

Lot 66A1 and 67A1 of Amended Plat of Lots 66A and 67A, Sunny Cove Fruit Farms, according to the official plat on file in the office of the clerk and recorder of Yellowstone County, Montana, under Document No. 4086208

Zone Change Request from A - Agricultural 10+ Acres to N1 - First Neighborhood Residential, NX1 - Mixed Residential 1, CMU1 – Corridor Mixed-Use 1 and P1 Parks and Open Space

Statement of Proposal

Brian Harvey and the Kramer family are seeking to rezone Lot 66A1 and 67A1 of Amended Plat of Lots 66A and 67A, Sunny Cove Fruit Farms, according to the official plat on file in the office of the clerk and recorder of Yellowstone County, Montana, under Document No. 4086208

The intent of the requested zoning is to allow for the future development of single-family homes, cottage courts, duplexes, townhomes, fourplexes, and commercial uses along Grand Avenue.

The proposed mixed-use PND will provide residential adjacencies compatible with the Cottonwood Grove subdivision directly east of the application area. It also provides commercial zoning compatible with uses that already exist in the commercial node surrounding the intersection of Grand Avenue and 54th 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 plans.***

Yes. Streets within this PND will be designed in compliance with City of Billings subdivision regulations for safe speeds to calm traffic and provide safe environments for all users while providing sufficient emergency access.

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

Yes. This PND will provide vehicular and pedestrian connections to adjacent neighborhoods in the Cottonwood Subdivision, to the planned Cottonwood Park to the north, and to undeveloped land to the west. It will also continue the sidewalk along the north side of Grand Avenue. The streets and sidewalks in this PND will create safe walking and biking routes for students to access Ben Steele Middle School.

- ***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 Planned Neighborhood Development (PND) will provide a centrally located park that will be zoned P1 to satisfy the requirements of the PND application process. At the time of subdivision, additional parkland or cash-in-lieu will be dedicated to meet subdivision regulations. The developer has stated his preference to contribute cash-in-lieu for the development of Cottonwood Park.

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

Yes. The proposed PND abuts areas already served by city water and sewer, and includes zones which already exist in the area surrounding the existing commercial node at 54th and Grand Avenue. The proposed PND also includes residential zones which are flexible in the level of residential density they can yield; N1 allowing single detached and duplex dwellings on lots of varying size and NX1 allowing single detached dwellings, duplexes, townhomes and duplexes. This will provide neighborhoods dense enough to support the city services they require and contribute tax revenue and students to the city and school district.

- ***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)

- ***Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community.***

Yes. This Planned Neighborhood Development (PND) will provide a centrally located park that will be zoned P1 to satisfy the requirements of the PND application process. At the

time of subdivision, additional parkland or cash-in-lieu will be dedicated to meet subdivision regulations. The developer has stated his preference to contribute cash-in-lieu for the development of Cottonwood Park.

- ***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 development that allows 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.

Community Fabric (Attractive, Aesthetically Pleasing, Uniquely Billings)

- ***Developed landscape areas within commercial areas encourage more pedestrian activity and vibrant commercial activity.***

Yes. Commercial development within this mixed-use PND will conform with all landscape requirements of the Billings Zoning Code, including bufferyard, parking and setback landscape requirements.

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

Yes. This mixed-use PND will be developed in accordance with City 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.***

Yes. This PND will feature sidewalks on all streets, including pedestrian connections to adjacent development and the surrounding pedestrian network.

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***

Yes. The mixture of zones within this mixed-use PND provides a diversity of housing choices to serve residents of all life stages and incomes. The largest part of the site, 50.6% gross, is proposed as N1. CMU1 is the second-most prevalent zone district in the PND, with approximately 23.3% of the site's gross area. This zone, which contributes to the commercial node planned at the intersection of 54th Street West and Grand Avenue by the 2001 West Billings Plan, will likely include a commercial storefront use and several storage uses which will all comply with the requirements of the CMU-1 zone for those uses. NX1 constitutes

about 23.3% gross of land within the proposed PND, which can host a range of building types from single family to four-plex homes to townhomes or cottage courts. P1 represents 3.7% gross. 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.***

Yes. This proposed PND is about one-eighth mile from the commercial node at the intersection of 54th Street West and Grand Avenue. Residents of this neighborhood will be able to reach that node within a very short walk via sidewalks provided as part of the development process. The P1-zoned area will provide recreational opportunities to residents of this development and of adjacent neighborhoods alike.

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

Yes. 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 PND will connect to the surrounding road network and stub connections to undeveloped land as required by the City of Billings Subdivision Regulations. Streets in the neighborhood will connect to two streets in the Cottonwood neighborhood to the east, one connection to Grand Ave. toward the south, three connections to the undeveloped land to its west, and two connections to Colton Blvd to the north. All streets will include traffic calming measures as required by City Subdivision Regulations.

Home Base (healthy, safe and diverse housing options)

- ***A mix of housing types that meet the needs of a diverse population is important***

Yes. While the anticipated lot size and dwelling type mix is not known at this time, the mixture of zones in this proposed PND support workforce housing and will create housing choice in Billings' West End. This housing choice is especially valuable to the public interest given the proposal's proximity to Ben Steele Middle School.

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- ***Development oriented to transit routes will provide more transportation choices and is preferred***

Yes. The CMU-1 zone proposed in this PND fronts the principle arterial of Grand Avenue. An NX1-zoned area provides a transition between the CMU-1 and N1-zoned areas, focusing more intense uses along that transportation route. As development continues westward,

transit service will eventually follow. This PND will place riders as close to that arterial route as possible.

- ***“Safe Routes to Schools” promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation.***

Yes. The zones proposed in this mixed-use PND physically support workforce housing accessible to working families near Ben Steele Middle School. The development of this PND will build out a street network with much higher levels of interconnection than surrounding developments and will provide pedestrian connections from adjacent Cottonwood subdivision to Ben Steele via lower-stress rights-of-way to Ben Steele Middle School.

Prosperity (Promoting Equal Opportunity and Economic Advancement)

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

The residential zones proposed in this mixed-use PND allow for flexibility over time as market conditions change and as the application area develops, while maintaining compatibility with adjacent residential areas. That flexibility 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.***

The mix of residential zones in this PND and its proximity to the commercial node at the intersection of 54th St. West and Grand Ave. has the potential to reduce those residents’ transportation costs. The NX1-zoned area is close to Ben Steele Middle School on the south. NX1 has the greatest potential to support workforce housing near the recreational and educational amenities that today’s workforce 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. The NX1-zoned area of this mixed-use PND 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 just over 600 feet from the commercial node at 54th and Grand Avenue. The commercially-zoned area of this PND will likely host a neighborhood-serving businesses such as a café in addition to the planned storage facility therein. As this neighborhood develops, the sidewalk along the north side of Grand Avenue 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 fourplexes that will provide housing for a range of ages and incomes. This proposal also includes areas zoned P1 public space for a centrally located park.

The 10 Zone Change Criteria:

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

Yes, this mixed-use PND is being developed in consideration of the Growth Policy statement and guidelines on previous pages. The land on which the project is planned is adjacent to parcels where municipal services exist, and meet the planning goals listed above.

- ***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 PND 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 NX1-zoned area 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***

Yes. Because the proposed zone change is very close to the commercial node at 54th St. West and Grand Avenue, 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 subdivision, 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 mixed-use PND places its CMU-1 zoned area along Grand Avenue, adjacent to other commercial uses. It then uses NX1 as a transitional residential use, as the code states it is intended, between the CMU1 and N1 zones it proposes. Where CMU-1 and adjacent N2 zones abut, a road is proposed to separate them, as required by the zoning code. The storage uses in the CMU-1 area are subject to several restrictions that minimize any visual impact on

adjacent uses. The homes within the N1 and NX1 zones are restricted to similar height limits as the existing N2 zoned development to the east of the subject parcels.

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

Yes. The proposed mixed-use PND places commercial uses along the principal arterial of Grand Avenue at a node as intended by both the 2016 Growth Policy and the 2001 West Billings Plan. This proposal also continues the residential character of the subdivisions that have occurred in the area thus far.

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

Yes. 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. The storage uses planned for the CMU-1-zoned area will develop in conformance with the requirements of the zoning code, which are designed to mitigate any negative visual impacts of storage.

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

Yes. This mixed-use PND complies with all development standards and policies of the City of Billings and will provide housing near commercial and educational amenities.