Corp - Anna Vickers Telephone: 406-248-9000

**Address:** 175 N 27th St. Ste 1312, Billings, MT 59101 **Email:** anna.m.vickers@imegcorp.com

# APPLICATION FORM

**CITY ZONE CHANGE**      **Billings Zone Change #** \_\_\_\_\_ **- Project #** \_\_\_\_\_

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      Planned Development Agreement

Proposed Zoning:      Planned Development Agreement

TAX ID#      D008620, D008600, D008560, D008570      CITY ELECTION WARD \_\_\_\_\_

Legal Description of Property: Parcel 1A1 of COS 832 (Amd), Parcel 2A of COS 3535 Amended,  
in Section 24, Township 1 south, Range 25 east, PMM, Yellowstone County, MT

Address or General Location (If unknown, contact City Engineering): 6844 South Frontage Rd. Billings, MT 59101; 6416 Elysian Rd. Billings, MT 59101

Size of Parcel (Area & Dimensions):      62.55 (see included)

Present Land-Use:      Industrial, School, and vacant

Proposed Land-Use:      Industrial, School, Residential, and unknown

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): Viking Land, LLC, Development 55, LLC, Cogburn Holdings, LLC (Under contract with Development 55), and Elysian School

(Recorded Owner)

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(Phone Number)

(email)

Agent(s): IMEG Corp - Anna Vickers

(Name)

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(Address)

406-248-9000

anna.m.vickers@imegcorp.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: \_\_\_\_\_ Date: \_\_\_\_\_

(Recorded Owner)



Date Stamp

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Signature:       Authorized Signer: Cogburn Holdings      Date: 4/14/2023  
(Recorded Owner)



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Signature:  \_\_\_\_\_ Date: 4/14/2023

(Recorded Owner)

Authorized Signatory,  
Development 55 LLC



Date Stamp

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Signature:   
(Recorded Owner)

Authorized Signatory,  
Viking Land LLC

Date: 4/14/2023



Date Stamp

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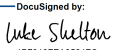
406-248-9000

anna.m.vickers@imegcorp.com

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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:       Elysian School District #23      Date: 4/15/2023

(Recorded Owner)

Superintendent



Date Stamp

## Billings Zone Change Application Packet Elysian PUD Rezoning

### Summary:

The new zoning is a restructuring of the old zoning PUD. The restructure of the layout accommodates Elysian School's expansion of property. The original PUD that was negotiated between Elysian School and Viking Land allowed for a School Buffer Zone 'A'. This buffer zone restricted uses adjacent to the school's parcel and had the underlying zoning of Highway Commercial. As the school expanded its property, the buffer zone was diminished, placing the school adjacent to Zone 'B' of the PUD. Zone 'B' continues restricted uses with the underlying zoning of Controlled Industrial. However, Zone 'B' is not as restrictive of development as Zone 'A'.

During the development process of the adjacent proposed Elysian Subdivision, the issues within the current PUD's restricted zones was discovered. In an effort to allow Elysian School the intended buffer zone within the PUD the proposed reallocation of each zone is the requested update. This reallocation allows the school the intended Zone 'A' buffer. Additionally, within the Highway Commercial uses that are allowed within zoning and not restricted by the agreement, residential uses are allowed. The allowance of residential use is highly supported by the school and the developer of the proposed Elysian Subdivision.

### 10 Statutory Zone Change Criteria:

Below is a list of the 10 Statutory Zone Change requirements in *italics*. Response to each criteria is provided below.

*1. Whether the new zoning is designed in accordance with the growth policy.*

The requested new zoning is designed in accordance with many criteria within the growth policy. The City of Billings Growth Policy states the following growth guidelines:

- "Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and liability of Billings."
  - The new zoning allows for safe and affordable interconnected sidewalks and trails. The property adjacent to the school, currently owned by Development 55, is desired to be developed by new purchasers. The purchasers are currently undergoing subdivision and have completed annexation of the property. As part of the subdivision design, the new purchasers would like the possibility to have residential that is allowed within Zone 'A'. The rezoning is a realignment of the existing zonings within the Planned Development Agreement (PUD). The existing zonings and subdivision regulations allow for planning and construction of safe and affordable interconnected sidewalks and trails.
- "Infill Development and development near existing City infrastructure may be the most cost effective."
  - The property has been annexed to the City of Billings contingent upon annexation conditions. The intent of the annexation was the ability for future development to use existing City infrastructure. The zoning is supportive of desired infill development. The proposed zoning allows for a variety of uses of residential, commercial and industrial.

- “A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality competitive community.”
  - The proposed zoning realignment is supportive of the school system. By realigning School Buffer Zone ‘A’ the property will protect the schools undesired surrounding uses while encouraging development through the ability to connect to city infrastructure. This ability allows for more tax dollars in the area which increases school funding. Additionally, the zoning revision allows for the use of residential. Elysian School has specifically requested the possibility for additional residential and the desire for more students.
- “Public Health and safety and emergency service response are critical to the well-being of Billings’ residents, business, and visitors.”
  - The zoning allows for setbacks, landscaping, maximum density restrictions all of which are important to public health. In addition, the proposed new zoning alignment will allow for a mix of uses that will mutually benefit properties in the area. This PUD is specifically designed to accommodate the school, the adjacent industrial and residential.
- “Public and private partnerships are valuable for creating enhanced entryways into Billings.”
  - The proposed PUD amendment has been done through partnership of private businesses such as Viking Land and Development 55, and public entity, Elysian School. This proposed change allows for a cohesive area and design.
- “Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels.”
  - The proposed zoning allows for the existing School Buffer Zone ‘A’ to be relocated which accommodates for the schools expansion over the years. The underlying zoning of School Buffer Zone ‘A’ of Highway Commercial refers to the standards of Residential Multi-Family Restricted zoning for residential development. Residential Multi-Family Restricted allows for one to 8 unit residential. If the property were to remain as is, a mixture of housing types would not be possible. The current Restricted Use Zone ‘B’ only allows for single family homes after a special review.
- “Strategically placed industrial parks will encourage a more diverse city economy and will better help manage effluent and emission from industrial processes.”
  - As the zoning currently sits on the property, Restricted Use Zone ‘B’ is adjacent to the school. By allowing for the proposed amendment to the PUD, the industrial uses will be strategically placed. This will allow for continued industrial use, which is compatible with some parts of the neighborhood. The reallocation of School Buffer Zone ‘A’ will place Highway Commercial uses close to the school and existing residential.

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

The proposed new zoning will continue to secure from fire and other dangers. The zoning allows for open space, setbacks and other design standards that are associated with parking, building location for emergency access, etc.

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

The zoning code will continue to promote public health, safety, and general welfare. It is the desire of the school and future developer to allow for the School Buffer Zone 'A.' This buffer zone allows for additional public safety associated with any development next to the school. Additionally, the restructuring of the two buffer zones allows for potential compatible uses adjacent to similar uses. The Controlled Industrial which underlies, Restricted Zone 'B,' would continue to be on the western side of the property, in proximity to existing industrial use. The Highway Commercial zoning which underlies, School Buffer Zone 'A,' allows for the potential of commercial or residential uses in proximity to the school and existing residential uses.

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

The intent of this zoning restructure is to continue to allow for the schools buffering and use restrictions on the property adjacent to them. The zoning allows for provisions of transportation, water, sewer, and parks as required with development. The potential developer has annexed the parcel owned by Development 55 into the City of Billings. As part of the annexation a set of conditions was given to the developer that requires a subdivision improvements agreement. The Elysian Subdivision is currently being reviewed by City of Billings agencies. This rezoning accompanies the overall development plan for the properties regarding transportation, water, sewer, school and other public requirements.

*5. Whether the new zoning will provide adequate light and air.*

The new zoning will provide for adequate light and air. The new zoning will still use zoning code which addresses setbacks, spacing between buildings, maximum density, etc.

*6. Whether the new zoning will affect motorized and nonmotorized transportation.*

The new zoning is a reallocation of existing zonings in the area. The effect of motorized and nonmotorized transportation will remain the same as it is currently.

*7. Whether the new zoning will promote compatible urban growth.*

Yes, the proposed new zoning alignment is compatible with urban growth. This realignment accommodates for the school's growth that has occurred since the original PUD in 2013. This request protects the school and existing residential areas, while allowing for additional opportunities for mixed residential uses.

*8. Whether the new zoning considers the character of the district and the peculiar sustainability of the property for particular uses.*

The proposed new zoning is a realignment of an existing PUD on the property. These zoning and uses are allowable on the property already. This rezoning request simply expands School Buffer Zone 'A' in order to allow the school the buffer zone that was originally negotiated in 2013 within this PUD. The Controlled Industrial zoning which underlies, Restricted Zone 'B', would continue to be on the western side of the property, in proximity to existing industrial use. The Highway Commercial which underlays,

School Buffer Zone 'A,' allows for the potential of commercial or residential uses in proximity to the school and existing residential uses.

*9. Whether the new zoning will conserve the value of buildings.*

The proposed new zoning is a realignment of an existing PUD on the property. These zoning and uses are allowable on the property already. This rezoning request simply expands School Buffer Zone 'A' in order to allow the school the buffer zone that was originally negotiated in 2013 within this PUD. The value of buildings in the area should not be affected as this is not a new zoning, simply a realignment of existing zoning on the property.

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

The proposed new zoning is a realignment of an existing PUD on the property. These zoning and uses are allowable on the property already. This rezoning request simply expands School Buffer Zone 'A' in order to allow the school the buffer zone that was originally negotiated in 2013 within this PUD.