

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 RR1

Proposed Zoning: NX2

TAX ID# D12680, D00515E, D00516 CITY ELECTION WARD 5

Legal Description of Property: See Exhibit A attached

Address or General Location (If unknown, contact City Engineering): 4253, 4249, 4245 King Ave. West

Size of Parcel (Area & Dimensions): 5.89 Acres

Present Land-Use: Residential

Proposed Land-Use: Residential

Covenants or Deed Restrictions on Property: Yes _____ No _____

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): Spaeny, Molly M & Darrell

(Recorded Owner) 4253 King Ave W. Billings, MT 59106

(Address)

(Phone Number) _____ (email) _____

Agent(s): Erica Gilrein, John Halverson

(Name) 1300 N Transtech Way, Billings, MT 59102

(Address) 406-656-5255 jhalverson@sandersonstewart.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: [Signature] Date: 5.30.23

(Recorded Owner)



Date Stamp

Exhibit A

Tax ID	Legal Description
D12680	S10, T01 S, R25 E, C.O.S. 2064, PARCEL 6B, AMND TR 6 1.062 AC (03)
D00515E	S10, T01 S, R25 E, C.O.S. 3125, PARCEL 2A, AMD (10)
D00516	S10, T01 S, R25 E, C.O.S. 1400, PARCEL 1

Owner(s): Amen, Jack L Irrev Survivors Trust

(Recorded Owner) 4249 King Ave W, Billings, MT 59106

Tax ID:
D00515E

(Address)

(Phone Number) (email)

Agent(s): Erica Gilrein, John Halverson

(Name) 1300 N Transtech Way, Billings, MT 59102

(Address) 406-656-5255 jhalverson@sandersonstewart.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: Michele Amen Mack Date: 5/30/23
(Recorded Owner)



Date Stamp

Zone Change Application Packet 2023/2024

Owner(s): Amen, Michele

(Recorded Owner) 4249 King Ave W, Billings, MT 59106

Tax ID:
D00516

(Address)

(Phone Number) (email)

Agent(s): Erica Gilrein, John Halverson

(Name) 1300 N Transtech Way, Billings, MT 59102

(Address) 406-656-5255 jhalverson@sandersonstewart.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: Michele Amen Mack Date: 5/30/23
(Recorded Owner)



Date Stamp

Zone Change Application Packet 2023/2024

**Certificate of Survey 2064 Tract 6B,
Certificate of Survey 3125 Tract 2A,
Certificate of Survey 1400 Tract I**

Zone Change Request from RRI Rural Residential to NX2 Mixed Residential 2

Statement of Proposal

Michele Amen Mack, on behalf of Molly and Darrell Spaeny, and the Jack L Irrev Amen Survivors Trust are seeking to Annex and Rezone Certificates of Survey 2064 Tract 6B, 3125 Tract 2A, and 1400 Tract I.

This zone change request accompanies an annexation petition, which is intended to bring municipal water service to the existing uses on the subject parcels, whereas their present well and septic systems are failing.

The proposed NX2 zone allows the existing uses on the subject parcels and provides for the possibility of re-developing the parcels in a manor that would be compatible with surrounding uses.

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 subject parcels are surrounded on all sides by annexed land. City water and sewer services exist under King Avenue West, which is located immediately south of the subject parcels.

The requested zoning is in compliance with the following growth guidelines:

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

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

Yes. The subject parcels are completely surrounded by parcels which have already been annexed into the city. Municipal water and sewer services exist in the King Avenue West right of way immediately south of the subject parcels.

- ***Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable.***

Yes. Extending municipal water and sewer service to the subject parcels will be extremely cost effective.

- ***A cost/benefit study is important to make cost effective land use decisions.***

Yes. Because services have already been extended to parcels surrounding the subject parcels, providing municipal water and sewer service to the subject parcels will be extremely cost effective.

Community Fabric (Attractive, Aesthetically Pleasing, Uniquely Billings)

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

Yes. This Annexation and Zone Change will allow the multi-use path along the north side of King Avenue West to be completed to city standards.

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 NX2 zoning proposed for the subject parcels will allow for a wide range of residential uses, including the existing, single-home use, through townhomes, duplexes, and up to eight units per structure.

- ***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.***

The subject parcels are a walkable distance from such destinations as the Rocky Vista medical school, commercial and business uses in St. Vincent's Healthcare Subdivision, and Shiloh Crossing. If the subject parcels re-develop under the proposed zoning of

NX2, it is likely that a higher-than-usual portion of the trips generated will be undertaken on foot, allowing residents and neighbors to interact socially.

Home Base (healthy, safe and diverse housing options)

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

The NX2 zoning proposed for the subject parcels will allow for a wide range of residential uses, including the existing, single-home use, through townhomes, duplexes, and up to eight units per structure.

- ***Public safety and emergency service response are critical to the well-being of Billings' residents.***

Because the subject parcel is surrounded by annexed parcels which already receive city services, approval of the proposed annexation and zone change will not adversely affect response times for emergency services.

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- ***Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses, and visitors.***

Residents at the subject parcels have access to a range of transportation choices. The parcels are within walking distance of such destinations as the Rocky Vista medical school, commercial and business uses in St. Vincent's Healthcare Subdivision, and Shiloh Crossing. A MET transit route runs along King Avenue West, just south of the subject parcels.

Prosperity (Promoting Equal Opportunity and Economic Advancement)

- ***Predictable, reasonable City taxes and assessments are important to Billings' taxpayers.***

If the subject parcels re-develop under the proposed zoning, the densities that will result change will promote efficient use of city services and high tax revenues per acre.

The 10 Zone Change Criteria:

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

Yes, COS 2064 Tract 6B, COS 3125 Tract 2A, and COS 1400 Tract I are being re-zoned under the consideration of the Growth Policy statement and guidelines on previous pages. It is a site surrounded by parcels where municipal services exist and is compatible with the uses on those parcels.

- ***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, if re-developed, 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. Any uses on COS 2064 Tract 6B, COS 3125 Tract 2A, and COS 1400 Tract I 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.

The proposed annexation and new zoning will allow the property to connect to public water and sewer. These services will allow for the removal of the on-site septic system, thereby reducing potential public health issues resulting from a failure of an aging system.

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

Yes, the annexation and zoning of this property will allow for continuity of services along King Avenue. Any future water, sewer and storm facilities on the subject parcels will be constructed in accordance with all relevant regulations.

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

Yes. All future improvements on COS 2064 Tract 6B, COS 3125 Tract 2A, and COS 1400 Tract I will be constructed in accordance with City of Billings rules and regulations and therefore meets this requirement.

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

The subject parcels share a common access from King Avenue West, which is a Principal Arterial and will not be significantly affected by trips generated by continuing the existing residential use on this parcel. Any future development would need to comply with current development standards.

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

Yes, the subject parcels are directly adjacent to multi-plex residential uses to the west, which were developed under a PUD before the RE:code update, but which would comply with the NX2 zone proposed in this application. The St. Vincent's Healthcare Subdivision to the east and north of the site hosts commercial uses with allowances for future inclusion of multi-home residential uses like those allowed in the proposed NX2 zone.

- ***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 just south of the Lenhardt Square residential development which is an emerging multi-home residential node on Billings' West End. The subject parcels are also located very near to the hub of commercial development happening around the intersection of Shiloh Rd. and King Ave. Although there are no plans for re-development on the subject parcels, if it were to re-develop under the proposed zoning, it would be reasonable to anticipate a significant percentage of the trips generated would be captured through active and public transportation, given the proximity and preponderance of destinations.

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

Yes. The proposed zoning will allow the existing uses to continue as compliant uses once the subject parcels are annexed into the City of Billings. Although there are no plans to re-develop the subject parcels under the proposed zoning, such re-development would be similar and compatible to existing uses in the area and would therefore have no negative effect on the value of existing structures in the area. a

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

Yes. It is appropriate to promote zoning that allows the existing use to continue and accommodates the potential for compact development near the City Limits boundaries. This zone change helps support the potential for 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 to reduce overall vehicular loads on local area streets.