

# Proposed Findings on new Zone Change Proposal ZC 1056

## Tract 1 of Certificate of Survey No. 3894

Zone Change Request from N3 Suburban Neighborhood Residential to N1 First Neighborhood Residential, NX1 Mixed Residential 1, NX3 Mixed Residential 3, CMU1 Corridor Mixed Use 1, and P1 Parks and Open Space

### Statement of Proposal

Gary Oakland and Oakland Companies are seeking rezone Tract 1 of Certificate of Survey No. 3894.

The intent of the requested zoning will allow for future development which provides of single-family homes, duplexes, townhomes, and multi-family residential dwellings.

The proposal is designed to provide a stepping and gradual, compatible increase in residential density compared to that of the surrounding High Sierra 2 subdivision to the south and east as well as any future development on existing agricultural tracts to the north and west. It also provides a greater degree of housing choice in the area and will support workforce housing.

### 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.***

Local access streets within the proposal area will be designed for low speeds and to calm traffic and provide safe environments for all users while still providing enough room for emergency vehicles to safely navigate. The zone change proposal is also designed to have high levels of network connectivity so that trips generated by the development will have immediate access to arterial and collector streets, thus minimizing the impact on surrounding neighborhoods.

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

All future development in the proposal area will provide pedestrian connections to adjacent streets and neighborhoods.

- ***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.***

The zone change proposal includes a 0.68-acre area zoned P1. As a requirement of zoning, the area within the proposal zoned NX3, which is 14.23 acres, will also contain 4 public open spaces.

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

The zone change proposal is within the city limits of Billings, and is nearby to areas already served by city water and sewer. Because this application proposes an 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.***

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, engineering and subdivision regulations.

### **Community Fabric (Attractive, Aesthetically Pleasing, Uniquely Billings)**

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

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 speeds that promote the safety of 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.

- ***Developed parks that provide recreation, special amenities, and active living opportunities are desirable for an attractive and healthy community***

The zone change proposal includes a .68-acre park zoned P1. As a requirement of zoning, the area within the proposal zoned NX3, which is 14.23 acres, will contain 4 public open spaces.

### **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 zone change application, CMU1, NX3, NX1, N1 provides a diversity of housing choices to serve residents of all life stages and incomes. The spectrum of residential zones included in this application creates a gradual transition from planned N3-zoned areas, toward the center, through N1, NX1, NX3 and CMU1. The diversity of housing types in the application provides the mixture and choice in housing that the Growth Policy calls for.

The zones at the outermost boundaries of the zone change are N1 and NX1. N1 constitutes 8.92 acres or 16.75% of the application area. This zone allows single-family dwellings and duplexes, and creates a gentle increment of density above the adjacent N3-zoned land.

NX1 makes up the largest part of the zone change area, at 26.34 acres or 49.46% of the application area. Section 27.302.D of the Billings Zoning Code describes the NX1 zone as follows:

The NX1 district is intended to continue the character of the first neighborhoods [N1] with single-family, two-family, and small-scale multiple-family homes with three (3) to four (4) units. Multiple-family homes are intended to match the scale of the neighborhood single-family homes with characteristics such as building width, parking and garages location, roof design, and doors and windows on the front facades.

Thus, NX1 is of the same scale as N1, which is compatible with other N zones. NX1-zoned land will likely be developed as fourplexes or townhomes in the application area. Together, the N1 and NX1-zoned areas within the application area create a transitional buffer between the planned N3 zones outside the application area and the proposed NX3 zoned area at the center of the application area.

Within the NX1 and N1 buffer, 14.23 acres or **26.72%** of the application, is proposed as NX3 which, because of its efficient use of land and materials, will create more attainable dwellings than in the existing, N3-zoned neighborhood. The inclusion of NX3 will provide

greater housing choice because very little NX3-zoned land exists in the surrounding area or in The Heights housing market generally.

The **core** of the proposal area, at the intersection of Annandale Rd. and High Sierra Blvd. is **3.08 acres, or 5.79% of the application area**, of CMU1, which allows ground-floor commercial within buildings of the same scale as NX3. This commercial land use was added to the application in response to public comment received during the neighborhood pre-application meeting.

- ***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.***

By including a small area of land at the center of the application area that allows commercial uses in the ground floor, this application creates a viable neighborhood center to which surrounding residents can walk or bike. In addition to neighborhood commercial destinations, this application also includes an area zoned P1 for parks. The NX3 zoned area is also required to include seven public open spaces that will be designed and located at the time of subdivision or master site plan review.

The proposal area is about 0.6 miles from Skyview High School, and 1.6 miles from Castle Rock Middle School, which will allow any school-aged children to walk or bike to school and free parents living in the area from the necessity of driving their children to school.

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

Future development within the zone change application area 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, future development will connect to the surrounding road network at two or more locations.

The zone change centers around the intersection of High Sierra Blvd. (collector) and Annandale Rd. (minor arterial) which is the point of highest street network connectivity in the area, which will allow more rapid response by emergency services when called to the area.

### **Prosperity (Promoting Equal Opportunity and Economic Advancement)**

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

The increased population per acre 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.

It is estimated that the proposed zone change would result in residential densities of about 13.4 dwellings per acre, which the 2016 Growth Policy considers “Residential Medium Density,” and is within the bounds of that policy’s “Public Preferred Scenario” for growth in the area. Furthermore, the surrounding development is developed to densities well below the preferred scenario, so this proposal will bring the area more in line with the preferred scenario and will promote fiscal sustainability for the area in the future.

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

This master-planned neighborhood will attract a wider range of age and economic groups seeking housing alternatives to large lot, single-detached residential. The homes planned for this neighborhood will provide access to both stable housing and home ownership for working class and aging Billings residents alike. The application’s inclusion of a commercial node at the intersection of Annandale Rd. and High Sierra Blvd. has the potential to reduce those residents’ transportation costs by allowing them to walk or bike a short distance to neighborhood commercial businesses. The 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 development that will occur as a result 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 and 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 Billings Heights Neighborhood Plan states:

- ***Public Safety Goal: Provide safety for residents and development as it occurs. To lower emergency response times by providing easy access to emergency vehicles.***

Before any development occurs within the proposed zone change area, it will go through a subdivision review process which will ensure that the development complies with all City of Billings subdivision standards, including roadway construction, dimensions and emergency access standards.

- ***Public Safety Goal: Provide safe routes for pedestrians to travel between schools, parks, neighborhoods and other community facilities.***

Development within the proposed zone change area will be accessed by streets designed to City of Billings standards to include boulevard sidewalks, which will provide safe routes for pedestrians to destinations within the zone change area and to schools, parks, and community facilities in the surrounding area.

- **Transportation Goal: Improve continuity of arterial routes within the Heights and between the Heights and other areas of the city.**

The proposed zone change is located and designed so that vehicular trips generated thereby will have direct access to arterial and collector streets, thus avoiding added vehicular traffic on any local access streets. The proposal centers its most intense residential land use around the intersection of Annandale Rd. (minor arterial) and High Sierra Blvd. (collector). That intersection is the point of greatest network connectivity in the remaining undeveloped High Sierra subdivision. From that point, trips destined for the west end will have access via High Sierra Blvd. to Skyway Dr. and the Inner Belt Loop. Trips from the proposed development to destinations in the downtown or within the Heights will have access via Annandale Rd. to the principal arterials of Gleneagles Blvd. and Wicks Ln. Therefore, this zone change meets the plan's goal of improved continuity of arterial and locating increased density on arterials. Additionally, before any development takes place because of this zone change, a Traffic Impact Study (TIS) will be completed to determine its impact on the surrounding network and what expense the developer will be required to bear to make those improvements.

- **Transportation Goal: Improve safety for motorized and non-motorized transportation facilities.**

All development within the proposal area will comply with City of Billings engineering standards. Streets within the proposal area will include boulevards and sidewalks. Local access streets within the development will include traffic calming elements to improve safety for all street users of various modes.

- **Transportation Goal: To encourage traffic analysis as high density housing or large commercial development occurs. Employ sufficient development oversight to ensure feasibility of future transportation facility plans.**

Any future development within the proposed zone change area will be subject to master site plan review and subdivision review, which requires a Transportation Impact Study, which will determine what the impacts of the development will be on the surrounding transportation network, and for what portion of the expense of those improvements the developer is responsible.

- **Land Use Goal: Prohibit high intensity commercial development in residential areas. Provide less intensive commercial development on arterial intersections within residential neighborhoods.**

At the neighborhood pre-application meeting held on June 12 agents of the applicant asked attendees about their opinion of possibly including commercial zoning in the zone change application. Attendees reacted positively and stated that there is a desire and need for neighborhood commercial. Because of that feedback, a small area of CMU1 has been added to the intersection of Annandale Rd. (minor arterial) and High Sierra Blvd. (collector). This commercial will be of a scale consistent with the surrounding structures within the application area. Commercial land use at that intersection will support neighborhood

commercial development, capturing some trips within the bounds of the development, and providing a neighborhood center for local residents.

- **Land Use Goal: provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Encourage high density multi-family development along arterial routes. Maintain similar housing in established neighborhoods.**

The proposed zone change meets all the goal statements above. By gradually increasing residential density toward the center of the development area, it will provide residential dwellings that make more efficient use of land and materials, and are therefore more affordable than the existing, large lot single family zoning.

The proposal includes a gradual transition of residential densities from the existing N3 zoning to N1 to NX1 to NX3. By doing so, it ensures that each zone is adjacent zones which are compatible in scale.

The zone change proposal centers its highest-intensity residential uses at the intersection of Annandale Rd. (minor arterial) and High Sierra Blvd. (collector) and uses NX1 to line a segment of Annandale Rd. These higher-density residential land uses are better suited for arterial frontage because they can be accessed from the rear by vehicles, thus eliminating the need for frequent curb cuts.

The zone change proposal is located away from existing residential development in the High Sierra subdivision, thus isolating any established neighborhoods from the new, multifamily residential neighborhood this application seeks to establish.

- **Housing Goal: To provide housing and commercial development compatible with existing development. To meet residents preferred vision of the Heights.**

This application meets this goal by providing a gradual transition from undeveloped, N3-zoned areas within the High Sierra subdivision. In doing so, this application ensures that all zones are adjacent to zones of compatible scale. By introducing increased residential density, this proposal makes neighborhood commercial uses possible at the intersection of Annandale Rd. and High Sierra Blvd.

It is estimated that the proposed zone change would result in residential densities of about 13.4 dwellings per acre, which the 2016 Growth Policy considers “Residential Medium Density,” and is within the bounds of that policy’s “Public Preferred Scenario” for growth in the area. Furthermore, the surrounding development is developed to densities well below the preferred scenario, so this proposal will bring the area more in line with the preferred scenario and will promote fiscal sustainability for the area in the future.

- **Economic Development Goal: Attract new businesses and corporations [to the heights].**

By producing multifamily apartments, fourplexes, and townhomes that make more efficient use of land and materials, future development entitled by this zone change will provide housing for the workforce that businesses and corporations need.

- **Economic Development Goal: Provide residents/visitors easier physical access to businesses and services in the Heights.**

The increased residential density in this zone change proposal will make it more efficient to provide bus transit service to the subject area of the heights. The existing, low-density residential development in the area surrounding the proposal area makes more frequent, more useful bus transit service in the area infeasible.

By locating increased density at the highly-connected intersection of High Sierra Blvd. and Annandale Rd., this proposal ensures that the residents of this development will have multi-modal access to employment and commercial destinations the West End, Downtown, and Heights without contributing trips to nearby local access streets.

- **Economic Development Goal: To attract small and medium businesses to the eights. To promote “life to work” concept where people work close to or within walking distance of their homes.**

By including a small amount of commercially-zoned land (3.08 acres) within the zone change proposal area, this development will create a small neighborhood center that could employ a small number of workers who could potentially live in the development and walk to work.

The 10 Zone Change Criteria:

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

Yes, this zone change proposal and future development that will occur as a result will be consistent with the Growth Policy statement and guidelines on previous pages. The proposal area has already been annexed into the city and is adjacent to parcels where municipal services exist. The design and configuration of this zone change proposal creates a gradual, stepping increase in residential density which creates a transition from the scale of existing residential uses in the area to the larger scale residential zones proposed at the center of the application 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 to comply with the City zoning code which regulates 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. The zone change proposal includes a 0.68-acre area zoned P1. In addition to this zoned open space, the area within the proposal zoned NX3 will contain 4 public open spaces.

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

Yes. All future development within the application area will be 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***

The proposal centers its most intense residential land use around the intersection of Annandale Rd. (minor arterial) and High Sierra Blvd. (collector). That intersection is the point of greatest network connectivity in the remaining undeveloped High Sierra subdivision. From that point, trips destined for the west end will have access via High Sierra Blvd. to Skyway Dr. and the Inner Belt Loop. Trips from the proposed development to destinations in the downtown or within the Heights will have access via Annandale Rd. to the principal arterials of Gleneagles Blvd. and Wicks Ln. The design and configuration of the zone change proposal therefore directs new traffic to arterial and collector roads rather than local streets and mitigates the impact of those new trips on existing residential uses.

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***

The proposal area is about 280 feet from existing platted N3 area to the east and 900 feet from the nearest platted area to the south. In addition to that existing buffer, the proposal's designs provide a stepping, gradual increase in residential density from the smaller-scale N3-zoned land around it, through N1, NX1, to the NX3 and CMU1 at its core. This stepping ensures that all residential zones in and outside the application boundary are adjacent to development of similar scale.

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

Yes. Recent developments in the surrounding area including changes to the Limits of Annexation Map and completion of the Inner Belt Loop have made this location suitable for more intense development.

The 2023 Limits of Annexation Map adopted by the City of Billings brought much of the land surrounding the proposal area into the Zone 1 Petition Area, anticipating that those areas will be annexed and developed for urban land use in the near future.

The area to the north of the application area, known as the Dover Ranch, has submitted development plans to the city which include commercial development, multifamily residential development of 20 dwellings per acre, and single-family residential development of 7-9 dwellings per acre. The subject application would be compatible with that development to the north.

The application's location and configuration around the intersection of Annandale Rd. (Minor Arterial) and High Sierra Blvd (collector) will give its residents easy access to destinations in both the downtown and Billings Heights. The recent completion of the Inner Belt Loop has significantly increased the subject property's network connectivity and access to destinations in the West End of Billings. This high level of connectivity and access makes the subject area suitable for more intense levels of development.

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

Yes. Although there is no evidence to suggest that the development of more compact development or multi-family residential uses has any negative effect on the value of adjacent, existing single-detached residential uses, the gradual stepping up toward the center of the zone change proposal area ensures that residential uses both within and outside of the application area are adjacent to buildings of similar scale.

- ***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.