

Application & Applicant Letter

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1073 Project # 25-00190

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 3 - RR3

Proposed Zoning: CMU-1 and CMU-2

PARCEL TAX ID# D04653 CITY ELECTION WARD 4

Legal Description of Property: Lot 7 of Sunny Cove Fruit Farms, less right-of-way

Address or General Location (If unknown, contact City Engineering): SW corner of Rimrock Road and 60th Street West

Size of Parcel (Area square feet or acres): 8.95 acres

Present Land-Use: Agricultural

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) LMO Investments, LLC

(Record Owner)

590 Garden Avenue, Billings, MT 59101

(Address)

406-670-5457

(Phone Number)

James Duran / jcd@gmail.com

(email)

Agent(s): Taylor Kasperick, Performance Engineering

(Name)

3412 Colton Boulevard, Suite 202, Billings, MT 59102

(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:  Date: 9/28/2025

(Record Owner – Digital Signature Allowed)



3412 Colton Blvd., Suite 202 • Billings, MT 59102 • 406-384-0080

Zone Change Questions

Lots 7 of Sunny Cove Fruit Farms, Yellowstone County, Montana.
Having a total area of approximately 8.95 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 southwest of the Rimrock Road and 60th Street West right-of-way intersection. The development will extend city mains through the subdivision from the existing mains located within Rimrock Road. This is in line with the Essential Investments growth guideline by developing property near existing City infrastructure. This helps the city more efficiently expand their tax base without significantly growing their infrastructure, making it more cost-effective to maintain. Said adjacent water main and sewer main in Rimrock Road has been in place since its construction in 2002, meaning this property has been planned for annexation and zoning since that time.

Strong Neighborhoods – The proposed zoning will create a commercially zoned district in an area with limited to no commercial development. Near the intersection of two principal arterials, this is an ideal location for new businesses, which will afford the expanding residential population in northwest Billings services that are currently farther away. This area of Billings is severely lacking commercial amenities for the surrounding neighborhoods, with the nearest existing commercial businesses being over one mile away (Albertsons, Diamond X, etc.) at 54th and Grande. By zoning commercial districts at this important intersection, the surrounding neighborhoods will have a much shorter commute to these possible amenities and potentially could walk instead of drive. By locating commercial districts such as this closer to expanding residential development, the traffic pressure going further into the City can be lessened by providing services closer to where people live.

Growth Scenarios – The City of Billings Growth Policy identifies three growth scenarios for the Billings West End, public preferred, high density and low density. In all three of these scenarios, the area surrounding the intersection of Rimrock Road and 62nd Street West included commercially zoned districts. This development would follow these scenarios to a tee, providing the public with the exact feedback that was given during the growth planning study.

2. Explain how the proposed project meets the 10 zone change criteria.
- a. **Is the new zoning designed in accordance with the growth policy?**
As mentioned previously, the proposed zoning follows the growth policy to a tee. Proposing commercially zoned districts directly adjacent to principal arterials and in an area identified as a desirable location by all three growth scenarios, public preferred, low- and high-density growth scenarios in the City of Billings Growth Policy.
 - b. **Is the new zoning designed to secure from fire and other dangers?**
There will be new fire hydrants located an adequate distance throughout the interior of the development with a maximum spacing of 300-ft, meeting all City of Billings Fire Codes. These new hydrants will be in addition to the existing hydrants located along Rimrock Road and 62nd Street West, north and west of the proposed zone change. This ensures that any business that may be in this subdivision is adequately secure from fire. This 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 create a commercial district in an area lacking an existing commercial development. The subject property will be subdivided as part of this project. As part of the subdivision process, a Traffic Impact Study (TIS) will be required. The TIS will help identify intersections that would be affected by the development and would then require the developer to pay contributions towards the intersection for improvement. These contributions would be put towards projects that would help ease traffic flow in the area and enhance traffic control at the intersections, creating safer roadways for drivers and pedestrians. Additionally, the City is making necessary investments to Rimrock Road to widen the principal arterial to three lanes, which will help mitigate existing traffic concerns and issues. As part of annexation and development, it is anticipated the owner will be required to contribute to the cost of this project.
 - d. **Will the new zoning facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements?**
As discussed previously, traffic impact contributions would be collected by the city for impacts made by the development to intersections. These contributions would directly go towards enhancing traffic control at the intersections creating safer roadways for drivers and pedestrians. Additionally, as part of this project, water and sanitary sewer mains will be extended through private roadways within the subdivision to serve up to eleven new commercial lots. At full build-out of the development, 60th Street West will be extended from Rimrock Road to the southern boundary of the property, extending this local road will open new property up to be developed. As this is a fully commercial development, no parkland is required or proposed to be dedicated as part of this

zoning, and no impacts to the school district are anticipated given commercial use.

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 commercial. Any improvements to the land must adhere to the 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 this project proposes the conversion of agricultural land to commercial, additional trips will be generated by the development, which will in turn impact motorized and nonmotorized transportation. The proposed zoning is currently being studied and a Traffic Impact Study (TIS) will be submitted in conjunction with the subdivision. The developer, will contribute to intersection impacts in the area identified by City Public Works to mitigate any negative impact from the development. As noted previously, by providing commercial services in a previously underserved area of town, local residents will have services closer to their homes and everyday commute rather than needed to travel to other areas of town to utilize the same or similar services.

g. Will the new zoning promote compatible urban growth?

The proposed zoning will promote compatible urban growth as is desired by the city. It proposes commercial districts along principal arterials which is beneficial for both commercial businesses as well as any residential developments, as it will keep commercial traffic off local residential streets and on the high traffic volume arterials. Additional commercial districts will also promote new residential development to the area with the close proximity to amenities. The proposed zoning is closely in line with the City of Billings Growth Policy scenarios as it was desired for the intersection of Rimrock Road and 62nd Street West to be primarily high density commercial.

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 primarily surrounded by undeveloped land, varying in zoning districts that include CMU1, N3, N4 and RR3. Commercial districts have been identified as being desired in the area of Rimrock Road, as has been seen with commercially zoned, but undeveloped land, on the NW and SE corners of 62nd Street West and Rimrock Road. Due to the area being primarily undeveloped breaking ground on a new project could help spur more businesses to come to the area, creating new amenities for the surrounding neighborhoods.

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

The proposed zoning will conserve the value of buildings in the area by creating new amenities for nearby subdivisions while not intruding upon them. There is no evidence that suggests the addition of just below ten additional acres of commercial zoning will do harm to the value of buildings in the area.

j. **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 land by placing higher density commercial districts close to principal arterial roadways, in particular those that already have water, sewer, and roadway adjacent to them. With the extension of 60th Street West to the south, this allows for the possibility in "stepping back" zoning districts with commercial located along the arterials, higher density residential behind and then lower density residential towards the interior of blocks.

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

The new zoning closely resembles the existing zoning directly to the west of the proposed development, and kiddy corner on 62nd and Rimrock on the NW quadrant. The new zoning expands the potential commercial area at the intersection of Rimrock Road and 62nd Street West and will provide amenities to the surrounding neighborhoods when developed.