

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:** N4 (County) _____

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

The existing zoning (N4 - County) will be changed to N3 to adopt a City District upon annexation.

3. **Subject Property Map:** please attach to this form Included with application submittal.

4. **Legal Description of Property:**

Lot 1A, Block 2 of the Amended Plat of La Ray Subdivision

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

Frank Ewalt, Chair, Heights Community Development, 2131 Phoebe Drive, Billings, MT 59105

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

7. **A copy of the meeting notice.** please attach to this form Included with application submittal.

8. **A brief synopsis of the meeting results including any written minutes or audio recording.** please attach to this form Included with application submittal.

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

1) The pre-application neighborhood meeting was held on the 25, day of July, 2023.

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

Owner (s): _____ Telephone: _____

Address: _____ **Email:** _____

Agent (s): Taylor Kasperick, Performance Engineering Telephone: 406-384-0080

Address: 608 N. 29th St. **Email:** taylor@performance-ec.com
Billings, MT 59101





July 17, 2023

Dear Interested Neighbor,

On behalf of Lavonne Anderson, *Performance Engineering, LLC* is writing to inform you of a zone change pre-application neighborhood meeting being held on **Tuesday, July 25th**, at **6:00 p.m.** The pre-application neighborhood meeting will be held in **the conference room at the Country Inn & Suites by Radisson at 231 Main St., Billings, MT 59105.**

The owner is requesting that the property described below be granted a zone change from County Large Lot Suburban Neighborhood (N4) to City Suburban Neighborhood (N3) as part of an annexation into the City of Billings Limits. The subject property is described as:

Lot 1A Block 2 of the Amended Plat of Lots 1 and 2, Block 2 of the La Ray Subdivision, located in the City of Billings, Yellowstone County, Montana. The parcel is a total of 0.226 acres, generally located at 1093 Lincoln Lane.

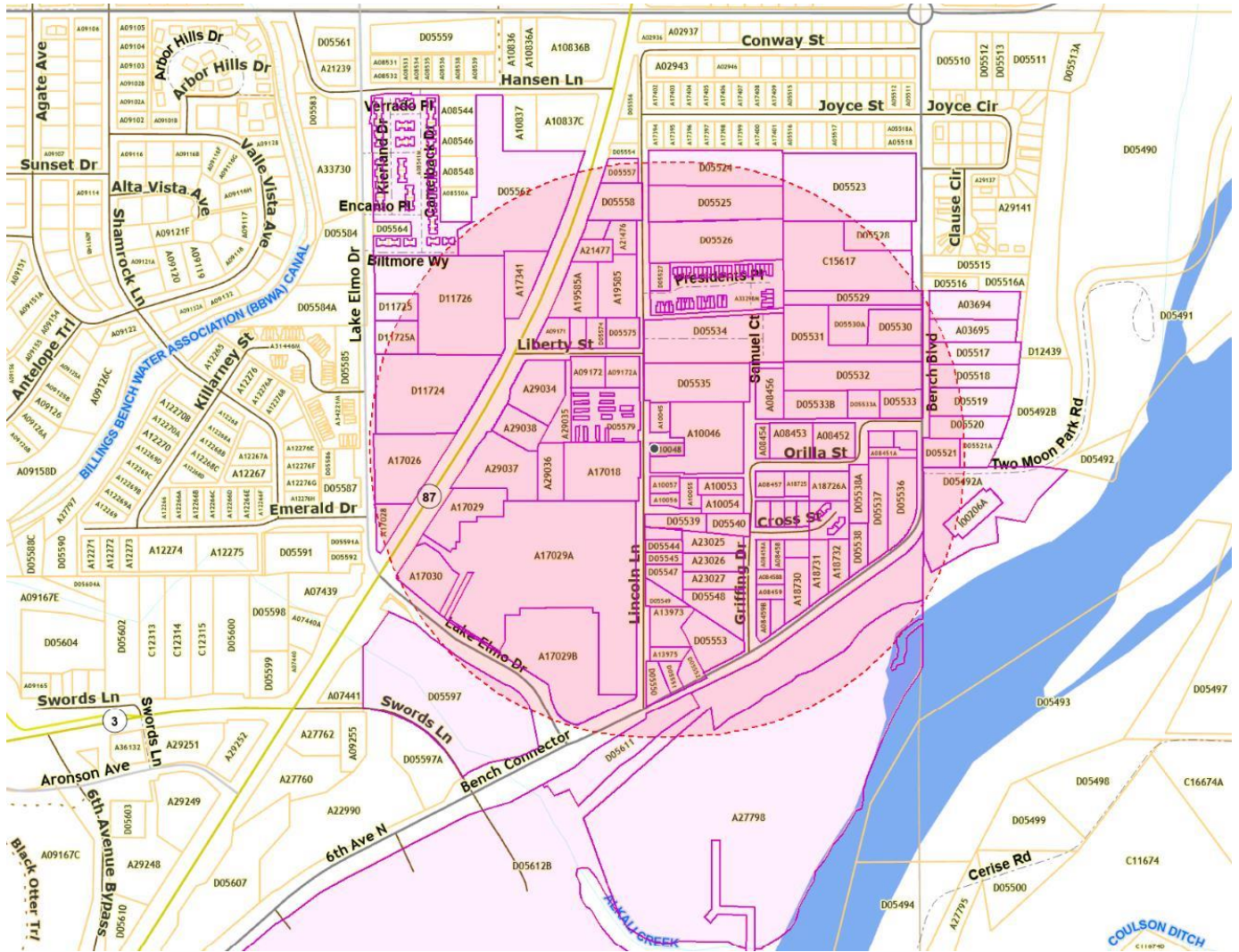
The intent of the meeting is to make neighboring property owners aware of the proposed zone change for the subject property, discuss any concerns with the proposed use, and to answer questions about the project.

Representatives for *Performance Engineering, LLC* will be at the meeting to answer questions from those who attend. For those unable to attend the meeting, written letters can be directed to Performance Engineering at **608 North 29th Street, Billings, MT 59101**, attention Taylor Kasperick, PE, or emails may be sent to taylor@performance-ec.com. We look forward to discussing the proposed special review with you and hope to see you on **July 25th**.

Sincerely,

A handwritten signature in blue ink that reads 'Taylor Kasperick'.

Taylor Kasperick, PE
Project Manager



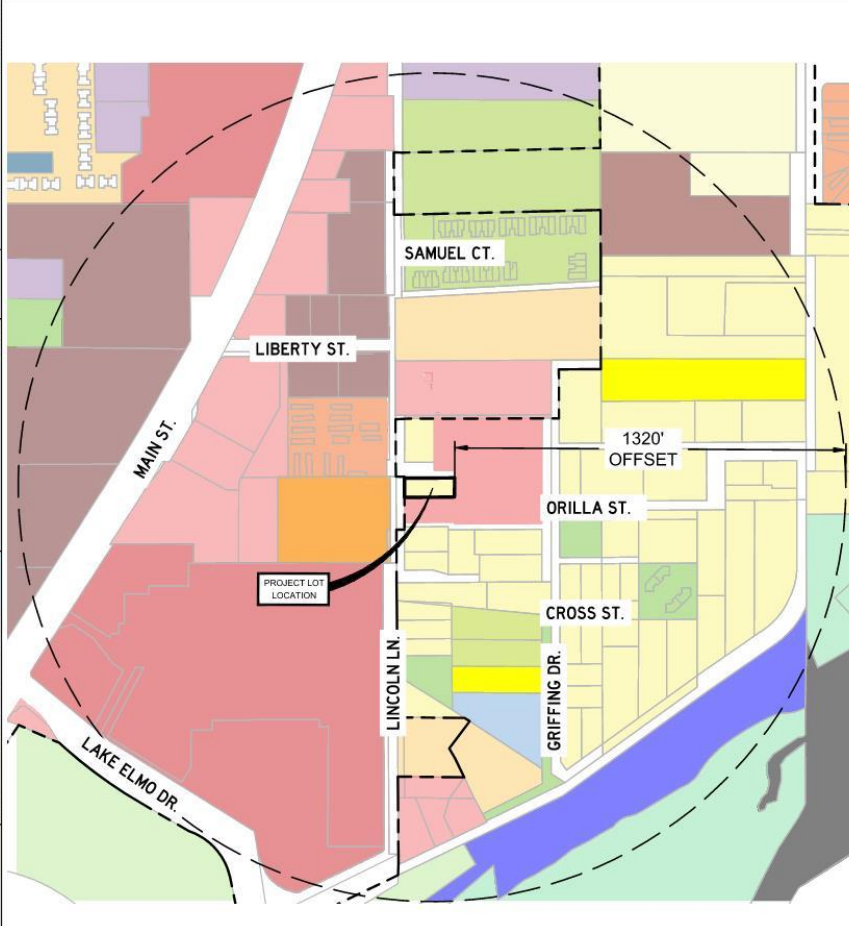
SHEET TITLE
ZONE CHANGE EXHIBIT

PROJECT TITLE
LINCOLN LANE ZONE CHANGE

OWNER
LAVONNE ANDERSON

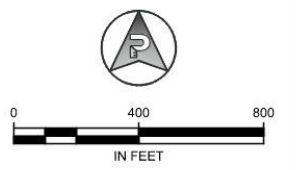
PERFORMANCE ENGINEERING
608 NORTH 29TH STREET
BILLINGS, MT 59101
www.performance-eng.com
(406) 394-0388

EXHIBIT
EX A
COMPILED 2023.5



LEGAL DESCRIPTION
LOT 1A, BLOCK 2 OF THE AMENDED PLAT OF LOTS 1 AND 2, BLOCK 2, LA RAY SUBDIVISION, LOCATED IN THE NE 1/4, SECTION 27, T.1 N., R. 26 E., P.M.M., YELLOWSTONE COUNTY, MONTANA.

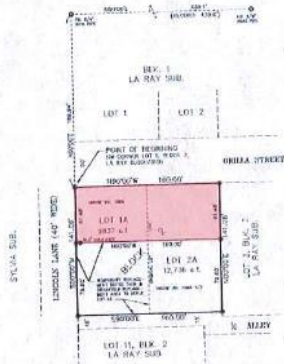
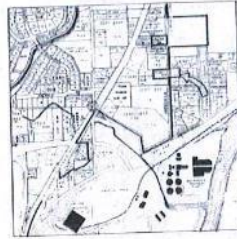
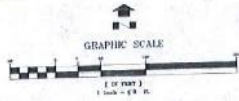
- ZONING LEGEND**
- N4- LARGE LOT SUBURBAN NEIGHBORHOOD
 - CMU1- CORRIDOR MIXED-USE
 - RMH- RESIDENTIAL MOBILE HOME
 - NX3- MIXED RESIDENTIAL
 - NX2- MIXED RESIDENTIAL
 - CX- HEAVY COMMERCIAL
 - N2- MID-CENTURY NEIGHBORHOOD
 - N3- SUBURBAN NEIGHBORHOOD
 - C3- GENERAL COMMERCIAL
 - P1- OPEN SPACE, PARKS, RECREATION
 - P2- PUBLIC-CIVIL, INSTITUTIONAL
 - NO- NEIGHBORHOOD OFFICE
 - RR3- RURAL RESIDENTIAL
 - P3- PUBLIC-CAMPUSES-MEDICAL, CIVIC, EDUCATIONAL
- EXISTING MUNICIPAL BOUNDARY
LOT BOUNDARY



**AMENDED PLAT OF LOTS 1 AND 2, BLOCK 2,
LA RAY SUBDIVISION**

LOCATED IN THE NE1/4 SECTION 27, T.1N., R.26E., P.M.M.,
YELLOWSTONE COUNTY, MONTANA

FOR: ROY E. FRANK AND BETTY J. FRANK, TRUSTEES
ROY AND BETTY FRANK LIVING TRUST
BILLINGS, MT.
BY: ATLAS ENGINEERS INC.
BILLINGS, MT.
DATE: JANUARY, 2005



MONUMENTS
CORNER MARKS AND MONUMENTS ARE SHOWN AS A 1/2" DIA. IRON PIPE SET IN CONCRETE. ALL OTHER MONUMENTS ARE TO BE SET BY THE SURVEYOR AT HIS OWN RISK AND LIABILITY. MONUMENTS MAY BE REMOVED OR DESTROYED BY THE SURVEYOR AT HIS OWN RISK AND LIABILITY. CORNER MARKS AND MONUMENTS ARE TO BE SET BY THE SURVEYOR AT HIS OWN RISK AND LIABILITY.

PURPOSE OF SURVEY
THE PURPOSE OF THIS SURVEY IS TO REVISION THE CORNER MARKS AND MONUMENTS OF LOTS 1 AND 2, BLOCK 2, LA RAY SUBDIVISION.

DATE OF SURVEY
THE DATE OF SURVEY FOR THIS SURVEY IS THE DATE OF THIS PLAT.

LANDOWNER STATEMENT
STATE OF MONTANA
COUNTY OF YELLOWSTONE
I, ROY E. FRANK AND BETTY J. FRANK, TRUSTEES OF THE ROY AND BETTY FRANK LIVING TRUST, HEREBY CERTIFY THAT THE ABOVE DESCRIBED PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS OWNED BY US AND OUR PREDECESSORS AND THAT WE HAVE FULL POWER AND AUTHORITY TO EXECUTE THIS PLAT. WE HEREBY CERTIFY THAT THE ABOVE DESCRIBED PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS OWNED BY US AND OUR PREDECESSORS AND THAT WE HAVE FULL POWER AND AUTHORITY TO EXECUTE THIS PLAT.

Roy E. Frank
Betty J. Frank
Roy E. Frank, Trustee
Betty J. Frank, Trustee

STATE OF MONTANA
COUNTY OF YELLOWSTONE
I, Judy Sam, of the County of Yellowstone, State of Montana, do hereby certify that the above described plat is a true and correct representation of the lands owned by the above named parties and that they have full power and authority to execute this plat.

Judy Sam
Judy Sam
Surveyor
Billings, Montana
My commission expires 4-1-2008

Richard REAS/AS CE/MS/OS
Richard REAS/AS CE/MS/OS
Surveyor
Billings, Montana
My commission expires 1-1-2008

STATE OF MONTANA
COUNTY OF YELLOWSTONE
I, James E. Hahn, of the County of Yellowstone, State of Montana, do hereby certify that the above described plat is a true and correct representation of the lands owned by the above named parties and that they have full power and authority to execute this plat.

James E. Hahn
James E. Hahn
Surveyor
Billings, Montana
My commission expires 1-1-2008

STATE OF MONTANA
COUNTY OF YELLOWSTONE
I, Richard E. Hahn, of the County of Yellowstone, State of Montana, do hereby certify that the above described plat is a true and correct representation of the lands owned by the above named parties and that they have full power and authority to execute this plat.

Richard E. Hahn
Richard E. Hahn
Surveyor
Billings, Montana
My commission expires 1-1-2008

PLAT OWNER'S STATEMENT
I hereby certify that all land shown on this plat is owned by the above named parties and that they have full power and authority to execute this plat.

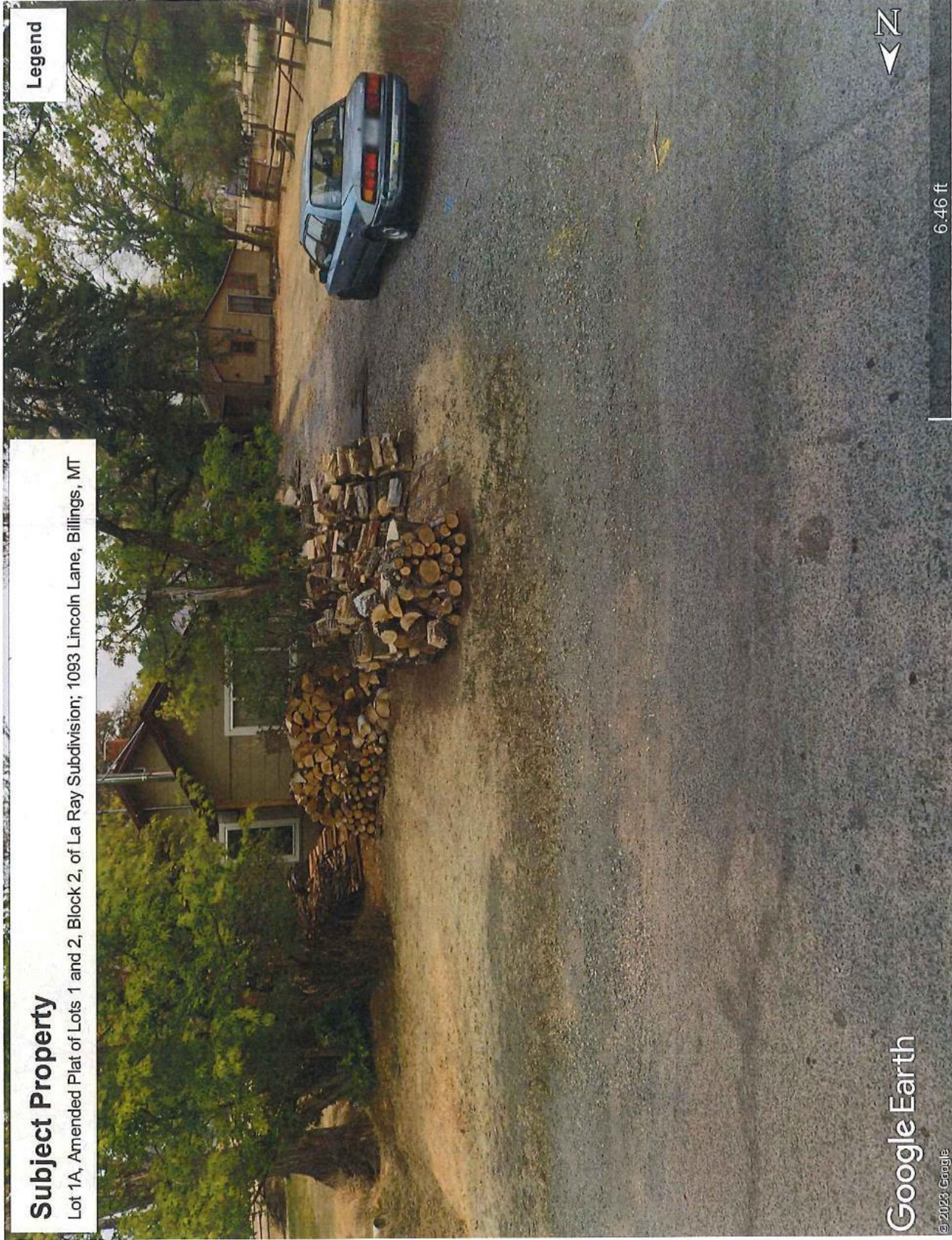
Richard E. Hahn
Richard E. Hahn
Surveyor
Billings, Montana
My commission expires 1-1-2008



Subject Property

Lot 1A, Amended Plat of Lots 1 and 2, Block 2, of La Ray Subdivision; 1093 Lincoln Lane, Billings, MT

Legend



6.46 ft

Google Earth

© 2023 Google

C. N3: SUBURBAN NEIGHBORHOOD RESIDENTIAL

The N3 district is intended for residential neighborhoods primarily with single-family homes. Characteristics include wide lots and attached garages typically located on the front building façade, often greater than 35% of the façade. Basic setback and height parameters apply.

D. NX1: MIXED RESIDENTIAL 1

The NX1 district is intended to continue the character of the first neighborhoods with single-family, two-family, and small-scale multiple-family homes with 3 to 4 units. Multiple-family homes are intended to match the scale of the neighborhood single-family homes with characteristics such as building width, parking and garages location, roof design, and doors and windows on the front facades.

E. NX2: MIXED RESIDENTIAL 2

The NX2 district is intended for small- and mid-scale multiple-family homes with 3 to 8 units, in small neighborhood nodes. The buildings are oriented to the streets in walkable blocks with doors and windows on front facades and parking/garages located behind the buildings.

F. NX3: MIXED RESIDENTIAL 3

The NX3 district is intended for large-scale multiple-family homes in larger neighborhood nodes. The buildings may include larger apartment buildings with more than eight units per structure. The development may have an internal private street system for access throughout the larger node with walkable blocks. Buildings are oriented to the street with doors and windows on front facades and parking/garages located behind the buildings. Covered parking may include rows of canopies or enclosed garages. Common open space, shared recreational facilities, or central gathering spaces are generally provided for residents.

G. RMH: RESIDENTIAL MANUFACTURED HOME

The RMH district is intended to provide stable environments for individual manufactured homes, manufactured home parks, and compatible accessory uses.

SECTION 27-306 N3 DISTRICT

The following site and structure regulations apply to any lot in the N3 district. Refer to 27-303 for general regulations applicable to all districts and Table 27-300.5, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(3). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-300.5 : SITE AND STRUCTURE REGULATIONS

A. BUILDING SITING		REFERENCES
1	Minimum Lot Width (feet) per principal building Minimum Lot Size (square feet) per principal building	65 none
		See Article 27-1500 existing lots of record. See 27-306.C for exemption from minimum lot widths.
2	Maximum Building Width (feet)	None
3	Front Setback (feet)	20 minimum
4	Street-Side Setback (feet)	10 minimum
5	Side Setback (feet) Space Between Principal Buildings on Lot (feet)	5 minimum 10 minimum
6	Rear Setback (feet)	5 minimum
7	Accessory Building Yard Location	Rear
8	Accessory Building: Rear Setback (feet)	5 minimum, except 0 at alley
9	Maximum Total Building Coverage (%)	40
10	Permitted Driveway Access Location	Any
11	Attached Garage Entrance Location	Any façade; front façade limited to no more than 50% of façade
		See BMCC Section 6-1200 for driveway access standards.
B. Height		
	Principal Building: Maximum Height (stories) Maximum Height (feet)	3 34
	Accessory Building: Maximum Height (stories)	1.5 stories, no taller than the principal building
		See Article 27-1800 for instructions for measuring height. Accessory roof pitch shall match principal building

27-300 Neighborhood Districts

The neighborhood zoning districts are established in Table 27-300-1. When this zoning code refers to "neighborhood" zoning districts, it is referring to these districts.

Section 27-301 Districts Established

The neighborhood zoning districts are established in Table 27-300-1. When this zoning code refers to "neighborhood" zoning districts, it is referring to these districts.

TABLE 27-300-1. NEIGHBORHOOD DISTRICTS

Symbol	Neighborhood District Name
N4	Large Lot Suburban Neighborhood Residential
RR1	Rural Residential 1
RR3	Rural Residential 3
R-RMH	Rural Residential Manufactured Home
The following district is available in the county with municipal water and sewer or county water and sewer or with the use of a Planned Neighborhood Development (PND), per Article 27-800:	
N3	Suburban Neighborhood Residential
N1	First Neighborhood Residential
N2	Mid-Century Neighborhood Residential
N3	Suburban Neighborhood Residential
NX1	Mixed Residential 1
NX2	Mixed Residential 2
NX3	Mixed Residential 3
RMH	Residential Manufactured Home

Section 27-302 District Descriptions

Neighborhood districts are primarily intended to allow residential uses within appropriately scaled buildings to maintain and promote the desired physical character of the neighborhoods within the county.

A. N4: LARGE LOT SUBURBAN NEIGHBORHOOD RESIDENTIAL

The N4 district is intended for large lot residential neighborhoods primarily with single-family homes. Characteristics include wide, large lots and attached garages often located on the front building façade. Regulations include basic setback and height parameters.

B. RR: RURAL RESIDENTIAL

The RR districts are intended for single-family homes, with or without agricultural uses. In addition to residential homes, small-scale agricultural uses may be allowed including stables, livestock and agricultural crops raised for personal use. Basic setback and height parameters apply with a range of allowed lot areas defined by "-1" and "-3", meaning RR-1 has a minimum lot size of 1 up to 3 acres, and RR-3 has a minimum lot size of 3 up to 10 acres. Accessory barns are allowed.

Section 27-304 N4 districts

The following site and structure regulations apply to any lot in the N4 district. Refer to 27-303 for general regulations applicable to all districts and Table 27-300-3, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(2). See Article 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-300-3. SITE AND STRUCTURE REGULATIONS

A. BUILDING SITING		REFERENCES
1	Minimum Lot Width (feet) per principal building	80
	Minimum Lot Size (square feet) per principal building	15,001
	Maximum Lot Size (square feet) per principal building	43,559
	Maximum Building Width (feet)	none
2	Front Setback (feet)	20 minimum
4	Street-Side Setback (feet)	10 minimum
3	Side Setback (feet)	5 minimum
5	Rear Setback (feet)	20 minimum
6	Accessory Building Yard Location	Rear
8	Accessory Building: Rear Setback (feet)	5 minimum, except 0 at alley
7	Maximum Total Building Coverage (%)	30
9		
B. HEIGHT		
	Principal Building: Maximum Height (stories)	3
	Maximum Height (feet)	34
	Accessory Building: Maximum Height (stories)	1.5 stories, no taller than the principal building
		See Article 27-1800 for instructions for measuring height



Pre-Application Neighborhood Meeting Minutes and Roster – Zone Change Application

Date and Time of Meeting: July 25th, 2023 at 6:00 PM

Location: Country Inn and Suites By Radison, 231 Main Street, Billings, MT 59105

Property: Lot 1A, Block 2 of the Amended Plat of La Ray Subdivision

Attendees:

- Attendees are listed below, see attached sign in sheet for confirmation and contact information.
 - LaVonne Anderson (Owner)
 - Linda & Mike Quinn
 - Craig & Bobbi Christoferson
 - Gerald Brewington
 - Vicki Dickinson
 - Lisa Certin

Meeting Notes:

- A presentation was prepared and provided by Taylor Kasperick of Performance Engineering (PE) and the meeting minutes were recorded by Brody Roberson. The presentation materials are provided with this submittal.
- The owner raised concerns about the development of the adjacent property and annexing her property into the city.
- In general, attendees raised concerns about the development of Lot 2A-1 of the Amended Plat of La Ray Subdivision. PE informed the attendees that the subject of this meeting is for the zone change of Lot 1A, Block 2 of the Amended Plat of La Ray Subdivision.
- Questions continued on the adjacent lot, asking what the plan for the development was and what the current zoning of the lot is. PE informed the residents that the plan for the current lot is a storage facility which is in compliance with the current zoning of Corridor Mixed-Use (CMU1). It was also questioned whether the adjacent lot would need to be annexed into the city before development. PE noted that the adjacent property is already properly zoned and the buildings on the property would be “dry” buildings, meaning no services would need to be brought in, therefore, there is no need to annex the property into the city.
- Some residents brought up the increase in property taxes after annexing into the city. PE informed the residents that while there is an increase in property taxes after annexation, the property value would increase due to being tied into city sewer. The health benefits to the surrounding area was also addressed by PE, discarding the existing septic system and seepage pit and tying into the city sewer would be beneficial for any neighbors that have wells in the area.



- One resident questioned why it was acceptable to have a lot smaller than 0.5 acres containing a septic system. PE informed the neighbor that 0.5 acres is not a set rule for the county in terms of housing a system, instead it is dependent on soils in the area. The neighbor was also informed that the buy-sell contract for the adjacent lot mentioned tying the Owner's house into the city in order to discard the existing septic system.
- The meeting ended with a disagreement by some residents about annexing Ms. Anderson's property into the city limits. It was restated by PE that it may be beneficial for Ms. Anderson to reach out the adjacent lot owner to discuss the conditions of the buy-sell agreement for the purchase of the adjacent lot.