

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1050 Project # PZX-24-00102

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 _____

Proposed Zoning: _____

PARCEL TAX ID# _____ CITY ELECTION WARD _____

Legal Description of Property: Lot 5, Block 1 of MK Subdivision, Sec. 31, T. 01N, R. 25E

Address or General Location (If unknown, contact City Engineering): Hawk Creek Ave., Billings, MT, 59106

Size of Parcel (Area square feet or acres): 2.1575 acres

Present Land-Use: Vacant

Proposed Land-Use: Unknown: Build to Lease

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

Owner(s) Mountain West Capital, Inc., MWC INC DBA

(Record Owner)

(Address)

(Phone Number)

(email)

Agent(s): _____

(Name)

(Address)

(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: *Brent Small* Date: _____

(Record Owner – Digital Signature Allowed)

City Zone Change Application Packet

Summary:

The applicant is requesting a rezoning for the property legally described as Lot 5, Block 1, MK Sub of Section 31, Township 01 North, Range 25 East, City of Billings, Yellowstone County, Montana, Principal Meridian Montana. The property is generally located North of Hawk Creek Avenue and West of 54th Street West. The property is currently zoned Neighborhood Mixed-Use (NMU). The applicants are proposing to rezone the parcel to Corridor Mixed-Use 1 (CMU1). Currently the parcel is vacant, however the applicant intends build-to-lease. The goal of the proposed rezoning is to expand the allowable uses for future leasing opportunities. The choice of CMU1 was to provide a transitional zone between the adjacent to the north N2, Mid-Century Neighborhood Residential to the adjacent to the south, CMU2, Corridor Mixed-Use 2.

The 2021 City of Billings Zoning Code defines Corridor Mixed-Use (CMU1) on page 27 as the following:

“CMU1: Corridor mixed-use. The CMU1 district is intended to accommodate commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. Commercial uses in the CMU1 district may be somewhat larger in scale and more flexible than the neighborhood mixed-use district, including more auto-oriented uses such as gas stations. While ground stories along streets are intended for commercial uses, the upper stories could accommodate residential and/or office uses.”

The proposed CMU1 zoning designation is in this location meets the defined expectations above. The location of this property is uniquely situated right off 54th Street West, a minor arterial road, and nearby Grand Avenue, a principal arterial road. The proximity of the property to the N2 zoning will encourage multimodal usage such as bicycles and walking.

10 Statutory Zone Change Criteria:

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

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

The requested new zoning is in accordance with many criteria within the 2016 City of Billings Growth Policy. The policy states the following guidelines:

- “Infill development and development near existing City infrastructure may be the most cost effective.”
 - The new zoning will foster development in an area where infrastructure already exists to support commercial businesses. City of Billings Water and Sewer mains are currently located within 54th Street West and Hawk Creek Avenue. The parcel has an existing sidewalk/bike lane adjacent to 54th Street West. The requested zoning is supportive of desired infill development and allows for

a variety of uses, while still providing a transition zone from the neighborhood to the north to the CMU2 zoned to the south. Currently, the property is vacant but in the area there exists a brewery, casino, and it is across the street from an Albertson's. A CMU1 zoning designation widens the potential uses for this property and follows the development pattern of this neighborhood.

- “A diversity of available jobs can ensure a strong Billings’ economy.”
 - The proposed zoning change fosters economic growth by providing new jobs to locals. The CMU1 designation allows for a wider variety of potential businesses on the property, which will in turn offer a greater diversity of available jobs to locals.
- “Public health and safety and emergency service response are critical to the well-being of Billings’ residents, businesses, and visitors.”
 - The property is located within the City of Billings Fire District and additionally, the closest fire station is across the street on the East side of 54th St West. The requested zone change prioritizes public health and safety.
- “Neighborhoods are safe and attractive and provide essential services are much desired”
 - The desire to rezone property is being completed during a time of slower economic development. The property owner is attempting to complete a build to lease on the property. He would like to see a business that is desired by the neighborhood, thrive on his property. While the business is unknown, he feels as though expanding potential allowable uses can help attract development. The neighborhood will be protected by zoning use restrictions such as casino not being allowed on the parcel due to setbacks from the adjacent neighborhood zoning.

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

The new zoning is designed to secure from fire and other dangers. Since the area is already largely developed with a range of commercial and residential uses, adequate infrastructure exists to support the developments which CMU1 permits. Additionally, the CMU1 designation requires side and rear setbacks, open space, and other design standards that are associated with emergency access. The location is conveniently located across the street from a fire station. During the building permit process any necessary fire suppression standards will be implemented as well.

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

The new zoning will continue to promote public health, safety and general welfare. By rezoning the property to CMU1, the property will act as a transitional zone from the adjacent neighborhood to more intense corridor mixed use to the south and adjacent to the east. Any development on the property will be required to adhere to the site and structure regulations set forth by the City of Billings Zoning Code, City of Billings building/engineering codes and the International Building Code. The City’s zoning code is written to promote public health, safety, and general welfare.

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

The new zoning will facilitate the adequate provision of transportation, water, sewerage, and other public requirements. CMU1 is intended to “accommodate commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking.” Due to this, the zoning code accounts for adequate provision of transportation. The property is adjacent to existing water and sewer mains within 54th Street West and Hawk Creek Avenue. Additionally, 54th Street West and Hawk Creek Avenue are access streets to the property. The property is located within the school districts of Meadowlark Elementary School, newly built Ben Steele Middle School and West High School. The property is located approximately 2.5 road miles away from the City of Billings Rimrock West Park.

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

The new zoning is designed to provide adequate light and air. The zoning has been designed with setbacks, access requirements, maximum building coverage, etc. These regulations of building design ensure that the zoning provides adequate light and air.

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

During the subdivision process of MK Subdivision a traffic impact study was completed for the property. The Subdivision Improvements Agreement recorded for the property as Document Number 3430740 states that the agreement for impacts on traffic from development of this lot will be offset during the time of building permit. The SIA continues that prior to any building permit approval the developer shall pay a cash contribution to the City of Billings. In the case of Lot 5 of MK Subdivision the cash contribution is \$22,970.27. Additionally, the City of Billings building permit process will require a queueing analysis for any drive-through, sidewalks to be installed for the remainder of the property, and if the development triggers more than 500 trips per day another traffic impact study could be required. Due to these regulations any affect on motorized and nonmotorized transportation are offset.

7 Whether the new zoning will promote compatible urban growth.

The new zoning will promote compatible urban growth. There are two nearby lots, to the south, east, and southwest, which are zoned as Corridor Mixed-Use (CMU2). The CMU1 zoning for the property in question promotes compatible urban growth because it's similar to adjacent zoning. Additionally, since the property is also adjacent to a residential neighborhood to the north, CMU1 acts as a transitional zoning designation to maintain the integrity of both the commercial corridor and the neighborhood it serves.

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

The new zoning considers the character of the district and the peculiar suitability of the property for particular uses. The area is mixed-use in nature, with commercial centers serving both the residents in the area and commuters along Grand Avenue. CMU1 will continue that pattern of growth in this area by allowing for a wider range of commercial uses within the lot in question.

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

The new zonings alignment with adjacent uses should continue to conserve the value of buildings in proximity.

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

The new zoning encourages the most appropriate use of land throughout the City of Billings. The proposed zoning is similar to adjacent existing zoning in the area and is in close proximity to existing infrastructure. Additionally, the City of Billings zoning change application indicates that 80% of the properties in Billings are designated for neighborhood or mixed residential uses, by allowing for the zone change to be corridor mixed use 1 we are promoting economic vitality.