

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:** _____

2. **Written description of the Zone Change Plan** including existing and proposed new zoning:
The applicant is proposing to rezone the property from NMU, Neighborhood Mixed-Use to CMU1, Corridor Mixed-Use 1. The intent of the rezoning is to broaden the allowed uses on the property, while allowing a transitional zone to adjacent more intense commercial zoning of CMU2, Corridor Mixed-Use 2. The applicant is intending to build to lease. The future building is unknown with the hopes that this rezoning will broaden commercial developer's interests.
3. **Legal Description of Property:**

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

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 22 , day of February 20 24.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s):

_____ Telephone: _____

Address:

PO Box 2070 Missoula, MT, 59806
_____ Email: _____

Agent (s):

_____ Telephone: _____

Address: _____ Email: _____

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



ATTENDANCE RECORD

IMEG #: 24000862.0

Project: Mountain West Capital Hawk Creek Avenue Rezone

Meeting Description: Re-Zone Neighborhood Meeting

Date: 2/22/2024

Time: 5:30PM

Place: Ben Steele Middle School Cafeteria (5640 Grand Ave., Billings, MT, 59106)

ATTENDEE NAME

PHONE NUMBER

E-MAIL

Sandee Dunstan Len Dunstan	406-656-4909	sandee40dunstone netscope.net
Cathy Bentz	406-245-2891	otttrco@gmail.com
Holland Nielsen	406-396-0056	hollandsmall7@gmail.com holland@
AMARA FRANK	406 794 2184	Tfrank747@gmail.com
FRANK	406-248-8973	
Carol Frederick Jim Keller	406-698-8393	carolfrederick21 @gmail.com
Phil Hopkin	406-696-0091	P_Hopkin@Live.com
Edward Serman	406/861-8107	Ejserman@gmail.com
MATT CRAMPTON	406/231/1967	mjcrampton@b...



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ATTENDEE NAME

PHONE NUMBER

E-MAIL

ATTENDEE NAME	PHONE NUMBER	E-MAIL
Molly Dutson	801-828-5893	missmollyrose@gmail.com



ATTENDANCE RECORD

IMEG #: 24000862.0

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Meeting Description: Re-Zone Neighborhood Meeting

Date: 2/22/2024

Time: 5:30PM

Place: Ben Steele Middle School Cafeteria (5640 Grand Ave., Billings, MT, 59106)

ATTENDEE NAME

PHONE NUMBER

E-MAIL

ATTENDEE NAME	PHONE NUMBER	E-MAIL
Steve Zeiser	406-670-6969	steve@trinityrealt.com
Tiffany Wardell	406-690-6244	wardell.tiffany@gmail



MEETING NOTES

Date	February 22, 2024
Project	Mountain West Capital/Hawk Creek Ave Rezoning
Project Number	24000862
IMEG Attendees	Kelsey Murray, Anna Vickers
Public Attendees	Sandee & Len Dunnstan, Cathy Bentz, Holland Nielson, Tamara Frank, Phil Frank, Carol Frederick, Jim Keller, Phil Hopkin, Edward Sermon, Matt Crampton, Molly Duston, Steve Zeier, Tiffany Wardell

IMEG Started Presentation

I'm Anna Vickers and I'm here with IMEG on behalf of the owner, Mountain West Capital. This is Kelsey, my associate, who is here for the purpose of taking notes. We are here to discuss a proposed rezoning of the parcel located North of Hawk Creek Avenue and West of 54th Street West. The intent of today's meeting is to receive your input, comments and concern for the proposed rezone including any ideas for the property. All input received is being documented.

The zoning on this property is currently NMU, or Neighborhood Mixed-Use. We are requesting CMU1, or Corridor Mixed-Use 1. The differences between the zoning codes are highlighted in the materials provided. The developer is not exactly sure what he wants to build but it will be a build to lease development and it will be commercial. He is leaning toward a coffee shop or bakery, but he also hopes to receive some input from the neighbors regarding what you'd want in your neighborhood. As you can see on the shown exhibit the property is adjacent to N2 which is a residential use, across the street from CMU2 and next to a planned development which is Diamond X.

On your list that compares allowable uses you will see a number of different designations. These things can be permitted, locations limits, applicable use restrictions, and special review. If you see a special review this means that if this use is chosen there will be an application with a hearing specific to that type of use, typically at that point you may see a site plan for that use as well. Applicable use restrictions means that there are specific restrictions in the zoning code further limiting that use. In an effort to preemptively address a common question, a casino is something that would have applicable use restrictions. Casinos are not allowed within 350' of a residential zoning. As you can see on the screen this property is 304'. Therefore, a casino would not be able to fit on this lot. Additionally, a bar, which is defined as a place that receives more income from alcohol sales than food sales, would need to be 150' away from a residential use. This would leave a small portion of the lot for the building to be placed upon. would not be permitted here due to required setbacks from residential properties. This applies to bars as well, however a restaurant serving alcohol may be permitted. This being said I'll open it up for questions and comments.

Public Question: Is the owner different from the owner of Diamond X?

IMEG: Yes, it's a different owner. This owner acquired the property in 2021.

Public Question: As it's zoned right now, isn't it eligible for a restaurant?

IMEG: Yes, the main difference being that CMU1 allows for a drive-thru restaurant not serving alcohol and NMU does not.

Public Question: I live on Round Stone, right behind Diamond X. I'm all for it, but I want to make sure snow removal, power washers, trash collection, and other contractors don't start so early in the morning. I don't want to have to call another property owner to ask them to have their contractors respect quiet hours. My concern is loud noises that wake me up early in the morning. This is important aside from the hours of operation.

IMEG: That's a valid concern and I will pass this on to the owner.

Public Question: It would be nice to see trees and landscaping as a buffer zone between the neighborhood and development.

IMEG: As the property sits right now, there is a 25' landscape easement that is adjacent to the residential neighborhood. The covenants of this property call for trees/landscaping, and a fence. Additionally the City's Zoning Code requires some landscaping.

Public Question: What are the plans for sewer and water from the city? We had torrential rains last year, so are there any plans to move stormwater elsewhere?

IMEG: Right now sewer and water are adjacent to the property in Hawk Creek as well as 54th street. Sewer and water would be provided using city infrastructure. Currently the Subdivision Improvements Agreement for the property requires that stormwater be retained onsite. If stormwater infrastructure is in the area during site design and building DEQ requires us to tie into anything within 500' of the property.

Public Question: Does the new zoning change the height of the buildings?

IMEG: I'm not sure, let me look. It looks like the story façade levels change by 2 feet more in CMU1.

Public Question: What is the current story limit?

IMEG: Both are four stories.

Public Question: What does 'applicable use restriction' mean? My concern is about gas stations.

IMEG: Applicable use restrictions mean that there are specific use restrictions associated with a gas station is chosen. I do not know the restrictions specific to the gas station off the top of my head. I can tell you that during the building permit process there is a requirement that if more than 500 trips per day are triggered a traffic study is required. I was also informed that 5 bays for a gas station would trigger a traffic impact study. You are not the first person that's had concerns about a gas station that I've talked to.

Public Question: What about the street lighting?

IMEG: Street lighting is not required but per the Subdivision Improvements Agreement conduits would be installed should future lighting be desired. I also know that the City of Billings Subdivision Regulations are currently undergoing an update. This update would require streetlights to be installed along new streets within subdivisions. If you oppose this, I strongly encourage you to attend the public hearings regarding the update.



Public Question: What is the process now? After this hearing, does it go to the city council?

IMEG: This meeting is a requirement for a proposed rezoning. After this meeting I will have a conversation with the owner to discuss the input received. Should the owner decide to move forward the application will be due to the City Planning Department by March 1. The City Planning Department then has a month to review the application. There will then be a notification you will receive in the mail regarding future public hearings for this rezoning. There will be one with the Zoning Commission and one with the City Council. The Zoning Commission will vote and make a recommendation to the City Council. The City Council has final decision on the proposed zoning.

Public Question: In reference to coffee shops- it's already permitted to have a restaurant, so why change?

IMEG: At this point the desired use is unknown, as stated the owner is doing a build to lease. When rezoning to CMU1 this will expand opportunities of interest future for a future business.

Public Question: Is the owner someone who lives locally?

IMEG: He lives in Missoula.

Public Question: Since when has he owned that lot?

IMEG: He's owned the property since 2021.

Public Question: If there's consensus among the neighbors about what we don't want, would he be open to hearing from us?

IMEG: Any information about what the neighborhood would or would not like to see I am happy to pass along to the owner and he does want to hear about it. This being said, I will forewarn you that zonings cannot be conditioned. Should you want only specific uses allowed we would need to change the type of rezoning proposal is being requested. This could mean us holding another neighborhood meeting, which can be expensive. As I mentioned the date for submittal is March 1. If you can gather consensus before then for an idea, I am happy to share this with him for an option. I know he does want to be a good neighbor.

Public Question: If he's trying to expand the type of business that could go in there, he must have some idea of what he wants to do. A subway, coffee shop, etc. are all compatible with a neighborhood.

IMEG: As I mentioned in prior, there are use restrictions and special reviews associated with certain uses. Additionally, the owner is unsure of what he would like to go here. He is completing a build to lease at this point we do not know what will go here.

Public Question: But if he's requesting the zoning he must know what is going to go here.

IMEG: As I mentioned I am unsure what is going to go here. I can tell you any time you look at a zoning you should not make your decision based on what someone says will go somewhere. Your decision should be made based on the allowable uses within the zoning. The property's ownership can change but the zoning restrictions continue to be the same. Things such as a casino not being allowed will continue to remain the same no matter who owns the property.

IMEG: If there are no further questions, thank you for coming.



Anna Vickers

From: Anna Vickers
Sent: Thursday, February 29, 2024 8:31 PM
To: mtnavyboy
Subject: RE: Pre-Application Neighborhood Meeting - Yellowstone County Zone Change Request on MK Subdivision Lot 5

Hi Dan,
Currently the use is unknown the owner is doing a build to lease. If you have further questions, please let me know.

Thanks,

Anna M. Vickers
Lead Land Use Planner
IMEG
175 N 27th Street, Suite 1312, Billings, MT 59101 tel (406) 248-9000 single reach (406) 532-0263 mobile (225) 603-1371
fax (406) 721-5224 anna.m.vickers@imegcorp.com <https://www.imegcorp.com>

This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.

-----Original Message-----

From: mtnavyboy <mtnavyboy@charter.net>
Sent: Thursday, February 29, 2024 4:48 PM
To: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Subject: Pre-Application Neighborhood Meeting - Yellowstone County Zone Change Request on MK Subdivision Lot 5

External Email: Treat links and attachments with caution.

Dear Ms Vickers:

I was out of town when the subject meeting was held. What is the intended use of Lot 5?

Thank you for a quick response.

Dan Harman
5336 Sundance Mountain Circle
Billings, MT 59106
(cell): 701-202-8876

From: Anna Vickers
Sent: Wednesday, February 21, 2024 4:31 PM
To: Kelsey L. Murray
Subject: FW: Pre-Application zoning Change Request - MK Subdivision, Lot 5

Follow Up Flag: Follow up
Flag Status: Flagged

Please pdf and save in the file.

Anna M. Vickers
IMEG | Lead Land Use Planner



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From: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Sent: Tuesday, February 20, 2024 10:58 AM
To: Jerry Nettleton <jpja@comcast.net>
Subject: Re: Pre-Application zoning Change Request - MK Subdivision, Lot 5

Hi Jerry,

There is no proposed project with this change. The landowner is looking to do a build to lease in the future. He's hoping that the change to CMU1 will allow for a couple of more business' to be interested in the future. Let me know if you have further questions.

Thanks,

Anna M. Vickers

IMEG | Lead Land Use Planner



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From: Jerry Nettleton <jpjja@comcast.net>
Sent: Saturday, February 17, 2024 6:25:14 PM
To: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Subject: Pre-Application zoning Change Request - MK Subdivision, Lot 5

External Email: Treat links and attachments with caution.

Anna -

I received a letter on the neighborhood meeting for the referenced zoning change request. What is the proposed project associated with this change request?

Thanks for your assistance in providing this information.

Jerry Nettleton

Sent from my iPad

From: Anna Vickers
Sent: Thursday, February 22, 2024 8:59 AM
To: Kelsey L. Murray
Subject: FW: Zone change on MK Subdivision Lot 5

Follow Up Flag: Follow up
Flag Status: Flagged

Please pdf and add to the file

Anna M. Vickers
IMEG | Lead Land Use Planner



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From: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Sent: Thursday, February 22, 2024 6:30 AM
To: m.r.ward@bresnan.net
Subject: Re: Zone change on MK Subdivision Lot 5

Thank you for your comments on the city parcel's proposed rezoning. I will add it to the record.

Anna M. Vickers

IMEG | Lead Land Use Planner



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From: m.r.ward@bresnan.net <m.r.ward@bresnan.net>
Sent: Wednesday, February 21, 2024 9:33:32 PM
To: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Subject: Zone change on MK Subdivision Lot 5

External Email: Treat links and attachments with caution.

Hello Anna,

My mother owns the property at 5416 Grand Ave and neither one of us is able to attend your meeting on Thursday Feb 22 but we would like to voice our concerns and comments re the zone change. My family has owned and lived on this 10 acres of land since 1978. Most of the land around us at that time was for agricultural use. I have raised sheep and cattle, pastured horses and cut hay on that land as have most of our neighbors for decades. We both understand that times change and "progress" is inevitable but so much has changed in recent years that life in our part of the county is unrecognizable as our home in the country. The traffic on Grand Ave and 54th street has become dangerous - both of those streets are treated like super highways by most of the drivers . We used to feel safe driving in our neighborhood but now we have to be extra extra cautious just pulling out of our driveway. Both my mom and I have had several near misses with head on traffic when trying to turn into our property off of Grand Ave. Adding more businesses such as a gas station or other auto-oriented uses will just increase traffic and the problems that come with more drivers that don't follow traffic laws. We have a school now and kids that need to cross traffic on Grand and 54th, this just also puts them at more risk. We have enough progress in our area, it's becoming more of a city than a neighborhood. Both my mother and I strongly object to the zone change.

Thank you for your time,
Marla Ward and Janice Ward (property owner)

From: Anna Vickers
Sent: Wednesday, February 21, 2024 4:31 PM
To: Kelsey L. Murray
Subject: FW: Zone Change Request on MK Subdivision Log 5

Follow Up Flag: Follow up
Flag Status: Flagged

Please PDF and save in the file.

Anna M. Vickers

Lead Land Use Planner

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-----Original Message-----

From: Anna Vickers

Sent: Wednesday, February 21, 2024 4:29 PM

To: 'Polly Rex' <pollyrex50@gmail.com>

Subject: RE: Zone Change Request on MK Subdivision Log 5

Hi Polly,

These are all fair points and I'm happy to hear them all. If you have any ideas of ideal things for the neighborhood please share them with me. The owner is requesting a rezoning to allow for more business development. As of right now, he is unsure what business will be interested as he will/is advertise the property as a build to lease.

Diamond X is zoned PD, Planned Development. This allows for all alcohol but no casino use within the PD.

Back 9 Lounge is zoned CMU2, Commercial Mixed Use 2.

Albertsons is zoned CMU2, Commercial Mixed Use 2.

Let me know if you have further questions. I'm happy to set up a discussion time, if necessary.

Kindest regards,

Anna M. Vickers

Lead Land Use Planner

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-----Original Message-----

From: Polly Rex <pollyrex50@gmail.com>
Sent: Wednesday, February 21, 2024 10:58 AM
To: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Subject: Zone Change Request on MK Subdivision Log 5

External Email: Treat links and attachments with caution.

Hello Anna,

This is in response to your letter dated Feb. 15, 2024 about a neighborhood zone change meeting for lot 5 in the MK subdivision. I live in Vintage Estates which is directly south of Albertson's off Grand Ave.

While I looked up the definition of both zoning categories, the change to CMU1 seems to encourage more business development which could include additional traffic and noise. There's already a brewery, several other Pub type restaurants and an Albertson's nearby. Can you tell me what their zoning category is?

While I don't want to discourage growth in my neighborhood, I also would like to see a balance of business and housing similar to what is already here.

Thank you—I can't attend the meeting Thursday evening but hope for a good turnout and lively discussion.

Polly Rex
5425 Burlington Ave.

Sent from my iPad

Anna Vickers

From: Anna Vickers
Sent: Thursday, February 29, 2024 8:45 PM
To: timschlecht56@gmail.com
Subject: Rezoning Meeting Notes

Good Evening Tim,
I'm going to attach in a separate email the neighborhood meeting notes you requested. I've found these can get filtered to spam. Please confirm receipt.

Thanks,

Anna M. Vickers
IMEG | Lead Land Use Planner



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Anna Vickers

From: Anna Vickers
Sent: Thursday, February 29, 2024 8:46 PM
To: 'timschlecht56@gmail.com'
Subject: Rezoning Meeting Notes
Attachments: MEETING NOTES.pdf

Hi Tim,
As mentioned in my prior email, please see attached notes. Please confirm receipt.

Thanks,

Anna M. Vickers
IMEG | Lead Land Use Planner



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