



NOTICE TO THE PUBLIC

Due to the number and significance of the zone changes on tonight's agenda, and limited seating in the hearing room, the Zoning Commission will invite attendees into the hearing room for each specific zone change in the order they appear on the agenda.

- 1. Zone Change 1043 -- 4190 S Frontage Rd
2. Zone Change 1044 -- 5900 Block of Grand -- within Buffalo Crossing
3. Zone Change 1045 -- 4524 Central Avenue
4. Zone Change 1046 -- 1202 W Wicks Lane
5. Zone Change 1047 - Copper Ridge- Applicant requested delay to May 7, 2024

This is to ensure everyone who is attending for a specific zone change can be in the room when the hearing is opened on that item.

We ask that all attendees wait in the lobby area until the hearing is opened for the specific application of interest to them.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: https://ci.billings.mt.us/117/Agendas-Minutes
View the meeting live online at Facebook: https://tinyurl.com/yckr478k

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
Email: bernsb@billingsmt.gov
Call in during the Public Comment periods as indicated on the agenda:
Citizens may call in during specific Public Comment periods at 406.237.6165.

All callers will be placed in a queued system. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary.

NOTICE: All meetings and official activities of the MPO are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify the Planning Division Office, at 406-247-8676.

Please direct questions to Brenda Berns, Planning Clerk at (406) 247-8610 or email: bernsb@billingsmt.gov

Call the meeting to order

Introduction of City Zoning Commission Members and Planning Department Staff

Public Comment

Approval of Minutes: February 6, 2024

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff

a.The Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. City Zone Change 1043 - 4190 S Frontage Rd - RMH to CX - A zone change request from Residential Manufactured Home (RMH) to Heavy Commercial (CX) for C/S 741, Parcel 2A, Amd Tr 1 & 2, a 1.6 acre parcel of land. Nicole Cromwell, Zoning Coordinator
- b. City Zone Change 1044 - 5900 Block of Grand Ave - RRI to NX2 - A zone change request from Rural Residential 1 (RR1) a county zone to Mixed Residential 2 (NX2), for C/S 2735, Tract 4-B, a 1-acre parcel of land. Nicole Cromwell, Zoning Coordinator
- c. City Zone Change 1045 - 4524 Central Ave - A to CMU1, NMU, NX1, NX2, N2 & P1 - A zone change request from Agriculture (A) a county zone, to Corridor Mixed Use 1 (CMU1), Neighborhood Mixed Use (NMU), Mixed Residential 1 (NX1), Mid-Century Neighborhood (N2) and Public 1 (P1) on Tract 2 of C/S 3844, a 48.49 acre parcel of land. Nicole Cromwell, Zoning Coordinator
- d. City Zone Change 1046 - 1202 W Wicks Lane - NX3 to CMU2 - A zone change request from Mixed Residential 3 (NX3) to Corridor Mixed Use 2 (CMU2), for an 8.60-acre portion of an un-platted parcel in Section 20, TIN, R26E - North 1/2 to be known as Lots 1 and 2 of Skyview Ridge 2nd Filing Subdivision. Nicole Cromwell, Zoning Coordinator
- e. **APPLICANT HAS REQUESTED A DELAY UNTIL MAY 7, 2024**
City Zone Change 1047 - Copper Ridge 7th and 8th Filings - N3 to P1, N1, NX1 and NX2 - A zone change request from Suburban Neighborhood Residential (N3) to Public 1 (P1), First Neighborhood Residential (N1), Mixed Residential 1 (NX1), and Mixed Residential 2 (NX2), portions of Lots 15 & 16 in Block 3 of Copper Ridge Subdivision, 7th Filing and a portion of Lot 15A of Block 3 in Copper Ridge Subdivision, 8th Filing a 62.57-acre parcel of land. Nicole Cromwell, Zoning Coordinator

Other Business/Announcements

Adjournment

The City Council has designated March 25, 2024 at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for the zone changes and hold a public hearing. If approved on first reading, a **second reading will occur on April 8, 2024 at 5:30 pm.**

Before taking any action on an application for a **Zone Change**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a zone change other than the one advertised. The City Council shall take one of the following actions on the zone change requests: 1) approve the application; 2) deny the application; 3) allow withdrawal of the application; or 4) delay the application for a period not to exceed thirty (30) days.

As provided in Montana Code Annotated, Section 76-2-305(2), in the event of a protest petition against such **zone change** map amendment signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, **one hundred fifty (150) feet from a lot included in a proposed change**, such proposed amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the present and voting members of the city council. For purposes of this protest provision interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the Planning Division office **by 5:00 p.m. on the Friday preceding the first reading of the ordinance by the City Council.**

Testimony regarding the above-mentioned item may also be submitted in writing to the Planning Division, 2825 3rd Avenue North, 4th Floor, Miller Building, Billings, MT 59101 (247-8676) or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Brenda Berns, Planning Clerk, at 406 247-8610 or e-mail to bernsb@billingsmt.gov

City Zoning Commission
Meeting Date: 03/05/2024

Information

Subject
Approval of Minutes: February 6, 2024

Attachments

Minutes of February 6, 2024



**City of Billings Zoning Commission
Meeting Minutes of February 6, 2024**

The City of Billings Zoning Commission met on Tuesday, February 6, 2024 at 4:30 p.m., 2825 3rd Ave North, 1st floor conference room of the Miller Building. The public may attend in person or watch the meeting live on Facebook (see below). Comments may be sent to **Board via email before 1:00 PM on Tuesday, December 5, 2023.** All e-mails received prior to this time will become part of the record for the public hearing. Live coverage can be viewed on the City of Billings Facebook page here; <https://tinyurl.com/yckr478k>

The City Council has designated February 26, 2024 at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for the zone changes and hold a public hearing. If approved on first reading, a **second reading will occur on March 11, 2024 at 5:30 pm.**

Commission and Staff		01/02/2024	02/06/2024	03/05/2024	04/02/2024	05/07/2024	06/04/2024	07/02/2024	08/06/2024	09/03/2024	10/01/2024	11/05/2024	12/03/2024
		C											
Daniel J. Brooks	Commissioner	C	A										
Greg McCall	Vice Chair	C	1										
	Chairman	C											
David Goss	Commissioner	C	1										
Wyeth Friday	Director, PCSD	C	-	-	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-	-	-	-
Nicole Cromwell	Zoning Coordinator	C	1										
Hunter Kelly	Planner I	C	-										
Dave Green	Planner II	C	-										
Karen Husman	Planner I	C	-										
Brenda Berns	Planning Clerk	C	1										

Total Number of 2023 Applications	01/02/2024	02/06/2024	03/05/2024	04/02/2024	05/07/2024	06/04/2024	07/02/2024	08/06/2024	09/03/2024	10/01/2024	11/05/2024	12/03/2024	TOTAL
Zone Change	-	1											1
Special Review	-	-											

Vice Chair McCall introduced the Planning Division Staff and Commissioners: Attending Staff were Nicole Cromwell, Zoning Coordinator, Brenda Berns, Planning Clerk

Attending: There were none.

Vice Chair McCall called the meeting to order at 4:30 PM.

Public Comment

Vice Chair McCall called for public comments. There were no public comments. Vice Chair McCall closed the public comment portion of the meeting.

Approval of Minutes: December 5, 2023 & November 7, 2023

Vice Chair McCall asked for a Motion. Commissioner Goss made a Motion, Seconded by Vice Chair McCall to approve the meeting minutes as submitted. The motion was carried with a unanimous vote.

Disclosure of Conflict of Interest

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Beau Mulvaney		X		
Daniel J. Brooks				X
David Goss		X		
Greg McCall		X		
Andy Megorden		X		

Disclosure of Outside Communication

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Beau Mulvaney		X		
Daniel J. Brooks				X
David Goss		X		
Greg McCall		X		
Andy Megorden		X		

No one visited the location of ZC 1042

Public Hearings:

City Zone Change 1042 - 655 W Wicks Lane - N3 to P2- A zone change request for a parcel located at 655 W Wicks Lane and Inverness, legally described as Lots 3 and 4 of Block 4, of the amended Plat of Block 4, Lake Hills Subdivision 2nd Filing. The current zoning is N3 -- Suburban Residential Neighborhood and the proposed zone is Public 2 (P2), a zoning that would allow the development of a church. The proposed zoning is compatible and identical to the zoning on the adjacent lots to the east and the small utility lot on the southwest corner established for a pump station operated by the Billings Heights Water District. North across Pebble Beach Road is Mixed Residential 1 (NX1) where there are several two and four family dwellings. To the west of Inverness is a mix of residential and commercial zones including corridor mixed use (CMU), neighborhood mixed use (NMU) and Mixed Residential 2 (NX2) zoning for multi-unit dwellings. Across Wicks Lane is NX2 zoning and several apartment buildings. The property has remained vacant since it was first platted in the county in the 1950s. The church to the east was built in 1982.

Nicole Cromwell, Zoning Coordinator gave a brief overview of the Zone Change request. Subject property is owned by Gracepoint Church, Performance Engineering is the agent.

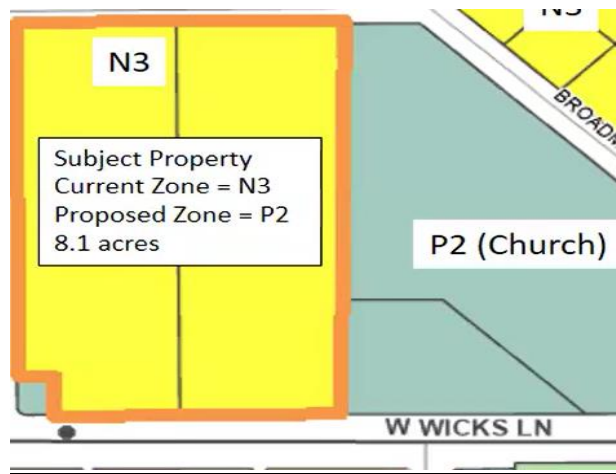
Public 2 (P2)

Proposed zoning allows:

- Churches, schools, government offices, healthcare offices and services, adult and child day care, indoor and outdoor recreation, cemeteries and similar
- Residential Uses – allowed when related to primary occupancy of the site
- Any new development will require conformance with all zoning, building and site development requirements

Current N3 zone requires a special review approval for a church

Subject Property Current Zone N3. Proposed Zone P2 (8.1 acres)



Staff Recommendation: Planning staff recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1042.

1) Is the new zoning designed in accordance with the Growth Policy and neighborhood plans? The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy: Infill development and development near existing city infrastructure may be the most cost-effective. 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. Implementation of the Infill Policy is important to encourage the development of underutilized properties. The Billings Heights Neighborhood Plan (2006) will be updated in 2024. The current plan emphasized the need for more meeting and activity spaces in Billings Heights. This can be provided by government facilities or private facilities. There are more than 30 churches in Billings Heights that serve the entire community, including the only mosque in Billings. Church congregants also come from outside the city limits. Additional space for community gatherings will help meet the goal of providing more meeting and activity space in Billings Heights. The proposed zoning would allow an existing vacant property to be developed for a religious institution. The parcel is over 8 acres and can accommodate the initial development with space for a future building and activity areas. The existing zoning (N3) was the zone that translated from the previous zoning of R96 for this parcel. Public 2 (P2) was applied to the existing church to the east and to the Billings Heights Water utility parcel. The single-family zoning was put in place first in the County (1973) and remained in place at the time of annexation (1984). The P2 zone is a specific zone for churches, schools, and other civic institutions. The property is located on an arterial street (W Wicks Lane) that currently handles over 5,700 vehicle trips per day (2022). As building activity increases in the High Sierra Subdivision and the Dover Ranch property, traffic volume will increase on W Wicks Lane. In addition, the completion of the Inner Belt Loop connection to Highway 3 will also add traffic. The City Engineering Division will work with the church to properly locate access driveways on the property. This will likely include one access from Inverness.

- 2) Is the new zoning designed to secure from fire and other dangers? The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The site will be developed in conformance with Section 27-500 (Public zone district standards).
- 3) Whether the new zoning will promote public health, public safety, and general welfare? Similar to criteria two, public health and public safety will be promoted by both the existing zoning and the proposed zoning. The proposed P2 zoning would allow the vacant property to be developed. Developed land will increase property values. Vacant land tends to add unpredictability to the area. Public health and safety will be promoted by reducing the calls for service to the Code Enforcement Division for untended grass and weeds. Every summer since 2016, the owner has neglected to mow the grass and weeds on the property, prompting calls to Code Enforcement.
- 4) Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements? Transportation: The proposed zoning should not have any measurable impact on transportation until the church is constructed and occupied. The capacity of the church will determine the need for a traffic impact study. The development will require the completion of the street improvements on Inverness Dr (east side) and Pebble Beach (south side). The streets currently do not have curbs, gutters or sidewalks on both sides of the street. Drive approaches will be determined and approved by City Engineering in accordance with the access management policy. Water and Sewer: The City will provide a sewer connection to the property. The Billings Heights Water District will provide water. The property is on the southern boundary of the water district. The Utilities Division voiced no concerns. Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. The school district provided no comments on the proposed zone change. Parks should not be negatively impacted by the proposed zoning. The closest public park is across the street from the subject property. This is Castle Rock Park. Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns about the zone change.
- 5) Will the new zoning provide adequate light and air? Similar to criteria 2 and 3, The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. Any development of the property would follow the requirements of Section 27-500 (BMCC) and other city regulations for development.
- 6) Will the new zoning affect motorized and non-motorized transportation? The existing property has a fully developed sidewalk on W Wicks Lane. The curb, gutter and sidewalk will need to be installed on Inverness and Pebble Beach. This will have a positive effect on pedestrian safety and access. The development of a new church may require a traffic impact study if the anticipated number of new trips is 500 or more per day. The two closest intersections -- Inverness and Broadmoor -- are stop controlled intersections. There is a signalized intersection further west at Gleneagles and W Wicks Lane and one to the east at Lake Hills Dr and W Wicks Lane. The signalized intersections can act to regulate traffic flow and safe turning movements can be accomplished at Broadmoor and Inverness. During peak traffic times, drivers can navigate to these signalized intersections along internal streets to decrease their wait times at these unsignalized intersections.

7) Will the new zoning promote compatible urban growth? The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. Property east and southwest are also zoned P2. North of Pebble Beach is NX1 zoning and to the west of Inverness in mixed use zoning and NX2 zoning. The development of the adjacent property matches the zoning for the properties. The P2 zoning is compatible with the surrounding property and development. The zoning does promote compatible urban growth.

8) Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses? The proposed zoning does consider the character of the district and the suitability of the property for the proposed use or uses. The proposed zoning will allow the development of this vacant parcel to complete the infill of this section of Lake Hills Subdivision.

9) Will the new zoning conserve the value of buildings? The new zoning is not expected to alter the value of any buildings in the area. Any development of the property will need to meet the code requirements for Public zoning, and other city development and building regulations. New development tends to increase surrounding property values.

10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings? The proposed zoning will allow the development of property in a desirable neighborhood in Billings Heights. Public and private service organizations add value to neighborhoods. Infilling large vacant parcels also contributes to neighborhood stability. The proposed zoning and use will encourage the most appropriate use of the parcel.

Discussion

Vice Chair McCall asked the zoning of the corner section of the subject property near Wicks Ln, Nicole confirmed it is zoned 'NO', currently has a daycare business on it.

Commission Goss requested clarification between NX1 and NX2.

Nicole stated, the code reads if NX zoning is adjacent to the subject property, you must use the same building standards. However, if the property is across the street, the restrictions are less. As we look to the church, if there is a taller business, it must be pulled away from the lot lines so it's not looming over the adjacent building. Any adjacent building must meet the standard requirements regarding height, setback, and spires, such as what a church would have. The current code stresses street front landscaping and does not require landscaping on all sides. The owner may decide to have a parking lot, or grass, but there is not a rule that states it must be one way or the other.

Applicant Representative:

Taylor Kasperick, Performance Engineering 608 N 29th St, Billings MT

This is a great fit for Grace Point Church as to what they are attempting to achieve. They currently serve their congregation out of the Medicine Crow School. There is a mix of zoning around the property with a wide reach. There are currently 2 properties, with a total size of 8.1 acres. We are looking for access off w wicks ln, with multiple access points.

Questions for Applicant: There were none.

Public Hearing:

Vice Chair McCall opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1042.

In Favor

Rebecca Utter 621 Pebble Beach Rd, Billings MT

Ms. Utter was in attendance to support the efforts of the applicant and their agent. Ms. Utter believes it will be a great asset to the community.

Discussion

Vice Chair McCall asked if there was any discussion from the board. There was none.

Public Hearing:

The public hearing was closed at 4:50 PM.

Motion

Vice Chair McCall called for a Motion. Commissioner Goss made a Motion, seconded by Commissioner Megorden to recommend Zone Change 1042 to City Council to be heard on February 26, 2024 at 5:30 PM.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks	x			
David Goss	x			
Greg McCall	x			

The Motion passed to Approve City Zone Change 1042 with a unanimous vote.

Other Business: No Other Business

Adjournment: The meeting adjourned at 4:54 PM.

ATTEST: To be Approved by a motion at the next regularly scheduled meeting.

--Brenda J Berns, Planning Clerk

Zoning Commission

Date: 03/05/2024
Title: Zone Change 1043 - 4190 S Frontage Rd - RMH to CX
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff is recommending approval and adoption of the findings of the 10 review criteria for Zone Change 1043.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change request for a parcel located at 4190 S Frontage Road from Residential Manufactured Home (RMH) to Heavy Commercial (CX), a zoning that would allow the development of small shops or storage for businesses. The proposed zoning is compatible and identical to the zoning to the east. To the west is the Agricenter Subdivision also zoned RMH but outside the city limits. These lots have public water through "county" water lines installed decades ago when the subdivision was developing. At the west boundary line with the manufactured home subdivision there is a fence but no other bufferyard between the properties. The subject property has been within the city limits since the early 1980s. Recently the manufactured homes were removed from the property. Dwellings cannot be re-established on the property without extension of a city sewer line to the property. The cost of the sewer extension is large compared to the development potential in the RMH zone on the small property. The proposed zone change will allow the property to be developed for one or two small shops or for storage purposes. Any new development on the property will require installation of a bufferyard on the west property line.

S. Frontage Road is an arterial street that currently handles over 5,000 vehicle trips per day and has posted speeds over 50 mph. This type of street frontage does not support the development of a small, manufactured home park. The continued development of large commercial warehouses and businesses to the east and south contributes to the incompatibility of the current RMH zone. Smaller lots for local businesses would add value to the existing development pattern and allow the existing RMH neighborhood to the west to be buffered from these more intense developments.

The proposed CX zone does allow a wide variety of commercial uses. Some of these uses will not be likely on a parcel of this size and limitation. For example, a hotel or restaurant would not fit well on this site given the high-speed arterial frontage and the adjacent uses. In addition, these uses would require a costly extension of the city sewer line. The proposed uses will not require an extension of the city sewer line.

STAKEHOLDERS

The applicant held a pre-application neighborhood meeting on January 18, 2024, at the Powderhorn Cafe. Six surrounding property owners signed into the meeting. The primary concern expressed by the surrounding owners was regarding noise, lighting and traffic (entry and exit). Planning staff sent the required mailed notices, posted the property, posted a synopsis of the application on the Current Zoning Application webpage, and published the legal information for the Zoning Commission hearing. No public comments were received by the Planning staff prior to this report.

ALTERNATIVES

The City Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1043; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1043; or,
- Delay action on the zone change request for up to 60 days at the request of the applicant or on its own motion; or
- Allow the applicant to withdraw the zone change request.

The Zoning Commission is required to make a recommendation to the City Council on this application for zone change. The application will not proceed to the City Council without a recommendation. The applicant has not requested a delay or withdrawal of the application.

FISCAL EFFECTS

Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

SUMMARY

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1) Is the new zoning designed in accordance with the Growth Policy and neighborhood plans?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

- Infill development and development near existing city infrastructure may be the most cost-effective.
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill, and social interaction.
- Implementation of the Infill Policy is important to encourage the development of underutilized properties.

The South Billings Urban Renewal Master Plan envisioned this area south of the interstate as an area that could build new economic opportunities. This was designated the "Four Corners" area and this area as the "Riverside Business Park". The master plan did show this parcel outside the city limits -- although this was incorrect at the time. This parcel was the first parcel annexed to the city south of the interstate between S. Billings Boulevard and Garden Avenue. This annexation to the city occurred about the same time as the first zone change request on this parcel from residential to commercial in 1983. The S. Billings Urban Renewal Master Plan stated the following: "Undeveloped land in this area may be particularly attractive to small manufacturers, professional offices, and small office/warehouse as there is no other business park in Billings that offers the ease of interstate access, views, and a natural setting with many recreation amenities."

The proposed zoning would allow an existing vacant property to be developed for cold storage warehousing or contractor shops. The parcel is within the city limits but has limited access to city services. City water is available to the property. The cost to bring the sanitary sewer infrastructure to the property exceeds the potential development investment by orders of magnitude. The re-establishment of one or two manufactured homes under the current zoning would require the extension of a public sewer line to the parcel. The engineer's estimate for extension of wastewater services is well above \$50,000. The parcel is small in comparison to the adjacent heavy commercial development to the east. This development includes Intermountain Distributing, Old Dominion Freight, and Inland Truck Parts. Further east are some large warehousing facilities as well as heavy equipment businesses and specialized storage companies. Overall, this heavy commercial area is over 115 acres of development. The parcel does not provide any transition between the existing commercial development and the County manufactured home park to the west.

Redevelopment as a commercial property will require the development to install a buffer yard on the west property line to provide the visual barrier required between commercial development and residential development. S. Frontage Road is an arterial street that currently handles over 5,000 vehicle trips per day and has posted speeds over 50 mph. This type of street frontage does not support the development of a small, manufactured home park.

2) Is the new zoning designed to secure from fire and other dangers?

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The site will be developed in conformance with Section 27-400 (BMCC) as well as sections on Landscaping, Off-street Parking and Signs. New buildings would be required to meet city Building Codes and Engineering standards as well.

3) Whether the new zoning will promote public health, public safety and general welfare?

Similar to criteria two, public health and public safety will be promoted by both the existing zoning and the proposed zoning. The proposed CX zoning would allow the vacant property to be developed for non-residential uses. Developed land will increase property values. Vacant land tends to add unpredictability to the area. It is not likely that the current zoning would result in the placement of residential homes on the property given the cost to bring city sewer services to the property.

4) Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

Transportation: The proposed zoning should not have any measurable impact on transportation. S Frontage Road is managed by the Montana Department of Transportation (MDT). There is one approach from the road that is permitted by MDT. A second approach is not necessary. Re-development of the site will require submittal of the site plan to the city and to MDT. Any required improvements will be noted at that time. Storage uses and small business warehouses do not generate significant traffic.

Water and Sewer: The City will provide water to the property. A service line was installed in 2023. There is a sanitary sewer in the vicinity but not close enough to make it economically feasible to extend the line for this 1.35-acre parcel. The Utilities Division voiced no concerns.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. The school district

provided no comments on the proposed zone change. Parks should not be negatively impacted by the proposed zoning. The closest public park is a portion of Riverfront Park ¼ mile south of the parcel.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5) Will the new zoning provide adequate light and air?

Similar to criteria 2 and 3, the proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. Any development of the property would follow the requirements of Section 27-400 (BMCC) and other city regulations for development.

6) Will the new zoning affect motorized and non-motorized transportation?

The existing property fronts S Frontage Road. This is a high-speed arterial managed by MDT. There is no curb, gutter or sidewalk along this street frontage. The curb, gutter and sidewalk will likely not be required at the time of development, but the owner may be required to sign a waiver to allow future construction of these improvements. East of 3716 S Frontage Rd, there is a multi-use pathway under construction in front of the large warehouses at 3218 and 3226 S Frontage Road.

7) Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth to the east. Property to the west is outside the city limits and is a County manufactured home park subdivision. This residential subdivision is between heavy commercial zoning districts to the east and west. Redevelopment of the subject property will require a better buffer yard along the property line of the eastern lots in the subdivision. The CX zoning is compatible with the surrounding property and development. The zoning does promote compatible urban growth.

8) Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use or uses. The proposed zoning will allow re-development of the property for commercial purposes. This redevelopment will require the installation of a good visual barrier for the manufactured home park to the west. The types of uses will be limited unless and until a sewer line connection is available.

9) Will the new zoning conserve the value of buildings?

The new zoning is not expected to alter the value of any buildings in the area. Any development of the property will need to meet the code requirements for Heavy Commercial zoning, and other city development and building regulations. New development tends to increase surrounding property values.

10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will allow the redevelopment of the property along a high-speed arterial with good access to the interstate and other transportation corridors. Infill on vacant parcels also contributes to the neighborhood stability of the manufactured home park to the west. The proposed zoning and use will encourage the most appropriate use of the parcel.

Attachments

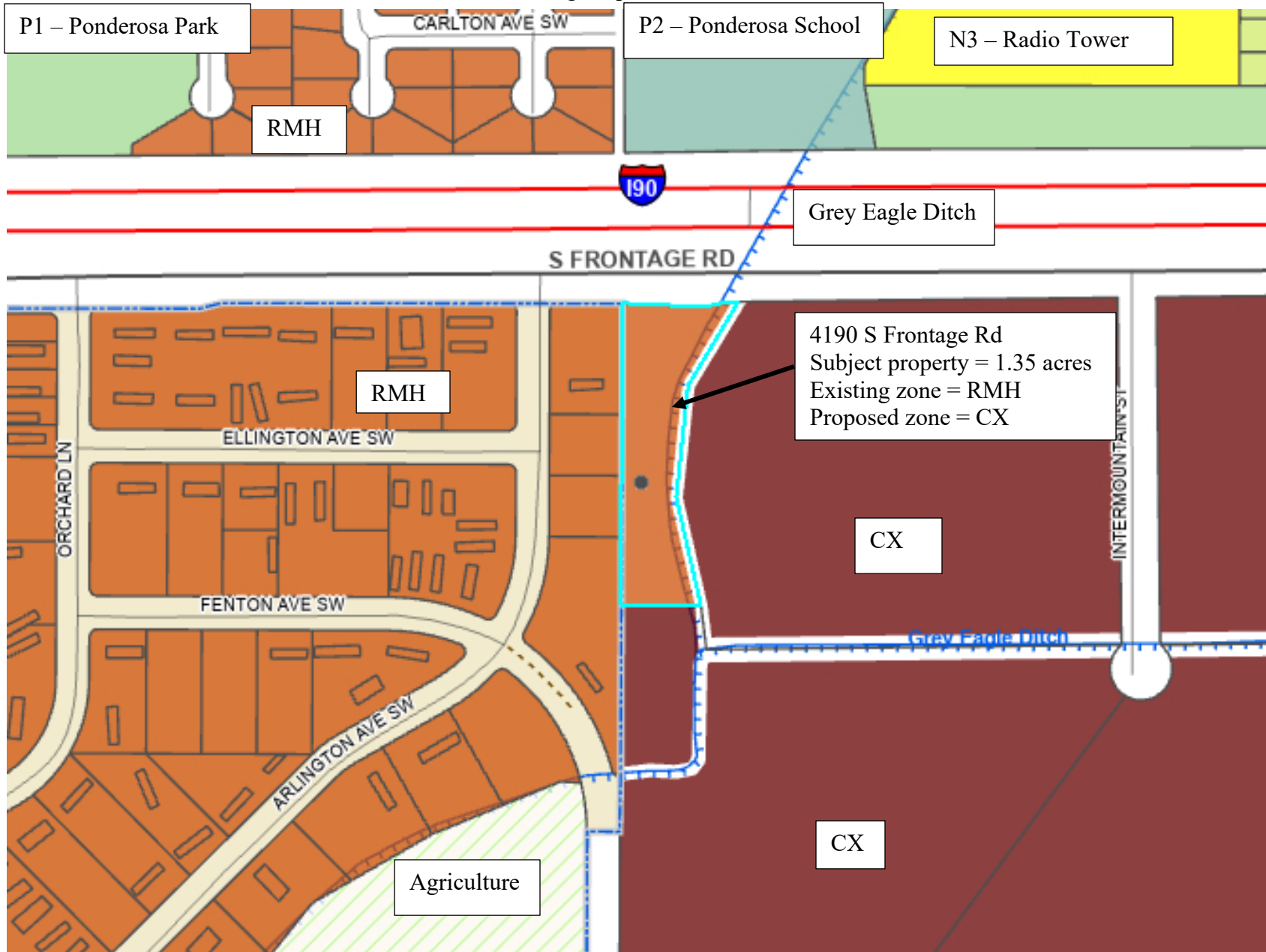
ZC 1043 Zoning Map and Site Photos

ZC 1043 Chart of Zoning History

ZC 1043 Pre app information

ZC 1043 Application and Letter

City Zone Change 1043 – 4190 S Frontage Rd
Zoning Map and Site Photos



Subject Property





Subject Property



View east along South Frontage Rd



View south and west across subject property



View west on S Frontage Rd




View south and east to adjacent commercial warehouses



View south at subject property from S Frontage Rd

Aerial View of Property – Applicant’s Exhibit



DESIGNED BY: AMR. DRAWN BY: AMR. CHECKED BY: GTR. DATE: JAN, 2024	SHEET A
	PREPARED FOR MR. GREWELL
PREPARED BY  WWC ENGINEERING 550 S. 24TH ST. W. SUITE 201 BILLINGS, MT 59102 (406) 894-2210 www.wwcengineering.com	ZONE CHANGE - TRACT 2-A AMENDED TRACTS 1 & 2 OF CERTIFICATE OF SURVEY NO. 741 YELLOWSTONE COUNTY, MT

Zoning History for City ZC 1043 – 4190 S Frontage Rd

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
4190 S Frontage Rd	City ZC 407A	9/26/1983	R70 to Highway Commercial (HC)	No	Only parcel on S Frontage Rd east of S Billings Blvd and Garden Ave within city limits
	City ZC 590	11/28/1994	R70 to HC	No	
	City ZC 606	4/22/1996	R70 to RMH	Yes	
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Riverfront Business Park (east of subject property)	County ZC 604	5/29/2007	RMH to Controlled Industrial (CI)	Yes	Intermountain Dist. Old Dominion Freight Inland Truck Parts Curr. Zone = CX
Mirco Circle	County ZC 9	5/7/1974	RMH to Gen Comm and CI	Yes	Warehouse – demo'd
Mirco Circle	County ZC 193	7/5/1978	GC/CI to RMH	Yes	New MH Sub Curr Zone = RMH
Willowbrook – Auto Auction	City ZC 689	4/22/2002	Agriculture (A) to Planned Development – Entryway	Yes	Current Zone = PD
Interstate Truck	City ZC 746	12/13/2004	A to Entryway Gen Comm (EGC)	Yes	Current Zone = CMU2
Big Iron Sub	County ZC 296	10/9/1980	A to Comm Commercial	No	Included in County ZC 604 to CI
Torgerson's	County ZC 617	2/26/2008	A to CI	Yes	Current zone = CX
Riverside Acreage	County ZC 230	3/6/1979	R150 to HC	Yes	Current zone = CX

Grewell Zone Change Pre-Application Neighborhood Meeting Minutes

January 18, 2023, at 6:30pm

Attendance:

Aaron Redland – WWC Engineering

Jon Ussin – UbarS, Owner’s representative

See attached sign-in sheet

The meeting was opened by WWC Engineering (WWC) giving a description of the current zoning and the proposed zoning. WWC also explained the zone change process along with the Zoning and City Council meetings that are required for the zone change to be completed.

The area residents were then asked to provide comments or concerns regarding the zone change. The specific concerns from the neighboring residences are noise, lighting, and traffic due to the existing commercial businesses in the area which have been conducting business all hours of the day. Since there has not been any recourse to minimize the current business traffic, the residence in attendance have been unable to retain residential tenants in their rentals.

There were no additional specific comments on the zone change, only about the owner’s plans for future improvements of the property. The neighbors had questions about setbacks, fences, existing utilities, and required improvements adjacent to their properties if the zoning is changed.

Pre-Application Neighborhood Zone Change Meeting - Grewell Property
January 18, 2024 at 6:30pm

	<u>Name</u>	<u>Address</u>	<u>Phone no.</u>
1	Joseph M Gbthlin	1057, 1059 Arlington Av SW	404-591-6054
2	Kevin R Kuhlman	1130 Orchard LN	406-690-1947
3	Jackie Kuhlman	1130 Orchard LN	406-252-3934 406-690-1947
4	Connor M(Evry)	20AS overland Ave	(509) 339-0556
5	Kelly Ashcom-mcIntosh	1015 Mirco Cir	406-690-4652
6	CJ McIntosh	1015 Mirco Cir	406-690-4683
7			
8			
9			
10			
11			
12			
13			
14			
15			

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1043 Project # PZX-24-00033

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 RMH (Residential Mobile Home)

Proposed Zoning: CX (Heavy Commercial)

PARCEL TAX ID# D01871 CITY ELECTION WARD 1

Legal Description of Property: _____

Address or General Location (If unknown, contact City Engineering): 4190 S Frontage Road

Size of Parcel (Area square feet or acres): 1.35 acres

Present Land-Use: vacant

Proposed Land-Use: construct a shop for light commercial/contractor use

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s) Don Grewell IRA c/o First Premier Bank Trust

(Record Owner)

Sioux Falls, SD 57101-2640

(Address)

406-855-2939

(Phone Number)

d3jsgrewell@gmail.com

(email)

Agent(s): WWC Engineering - Aaron Redland

(Name)

550 S. 24th Street Ste. 201, Billings, MT 59102

(Address)

406-671-5606 aredland@wwcengineering.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: Don Grewell 01/29/24 Date: _____

(Record Owner – Digital Signature Allowed)

CITY ZONE CHANGE Pre-Application Statement of Owner(s) and 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:** RMH (Residential Mobile Home)

2. **Written description of the Zone Change Plan** including existing and proposed new zoning:
CX (Heavy Commercial)

3. **Legal Description of Property:**
Tract 2-A of Amended Tracts 1 & 2 of Certificate of Survey No. 741

4. **Neighborhood Task Force Area:** Yes /// No . If Yes, Name of Task Force
No

5. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to on line application

6. **A brief synopsis of the meeting results including any written minutes or audio recording.**
please attach to on line application

7. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 18th, day of Jan, 2024 .
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s):

Don Grewell IRA c/o First Premier Bank Trust Telephone: 406-855-2939

Address:

Souix Falls, SD 57101-2640 Email: d3jsgrewell@gmail.com

Agent (s):

WWC Engineering - Aaron Redland Telephone: 406-671-5606

Address: 550 S. 24th Street, Ste 201, Billings, MT 59102 Email: aredland@wwcengineering.com

Complete this form and upload to your on-line Zone Change application

(1) Whether the new zoning is designed in accordance with the growth policy;

The 2016 City of Billings Growth Policy states that 'Infill development and development near existing City infrastructure may be the most cost effective and retaining and supporting existing businesses helps sustain a healthy community'. The proposed zone change will provide a location for a light commercial business or contractor a space for their business and will eliminate a vacant lot within the city limits of Billings.

(2) Whether the new zoning is designed to secure from fire and other dangers;

The change of RMH (Residential Mobile Home) to CX (Heavy Commercial) zoning would not create any dangers within the neighborhood. With the zone change, the owner intends to construct a commercial building sized to fit within the constraints of the property which would follow the zoning and building code requirements at the time of construction. There are existing fire hydrants located at the intersection of Arlington Avenue Southwest and South Frontage Road and Gray Eagle Ditch and South Frontage Road. Therefore, there are no anticipated dangers of fire protection with the development.

(3) Whether the new zoning will promote public health, public safety and general welfare;

The proposed zone change from RMH to CX will allow the owner to construct a shop on the property. The property is currently vacant and not economically feasible for building out as mobile home park due to no direct access to the city sanitary sewer main along with the additional infrastructure requirements as part of city code. If the owner proceeds to construct a shop building, stormwater management and all additional requirements will be required to be addressed at that time.

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

The proposed zone change from RMH to CX would not impact transportation surrounding the property since the existing approach has been recognized by MDT. If the owner proceeds with the site improvements, a site plan will be submitted to the city and MDT for review and approval. There is an existing city water service extended onto the property that may be used unless development exceeds the size of a single service at which time additional service taps or a main extension would be necessary. Due to the significant cost for an extension of the city sewer main, the property would be utilized in an economical way such as dry storage as a mobile home park is uneconomical. If, in the future, it is economically feasible for the owner to connect to the city sewer system, they will do so. The change from residential to commercial zoning shall have no impact on the schools or parks since the property is currently vacant.

(5) Whether the new zoning will provide adequate light and air;

CX development is for commercial development. When the property is developed, it would be required to include an area for stormwater control and follow the existing city code regulations for lighting. As such, the development could have an increase of structures with the open space, resulting in an increase in the impacts to light and air, however those improvements would be following City permitting requirements.

(6) Whether the new zoning will affect motorized and nonmotorized transportation;

The proposed zoning will not have a negative effect on motorized and nonmotorized transportation. The motorized transportation entering the property IS from an existing approach on South Frontage Road that has been recognized by MDT. Since there will be a change in land use, future development will require the owner to contact MDT for a review of the site plan and existing approach. At that time MDT would determine if mitigation would be required, such as on-site drainage or highway-related traffic mitigation.

(7) Whether the new zoning will promote compatible urban growth;

The proposed zoning allows the owner to utilize an infill lot for a local commercial business. Due to the size limitations of the property and constraints to the access to the city sewer service, this would be the highest and best use of the property. Due to the proximity and cost of connection of the city sanitary main along the construction of additional infrastructure requirements, development of this property as a mobile home park is not economically feasible.

(8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;

The character of the district surrounding the subject property is a mix of residential and commercial. The proposed zone change from RMH to CX would allow the property to stay consistent with a majority of the properties along South Frontage Road within the city limits, which is also zoned for CX. The city limits boundary is along the west side of the property with a county RMH zoned property. Due to existing access constraints to the public sewer system, the property is currently vacant.

(9) Whether the new zoning will conserve the value of buildings;

To the west of the proposed development is RMH zoning and to the east and south is CX. Although this development would be changing the type of residential development that exists within the neighborhood, it will be fitting to the commercial developments that are currently following this portion of South Frontage Road. The property is currently a vacant lot within the city limits which tends to cause unnecessary crime and vandalism.

(10) Whether the new zoning will encourage the most appropriate use of land throughout the city;

Given the property has a variety of constraints which will limit the ability for constructing a mobile home park that is economically viable, changing the zoning to allow a commercial building is the highest and best use of the property. Historically, commercial development has been following South Frontage Road and this zone change would continue that trend.

Zoning Commission

Date: 03/05/2024
Title: Zone Change 1044 - 5900 Block of Grand - Buffalo Crossing
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff is recommending approval and adoption of the findings of the 10 review criteria for Zone Change 1044.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change request for a 1-acre parcel located within and surrounded by the Buffalo Crossing Subdivision. The parcel is legally described as Parcel 4B, amended plat of Certificate of Survey 2735. The current zoning is Rural Residential 1 (RR1) a county zone. A concurrent annexation has been submitted. The proposed zoning of Mixed Residential 2 (NX2) is intended to fit in with the Buffalo Crossing NX2 development to the north. Buffalo Crossing was annexed, zoned and subdivided in 2022 and 2023. A vacant county parcel surrounded by urban level development is not an ideal development pattern.

The proposed zone change will allow the property to be developed for multifamily structures with off-street parking for the new residents. There are very few housing choices in this area of West Billings. Most (70%+) are single family homes on large urban lots (7,000 sf+). There are several areas that also offer a two-unit dwelling. Foxtail Village to the north has 18 duplexes, Grand Peaks to the east has about 22 duplexes, and Signal Peak at 62nd St W and Rimrock Rd has about 77 duplex town homes. These comprise less than 20% of the total housing choice in the area. The rarest housing choice is the attached multifamily unit (3+ units per structure), either for rent or ownership. This is less than 5% of the total housing choice west of Shiloh Road from Central Avenue to the north. A resilient urban fabric has more housing choices than are currently available in West Billings.

Planning staff is recommending approval based on the compatibility with the adjacent zoning and will provide predictable development in Buffalo Crossing. The proposed zoning is in conformance with the 2016 Growth Policy guidelines. The proposed use and zoning will benefit the orderly transition of this property from a rural residential county lot to an urban neighborhood. The proposed zoning supports the city's Infill Policy.

STAKEHOLDERS

The applicant held a pre-application neighborhood meeting on January 20, 2024, at Ben Steele Middle School. Two surrounding owners signed in to the meeting. The primary concern expressed by the surrounding owners was regarding density and parking and whether the new residents would own or rent. Planning staff sent the required mailed notices, posted the property, posted a synopsis of the application on the Current Zoning Application web page, and published the legal information for the Zoning Commission hearing. No public comments were received by the Planning staff prior to this report.

ALTERNATIVES

The City Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1044; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1044; or,
- Delay action on the zone change request for up to 60 days at the request of the applicant or on its own motion; or
- Allow the applicant to withdraw the zone change request.

The Zoning Commission is required to make a recommendation to the City Council on this application for zone change. The application will not proceed to the City Council without a recommendation. The applicant has not requested a delay or withdrawal of the application.

FISCAL EFFECTS

Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

SUMMARY

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1) Is the new zoning designed in accordance with the Growth Policy and neighborhood plans?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

- Infill development and development near existing city infrastructure may be the most cost-effective.
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill, and social interaction.
- Implementation of the Infill Policy is important to encourage the development of underutilized properties.

The proposed zoning would allow an existing vacant county property to be sold and incorporated into the Buffalo Crossing subdivision plan. This in-holding was not acquired by the developer of Buffalo Crossing. The prospective owner, Taj Mukadam, is working with the owner of Buffalo Crossing to ensure the compatibility of both developments. The current concept plan adds up to 18 dwelling units on this one-acre parcel.

2) Is the new zoning designed to secure from fire and other dangers?

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The site will be developed in conformance with section 27-300 (BMCC) for Mixed Residential zones as well as landscaping (27-1200). New buildings would be required to meet city Building Codes and Engineering standards as well. A multi-unit development on an undivided parcel will require a master site plan review. This is an administrative review similar to a subdivision.

3) Whether the new zoning will promote public health, public safety and general welfare?

Similar to criteria two, public health and public safety will be promoted by both the existing zoning and the proposed zoning. The proposed NX2 zoning would allow the vacant property to be developed with compatible uses to the already approved Buffalo Crossing neighborhood. Developed land will increase property values. Vacant land tends to add unpredictability to the area. It is not likely that the current zoning would result in the placement of a residential home on the property. The state and city would require annexation to provide water and sewer to any new dwelling(s).

4) Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

Transportation: The proposed zoning should not have any measurable impact on transportation. The owner will need to coordinate any changes to the existing traffic analysis done for Buffalo Crossing.

Water and Sewer: The City will provide water and sewer to the property. An annexation agreement will outline the city and developer's responsibilities.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. The school district provided no comments on the proposed zone change. Parks should not be negatively impacted by the proposed zoning. The development is not large enough to trigger the requirement to provide on-site open space. There will be walking trails within Buffalo Crossing and there will be a multi-use path on the south side of Grand Avenue.

Fire and Police: The subject property will be served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5) Will the new zoning provide adequate light and air?

Similar to criteria 2 and 3, the proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. Any development of the property would follow the requirements of Section 27-300 (BMCC) and other city regulations for development.

6) Will the new zoning affect motorized and non-motorized transportation?

The existing property has no street frontage. The current certificate of survey provides an access easement from Buffalo Crossing to Grand Avenue. This is a high-speed arterial managed by the city and county. There is no curb, gutter or sidewalk currently along this street frontage. If the annexation and zone change are approved, the easement for direct access onto Grand Avenue will be extinguished, and new access will be along Buffalo Crossing streets. This will improve traffic management and non-motorized transportation by removing this potential conflicting access point on Grand Avenue.

7) Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth proposed for this area. The property to the west is outside the city limits and is agricultural land. The surrounding residential subdivisions are compatible with this proposed zoning and a 1-acre infill parcel. The zoning does promote compatible urban growth.

8) Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use or uses. The proposed zoning will allow the 1 acre parcel to develop with the rest of Buffalo Crossing. The adjacent zoning to the north is NX2. To the south, west and east is N3 zoning. A buffer yard will be required along the shared property lines

with the adjacent lots. This does not need to be a sight-obscuring buffer but will include trees and shrubs as required.

9) Will the new zoning conserve the value of buildings?

The new zoning is not expected to alter the value of any buildings in the area. Any development of the property will need to meet the code requirements for Mixed Residential zoning, and other city development and building regulations. New development tends to increase surrounding property values.

10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will allow the incorporation of the property in the existing Buffalo Crossing, allowing infill on a vacant parcel. This also contributes to the neighborhood stability of the area. The proposed zoning and use will encourage the most appropriate use of the parcel.

Attachments

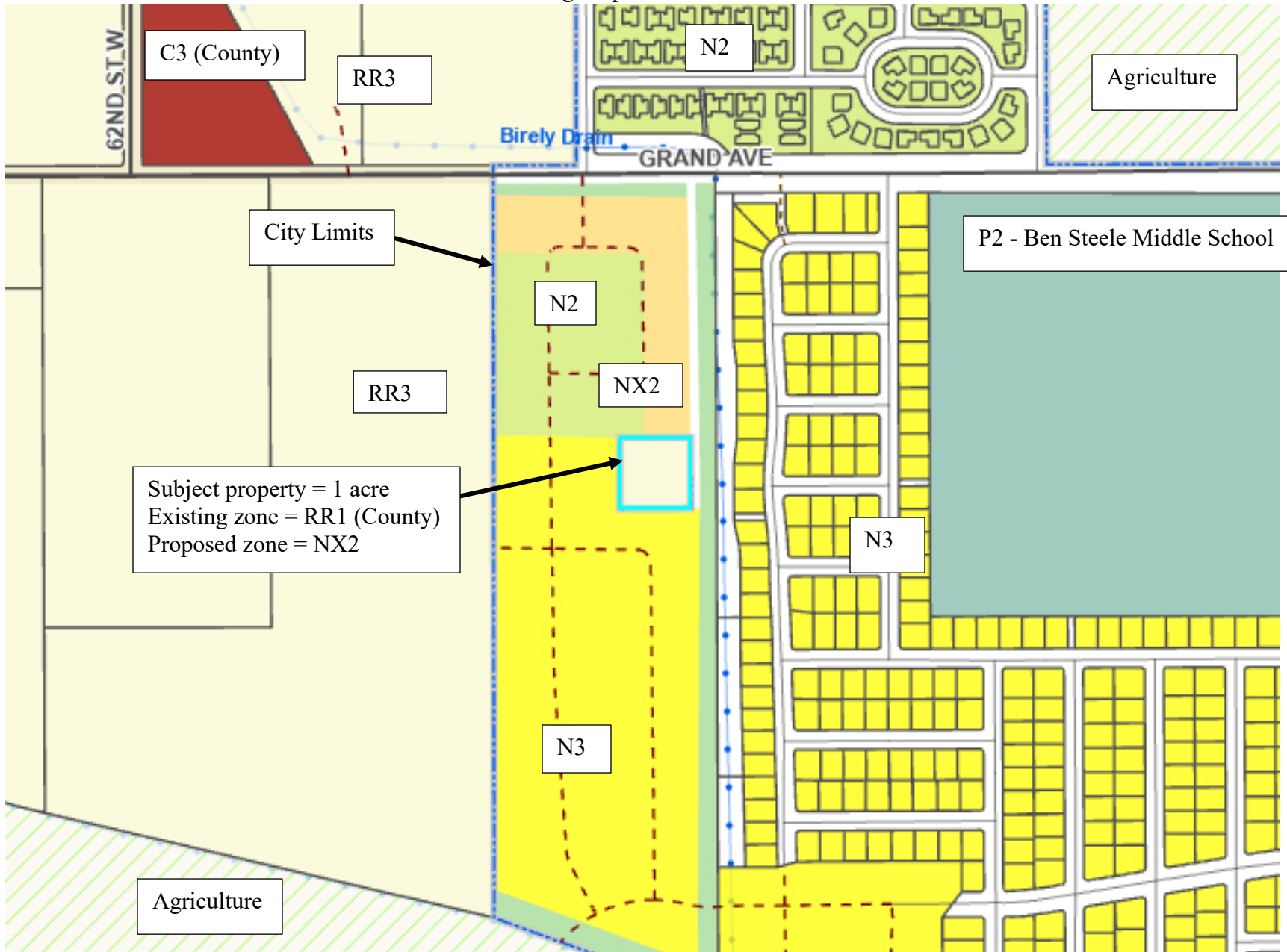
ZC 1044 Zoning Map and Site Photos

ZC 1044 Chart of Zoning History

ZC 1044 Pre app information

ZC 1044 Application and Letter

City Zone Change 1044 – 5900 Block Grand Ave – Buffalo Crossing
Zoning Map and Site Photos



Subject Property





Subject Property – view south from Grand Ave



View south and east across Birely Drain to Trails West Neighborhood



View south and west across subject property



View west on Grand Avenue



View north across Grand Avenue – Foxtail Village Neighborhood



View east along Grand Avenue

Zoning History for City ZC 1044 – 5900 Grand Ave – Buffalo Crossing

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
5900 Grand Ave	County ZC 620	11/3/2009	A-1 to AS	Yes	Includes Parcels 1-4 of C/S 2735
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Buffalo Crossing	City ZC 1011	4/11/2022	RR3 to MX2, N2, N3 and Public 1 (PND process)	Yes	
Trails West	City ZC 847	10/14/2008	R96 to R60-R	Yes	Current zone = N3
Foxtail Village	City ZC 729	5/10/2004	A-1 to R70 and R96	Yes	Current zone = N2 and N3
Foxtail Village	City ZC 774	4/10/2006	R96 to R70	Yes	Current zone = N2
Foxtail Village	City ZC 764	8/22/2005	R96 & R70 to R60	No	Withdrawn

CITY ZONE CHANGE Pre-Application Statement of Owner(s) and 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: RR-1 RURAL RESIDENTIAL

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

THE EXISTING ZONING IS RURAL RESIDENTIAL (RR-1) AND THE PROPOSED ZONING FOR THE PROPERTY IS NX-2

3. Legal Description of Property:

TRACT 4.B OF CERTIFICATE OF SURVEY NO 2735

4. Neighborhood Task Force Area: (Yes) // No. If Yes, Name of Task Force

WEST END TASK FORCE

5. Roster of persons who attended the pre-application neighborhood meeting: please attach to on line application - ATTACHED

6. A brief synopsis of the meeting results including any written minutes or audio recording. please attach to on line application - ATTACHED

7. The undersigned affirm the following:

1) The pre-application neighborhood meeting was held on the 20th, day of JAN, 2024.

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

Owner (s):

George Jurovich Telephone: 406-652-1121

Address:

3647 DONNA DR Billings MT 59102 Email: gjurovich@Bresnan.net

Agent (s):

Taj Mukadam Telephone: 406 647 2353

Address: 6214 IRONWOOD DR Billings MT 59106 Email: tajmukadam@gmail.com

Complete this form and upload to your on-line Zone Change application

Pre Application Neighborhood Zone Change Meeting - Buffalo Crossing Infill

	Name	Address	Phone
1	Howard Holz	1120 Blackberry Way	406 534 4340
2	Carol Holz	Billings 59106	L
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

Pre-Application Meeting for Tract 4B COS 2735 Held on Jan 20th, 2024 at 11 am outside Ben Steele Middle School.

- Question 1: How was the proposed density of the development selected?
 - Answer 1: The density was selected based on a value determination of potential developments and also considered the adjacent zoning of NX-2 and the ability to subdivide the property for single family residential.
- Question 2: Is there a density requirement for this property?
 - Answer 2: No, larger parcels or those on arterials have requirements for density or different zoning but this parcel did not.
- Question 3: What direction would the garages point?
 - Answer 3: The preliminary sketch of the property was shown to the attendees of the meeting to show that garages are tentatively pointed north/south on the property specific to units nearest Trails West (location attendees lived).
- Question 4: Where is the park area that was discussed in the past shown on the maps?
 - Answer 4: The park area that was zoned as part of Buffalo Crossing Subdivision was pointed out to the attendees on maps.
- Question 5: What is the purpose of this meeting, because isn't this a County parcel?
 - Answer 5: The prospective purchaser is pursuing annexation and zoning of the property to develop it as part of the City of Billings.
- Question 6: Is the plan to own or rent the units?
 - Answer 6: The plan currently is to own. It was explained as part of that answer that this is only for annexation and zoning, so that decision is not completely made for a significant amount of time into the future though.

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1044 Project # PZX-24-00044

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 RURAL RESIDENTIAL (RR-1)

Proposed Zoning: NX-2

PARCEL TAX ID# D11914 CITY ELECTION WARD N/A

Legal Description of Property: TRACT 4-B OF CERTIFICATE OF SURVEY 2735

Address or General Location (If unknown, contact City Engineering): 60th STREET W/ GRAND AVE

Size of Parcel (Area square feet or acres): 1.00 ACRE

Present Land-Use: VACANT

Proposed Land-Use: RESIDENTIAL SUBDIVISION

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s) George H Jurovich

(Record Owner)

3647 DONNA DR Billings MT 59602

(Address)

(Phone Number)

(email)

Agent(s): Taj MUKADAM

(Name)

6214 IRONWOOD DR Billings MT 59106

(Address)

406 647 2353 taj.mukadam@gmail.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: George H. Jurovich Date: 1-29-24
(Record Owner - Digital Signature Allowed)

January 26, 2024

To Whom It May Concern

Re: Proposed Zone Change

The purpose of this letter is to explain how the proposed zone change and annexation for Tract 4-B of Certificate of Survey No 2735 is consistent with the City of Billings Growth Policy and how it meets the statutory guidelines, and how it fits within the existing or planned developments.

The proposed zone change for this parcel is NX-2. The intended request matches the current zoning of the property located directly North of the subject property. Currently, the subject property is surrounded by property in the City of Billings creating a "County Island" (See Exhibit 1). Therefore, the current zoning of the undeveloped property no longer makes sense.

To utilize this property properly with the new zoning, an agreement with the neighboring property owner has been developed to allow for access of the nearby public utilities. (See Exhibit 2)

The use of the property will then match the use of the parcel to the North.

I believe that this proposed zone change meets the following 10 review criteria:

- (1) The new zoning is designed in accordance with the growth policy.
- (2) The new zoning is designed to secure from fire and other dangers.
- (3) The new zoning will promote public health, public safety and general welfare.
- (4) The new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- (5) The new zoning will provide adequate light and air.
- (6) The new zoning will affect motorized and nonmotorized transportation.
- (7) The new zoning will promote compatible urban growth.
- (8) The new zoning considers the character of the district and the peculiar suitability of the property for particular uses.
- (9) The new zoning will conserve the value of buildings; and
- (10) The new zoning will encourage the most appropriate use of land throughout the City of Billings.

I hope that after your review you agree with my findings.

Regards,

A handwritten signature in blue ink, appearing to be 'Taj Mukadam', written in a cursive style.

Taj Mukadam
406.647.2353
tajmukadam@gmail.com

Encl.: Exhibit 1, 2.

Zoning Commission

Date: 03/05/2024
Title: City Zone Change 1045 - 4524 Central Ave - Proposed Clearwater Neighborhood - MU-PND
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1045.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change request using the Planned Neighborhood Development zone change process for a proposed annexation of a 48.49-acre parcel located south of Central Avenue and west of the Twin Pines and Legends West urban neighborhoods. The proposed Mixed Use PND will include 6.9 acres of Corridor Mixed Use 1 (CMU1) on the Central Ave frontage, less than 1-acre of Neighborhood Mixed Use (NMU) also on the Central Ave frontage, 21.9 acres of Mixed Residential 1 (NX1), 6.7 acres of Mixed Residential 2 (NX2), 10.4 acres of Mid-Century Neighborhood (N2) and 1.4 acres of Public 1 (P1). The PND process is a tool to help guide the coordination of annexation, subdivisions, and master planning for new city neighborhoods. The previous zoning code (pre-2021) allowed urban-type zoning districts in both the city and the county. In many cases, developers were "pre-zoning" parcels in the county prior to annexation. The PND process allows developers to process all the zoning with the City Council, phase the annexation of the property (if necessary), and coordinate both of these processes with subdivision or master site plan review. The new tool applies a level of certainty to all stakeholders, including the surrounding property owners.

This zone change is for a Mixed Use PND and includes two types of mixed residential zoning (NX1 and NX2), and N2 zoned area adjacent to the County zoning on the west boundary. The Corridor Mixed Use and Neighborhood Mixed Use are along the Central Avenue frontage in proximity to the 44th St W (collector) street intersection planned for this area. The applicant also has an option to purchase another 50+ acres south of the subject parcel. This may also be annexed and zone changed through the PND process. Bell Avenue will be the street that runs along the south boundary of the subject property. The Public zone area is in the southeast corner on both sides of the proposed Bell Avenue.

The zoning plan for the property shows a grid layout that is conducive to the proposed blocks and provides for a wide variety of housing choices on the subject property including single family dwellings, two-family, 3-8 unit apartment buildings (or condos) as well as mixed uses that can provide neighborhood services to the area. The layout meets the requirements of Section 27-800 for Planned Neighborhood Development zone change applications including the required mix of zone districts, blocks, percent open space and recommendations for district placements. The street layout includes connections to adjacent property to ensure connectivity between developments as they occur. The Central Avenue frontage will have a multi-use path required as part of the subdivision and annexation agreement. While this section may be discontinuous to adjacent property outside the city limits, eventually these parcels will annex to the city and the path can be completed.

This area of Billings has experienced a great deal of growth and development in the past decade. This includes three Planned Development zones, customized zoning for specific parcels, that include mixed uses, residential development and medical facilities. Housing demand has reached a high level while supply of all types of housing choices has not kept up with the demand. At least two decades ago, local planning and growth policy documents indicated a need for independent living units for aging residents who want to "downsize" from a maintenance heavy single family dwelling on a large lot to unit ownership or townhomes as well as rental apartments. The 2010 Census indicated Billings, like many other urban areas, saw a reduction in average household size to 2.3 persons. The 2020 Census saw a slight increase to 2.8 persons per household, with 17.5% of the city population over the age of 65. Smaller households, aging residents and the higher costs of all housing has driven the demand for apartments, townhomes, and smaller multi-family products. Developers have made robust investments in multi-family dwelling choices in Lenhardt Square already including the InterUrban and Interpointe Apartments, and the KWO Apartments. A new multi-family project is underway for the northern piece of Lenhardt Square. Several other multi-family developments have come on-line in the last 15 years around King Avenue West and Shiloh Road including Long Beach Apartments, Affinity at Billings (age restricted), and Hoop Dreams Apartments and condominiums. Apartments, townhomes and unit ownership housing choices are still in high demand in Billings especially in areas close to shopping, schools and recreational opportunities. The Ridgeline Subdivision and PND zoning was approved last year and will include areas for mixed residential and two-family townhomes as well as a small commercial node at King Ave West and 48th St West. The Vista West PND zone change approved in 2023, and includes a mix of housing choices. Development

of the parcel will start in 2024.

There are challenges to an area of urban development that is on the edge of the city limits. These challenges include ensuring there are transitions between adjacent county property and uses and the new urban neighborhoods and uses. This is not meant to ensure similarity or homogenous development patterns between the city and county, but the development plan includes buffering, connectivity where and when needed, and recognition of similar goals for both types of property. The 2016 Billings Growth Policy and the 2001 West Billings Neighborhood Plan goals and policies support the proposed Mixed Residential PND zoning for different housing types. The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The proposed zone change supports these goals. The 2016 Billings Growth Policy supports a broad range of housing choices, encourages more walkable neighborhoods with connectivity to other transportation options, and building the community fabric through urban-designed public spaces. The proposed zone change supports these goals as well.

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting on January 24, 2024, at Grace Montessori Academy, 4809 Grand Avenue. Twenty-seven people attended the meeting, not including the applicants. The required notification area for all new PND zone changes is 1/4-mile from the property boundary. In this case, over 180 individual property owners and interested parties were notified of the pending zoning application. The summary of the meeting is included in the attachments. In general, the questions from the surrounding owners included interest in the number of new dwelling units. The applicants estimated at the time of the pre-application meeting about 250 units (5+ units per acre) might be built. Attendees asked about the traffic impacts and access to surrounding existing streets. The agents stated they have a contract to do a full traffic impact study based on the proposed zoning if it is approved. Questions were asked regarding building height and whether homes outside the city limits would be forced to annex when water and sewer is installed. The CMU zone allows for up to 4 stories, while the other zone districts are 2 or 2.5 stories. The city will not force anyone to annex unless the property requests or is required to use city water or sewer. Annexation is required before these city services can be provided.

Planning staff did not receive any written comments or phone calls from the surrounding owners prior to preparing this staff report and recommendation. City staff and departments had no negative comments on the proposed annexation and zoning plan.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1045; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1045; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

The Zoning Commission is required to make a recommendation to the City Council on this application for zone change. The application will not proceed to the City Council without a recommendation. The applicant has not requested a delay or withdrawal of the application.

FISCAL EFFECTS

Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

SUMMARY

Before making a recommendation to the City Council, the Zoning Commission shall consider the following findings of the ten review criteria:

1) Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy and the West Billings Neighborhood Plan (2001):

The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed MU-PND for the property is consistent with the following adopted Policies of Planned Growth

Goal 1: Establish Development Patterns that Use Land More Efficiently

Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed zoning is compatible with goals of the West Billings Neighborhood Plan. The proposed zone change and street layout will accommodate uses that are compatible in a mixed-use environment. The proposed development will also have good access to outdoor activities and is in proximity to commercial centers and transportation options.

The proposed zone change is in line with the adopted 2016 Growth Policy goals for:

Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale streetlights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired Implementation of the Infill Policy is important to encourage development of underutilized properties

Home Base:

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community

The proposed layout for the property will allow higher density housing to be located internal to the property and the dwellings adjacent to the agricultural uses to the west will be a lower density. The proposed zoning plan will have urban development adjacent to county agricultural land to the east, west and south. The property to the south may be an addition to the city in the near future if this development is successful. The layout of the parkland will provide an "entry" type park for the development when the connection is made to the existing west end of Bell Avenue. The location of the parkland on either side of the Bell Avenue right of way will lend itself to a green or a plaza (Section 27-803.B).

2) Is the new zoning designed to secure from fire and other dangers?

The zoning requires minimum setbacks, open and landscaped areas and building separations. The zoning assembly is designed to secure the development from fire and other dangers.

3) Whether the new zoning will promote public health, public safety and general welfare?

Public health and public safety will be promoted by the proposed change. Approval of the overall zoning plan will provide certainty both for the property owner and the surrounding owners. Annexation and provision of public health and safety services from the city will promote the general welfare of the area.

4) Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The applicant has started the process of developing a traffic impact study and will coordinate with the City Engineering Division. The future transportation map only includes collector streets and arterial streets. A mid-section collector street (44th St West) is intended to come south from Central Avenue. Bell Avenue will extend further west to meet this collector street in the future. Although it is not shown on the zoning plan, there is a multi-use path planned for the south side of Central Avenue. The city limits are discontinuous on Central Avenue west of Shiloh Road. The developer will likely be required through the annexation agreement to contribute to the cost of this multi-use path construction in the future.

Water and Sewer: The City will provide water and sewer for the property. There will be no additional impacts on the system from the proposed changes.

Schools and Parks: Schools and parks may be effected by the proposed zone change and development of a new city neighborhood. SD #2 did not provide any comments. At the time of subdivision, the developer will need to provide additional parkland or cash-in-lieu of parkland to meet the minimum required by subdivision regulations (11% of net area).

Fire and Police: The subject property will be served by city public safety services. The Police and Fire Departments had no concerns about the zone change.

5) Will the new zoning provide adequate light and air?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6) Will the new zoning effect motorized and non-motorized transportation?

Non-motorized travel -- walking and biking -- is an essential part of the traffic plan for this development. The subject

property will be isolated from the co-terminus boundaries of the city limits for an undetermined amount of time. If the developer exercises the option to purchase the 50 acres to the south, a clear vehicle and pedestrian connection can be made to the urban neighborhoods of Lenhardt Square, the Vista West development and the St. Vincent's Healthcare subdivision, as well as a connection to Shiloh Road. Central Avenue is a principal arterial street. Most of the development west of Shiloh Road with access to Central Avenue is rural residential neighborhoods that are still actively used for agricultural purposes. The average daily traffic count just west of Shiloh road is less than 6,500 trips per day. The 2016 West End Multi-Modal Traffic Study (city/County) indicated long term projects for Central Avenue from Shiloh Road to 48th St West would include completion of a three-lane section (one lane each direction with a center turn lane) and a traffic control option (signal or roundabout) at 48th St W and Central Avenue. The existing conditions according to the 2016 study indicated a low level of service for traffic entering or leaving Central Avenue during peak hours between Shiloh Road and about 44th St West. The level of service is based on wait time for making safe left or right turns onto Central Avenue or off of Central Avenue. The south side of Central Avenue is on the list of arterial streets with a multi-use path on the south side of the right of way. There is no continuous city-controlled right of way on Central Avenue west of Shiloh. The developer will be required to contribute to the future construction of the multi-use path.

7) Will the new zoning will promote compatible urban growth?

The proposed overall development density is compatible with urban growth and the provision of city-level services for new residents. The proposed zone district boundaries are consistent with the urban growth in this area and will be compatible with the surrounding neighborhoods.

8) Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. This area between Central Avenue and King Ave West is undergoing rapid urban development and growth. Demand for new housing choices, including townhomes and apartments, is increasing. Providing a wide range of housing types is suitable for this area.

9) Will the new zoning conserve the value of buildings?

The property is an undeveloped agricultural parcel. Approval of the zone change will provide certainty for surrounding landowners and may help to maintain property values of adjacent buildings.

10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed Mixed Used PND with N2, NX1, NX2, CMU1, NMU and Public 1 zoning will encourage the most appropriate use of this land in Billings.

Attachments

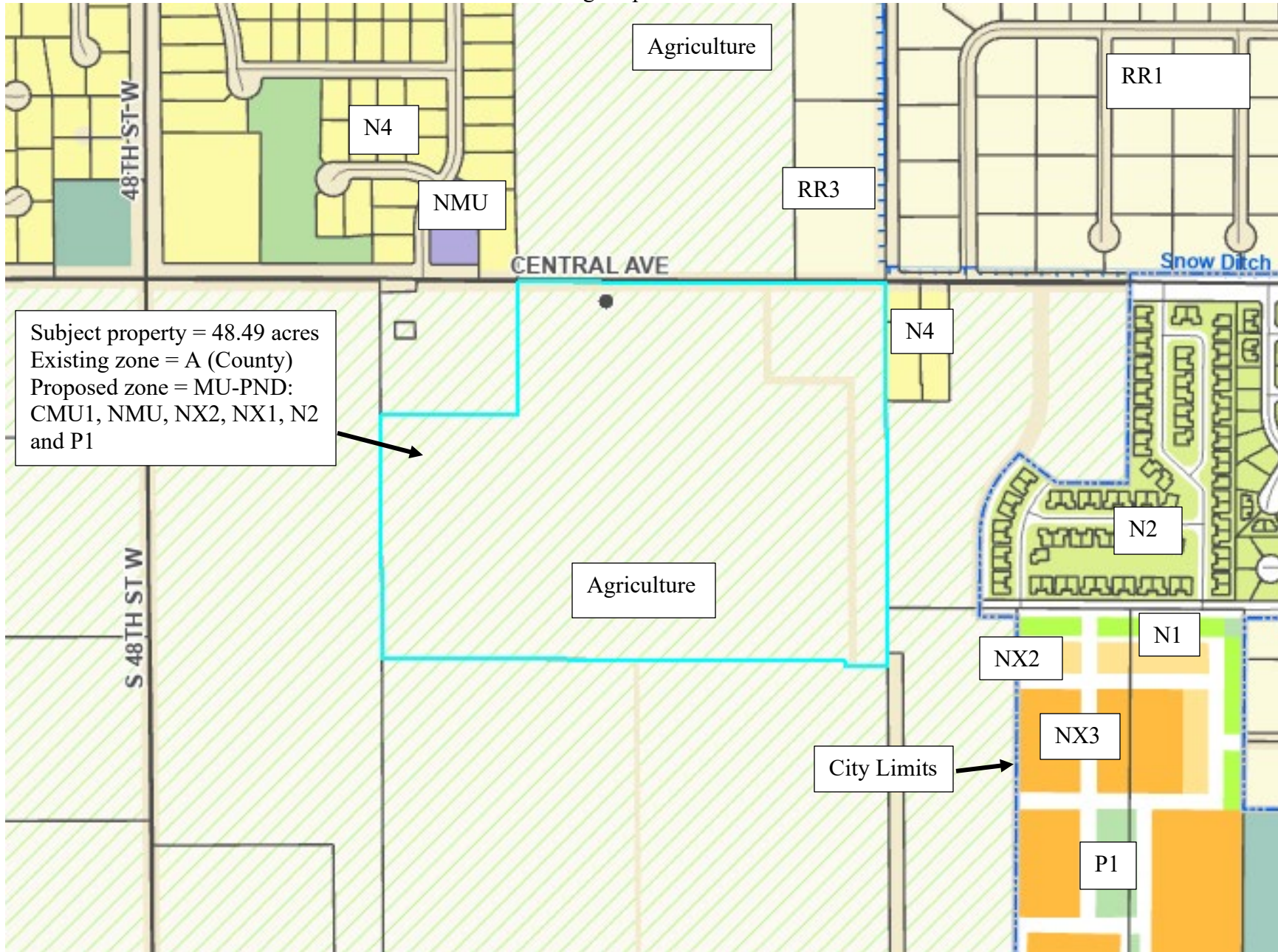
ZC 1045 Zoning Map and Site Photos

ZC 1045 Zoning History

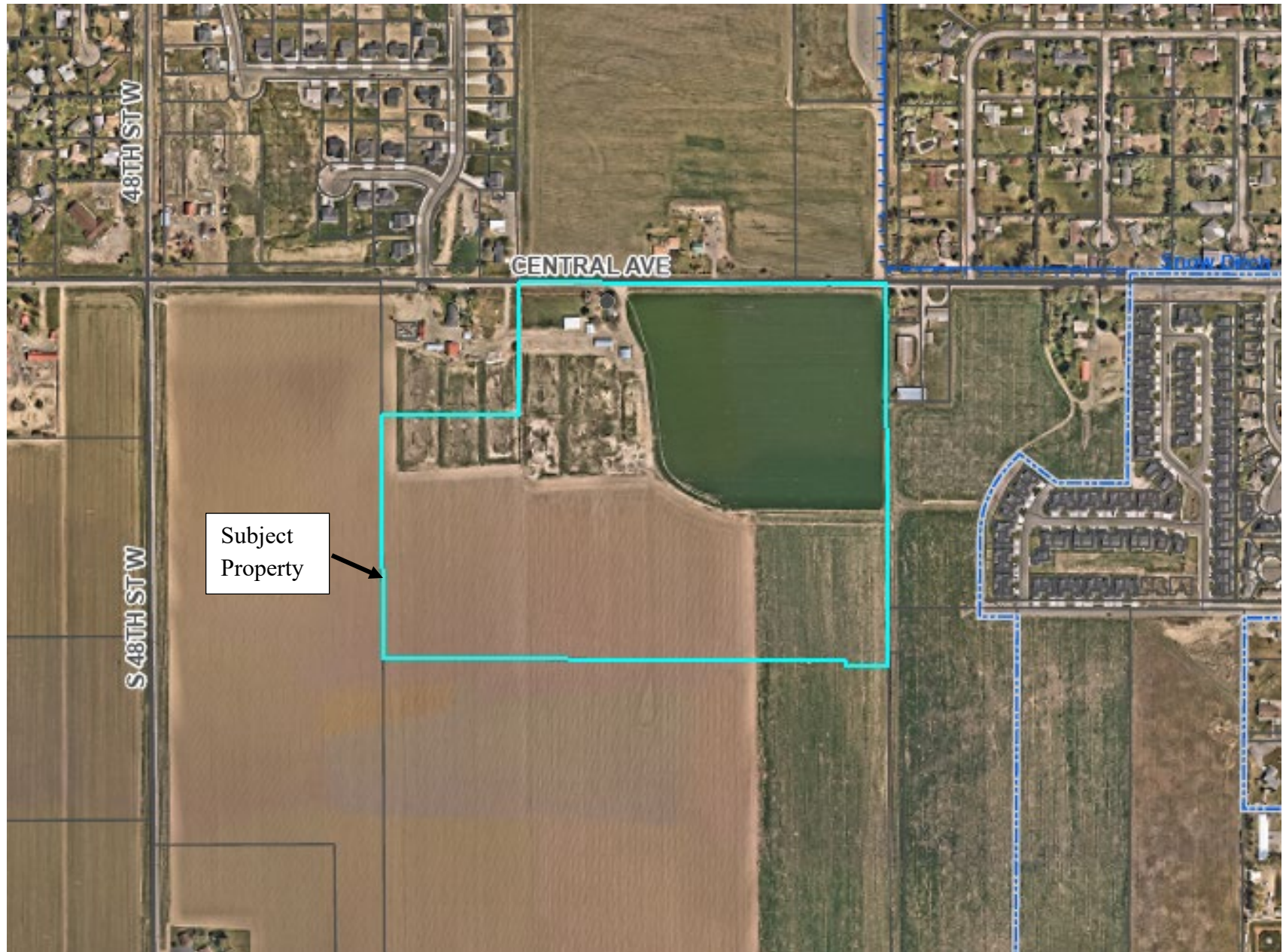
ZC 1045 Pre app information

ZC 1045 Application and Letter

City Zone Change 1045 – 4524 Central Ave – MU-PND - Clearwater
Zoning Map and Site Photos



Subject Property



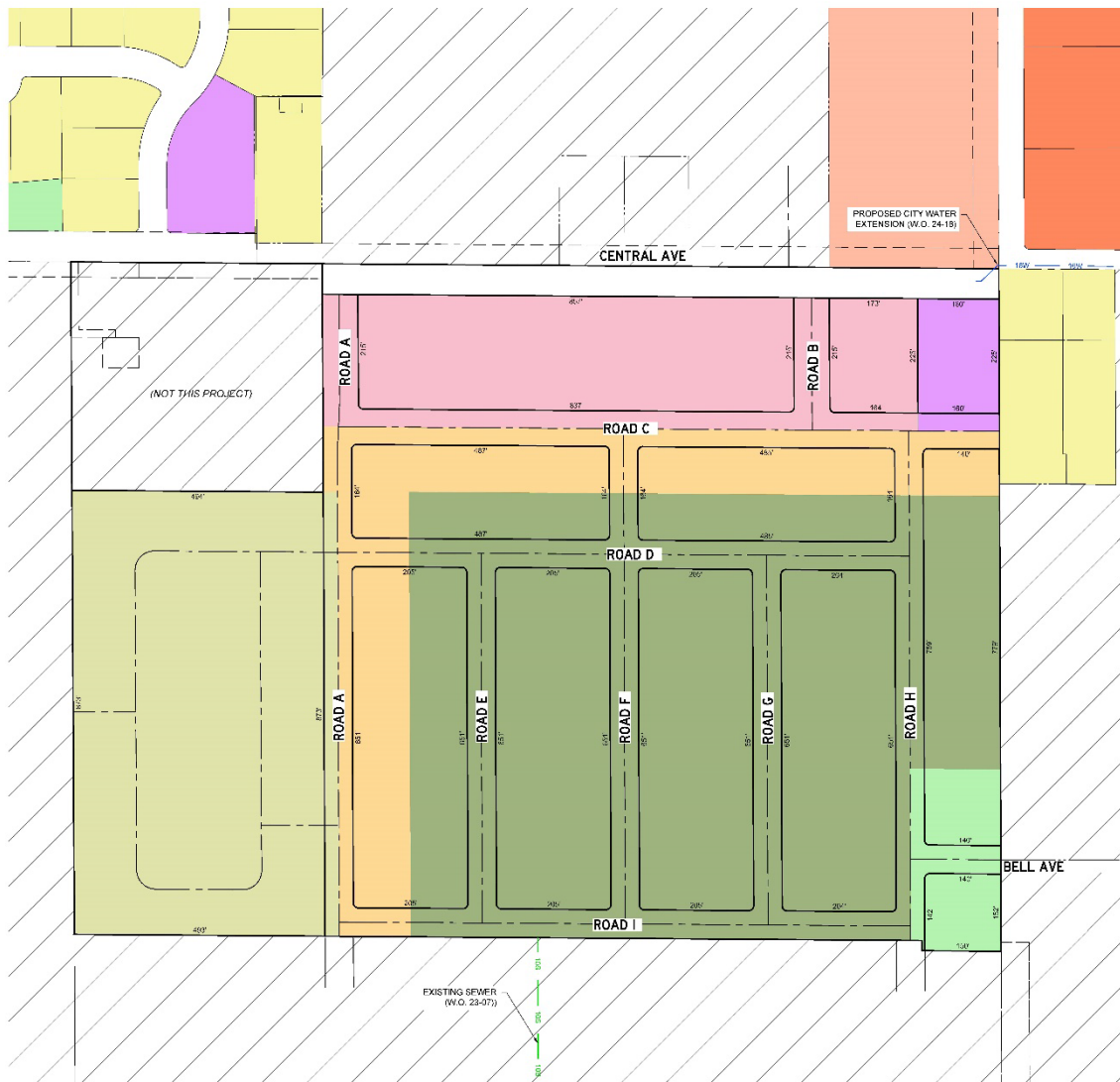
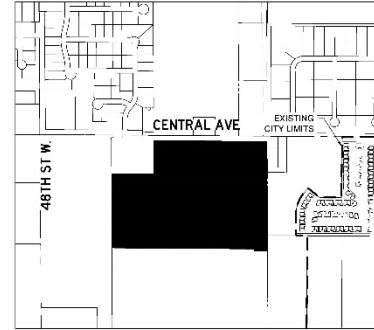
Zoning Master Plan Clearwater – ZC 1045

PROPOSED PLANNED NEIGHBORHOOD DEVELOPMENT FOR TRACT 2 OF CERTIFICATE OF SURVEY 3844 LOCATED NW 1/4 OF SECTION 10, T 01 S, R 25 E, P.M.M. YELLOWSTONE COUNTY, MT



PREPARED FOR : BROWN DEVELOPMENT, LLC
PREPARED BY : PERFORMANCE ENGINEERING, LLC

ZONING INFORMATION		
ZONING DISTRICT	ACRES	PERCENTAGE
CMU 1	6.986	14.4
NMU	0.954	2.0
NX1	21.947	45.3
NX2	6.704	13.8
N2	10.452	21.6
P1	1.452	2.9
TOTAL	48.492	100.0



ZONING LEGEND

- | | | |
|---------------------------------------|---------------------------------------|------------------------|
| CMU 1 - COMMERCIAL MIXED USE 1 | RR1 - RURAL RESIDENTIAL 1 | P1 - OPEN SPACE |
| N2 - 1 TO 2 DWELLING UNITS/STRUCTURE | RR3 - RURAL RESIDENTIAL 3 | AO - AGRICULTURAL OPEN |
| NX2 - 1 TO 4 DWELLING UNITS/STRUCTURE | NX2 - 2 TO 8 DWELLING UNITS/STRUCTURE | |
| NMU - NEIGHBORHOOD MIXED USE | N4 - LARGE LOT SUBURBAN | |





Subject Property – view south from Central Avenue at west property line



Subject Property from Central Avenue east property line



View south and east from subject property at east property line



View west on Central across subject property frontage from east property line



View north and east across Central Avenue from east property line



View north and west across Central Avenue from east property line



View west on Central from west property line of subject parcel



View north and east across Central Avenue from west property line of subject property



Subject Property – Summer 2021

Zoning History for City ZC 1045 – 4524 Central Ave – proposed Clearwater development – MU-PND

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
4524 Central Ave	NA				Original zoning for Agriculture
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Ridgeline Sub – 48 th St W and King Ave W	City ZC 997	9/13/2021	A to CMU1, NX2, N2 & P1 MU-PND	Yes	Phased Annexation
Sweetgrass Sub- 54 th St W, S of Rimrock Rd	City ZC 998	10/11/2021	A to N1, N2, N3, NX1 & P1 N-PND	Yes	
The Timbers – Alkali Creek	City ZC 1003	1/24/2022	A to NMU, NX1, N3 and P1 N-PND	Yes	
Vista West	City ZC 1004	2/28/2022	A to N2, NX1, NX3 & P1 MR-PND	Withdrawn	
Zimmerman Home Place	City ZC 1009	3/14/2022	N3, NX1, NX3 & P1 to N2, NX1, NX3 & P1 MR-PND	Yes	
Buffalo Crossing	City ZC 1011	4/11/2022	A to NX2, N2, N3 & P1 MR-PND	Yes	
Vista West	City ZC 1021	2/27/2023	A to N1, NX2, NX3 & P1 MR-PND	Yes	
54 West	City ZC 1025	6/12/2023	N3 to N2, N3 & P1 N-PND	Yes	

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:** AO – Agricultural Open _____

2. **Written description of the Zone Change Plan** including existing and proposed new zoning:
Zone Change from AO to a combination of CMU1, NMU, NX1, NX2, N2 & P1 on 48.49 acres _____

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

4. **Legal Description of Property:**
Tract 2 of COS 3844 Located in Sec 10, T01S, R25E, Yellowstone County, P.M.M _____

5. **Neighborhood Task Force Area:** Yes /// No. If Yes, Name of Task Force and mailing address of Chairperson:
West End Task Force, Steve Zeier _____

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 January, 2024.

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

Owner (s): Brown Development, LLC Telephone: (406) 698 - 5970
Address: 745 South 56th St. West Email: tbrownbuilders@yahoo.com
Billings, MT 59106

Agent (s): Performance Engineering, Craig Dalton Telephone: (406) 384 - 0080
Address: 608 N. 29th Street Billings, MT 59101 Email: craig@performance-ec.com



AMD Tract 1 COS 2715 and Tract 1 COS 2719 PND Neighborhood Meeting Sign-In

January 24th, 2024 @ 6-7PM

NAME	ADDRESS
Doug Reiter	1945 Parkhill Dr. (Bell Farm)
JERI TOLSTEDT	1310 BROADWATER AVE (BELL FARM)
Clyde Seifer	116 Big Pine CRT-
Terr Kaufman	110 Big Pine CRT
Randall Adams	4206 Limber Pine Ln
ANDREW Wilson	4355 Wells Pl
LAURA Wilson	4355 Wells Pl
Julie Larson	103 Saddle Tree Pl.
BRYAN LEITZ	4420 CENTRAL AVE.
Chris Merrill	4319 Wells Pl
Ed Hoffman	4246 CENTRAL
Howard Holz	1120 BLACKBERRY WAY
Beth Smith	4430 Central Ave
Tim & Lindy Morgan	2157 Kangarooview Ct.
Norm Tjeltveit	4650 Sunbeam Cir.
George Allen	4240 Wells Pl.
Charlotte Allen	4240 Wells Pl.
Frank Kolondich	4237 Wells Pl.
Chad Martonen	12 Double Tree Pl
Thad Fanton	285 S. 41st St W
Tom Brown	745 S. 56th St W
Julia Armencã	22 Saddle Tree Place
Vickie Jardine	110 Saddle Tree Place
HANS HUNGER	4 Twin Pines Lane
KRISTEN HUNGER	4 Twin Pines Lane
Dave Biegel	4221 Wells place

Tract 2 of Certificate of Survey 3844

Being Amended Tract 1 of COS 2715 and Tract 1 of COS 2719 and the E1/2, NW1/4 of Section 10, T01S, R25E, Yellowstone County, Montana

Zone Change Neighborhood Meeting Notes

The meeting was conducted from 6-7:15 PM on January 24th, 2024 at the Grace Montessori School. The meeting was hosted by Craig Dalton of Performance Engineering (agent) and Todd Brown (developer).

There were 26 public participants for the meeting.

The meeting began with Craig Dalton giving an overview of the property. He discussed who the previous owners were (Hardt family). Craig covered how the project went through a pre-application meeting with the County in 2022. The City, however, viewing Central as an important corridor, worked with the developer to extend water and sewer services to the property in exchange for annexation. Craig covered how the City had already constructed sewer to the property as part of the Monad sewer extension project and has plans to extend water down Central to the property this spring/summer.

Craig described how the PND process works and gave out the expected timelines for application submittal and public hearings (anticipated March 5th and 25th). He said that anyone who received a neighborhood meeting notice would also receive a public hearing notice from the city confirming the meeting dates.

Craig then went through each of the proposed zoning types. He described the allowable density for each of the residential districts, and read the allowed uses for CMU1 and NMU districts from Table 27-1000.1 of the zoning code. Craig stated that bars and casinos are an allowed use in CMU1, but are subject to special reviews with additional setback requirements from residential zones. He discussed that a bar would be able to meet the setback requirements in this area, but that a casino wouldn't meet the 350 ft setback requirement as the property is proposed.

Following Craig's overview, the floor was opened for participants to ask questions.

Questions from the individuals and subsequent responses are shown below:

- **Why not zone the development for single-family homes instead of higher density?**

One of the objectives of the City's recently updated zoning code and PND process is to promote mixed use neighborhoods to offer multiple levels of housing options. Part of the PND requirements is to pair a lower density "N" district with a higher density "NX" district. Additionally, there is growing concern from city officials on

the cost of service to operate and maintain infrastructure throughout the city. One of the answers to this is to increase density to help keep the cost per dwelling served down.

- **What is the number of units that would be built in this development given the proposed zoning?**

Final densities will be subject to amount of net acreage left following subdivision which is a subsequent process to zoning. That being said, based on the current layout shown on the map it would be estimated in the 250 dwelling unit range.

- **What is going to be done to address the increase in traffic in the area?**
Residents from Shiloh Estates Subdivision stated they already have issues accessing Central at certain times of the day.

A Traffic Impact Study (TIS) has been contracted and is ready to be commissioned upon finalizing the PND plan. The TIS will study the Central Avenue corridor between 48th and Shiloh, in addition to some of the other major intersections within 1-mile of the development. The TIS will provide findings and recommendations for areas that may need improvements or modifications to accommodate increased loads produced by this development.

The City doesn't currently have a road improvements project proposed for Central Avenue in their CIP, but as sections of their arterial corridors become more and more developed it tends to move that area's priority up for a major road project. It is important to note that improvements to Central Avenue will only come via a City project which would be driven by City developments. The County hasn't historically constructed major roadway improvements, particularly roadways on the border of the City limits.

- **How many stories can the buildings be?**

NX1 allows for buildings up to 2.5 stories. NX2 allows for buildings up to 3 stories. N2 allows for buildings up to 2 stories. NMU allows for buildings up to 2 stories. CMU1 can have buildings up to 4 stories tall. CMU 1 also allows for residential development, however, the first floor must be commercial services (example Shiloh Commons).

- **Will the City for County properties to annex when water and sewer go by?**
Referenced properties in the Heights being forced into the City.

The City does not have a history of forcing properties to annex into the City limits. In the past when County properties residing within City limits were required to annex into the City limits it was typically driven by a failing septic system with no room on the property for replacement. In these cases, the County Health Department/DEQ wouldn't issue a new septic permit and therefore the only remaining option was to tie into City services. In the case of Shiloh Estates Subdivision, that was permitted under more recent DEQ standards which require a

spot be reserved on the property for a replacement drainfield. The constraints the older Heights properties encountered wouldn't likely apply here.

- What will the development be required to do with it's stormwater?

The development will be required to meet the standards of the Billings Stormwater Management Manual. The property will be required to detain stormwater on-site (example ponds) or in a city owned facility such as the Monad (Bannister) Drain.

- Why is commercial being proposed along the frontage? Previous commercial zoning reviews on the west end discussed keeping commercial properties at major intersections.

The current zoning code requires CMU1 to be within 1,320 feet from an arterial or collector street intersection. Where Road B is shown on the map will be 44th Street in the future and per the City's classification map this is a collector road that will continue north to Broadwater.

The PND guidelines require either a commercial or NX use along arterial corridors. This is in effort to prevent future situations like we see on Grand Avenue as it enters into the downtown area where you have a bunch of commercial businesses operating out of old single-family homes.

Ultimately the hope in placing pockets of commercial along these frontages is to draw small business services to these neighborhoods. We often see in areas that have commercial incorporated into the neighborhoods an alleviation of traffic on the adjacent roadways. This is due in part to the fact that people do not need to commute as far to reach these types of businesses.

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1045 - Project # PZX-24-00053

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 AO – Agricultural Open

Proposed Zoning: CMU1, NMU, NX1, NX2, N2, and P1

TAX ID# D00486 CITY ELECTION WARD 5

Legal Description of Property: Tract 2 of Certificate of Survey 3844 located in Section 10, T01S, R25E, Yellowstone County, MT
P.M.M.

Address or General Location (If unknown, contact City Engineering): 4524 Central Ave.

Size of Parcel (Area & Dimensions): Total Area = 48.492 acres

Present Land-Use: Vacant Agricultural Land

Proposed Land-Use: Mixed Density Commercial and Mix Density Residential Housing

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): Brown Development, LLC

(Recorded Owner) 745 South 56th St. West, Billings, MT 59106

(Address) (406) 698 - 5970 tbrownbuilders@yahoo.com

(Phone Number) (email)

Agent(s): Performance Engineering, Craig Dalton, PE

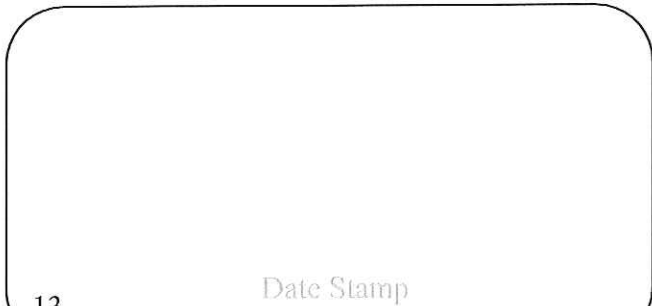
(Name) 608 N. 29th Street, Billings, MT 59101

(Address) (406) 384 - 0080 craig@performance-ec.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: 2-1-24
(Recorded Owner)





608 North 29th Street • Billings, MT 59101 • 406-384-0080

Zone Change Questions

Tract 2 of Certificated of Survey 3844 Yellowstone County, Montana. Having a total area of approximately 48.5 acres

1. Explain how the proposed project is consistent with the adopted Growth Policy, Neighborhood Plans, and other applicable city development policies.

Essential Investments - The proposed project is located along Central Avenue which is a critical corridor for growth of the City. The development and extension of municipal services, particularly public utilities, will open further development of a large swath of land between Monad and Broadwater from 48th Street to the east. The proposed development will assure that key parts of the Billings West End will be developed with appropriate density, connected to City services, and added to the City tax base. This property was originally conceptualized to be developed in the County, still drawing on emergency services and the transportation network of the City. Coordination with City Planning and Engineering for the extension of City water and sewer services provided the necessary avenue for this property to annex into the City. The proposed zoning adds necessary density to assure there are adequate taxable properties to provide a return on the City's initial extension investment and lowers the cost of service to the City in the future.

Infill Development Policy - The goal of the Billings Infill Policy is to promote housing and retail choices to encourage economic development, by rezoning this area it will stimulate development of the area and provide a more enjoyable neighborhood environment for the residents. Proposed commercial designation along Central Avenue will bring services closer to residents of the West End, improving neighborhood walkability and reducing commuter traffic into the City for basic services.

Diversified & Affordable Housing - This zone change will provide a mix of housing options. By offering a mix of housing alternatives, residents will be afforded the opportunity to upgrade within in the same neighborhood, creating a more resilient community. The development will also be an affordable option for the City due to the low cost of service created by the proposed mix of density in this proposal. This project will require a short extension of services (less than 800-ft) west while opening future areas for City growth between Monad and Broadwater. The proposed zoning will bring residential density to an area that currently has little diversity in housing, filling in the "missing middle" housing gap that currently exists in this West End area.

2. Explain how the proposed project meets the 10 zone change criteria.

a. Is the new zoning designed in accordance with the growth policy?

The new zoning adheres to the City of Billings growth policy through its expansion of mixed community uses with both residential diversity and commercial services incorporated into the development. The project incorporates multi-modal components with access to trails and parks included to give residents options. The proposal also assures that development of this land is done in a manner that takes into account the cost of services provided by the City with the incorporation of appropriate density and commercial development.

b. Is the new zoning designed to secure from fire and other dangers?

There will be fire hydrants located an adequate distance throughout the interior of the development with a maximum spacing of 500-ft, meeting all City of Billings Fire Codes. Additionally, the project will bring fire services with hydrants to an area of the West End that only operated on dry hydrants within the BUFSA or had not close fire suppression availability at all. Construction of the site will comply with building regulations and zoning code to allow for appropriate separation of buildings and proper lighting for public safety and security. The site is also located outside of any floodplain.

c. Will the new zoning promote public health, public safety, and general welfare?

The proposed zone change will diversify the surrounding neighborhood and create opportunities for housing in what is now considered the “missing middle” within the Billings West End. Buildout of this vacant land will bring more public eyes to the area to help keep watch on public safety. This zone change also requires landscaped or natural open areas to be incorporated within the development which will improve the general well-being of the neighborhood and encourage residents to use services within walking distance to their residence in the neighborhood.

d. Will the new zoning facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements?

The change in zone will tie into existing services with short extension to the parcel which will also open up future development at appropriate density between Monad and Broadwater east of 48th Street. Additional park land areas, above the required 2% as part of the PND, will take form as the property moves into the subdivision process. Ultimately the development will look to provide centralized park spaces to maximize accessibility for residents. The development is not necessarily close to MET transportation however the inclusion of commercial with the intent of providing neighborhood services is an attempt to minimize the need for residence to travel outside their neighborhood, straining our transportation network. Over time the development will connect to

pedestrian systems, such as the multi-use path along Monad, that will tie back to Shiloh and the multi-use trail running along that corridor.

e. Will the new zoning provide adequate light and air?

The proposed zone change will have some impact on light and air as the property will move from agricultural use to residential, however, the open space, and subsequently park dedication, requirements will allow for adequate lighting and air for the property and surrounding area. Any improvements to the land must adhere to the zoning requirements for lighting laid out by the City's Zoning Code which directly addresses open areas and light.

f. Will the new zoning affect motorized and nonmotorized transportation?

As the zone change will convert agricultural lands to mixed commercial and residential development, additional residents will move to the area creating an impact on the motorized transportation in the area. This will be studied and accounted for in the review of a Traffic Impact Study (TIS) associated with the subdivision through the subdivision process. The developer, as part of the overall development, will contribute to intersection impacts in the areas identified by City Public Works to mitigate any negative impact coming from the overall development.

The incorporation of commercial neighborhood services are important in alleviating the traffic volumes currently existing, and what will be contributed to by this development, along the Central Avenue by bringing commercial services closer to residential neighborhoods. The most recent example of how this can alleviate pressures on arterial corridors is the opening of the new Albertsons at 54th Street West and Grand Avenue. The Albertsons at Rehberg and Grand was once the busiest Albertsons in the state, drawing traffic from most properties west of Zimmerman Trail along Grand Avenue. With the opening of this new store, traffic volumes along Grand Avenue between 54th and Shiloh have significantly decreased (outside of typical commuter hours) as the travel distance to this major service has been greatly reduced.

Because the surrounding developments and neighborhoods are primarily County there is limited sidewalk and trail connectivity in this area. The development will be constructed with walkability in mind, anchoring future development in the area with pedestrian facilities. Initially, traffic will undoubtedly increase marginally on Central Avenue. The development will construct or contribute to improvements to Central Avenue along its frontage. Connections will be provided to properties to the east, west, and south to allow for inter-neighborhood movement, reducing impacts to Central Avenue. Over the life of the development, as it approaches full buildout, the diversity in commercial and residential density along with connectivity to the east, west and south will help with traffic congestion on Central Avenue.

g. Will the new zoning promote compatible urban growth?

The proposed mix of zoning will promote compatible urban growth as it is nestled between low density residential on the west and north sides and medium to higher density residential coming (planned, presented and approved by Council) to the east and south of the project area. This zoning will allow for new residents to move into a thriving and safe neighborhood that can easily meet most of their needs in the immediate area. The proposed zone change provides the desired step-back in density placing commercial along the arterial corridor (Central Ave.) and stepping back to mix density residential to the south. The proposed mix in commercial and residential, with varying residential densities, is what both City Council and urban growth policies ask for in new neighborhood development. The proposed plan will introduce new housing variety and density to this area of the Billings West End while creating neighborhoods in a walkable manner with commercial designations to service the surrounding areas.

h. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The area of the proposed development is currently surrounded by active agricultural production land with county subdivisions to the northeast and northwest across Central Avenue. Southeast of the proposed development, the City has already approved annexation and zoning for a similar mixed use development north of Monad. The compatibility will be seamless between the development of the Vista property and what is proposed in this application. As presented, the proposal achieves the directives from City of Billings planning documents in that mixed commercial and low to medium density residential is layered through the property. The proposed zoning steps back density with the highest commercial uses along the arterial corridor (Central Ave.) and mixed density residential as the development moves south towards Monad. Because of the surrounding adjacent agricultural uses, the proposed development is buffered in large part from any surrounding developments and will be setting the stage for future development of the City in this area. The proposed medium density residential zoning will allow for a variety of housing options including single-family residences, aligning with the character of the existing County community.

i. Will the new zoning conserve the value of buildings?

It should be noted that the proposed development is only directly adjacent to active agricultural land with County subdivisions to the northwest and northeast across Central Avenue. The proposed zoning will conserve the value of buildings in the area by creating new amenities for nearby neighborhoods while not intruding upon them. Inclusion of parks and pedestrian facilities open for public use along with

construction of additional transportation infrastructure will also benefit the surrounding neighborhoods.

j. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

By providing a mixed density and mixed service development the proposal allows for a lower cost of service to the City of Billings, making the development the most appropriate use of the land. The proposed development adequately steps back density from the arterial corridor (Central Ave.) while providing a diversity in housing options and mixed residential neighborhoods within the Billings West End. Services in the area can support expanded growth without straining City infrastructure or EMS services.

3. Does the new zoning fit with the existing or planned developments within the area?

The new zoning will fit seamlessly into the area as the surrounding land is still agricultural in nature. This proposal provides the “missing middle” medium density housing between the larger single-family County properties and the high density apartments of the existing Farmstead apartments and the recently approved Vista development. The proposed development will provide neighborhood diversity in both housing options and services. The site will help provide housing density and diversity to start serving the “missing middle” of our City with medium density residential development supported by many amenities and necessities for the current and future residents in the area. Lastly, the development stepped back density from Central Ave. with appropriate distances to minimize impacts and the feel of higher density being within the core of subdivision.

Zoning Commission

Date: 03/05/2024
Title: City Zone Change 1046 - 1202 W Wicks Lane - NX3 to CMU2
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff is recommending approval based on the findings of the 10 criteria for Zone Change 1046.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change request from Mixed Residential 3 (NX3 -- 5+ unit buildings) to Corridor Mixed Use 2 (CMU2), on proposed lots 1 and 2 of Skyview Ridge 2nd Filing. The two lots will equal about 8.6 acres in area. The intent, if approved, is to allow for the development of several personal storage warehouses on the parcels. Skyview Ridge is a subdivision of state-owned school trust land on the south side of W Wicks Lane near Skyview High School. The property was annexed and a master zoning plan approved in 2008. Since 2008 there have been no developments on the property. The state must approve a development through a long-term lease-process. State school trust lands are generally never sold but rather leased long-term. The site is in an area with Eagle sandstone formations that are shallow and do not drain well. Excavations for utilities, footings, foundations as well as providing for storm water management will be very challenging on this site. A major electric substation, two wireless communication towers, the city's 800 Mega-hertz radio tower (public safety communications), and two water utility pumping stations are located nearby, as well as high-tension power lines traverse near the property. The lots were originally zoned Residential Multi-family-Restricted. In the 2021 update, the state requested this area to be designated NX3 as the corollary zone district.

The proposed zoning of CMU2 matches the current zoning of lots to the east and north. Lots in Skyview Ridge, 1st Filings at the intersection of W Wicks Lane and Governor's Boulevard to the east are currently zoned CMU1. These lots to the east have sandstone outcroppings (See Zoning and Site Photos attachment) and share a property boundary with lots zoned NX2 to the south. The CMU2 zone district is intended for larger parcels that are separated from residential zones by a street or other demarcation that allows sufficient separation to diminish impacts on neighborhoods. The CMU2 zone appears to fit the criteria for this location. The zone district has building and siting standards that will need to be met - even for personal storage buildings. For example, the primary structure will need to be within the build-to area, cover at least 50 percent of the front lot line and have 65% of the front facade in doors and windows as measured between 2 ft and 8 ft above grade (Section 27-406). The zoning code also has use standards for personal storage warehousing that does not allow exterior overhead doors to face street frontages, requires units that have direct exterior access to be at least 100 feet from the front or side street property lines, requires a maximum "facility" size of 3 acres and the security fencing to behind any required landscaping area (Section 27-1006.C).

Personal storage warehousing is an expanding business in the community. This is not a high value investment in property, but does provide a necessity for people who may be moving, downsizing, or just need extra space not available at their residence. There are over 10,000 personal storage units within the greater metropolitan area of Billings, including outdoor storage (boats, RVS, campers), personal storage units and climate-controlled units. The regional market for Billings is much larger than other cities with a similar population. Billings supports a retail and service market much larger than is needed by the residents of the city due to this market's reach (~400 radius miles). Self-storage unit properties may experience some crime and vandalism that is not applicable to other businesses. Many secure storage facilities invest in screening customers, surveillance cameras, good exterior lighting, security fencing and security companies to provide response to any alarm systems. Daily traffic to and from these facilities tend to be low - about 8 trips per day per acre of storage. For a 3-acre storage facility, it is about 24 traffic trips per day. Twenty-four trips per day is what three apartments would generate on average.

Planning staff is recommending approval based on the proposed findings of the zone change review criteria. The location is on an arterial street and will be separated by at least a street from any existing or future residential development in Skyview Ridge. The challenging conditions of the site make the proposed zoning and use of the property compatible with the existing area. The townhomes, high school, church and assisted living facility on the north side of W Wicks Lane are separated from the proposed use. The existing traffic on W Wicks Lane at this location is not high volume (about 5,500 trips per day) for an arterial. The multi-use path on the Wicks Lane frontage is already installed.

STAKEHOLDERS

The applicant conducted a pre-application meeting on January 25, 2024, at the Lake Hills Golf Course clubhouse. No surrounding owners attended the meeting.

Planning staff prepared the mailed notice to the surrounding owners, published the legal ad, posted the property and placed a synopsis of the application on the Current Zoning Applications' web page. Planning staff received no public comments in writing or by telephone before the preparation of this report.

ALTERNATIVES

The Zoning Commission may:

- Recommend Approval of the Zone Change and adopt the findings of the 10 review criteria for Zone Change 1046; or,
- Recommend Denial of the Zone Change and adopt different findings of the 10 review criteria for Zone Change 1046; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the application.

The Zoning Commission is required to make a recommendation to the City Council on this application for zone change. The application will not proceed to the City Council without a recommendation. The applicant has not requested a delay or withdrawal of the application.

FISCAL EFFECTS

Approval or denial of the proposed zone change should not have an effect on the Planning Division budget.

SUMMARY

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1. Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is most consistent with the following guidelines of the 2016 Growth Policy:

Prosperity (promoting equal opportunity and economic advancement)

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy

The proposed zoning would allow an existing business to expand to this location. The prospective lessor is HS Management, LLC, that currently runs and is expanding "Apple Storage" on Lincoln Lane. The owner (DNRC - State of Montana) is requesting the zone change on behalf of the lessor. The Growth Policy encourages prosperity by supporting local business needs for expansion. The Policy also states support for retaining and supporting existing businesses as this helps to sustain a healthy economy. Approval of the zone change will allow an existing business an expansion opportunity.

2. Is the new zoning designed to secure property from fire and other dangers?

The new zoning (CMU2) requires minimum setbacks, open and landscaped areas and building separations, which creates security from fire and other dangers. The new zoning, as do all zoning districts, provides adequate building separations. Any new structures would comply with the building code and other development codes in Billings intended to keep places safe.

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

Public health and public safety are promoted by the proposed zoning. This is not unique to the CMU2 zone, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in 27-406 for the CMU2 district promote the minimum standards to ensure public health and safety and promote general welfare. The proposed zoning of CMU2 will allow the state to lease this land to an existing business and build new storage warehousing. The new construction will comply with the zone district standards. The approval of the zone change should not have negative affects on public health, safety and welfare given the existing conditions and site requirements.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The proposed zoning itself will not increase the traffic at this location. Any traffic increases will be minor compared to the existing traffic on W Wicks Lane. City Engineering will require advance discussion on access to the parcels before any development is approved. Wicks Lane already has a multi-use path developed on this side of the right of

way and public sidewalk on the north side.

Water and Sewer: Water and sewer, if needed, will be provided by the City of Billings. There are no anticipated impacts related to these services on the proposed personal storage warehousing.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. These uses are impacted through additional residential development. This is a commercial development, therefore there are no identified concerns for parks and schools.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments were consulted and had no concerns about the zone change.

5. Will the new zoning provide adequate light and air?

Similar to criteria 2 and 3, the proposed CMU2 zone, like all zones, requires minimum setbacks to allow for adequate separation between structures and adequate light and air. The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. Any new construction will have to comply with these rules.

6. Will the new zoning effect motorized and non-motorized transportation?

Traffic generation will depend on the size of the facility (maximum is three acres per facility). The likely number of daily trips to the facility is small and W Wicks Lane is a principal arterial. Principal arterial streets, even with high volumes of traffic, are designed to carry the maximum traffic. Traffic counts in this area are estimated to be about 5,500 vehicle trips per day. High school traffic is not included in these numbers as counts are taken when school is not in session. High school traffic has at least two ways out onto W Wicks Lane - High Sierra Blvd and Fantan St. Traffic twice a day during school hours can become congested. Fantan and W Wicks Lane is an all-way (3 legs) stop. High Sierra and W Wicks Lane is also a three-way stop controlled intersection. The addition traffic will not likely impact either daily traffic or high school traffic.

7. Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. Existing CMU2/CMU1 zones are located to the east. The subject property will be separate from residential uses by at least a street width. Additionally, site and landscape requirements of the CMU2 district will promote compatibility specifically by requiring a landscaped buffer for the use and adjacent to other zones with different uses.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

This is a suitable use for this parcel of land and the zoning is appropriate in this situation. The difficult soils make the existing zoning for higher density multifamily uses unlikely or cost-prohibitive. The proposed zoning and use for personal storage warehousing will allow some use of the property.

9. Will the new zoning conserve the value of buildings?

The new zoning is not expected to alter the value of any buildings in the area. Due to the existing uses and established zones to the east, west and north, the proposed use should not impact the value of these buildings. New construction tends to increase property value. The CMU2 building and siting requirements will help conserve the value of any surrounding property.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will encourage an appropriate commercial use that will be separated from any existing or future residential uses. This is an appropriate use of the land.

Attachments

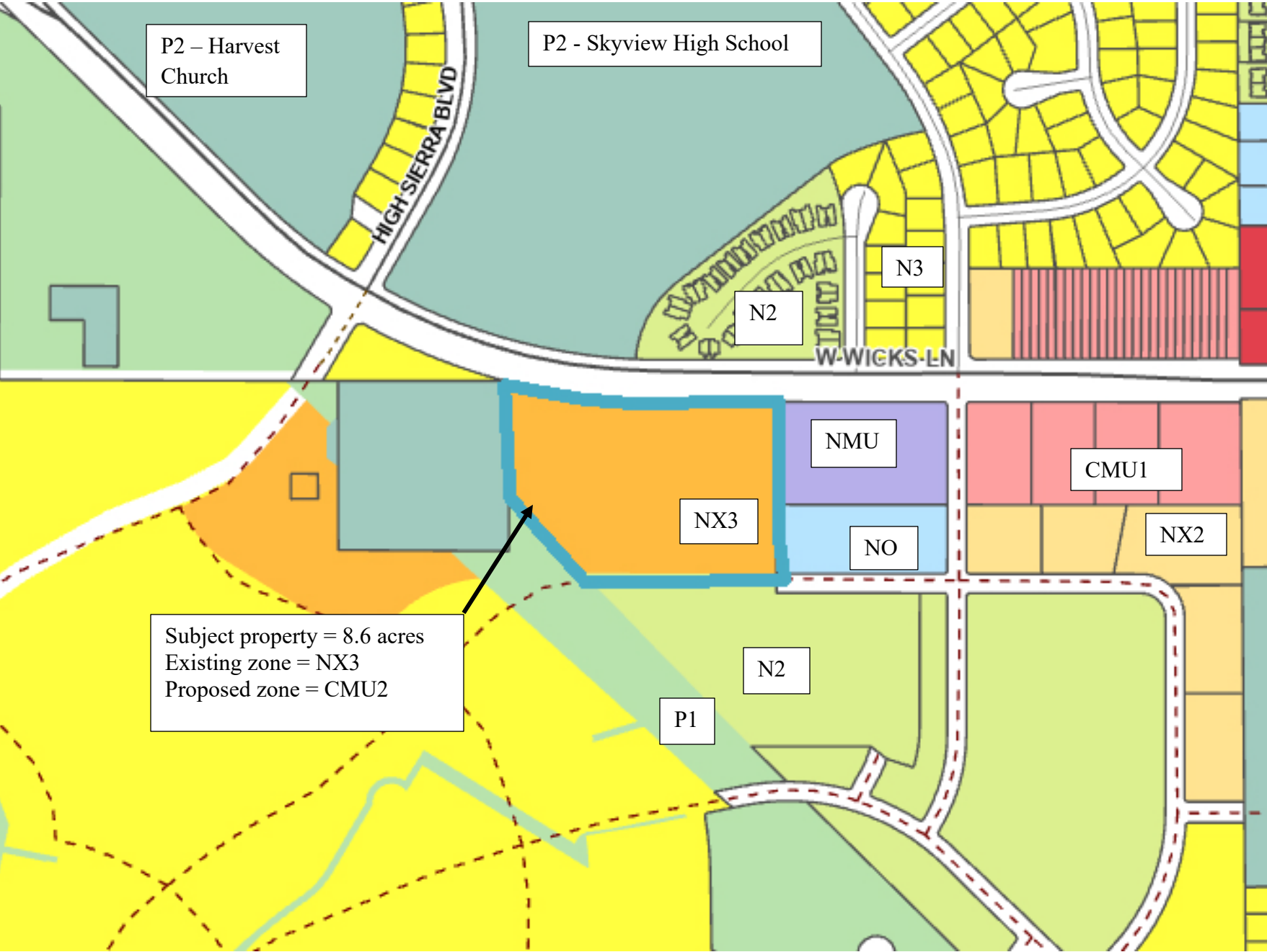
ZC 1046 Zoning Map and Site Photos

ZC 1046 Chart of Zoning History

ZC 1046 Pre app information

ZC 1046 Application and Letter

City Zone Change 1046 – 1202 W Wicks Lane – NX3 to CMU2
Zoning Map and Site Photos



Subject Property





Subject Property – view south from W Wicks Lane



View south east along W Wicks Lane



View south and west from W Wicks Lane



View north across W Wicks Lane – Skyview High School



View north and east across W Wicks Lane



View north and west across W Wicks Lane

Zoning History for City ZC 1046 – 1202 W Wicks Lane – NX3 to CMU2

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Skyview Ridge Subdivision	City ZC 788	12/5/2006	A to CC, NC, RP, RMF-R, R60, R70, R70R, R96 and Public	Withdrawn	Zone districts updated 2021 to CMU1, NMU, NO, NX3, NX2, N2, N3 and Public 1
	City ZC 814	7/23/2007	R96 to R70R, R60, RMF-R, RP, NC, CC and Public	Yes	
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Fantan and W Wicks Ln	City ZC 496	4/28/1986	R96 to CC	No	2021 update to N3
Fantan and W Wicks Ln	City ZC 516	8/24/1987	R96 to NC	No	
Governor's and W Wicks Lane	County ZC 16	7/9/1974	R96 to CC	Yes	2021 updated to CMU2, CMU1, NMU, NO and NX2

Lots 1 and 2, Skyview Ridge Subdivision, 2nd Filing

Zone Change Neighborhood Meeting Notes

The meeting was noticed on January 18, 2024 and was held beginning at 5:30 PM on January 25, 2024 at the Lake Hills Golf Course's upstairs meeting area. The meeting was hosted by Taylor Kasperick of Performance Engineering (Agent), however no interested parties attended the meeting. No other correspondence, either via email, letter, or phone, was received by Performance Engineering. Taylor Kasperick remained at Lake Hills Golf Course until approximately 6:00 PM to see if there were any attendees that may have been coming late to the meeting, but no one attended.

In the time between sending notice to neighbors within 300' of the subject properties and the neighborhood meeting, it was contemplated to switch the proposed zoning from CMU-1 to CMU-2 provided the large lot sizes of the subject property. As stated in the zoning code, this was deemed appropriate by the owner and proponent as 1) the zoning code describes CMU-2 as "CMU2 differs from CMU1 as it is meant to accommodate larger-scale commercial, warehouse-style buildings, and other uses in multiple buildings on larger, deeper parcels along corridors." This description is in line with the proposed property boundaries of the subject parcels. In addition, as the subject properties slope consistently from west to east, it is likely that buildings on Lots 1 and 2 will need to be stepped and or broken up (i.e., multiple buildings) which will make it more difficult to meet the front lot line coverage of CMU-1 (65%) as opposed to CMU-2 (50%).

CITY ZONE CHANGE Pre-Application Statement of Owner(s) and 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: NX3 - Mixed-Residential (Large scale multi-family)

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

The proposed zone change is proposed to change from NX3 (high density residential) to CMU-2 (Corridor Mixed Use).

3. Legal Description of Property:

The legal description of the property is the proposed Lots 1 and 2 of Skyview Ridge Subdivision, 2nd Filing. The property is a portion of an unplatted tract just west of Skyview Ridge 1st Filing.

4. Neighborhood Task Force Area: Yes /// No . If Yes, Name of Task Force

Yes, Heights Task Force

5. Roster of persons who attended the pre-application neighborhood meeting: please attach to on line application

6. A brief synopsis of the meeting results including any written minutes or audio recording.

please attach to on line application

7. The undersigned affirm the following:

1) The pre-application neighborhood meeting was held on the 25th, day of January 2024.

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

Owner (s):

State of Montana Department of Natural Resources Telephone: 406-247-4401

Address:

1625 Eleventh Avenue, Helena, MT 59601, Email: jholzwarth@mt.gov

Agent (s):

Taylor Kasperick, Performance Engineering Telephone: 406-384-0080

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

Complete this form and upload to your on-line Zone Change application

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1046 Project # P2x-24-00056

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 NX3 - Mixed-Residential (Large scale multi-family)

Proposed Zoning: CMU2: Corridor Mixed Use 2

PARCEL TAX ID# X00427 CITY ELECTION WARD 2

Legal Description of Property: The legal description of the property is the proposed Lots 1 and 2 of Skyview Ridge Subdivision, 2nd Filing. The property is a portion of an unplatted tract just west of Skyview Ridge 1st Filing.

Address or General Location (If unknown, contact City Engineering): 1202 Wicks Lane West

Size of Parcel (Area square feet or acres): 8.606 acres

Present Land-Use: Vacant

Proposed Land-Use: Commercial Mixed Use

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s) State of Montana Department of Natural Resources

(Record Owner)

1625 Eleventh Avenue, Helena, MT 59601,

(Address)

406-247-4401

(Phone Number)

jholzwarth@mt.gov

(email)

Agent(s): Taylor Kasperick

(Name)

608 N 29th Street, Billings, MT 59101

(Address)

406-384-0080

(Phone Number)

taylor@performance-ec.com

(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: Joe Holzwarth Date: 02/01/2024

(Record Owner – Digital Signature Allowed)



608 North 29th Street • Billings, MT 59101 • 406-384-0080

Lot 1 and 2 of the proposed Skyview Ridge Subdivision, 2nd Filing. Zone Change Written Statement

1. Explain how the proposed project is consistent with the adopted Growth Policy, Neighborhood Plans, and other applicable city development policies.

Essential Investments - The proposed project is fronted by Wicks Lane within the City of Billings. Within Wick Lane, there is existing water, sewer, and stormwater infrastructure that is readily available to serve the property, making development of this property an in-fill development limiting investment by the City to facilitate the development.

Place Making/Community Fabric - As is the underlying intent within the City's zoning code, development of the property as a Corridor Mixed Use property will help promote a comfortable, walkable piece of property. It is also appropriate for the zone change provided a mixed use commercial zoning is being proposed on a principal arterial roadway in Wicks Lane.

Strong Neighborhood - The proposed change to a CMU2 district is appropriate to allow for commercial development on principal arterials (high traffic volumes and speeds) rather residential developments, which promotes a strong neighborhood of having commercial uses adjacent to residential development on lesser traveled roadways.

2. Explain how the proposed project meets the 10 zone change criteria.
 - a. Is the new zoning designed in accordance with the growth policy?
The proposed zone change is in accordance with the growth policy, which promotes development of commercial and mixed use facilities on major roadways, including Wicks Lane.
 - b. Is the new zoning designed to secure from fire and other dangers?
Existing fire hydrants are located within Wick Lane West, and any development will be reviewed by the City of Billings at time of master site or building permit review to ensure that, if necessary, private fire hydrants are installed to secure from fire and other dangers.
 - c. Will the new zoning promote public health, public safety, and general welfare?

The new zoning is in accordance with the zoning code and growth policies which were established to promote public health, safety, and general welfare.

d. Will the new zoning facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements?

The subject properties will be served by existing water, sewer, and road systems. As a commercial property, it is not anticipated the proposed zoning will impact schools, parks, or other public requirements.

e. Will the new zoning provide adequate light and air?

The proposed zone change will have minimal impact on light and air in the surrounding area. The required landscaping within the proposed CMU2 district will allow for adequate lighting and air for the property and surrounding area. Any improvements to the land must adhere to the zoning requirements for lighting laid out by the City's Zoning Code which directly addresses open areas and light.

f. Will the new zoning affect motorized and nonmotorized transportation?

As the zone change will convert vacant lots to public development, additional community members will travel to the area creating an impact on the motorized transportation in the area. The large number of existing and proposed sidewalks and multi-use trails in the area leading to popular residential areas, nearby parks, and schools within the Height's will also help mitigate additional unnecessary traffic.

g. Will the new zoning promote compatible urban growth?

The proposed CMU2 zoning will promote compatible urban growth by constructing a commercial or mixed use facility on an existing principal arterial rather than on lesser roadway (collector, local). This allows for decreased traffic on urban roadways that are utilized for residential or neighborhood uses.

h. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The subject properties slope consistently from west to east. It is anticipated development of the property will necessitate a stepped building or multiple buildings to meet the "build-to" requirements of the zone district which is required to promote a comfortable walking environment and activate the lot frontage.

i. Will the new zoning conserve the value of buildings?

The new zoning will conserve the value of buildings in the area by providing a community benefit to the surrounding neighborhoods and community. In addition, development of the property as a commercial or

mixed use facility will develop a piece of ground that has remained vacant and not previously been developed or utilized.

j. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

As the subject properties are considered infill, the development of the land in conjunction with this zone change will provide the most appropriate use of the land, changing readily developable land from vacant to occupied.

3. Does the new zoning fit with the existing or planned developments within the area?

The new zoning fits well with the overarching master plan for Skyview Ridge Subdivision. As previously displayed in the Subdivision Improvement Agreement for Skyview Ridge Subdivision, 1st Filing, the areas adjacent to Wick Lane West were originally contemplated for commercial, neighborhood mixed use, and high density residential. This Master Plan was prepared prior to the current zoning code, which currently pushes to have commercial districts located on arterial and collector roadways, which this proposed zone change accomplishes.

Zoning Commission

Date: 03/05/2024
Title: Zone Change 1047 - Copper Ridge 7th & 8th Filing - N3 to N1, NX1, NX2 and Public 1
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1047.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change request for a property currently zoned Suburban Neighborhood (N3) in the 7th and 8th Filings of Copper Ridge Subdivision located on the west end of Rimrock Road. Rimrock Road essentially dead ends at the railroad right of way at the city limits. There is a rail trestle that allows passage under the tracks, but it is rarely used except by property owners to the west. The applicant is proposing to re-zone approximately 62.5 acres of yet-to-be developed portions of Copper Ridge. The zoning before the 2021 update was Residential 5,000 (R50) to allow the development of two-family dwellings on lots of at least 8,000 square feet. When the city consolidated and changed to neighborhood zone districts, most of Copper Ridge Subdivision was updated to N3. The owners now want to re-zone the undeveloped land to allow more housing choices in the last phases of Copper Ridge Subdivision. The proposed zoning will also include 14.8 acres of open space (P1) to meet the dedication requirements for parkland in subdivisions and provide a larger central neighborhood park. Of the 62.5 acre property, 30.8 acres is proposed as First Neighborhood (N1 - 1 or 2-unit structures), five acres are proposed for Mixed Residential 1 (NX1 - 1 to 4 unit structures), and about 12 acres are proposed for Mixed Residential 2 (NX2 - 2 to 8-unit structures). The proposed NX2 zone is at the west edge of the city limits. The owner wants to accommodate a development plan that includes multifamily buildings with more than 4 units per structure. The proposed NX2 zone will be more than 1,700 feet west of the single family homes on Copper Bend Blvd and Shiny Penny Way. The applicant has submitted an exhibit that shows the exact proposed zone boundaries for each new zone district. The N3 zone allows 3-story homes (up to 34 feet), N1 and NX1 allow 2.5 stories (up to 27 feet), and NX2 allows 3 stories for apartments or 2.5 stories for side-by-side units.

This area of Billings has been developing over the past 20 years following the extension of 8 miles of city and water infrastructure past Shiloh Road (2001/2002). This allowed Ironwood Subdivision, Augusta Ranch and Falcon Ridge subdivisions to develop in low density suburban neighborhoods. These facility extensions were done by the city with only minor contributions from the developers except where the water and sewer lines entered the new subdivisions. This also allowed the Yellowstone Club Estates subdivision to annex and connect to the municipal sewer services. The city also took over the existing water service pipes and infrastructure from the homeowner's association.

After the development of several hundred homes in this area, the city needed to install a new water reservoir above Ironwood Subdivision to ensure adequate water pressure for homes, especially those with a 2nd or 3rd story. It is estimated by City Utilities that 16% of all daily city water demand during the summer months is from this area of West Billings.

There are very few housing types available in this area of West Billings. There are a few duplexes and some 4-unit buildings in Falcon Ridge Subdivision. Coal Creek Subdivision south of Falcon Ridge is all two-unit townhomes. Augusta Ranch also has a handful of single unit townhomes on the east side of Molt Road. A few annexed and subdivided parcels have brought in new zone districts and housing options to West Billings including Sweetgrass Creek (south of Rimrock Rd between 54th St W and 58th St W), Buffalo Crossing and 54 West Subdivision at 54th St W and Rimrock Rd. Existing subdivisions with undeveloped land are also beginning to recalculate the market for housing choice in West Billings.

Housing demand reached a high level in 2021 and the trend continues into 2024. Supply of all types of housing choices has not kept up with the demand. At least two decades ago, local planning and growth policy documents indicated a need for independent living units for aging residents who want to "downsize" from a maintenance heavy single family dwelling on a large lot to unit ownership or townhomes as well as rental apartments. The 2010 Census indicated Billings, like many other urban areas, saw a reduction in average household size to 2.3 persons. Smaller households, aging residents and the higher costs of all housing have driven the demand for apartments, townhomes, and smaller multifamily dwellings (studios and 1-bedroom units). The city gave final approval (certificates of occupancy) to over 680 apartment units in 2023 - more than any other prior year. Developers have made robust investments in multifamily dwelling choices in west Billings but less so in northwest Billings. There have been more new residential developments south of Broadwater Avenue than this area to the north and west. The most recent multifamily dwelling development in West Billings is the Zimmerman Home Place apartments approximately five miles to the south and west. Prior to Zimmerman Home Place, new apartments were

developed at 41st St West and Avenue C - Wheatbaker Patio Homes in 2016. Prior to 2016, only a handful of multifamily dwellings were built (Grand Peaks and Falcon Ridge) north of Broadwater. There is a significant deficit in this type of housing choice in this area of West Billings.

There are challenges to an area of urban development that is on property on the very edge of the urban/rural interface with only a small amount of existing suburban development (east). It is not possible to project future development for areas outside the County's zoning boundary. The property south of Rimrock Road has been added to the area of anticipated annexation in the next five years. This is not meant to ensure existing development patterns continue to the edge of the city limits. The development plan should include similar and compatible zone districts, connectivity where and when needed, and recognition of similar goals for all types of property. The 2016 Billings Growth Policy and the 2001 West Billings Neighborhood Plan goals and policies support the proposed changes to the district zone boundaries. The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The proposed zone change supports these goals. The 2016 Billings Growth Policy supports a broad range of housing choices, encourages more walkable neighborhoods with connectivity to other transportation options, and building the community fabric through urban-designed public spaces. The proposed zone change supports these goals as well.

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting on January 25, 2024, at 7043 Copper Sunset Drive. The pre-application meeting synopsis is attached to this report. Twenty-nine surrounding property owners signed the attendance sheet for the meeting. The Planning staff has received copies of emails on this zone change that were sent to the City Council as well as a number sent directly to staff prior to the Zoning Commission meeting. Planning staff provided some clarification to neighborhood inquiries on the proposed zone change and how traffic impacts are evaluated and at what point those impacts can be evaluated.

ALTERNATIVES

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1047; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1047; or,
- Delay action on the zone change request for up to 60 days at the request of the applicant or on its own motion; or,
- Allow the applicant to withdraw the zone change request.

The Zoning Commission must make a recommendation on the application. A tie vote on a motion will require the item to be placed back on the next available agenda for another motion and vote. The applicant has not requested a delay or withdrawal of the application.

FISCAL EFFECTS

Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

SUMMARY

Before making a recommendation to the City Council, the Zoning Commission shall consider the following findings of the ten review criteria:

1) Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy and the West Billings Neighborhood Plan (2001):

The **West Billings Neighborhood Plan** goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed adjustment to the current zone districts and boundaries is consistent with the following adopted Policies of Planned Growth Goal 1: Establish Development Patterns that Use Land More Efficiently

- Policy A "Promote efficient utilization of land within the West Billings planning area by promoting well-designed, more pedestrian friendly, urban development patterns with a mix of uses and an efficient, creative use of land."
- Policy K "Increase residential densities within the West Billings planning area by approving requests for residential zoning that are consistent with this plan."
- Policy M "Development in the West Billings planning area shall provide for a variety of residential types and densities."

- Policy N "Medium and high-density residential development(including elderly and disabled housing) should be located nearby and within walking distance to commercial centers, medical facilities, parks, and recreational amenities."
- Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed zoning is compatible with goals of the West Billings Neighborhood Plan. The proposed zone change and street layout will accommodate uses that are compatible in a new mixed residential neighborhood. The proposed development will also have good access to outdoor activities. Current transportation options are limited to personal vehicles or cycling/walking. Rimrock Road has a multi-use path on the north side of street at 54th St West, and then marked on-street bike lanes from Shiloh Road to the east. The multi-use path is planned to continue to the west from 54th St West in the near future. The proposed zoning and development will provide for a variety of housing choices that are not abundant in this area of West Billings. The property is within walking distance to a future commercial center, parks and a multi-use trail system.

The proposed amendment is also in line with the adopted 2016 Growth Policy goals for:

Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale streetlights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Implementation of the Infill Policy is important to encourage development of underutilized properties

Home Base:

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community

The proposed zoning will allow the existing homes in Copper Ridge to have parkland adjacent to the west before the change over to the N1 zoning that will allow single and two-family homes on smaller lots. The N1 lots will be similar to other neighborhoods - generally 30 to 50 feet along the street frontage with homes that are narrow or have a gable facing the street with an attached porch. The primary difference in the N1 and N3 zone is the minimum lot width. N1 allows a lot as narrow as 20 feet and N3 requires a minimum lot width of 65 feet. In addition, N3 allows larger and taller homes that can sit further back on the lot. The extreme curvilinear street design of Copper Ridge required some large building setbacks. The N3 zoning accommodates this street design. The proposed development of Copper Ridge 7th and 8th Filing will have some curvilinear street layout, but it will be more like a traditional grid pattern. Wider lots in the N1 zone district could have 2-unit buildings or two separate dwellings on the same lot. The applicant is proposing a 5 acre contiguous development of NX1 4-unit dwellings. These may be apartments or townhomes. The proposed 12 acres of NX2 will have a campus style development of multiple 2 to 8-unit apartment buildings. These also may be developed as either rentals or as townhomes with individual owners. This will be the final phase of the subdivision build, so market conditions will dictate how this area is laid out and what types of housing is offered. The NX2 requires a minimum of 2 units per building.

West of 70th St West, the County zoning does not exist. There is no zoning to the north, west or south of the subject parcel. The only existing zoning is the zoning within the city in Copper Ridge Subdivision (N3). It is possible the land to the south may annex to the city and urban zoning would apply.

2) Is the new zoning designed to secure from fire and other dangers?

The proposed zoning of N1, NX1 and NX2 requires minimum setbacks, open and landscaped areas and building separations which creates security from fire and other dangers. Street frontage - public or private - will be required, as well as street frontage landscaping, perimeter landscaping and screening based on the adjacent zoning and use, off-street parking and adequate pathways and driving aisles throughout to ensure public safety.

3) Whether the new zoning will promote public health, public safety and general welfare?

Public health and public safety are promoted by the proposed zoning. This is not unique to the N or NX zones, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in Section 27-300 districts promote the minimum standards to ensure public health and safety and promote general welfare. Provision of public health and safety services from the city will promote the general welfare of the area. The completion of the Copper Ridge neighborhood will promote public safety and the general welfare by ensuring Rimrock Road has the appropriate construction from 70th St West to the terminus of the city limits at the railroad right of way.

4) Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

- **Transportation:** The applicant will need to ensure the existing traffic impact study completed for the subdivision adequately addresses the new zoning and the specific development for the property. The Engineering Division will ensure this is done prior to any approval of a development plan. Each single family dwelling generates about 10-13 daily traffic trips while apartments and townhomes generate between 7--10 trips per day.
- **Water and Sewer:** The City will provide water and sewer to the property. There will be no additional impacts to the system from the proposed changes. Existing seasonal low water pressure will be addressed by City Engineering.
- **Schools and Parks:** Schools and parks may be effected by the proposed zone change and completion of this city neighborhood. School District 2 did not provide any comments. Boulder Elementary School had 501 students in the current school year with a student teacher ratio of about 20 students per teacher. The student capacity of Boulder school is 450 students. Ben Steele has a capacity of 750 with 795 students enrolled last year with a teacher student ratio of 17.1 students per teacher. West High School has a capacity of 1,731 students with an enrollment last year of 2,180 students with a teacher student ratio of 15.91. The closest public park to the subject property is Copper Ridge neighborhood park on Lucky Penny Lane. The closest developed community park will be Cottonwood Park on 54th St West south of Rimrock Road. The city also owns Phipps Park, a 350-acre mostly natural park north of the railroad tracks. There are jogging trails and a disc golf course. This city park is outside the city limits. Planning staff did not receive any comments from Parks, Recreation and Public Lands staff concerning this zone change. Any development in the NX zone districts greater than 3 acres requires provision of on-site open space for the new residents use. The types and locations of such open spaces will be determined at the time of a final development plan review with staff.
- **Fire and Police:** The subject property will be served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5) Will the new zoning provide adequate light and air?

Similar to criteria 2 and 3, the proposed N and NX zones, like all zones, requires minimum property line setbacks to allow for adequate separation between structures and adequate light and air. This parcel is presently vacant, therefore any new structure will be required to meet the standards required by Section 27-300.

6) Will the new zoning effect motorized and non-motorized transportation?

Non-motorized travel -- walking and biking -- is an essential part of the Copper Ridge neighborhood. This will continue to be the case in this final building phase of Copper Ridge. Pedestrian connections will be ensured through the development. The city will be undertaking improvements to Rimrock Rd west of 54th St W to complete pedestrian facilities and improve traffic safety. The most recent traffic counts at Rimrock Rd just west of the intersection with 62nd St West are about 2,500 vehicle trips per day. Improvements to this intersection are planned as part of the traffic management for the neighborhoods in the area.

7) Will the new zoning promote compatible urban growth?

The proposed increase in the overall development density is compatible with urban growth and the provision of city level services to the new residents. The proposed zone district boundaries are consistent with the urban growth in this area and will be compatible with the surrounding neighborhoods. Falcon Ridge to the east has some similar zoning of NX1 and NX2 based on the previous zoning for multifamily development. Compatibility of these residential districts is preserved by the site and structure standards required in Sections 27-307 and 27-308. Further site development requirements for parking, landscaping, frontage improvements will be required with new development. Additional housing types and choices will contribute to a neighborhood that is resilient and open to residents of all ages.

8) Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses? The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. This area is completing the development of a city neighborhood. The city's investment in public infrastructure in the area is spurring the development of new areas for city infill. The existing zones and development pattern for the area is suitable for the NX1, NX2 and N1 districts as shown on the zoning exhibit.

9) Will the new zoning conserve the value of buildings?

The property is an undeveloped agricultural parcel that is in proximity to all city services. Approval of the zone change will provide a housing choice in a residential area where there are few options other than single unit dwellings on large lots. The zoning designation itself will not influence the value of buildings. In general, new development increases the value of

adjacent property.

10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will encourage the most appropriate use of this land in Billings. The proposed NX1 and NX2 will be placed so the districts will face across a local street. Residential zone districts either N or NX have inherent compatibility. The N1 zoning, that allows single family and two-family is compatible with the N3 to the east.

Attachments

ZC0147 Zoning Map and Site photos

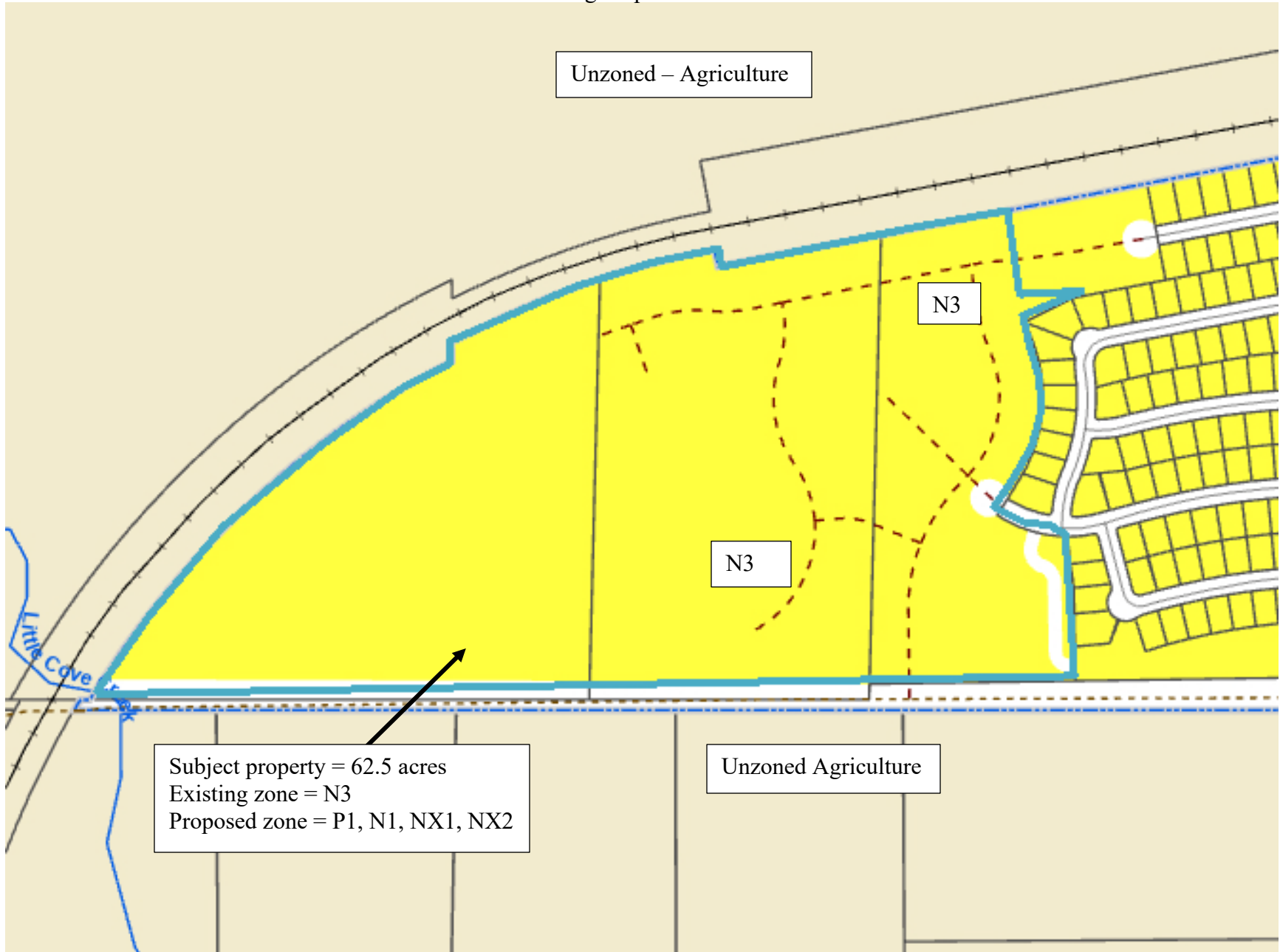
ZC 1047 Chart of Zoning History

ZC 1047 Pre app information

ZC 1047 Application and Letter

ZC 1047 Public comments as of 2-23-24

City Zone Change 1047 – Copper Ridge 7th & 8th filings – N3 to P1, N1, NX1 and NX2
Zoning Map and Site Photos



Subject Property

EXHIBIT A

ZONE CHANGE EXHIBIT

WITHIN

LOTS 15 AND 16, BLOCK 3 OF COPPER RIDGE 7TH FILING AND A PORTION OF LOT 15A, BLOCK 3, COPPER RIDGE SUB, 8TH FILING

PREPARED FOR : WH COPPER RIDGE 54, LLC

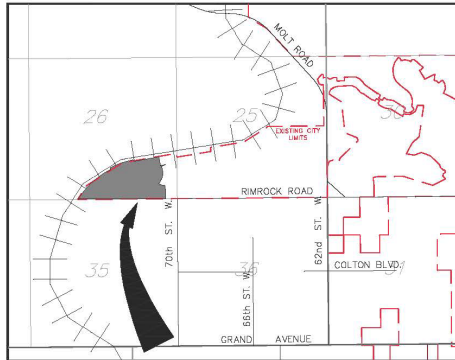
PREPARED BY : SANDERSON STEWART



FEBRUARY, 2024
BILLINGS, MONTANA



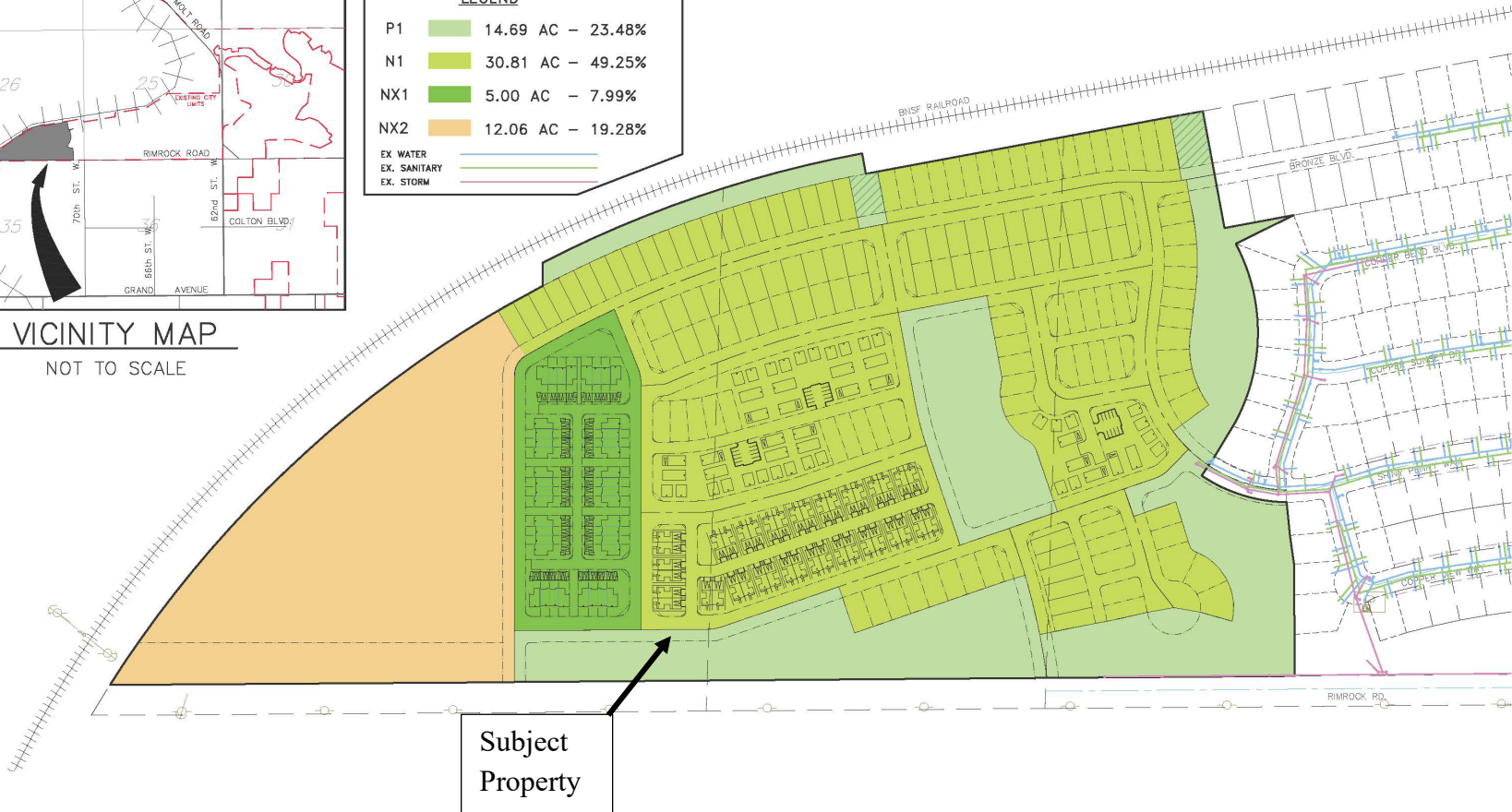
125 0 125 250
SCALE: 1" = 250'



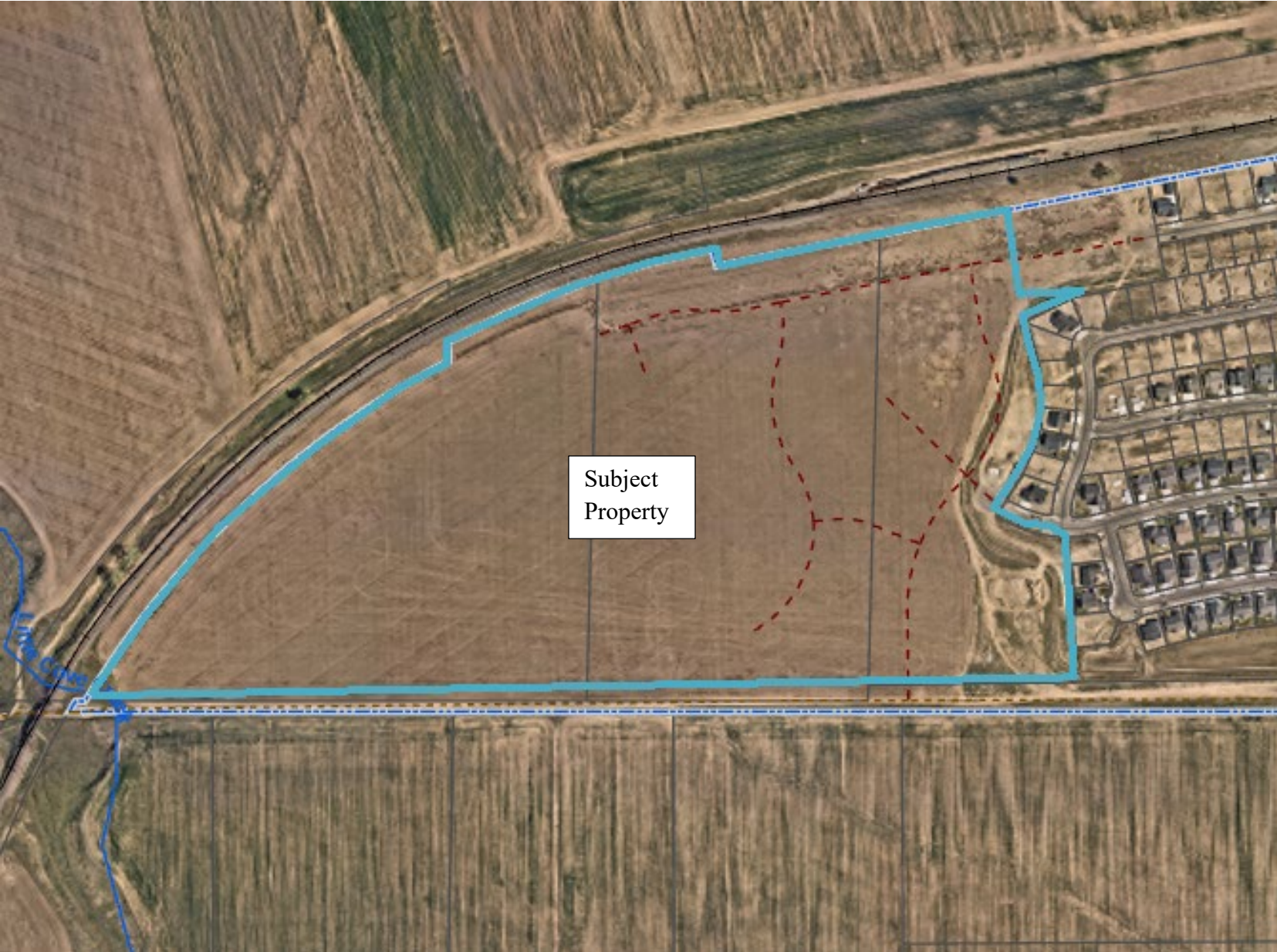
VICINITY MAP

NOT TO SCALE

LEGEND	
P1	14.69 AC - 23.48%
N1	30.81 AC - 49.25%
NX1	5.00 AC - 7.99%
NX2	12.06 AC - 19.28%
EX. WATER	
EX. SANITARY	
EX. STORM	



Subject Property



Subject
Property



Subject Property – view north and west from 70th St West



View north and west at homes on Copper View Way



View south from Rimrock Rd and 70th St W



View south on 70th St W



View north and west from the temporary dead-end of Shiny Penny Way



View north from Shiny Penny Way



View east on Shiny Penny Way



View west from temporary dead-end of Bronze Blvd



View north and west from Bronze Blvd



View east on Bronze Blvd

Zoning History for City ZC 1047 – Copper Ridge 7th & 8th Filings – N3 to P1, N1, NX1 and NX2

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Copper Ridge Subdivision	City ZC 744	12/13/2004	R96 to R70R	Yes	N3 and Public 1 (Parks)
7 th & 8 th Filing	City ZC 960	9/11/2017	Un-zoned to R70 and R50	Yes	
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Falcon Ridge	City ZC 914	9/11/2013	R96 to R80	Yes	2021 Update to N2
Coal Creek	City ZC 767	1/22/2018	R96 to RMF, RP & CC	Yes	2021 Update to N2, NO and CMU2
Tule Ridge	County ZC 667	12/29/2015	R96 to CC	Yes	2021 Update to CMU1
Grand Peaks	City ZC 794	5/14/2007	A to R50, R70, R96 and RMF-R	Yes	2021 Update to N2, N3 and NX1
Buffalo Crossing	City ZC 1011	4/11/2022	RR3 to N2, N3, NX2 and P1	Yes	
Sweetgrass Creek	City ZC 998	10/11/2021	RR3 to NX1, N1, N2, N3 and P1	Yes	
Mont Vista	City ZC 837	6/3/2008	R96 to Planned Development	Withdrawn	
Mont Vista	City ZC 851	6/22/2009	R96 to PD with underlying zones of R96, R70, R70R, R60, RMF, RMF-R & Public	Yes	Underlying zones still apply

CITY ZONE CHANGE Pre-Application Statement of Owner(s) and 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: N3 Suburban Neighborhood

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

Zone Change Request from N3 Suburban Neighborhood Residential to N1 First Neighborhood Residential, NX1 Mixed Residential 1, NX2 Mixed Residential 2, and P1 Parks and Open Space

3. Legal Description of Property:

Attached Exhibit C

4. Neighborhood Task Force Area: Yes /// No . If Yes, Name of Task Force

Yes, West End Neighborhood Task Force

5. Roster of persons who attended the pre-application neighborhood meeting: please attach to on line application Exhibit A

6. A brief synopsis of the meeting results including any written minutes or audio recording.

please attach to on line application Exhibit B

7. The undersigned affirm the following:

1) The pre-application neighborhood meeting was held on the 25th, day of January 2024.

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

Owner (s):

WH Copper Ridge 54 LLC Telephone: 661-222-9207

Address:

24911 Avenue Stanford SANTA CLARITA, CA 91355 Email: lwilliams@williamshomes.com

Agent (s):

John Halverson Telephone: 406-869-3311

Address: 1300 N Transtech Way, Billings, MT 59102 Email: jhalverson@sandersonstewart.com

Complete this form and upload to your on-line Zone Change application

MEETING MINUTES

PROJECT: COPPER RIDGE CONCEPT & ZONE CHANGE			
Project No: 21266.03			
Meeting Location: 7043 Copper Sunset, Billings MT 59106		Meeting Date: 01/25/24 5:30 PM	
Meeting Subject: Zone Change Neighborhood Pre-Application Meeting		Prepared by: Dominic Neameyer	
Attending:		(See attached sign-in sheet)	
Sanderson Stewart:	John Halverson	Dominic Neameyer	
Williams Homes	Marc Smith		
Date of Issue: 02/01/24			

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 why zoning is necessary for municipalities, and time for questions and comments.
- After completing that presentation, Mr. Halverson took questions and comments from the attendees.
- An attendee commented Bronze Boulevard and Shiny Penny Way connect to the new development area and people will drive through those streets to the new development
 - Mr. Halverson responded connectivity and multiple points of access is required by the city.
- An attendee commented they would like the construction to be accessed via Rimrock
- An attendee asked if the project will be in phases
 - Mr. Halverson responded the project will be likely built in four phases and showed the estimated phase one boundary.
- An attendee commented this project will lower the existing homes property values

- An attendee commented the affordable housing and apartments will bring unwanted activity and homeless population from downtown Billings
- An attendee commented apartments should not be in residential areas
- An attendee commented this is going to be a neighborhood killer
- An attendee commented the schools cannot handle higher density
- An attendee commented they will have to pay for a new school because of this project
- An attendee asked if Williams Homes will be the main contractor in building the homes
 - Mr. Smith responded that Williams Homes will be the main builder
- An attendee commented that they moved out to Copper Ridge for no lights and quiet
- An attendee commented that if lower value homes are built it will tank the existing home property values
 - Mr. Halverson commented there is no factual backing that a smaller product increases or decreases property values
- An attendee asked if Williams Homes is only building smaller homes because they are losing money
- An attendee commented that Rimrock is only two lanes and will not be able to handle this density
 - Mr. Halverson commented that Rimrock improvements and access points will be determined by the Traffic Impact Study
- An attendee commented that they can single family only
- An attendee commented that Williams Homes should sell the land and get out of town
- An attendee commented complaining about construction activity
- An attendee commented that when they bought their home, they were told the future would be single family only
- An attendee commented that this sounds like a lawsuit because they were told it would be single family only
- An attendee asked when construction would start
 - Mr. Halverson responded that grading and earth work would start in the fall/winter of 2024
- An attendee asked if there will be an HOA
 - Mr. Halverson responded yes, a new HOA will be formed
- An attendee commented that the HOAs' don't do anything to enforce rules

- Mr. Smith commented that residents can report infractions to the HOA and recommended residents participate in serving on their HOA board
- An attendee asked what size the single-family homes will be
 - Mr. Halverson responded the homes will be about 25' wide
 - Many attendees said they don't want that small of homes in the neighborhood
- An attendee commented that people think smaller homes works better but they are wrong, it doesn't work better
- An attendee commented that this proposed product mix just isn't right
- An attendee asked if Williams Homes is building other places in Billings
 - Mr. Smith responded that they are building in Copper Ridge and High Sierra
 - The attendee commented that a handshake deal still means something in Montana and if Williams Homes does this it will put a bad taste in the mouth of Billings residents and Williams Homes won't be building in Billings anymore because of a bad reputation
- An attendee commented that building a more densely populated project on the outskirts of town is urban sprawl
- An attendee commented that if this is affordable housing how will people get to work? The bus system doesn't serve this area and how will they be able to afford gas and a mortgage
- People started to get up and leave and attendees started going to Mr. Halverson, Mr. Neameyer, and Mr. Smith individually to ask questions and comment their push back on the project

PRE-APPLICATION NEIGHBORHOOD MEETING
ATTENDANCE SIGN-IN SHEET

Date: 1/25/2024

Time: 5:30 PM

Project: Copper Ridge 7th + 8th Filing Zone Change

Project No.: 21266.03

Meeting Location: 7043 Copper Sunset Dr.

Name and Title: <i>(Please Print)</i>	Representing:	Phone Numbers		Email Address
		Office	Mobile	
BRIAN GEORGE	CONCERNED RESIDENT		671 7561	
CHUCK SMITH	RESIDENT		406 690 6341	CJ-mm@msn.com
Judith Diane Walker	Resident		307-262-2664	maebrown@fritel.net
Richard Wike	"		406-981-5919	229. 70th st
GARY + ANGELA LAPIN	resident		-	GKL321@hufmail.
Joe Chilcoat	resident		406 794 3597	Zerock111@yahoo.com
Mark Turner	Resident		406-671-6808	Mark.Turner2@BNSF.com
Jane Scott	Resident		406.213.6034	JaneScott815@gmail.com
Jonathan McCroskey	Resident		817-507-7404	Mmarcum99@yahoo.com
Robert Gill	Resident		714-227-1166	Gill.Family@csbc.org
Karen Gill	"		"	Gill.Family@sbcbglobal.net
Tammy BRUNS	"		425 870 9892	Tammy.BRUNS5@gmail.com
Renee Maynard	Resident		406 750 0879	renee.fencee@gmail.com

PRE-APPLICATION NEIGHBORHOOD MEETING
ATTENDANCE SIGN-IN SHEET

Date: 1/25/2024

Time: 5:30 PM

Project: Copper Ridge 7th + 8th Filing Zone Change

Project No.: 21206.03

Meeting Location: 7043 Copper Sunset Dr.

Name and Title: <i>(Please Print)</i>	Representing:	Phone Numbers		Email Address
		Office	Mobile	
Gail Flack	Resident		406-861-8408	flackg@icloud.com
Rich Bruns	Resident		425-870-8217	RTBRUNS@aol.com
TREY ADKINS	Resident		406 697 1423	treypadki@gmail.com
TOM FLACK	Resident		406-262-1640	FLACKT@icloud.com
Braden & Kayla Shortidge	Resident		406-690-3925	KMarie412@hotmail.com
Rebecca (about to be 4 sale)	Resident		408-6661-6978	Kathy@Justinpelos.com
Joey Zehring (Victor Grant's)	Resident		208-296-9782	Joey.zehring@gmail.com
Ron & Mervin Person	Resident		406-652-8715	ronscappetto@yahoo.com
John & Ruth Meave	Resident		850-723-4379	jemeave98@gmail.com
Robert Gill	Homeowner Res		714-227-1186	gill.family@sbglobal.net

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE

Billings Zone Change # 1047 Project # PZX-24-00063

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 N3 Suburban Neighborhood

Proposed Zoning: N1 First Neighborhood Residential, NX1 Mixed Residential 1, NX2 Mixed Residential 2, and P1 Parks and Open Space

PARCEL TAX ID# A36637, A36636, A37389 CITY ELECTION WARD 4

Legal Description of Property: Attached Exhibit C

Address or General Location (If unknown, contact City Engineering): Lots 15 and 16, Block 3 of Copper Ridge 7th Filing and a portion of Lot 15A Block 3 of Co

Size of Parcel (Area square feet or acres): 62.56 Acres

Present Land-Use: Residential

Proposed Land-Use: Residential

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s) WH Copper Ridge 54 LLC

(Record Owner)

24911 Avenue Stanford SANTA CLARITA, CA 91355

(Address)

661-222-9207

(Phone Number)

lwilliams@williamshomes.com

(email)

Agent(s): John Halverson

(Name)

1300 N Transtech Way, Billings, MT 59102

(Address)

406-869-3311

(Phone Number)

jhalverson@sandersonstewart.com

(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: 

(Record Owner – Digital Signature Allowed)

Date: FEB. 1, 2024

Lots 15 and 16, Block 3 of Copper Ridge 7th Filing and a portion of Lot 15A Block 3 of Copper Ridge Subdivision 8th Filing

Zone Change Request from N3 Suburban Neighborhood Residential to N1 First Neighborhood Residential, NX1 Mixed Residential 1, NX2 Mixed Residential 2, and P1 Parks and Open Space

Statement of Proposal

Williams Homes and WH Copper Ridge 54 LLC, are seeking to and Rezone Lots 15 and 16, Block 3 of Copper Ridge 7th Filing and a portion of Lot 15A Block 3 of Copper Ridge Subdivision 8th Filing.

The intent of the requested zoning will allow for the future development of single-family homes, cottage courts, duplexes, townhomes, and multi-family residential units.

The proposed zoning will provide an incremental increase in residential density compared to that of the Copper Ridge subdivision to the east. It also provides a greater degree of housing choice in the area at a scale that is compatible with existing development and within zones that already exist in the neighborhood surrounding the intersection of Rimrock Road and 62nd Street West.

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 requested zoning is in compliance with the following growth guidelines:

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

- ***The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plan.***

Yes. Streets within this master-planned neighborhood are designed for low speeds to calm traffic and provide safe environments for all users while still providing enough room for emergency vehicles to safely navigate.

- ***Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.***

Yes. This master-planned neighborhood will provide pedestrian connections to adjacent development in Copper Ridge and will continue the path along the north side of Rimrock Road.

- ***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.***

Yes. This master-planned neighborhood will provide a centrally located park that will be developed, owned, and maintained by the HOA. In addition to the central park, a dedicated landscape buffer along the eastern edge of the development between the existing Copper Ridge neighborhood and this proposed development further eases the incremental transition from the existing N3 residential to the proposed N1-zoned area. The proposed zoning plan also includes a park dedication along a portion of the northern edge of the proposed development to allow a future trail along the southern edge of the railroad track. All of those areas will be zoned P1.

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

Yes. The proposed master-planned neighborhood abuts areas already served by city water and sewer, and includes zones which already exist in the area surrounding the planned commercial node at 62nd and Rimrock Road. Because this proposed zone change includes an incremental increase in residential density, City and municipal infrastructure will be more cost effective than less-dense development, on a per-capita basis.

- ***Neighborhoods that are safe and attractive and provide essential services are much desired.***

Yes. The design of this master-planned neighborhood, in compliance with relevant subdivision and zoning regulations, will promote a high level of public safety. This includes streets, parking and recreational areas which are easily observable from residences within the development. This property will not impact public health, safety, and welfare any differently than the other neighborhood developments which are developed in accordance with the City's zoning requirements.

Place Making (Enhance, Maintain, Preserve, and Improve Existing Public Places)

- ***A multi-use community recreation facility is desirable.***

Yes. This PND provides recreational open spaces in the form of public parks, a continued walking path along the north side of Rimrock Road, a centrally located park space, a green buffer along its eastern boundary, and dedication of space along the railroad tracks to its north, along which a future trail is planned.

- ***The history and heritage of Billings are cornerstones of our community.***

Yes. Billings has always adapted to the changes in economic drivers and been welcoming of projects that allow the community to continue to grow and prosper in a systematic and planned way. This zone change will follow in that spirit by supporting a variety of housing units at an attainable price.

- *Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City.*

Yes. The master-planned neighborhood's centrally located public park will serve as a shared community gathering and recreation space for the entire neighborhood. The compact nature of this development will ensure that the public space is a well-used and vibrant community asset.

Community Fabric (Attractive, Aesthetically Pleasing, Uniquely Billings)

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

Yes. This master-planned neighborhood will be developed in accordance with the City's code regulating street sections to include planted boulevards. This will ensure that vehicular traffic is calmed and can navigate the development at slow, safe speeds for all street users. Street-front landscaping will be provided in accordance with the zoning code's landscape section, providing street trees and other water-efficient landscaping.

- *Planning and construction of interconnected sidewalks and trails are important to the livability of Billings.*

This master-planned neighborhood will feature sidewalks on all streets, including pedestrian connections to adjacent development and the surrounding pedestrian network. It will include the continuation of the pedestrian path along the north side of Rimrock Road.

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 mixture of zones and housing types within this master-planned neighborhood provides a diversity of housing choices to serve residents of all life stages and incomes. The largest part of the site, 49.25% gross, is proposed as N1 which, because of its efficient use of land, will create more attainable homes than in the adjacent, N3-zoned neighborhood. NX2 is the second-most prevalent zone district in the master-planned neighborhood, with approximately 19% of the site's gross area. This zone, which exists about three-quarters of a mile to the east, can host structures of up to eight units, which will likely take the form of townhomes or multiplexes. The remainder of the neighborhood, about 8% gross, of land within the proposed neighborhood is NX1 Mixed Residential 1, which can host a range of building types from single family to four-plex homes. The diversity of housing in the

proposed master-planned neighborhood will allow residents of varying income levels and age groups to call this neighborhood home.

- ***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.***

This proposed neighborhood is about one mile from the emerging commercial node at the intersection of 62nd Street West and Rimrock Road. Residents of this neighborhood will be able to reach that node within a twenty-minute walk or brief bike ride.

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

The property considered under this zone change will use named streets within its bounds to better address locations within and provide an enhanced level of public safety. Per City of Billings subdivision regulations, compliance with which will be confirmed during the subdivision approval process, this master-planned neighborhood will connect to the surrounding road network two or more locations. Streets in the neighborhood are planned to connect to two streets in the Copper Ridge neighborhood to the east, and three connections to Rimrock Road toward the south.

Prosperity (Promoting Equal Opportunity and Economic Advancement)

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

The incremental increase in residential densities that will result from this proposed zone change will promote efficient use of land, city services and provide relatively high tax revenues per acre compared to less-dense residential development.

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

This master-planned neighborhood will attract a diverse demographic of residents seeking housing alternatives to large lot, single-detached residential. The homes planned for this neighborhood will provide access to investment and wealth-building for working class and aging Billings residents alike. The property's proximity to the commercial node planned at the intersection of 62nd St. West and Rimrock Road has the potential to reduce those residents' transportation costs. The incremental increase in density that will result from the proposed zone change will also reduce tax burden that will support the high-quality services that a modern work force demands.

The community that is planned as part of this Zone Change will help Billings manage its growth by encouraging development within and adjacent to the existing City limits, giving preference to areas where City and municipal infrastructure exists helping to maintain fiscal responsibility for the City. This development will allow the City to increase tax revenue,

decrease tax burden on residents, and promote prosperity by further developing a variety of neighborhoods with their own unique character that are governed by City regulations and provide housing choice and additional housing inventory.

The West Billings Plan states:

- ***More compact development patterns are desirable because they make full use of urban services, offer cost-effective infrastructure, and hold down costs to the taxpayer.***

Yes. This proposed, master-planned neighborhood will develop in a compact manner and will host residential densities that will support cost-effective provision of municipal services.

- ***Plan for a mix of land uses that reduces automobile usage by locating stores, housing, schools, and recreation within a very short drive (or walking distance) from each other in compact neighborhoods with pedestrian-oriented streets***

Yes. The proposed zone change area is one mile from the planned commercial node at 62nd St. West and Rimrock Road. As this neighborhood develops, the path along the north side of Rimrock Road will also be extended, contributing to the active transportation network in the area. Streets within the proposed PND will be designed in accordance with all relevant City regulations to include pedestrian facilities, planted boulevards, and traffic calming measures.

- ***PG1.M.5 Enable the approval of development project that incorporate innovative mixed-use land planning concepts that provide for community aesthetics, compatible land uses, a mix of housing opportunities, open space, and other community amenities by revising zoning and subdivision regulations.***

Yes. The proposed neighborhood includes a mixture of housing opportunities including zones that allow single-detached homes, cottage courts, duplexes, townhomes, and multiplexes that will provide attainable housing for a range of ages and incomes. This proposal also includes areas zoned P1 public space for a centrally located park and a natural buffer area along the eastern boundary of the site between it and the existing Copper Ridge neighborhood.

The 10 Zone Change Criteria:

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

Yes, this master-planned neighborhood is being developed under the consideration of the Growth Policy statement and guidelines on previous pages. The land on which the project is planned has already been annexed into the city and is adjacent to parcels where municipal services exist. The residential uses proposed on the site are provide an incremental increase in residential density and are compatible with existing residential uses in the area.

- ***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 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, All development within the proposed neighborhood will be designed under the City Zoning code which will regulate density and land use transitions. All residential uses 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. All public spaces within the neighborhood are also designed to be easily observable from residences, which provides a higher level of public safety.

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

Yes, the proposed neighborhood will provide streets designed in compliance with relevant City of Billings regulations for adequate transportation provision. Impacts on the road network will be determined during later subdivision and master site plan approvals processes, which will include a Transportation Impact Study. Water, sewer and storm facilities will also be developed in accordance with all relevant regulations. The residential densities proposed in this master-planned community will create a neighborhood that costs less for schools to serve, as it will require less distance for buses to travel for student pick up and drop off. Areas zoned P1 within the planned neighborhood are more than double what is required in subdivision regulations, thus providing ample recreational opportunity for area residents.

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

Yes. This community is being developed in accordance with City of Billings rules and regulations and therefore meets this requirement.

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

Because the proposed zone change is within one mile of a planned commercial node at 62nd St. West and Rimrock Road, it is reasonable to predict that some portion of the trips generated by the residential uses planned for this site will be captured by walking, bicycling trips to that node, thus reducing the impact of this development on the surrounding roadway network. Beyond that, this proposal will have no greater impact on the transportation network than any other residential development.

When this development progresses through the approvals process to master site plan review, a Traffic Impact Study will be completed, and the developer will be responsible for any

improvements the study deems necessary because of the trips generated by this development.

The zone change will continue to support and address growth needs and have additional connections to the local street network while concentrating housing within the established City of Billings projected growth areas.

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

Yes, this master-planned community provides the next, incremental increase in density from the existing Copper Ridge neighborhood. The homes within the N1 and NX1 and NX2 zones are restricted to the same or lower height limits as the existing N3 zoned development to the east of the subject parcels. The zones contained in this proposal already exist in the area node of development surrounding the intersection of 62nd Street West and Rimrock Road.

This master-planned community also includes a P1-zoned green buffer of varying depth between 70 and 160 feet. This area will provide a recreational amenity for all residents in the area and further eases the transition from existing development to the proposed neighborhood.

- ***Whether the new zoning considers the character of the district and the peculiar suitability of the property for the particular use.***

Yes. The property comprises the western portion of the Copper Ridge master-planned development, which contains residential uses, and is bordered on its eastern edge by NX1 and NX2-zoned residential uses. This proposal will continue the character of the neighborhoods in the area by including zone districts which already exist in the node of development forming around the intersection of 62nd Street West and Rimrock Road.

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

Yes. Although there is no evidence to suggest that the development of smaller homes or multi-family residential uses has any negative effect on the value of adjacent, existing single-detached residential uses, this neighborhood provides an ample green buffer between existing residential uses and the residential uses proposed. Williams Homes, the developer of this community, also has a proud record of increasing the value properties surrounding their developments. This master-planned neighborhood will be constructed and designed to higher standards than the duplex and multi-plex uses existing in the area.

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

Yes. The City of Billings continues to need projects that provide housing choice within financial reach of working people. It is appropriate to continue to promote development within City Limits boundaries that makes efficient use of costly land, labor, and construction

materials. This zone change helps support an appropriate level of development which will serve the City both now and in the future.

From: [Leslie Cooke](#)
To: [Council](#)
Subject: [EXTERNAL] Concerns about proposed development at Copper Ridge
Date: Monday, February 12, 2024 3:33:57 PM



To the Billings City Council,

Below is a letter I have submitted to the Editors of the Billings Gazette, and to the Yellowstone County News. Please consider this as written comment to the council

Thank you, Leslie Cooke, 3251 Rimrock Road

Safety along Rimrock Road will be impacted adversely by the proposed multi-family development in Copper Ridge. Our city needs more housing. But putting high density housing that far out from the core of the city, where services are plentiful, will have a direct impact on vehicle traffic in the Rimrock neighborhoods.

During commuting hours, Rimrock is overloaded, making it difficult for residents to turn onto and off of Rimrock Rd. At night when traffic is lessened, the speed demons are out!

Rimrock has been gradually impacted over the years by the extraordinary amount of development to the far northwest. We need more north/south connectors to move traffic down to east/west arterials that have less residential density.

I call on our City and County leaders to delay this development until a widening of Grand (west of Shiloh) can happen, and suitable north/south connectors can bring commuters from the northwest subdivisions down to Grand.

Further, we need more pedestrian safety measures on Rimrock. I've given feedback in the past to the long-term transportation plan regarding various spots that need crosswalks or traffic signals.

Rimrock Road is considered an "arterial" by the City, despite it being almost 100% residential. Rimrock is a neighborhood street! Residents along Rimrock and the nearby neighborhoods need relief.