

ORDINANCE 24-5876

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE ZONE CLASSIFICATION for C/S 2735,
Parcel 4B, Amd, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-1628, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.*

Section 2. DESCRIPTION. **C/S 2735, Parcel 4B, Amd,** is presently zoned **Rural Residential 1 (RR1), a county zone district,** and is shown on the official zoning map within this zone.

Section 3. ZONE DISTRICT AMENDMENT. The official zoning map is hereby amended and the zoning for **C/S 2735, Parcel 4B, Amd,** is hereby changed from **Rural Residential 1 (RR1),** to **Mixed Residential 2 (NX2),** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Mixed Residential 2 (NX2),** as set out in the Billings, Montana City Code.

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law; or upon effective date of Resolution 24-11189 approving the annexation of the above territory, whichever is later.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 25th day of March, 2024.

PASSED, ADOPTED and APPROVED on second reading this 8th day of April, 2024.



CITY OF BILLINGS

BY: William A. Cole

William A. Cole, Mayor

Attest:

BY: Denise R. Bohlman

Denise R. Bohlman, City Clerk

Zone Change 1044 – 5900 Grand Ave

Zoning Commission

Date: 04/08/2024
 Title: Zone Change 1044 - 5900 Block of Grand - Zone Change 2nd reading
 Presented by: Nicole Cromwell
 Department: Planning & Community Services
 Presentation: No
 Legal Review: Not Applicable
 Project Number: PZX-24-00044

CHURCH ACTION APR 11-0
ORD 24-5816

APR 08 2024

[Signature]

CITY CLERK

RECOMMENDATION

The City Zoning Commission recommended approval and adoption of the findings of the 10 review criteria for Zone Change 1044. The City Council approved the zone change request and first reading of the ordinance on March 25, 2024. A second reading is required to approve the zone change.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change request for a 1-acre parcel located within and surrounded by the Buffalo Crossing Subdivision. The parcel is legally described as Parcel 4B, amended plat of Certificate of Survey 2735. The current zoning is Rural Residential 1 (RR1) a county zone. A concurrent annexation has been submitted. The proposed zoning of Mixed Residential 2 (NX2) is intended to fit in with the Buffalo Crossing NX2 development to the north. Buffalo Crossing was annexed, zoned and subdivided in 2022 and 2023. A vacant county parcel surrounded by urban level development is not an ideal development pattern.

The proposed zone change will allow the property to be developed for multifamily structures with off-street parking for the new residents. There are very few housing choices in this area of West Billings. Most (70% +) are single family homes on large urban lots (7,000 sf +). There are several areas that also offer a two-unit dwelling. Foxtail Village to the north has 18 duplexes, Grand Peaks to the east has about 22 duplexes, and Signal Peak at 62nd St W and Rimrock Rd has about 77 duplex town homes. These comprise less than 20% of the total housing choice in the area. The rarest housing choice is the attached multifamily unit (3+ units per structure), either for rent or ownership. This is less than 5% of the total housing choice west of Shiloh Road from Central Avenue to the north. A resilient urban fabric has more housing choices than are currently available in West Billings.

Planning staff recommended approval based on the compatibility with the adjacent zoning and will provide predictable development in Buffalo Crossing. The proposed zoning is in conformance with the 2016 Growth Policy guidelines. The proposed use and zoning will benefit the orderly transition of this property from a rural residential county lot to an urban neighborhood. The proposed zoning supports the city's Infill Policy. The City Zoning Commission concurred with these findings and recommendation.

STAKEHOLDERS

The applicant held a pre-application neighborhood meeting on January 20, 2024, at Ben Steele Middle School. Two surrounding owners signed in to the meeting. The primary concern expressed by the surrounding owners was regarding density and parking and whether the new residents would own or rent. Planning staff sent the required mailed notices, posted the property, posted a synopsis of the application on the Current Zoning Application web page, and published the legal information for the Zoning Commission hearing. No public comments were received by the Planning staff prior to this report.

Zoning Commission hearing March 5, 2024

The Zoning Commission held its hearing and received the staff report and recommendation of approval for Zone Change 1044. The applicant's agent, Greg Reid of WWC Engineering, stated the only directly affected property owner is the owner of Buffalo Crossing. The owner of Buffalo Crossing has no concerns with the proposed zoning or with fitting in Mr. Mukadam's development plans into Buffalo Crossing. There was no other testimony.

Chairperson Dan Brooks closed the public hearing. Greg McCall made a motion to recommend approval and adoption of the findings of the 10 review criteria. The motion was seconded by David Goss and approved on a 5-0 vote.

City Council Public Hearing on first reading March 25, 2024

The City Council conducted a public hearing and first reading of the ordinance for the zone change on March 25, 2024. The Council received the Zoning Commission recommendation and testimony from the applicant's agent, WWC Engineering. No other testimony was received.

Mayor Cole closed the public hearing. Council member Joy made a motion to approve the zone change and adopt the findings of the 10 review criteria. The motion was seconded by Council member Neese and approved on a unanimous voice vote.

ALTERNATIVES

The City Council may:

- Approve and adopt the findings of the ten review criteria for Zone Change 1044 as recommended by the Zoning Commission and approved by the Council on March 25, 2024; or,
- Deny and adopt different findings of the ten review criteria for Zone Change 1044; or,
- Delay action on the zone change request for up to 30 days at the request of the applicant or on its own motion; or
- Refer the application back to the Zoning Commission for an additional public hearing based on 1) new information submitted that the applicant and public has not had an opportunity to examine; or 2) new information has been presented that was never submitted or considered by the Zoning Commission or staff; or
- Allow the applicant to withdraw the zone change request.

The applicant has not requested a delay or withdrawal of the application.

FISCAL EFFECTS

Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

SUMMARY

The City Council shall consider the findings of the 10 review criteria as recommended by the Zoning Commission prior to making decision on Zone Change 1044:

1) Is the new zoning designed in accordance with the Growth Policy and neighborhood plans?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

- Infill development and development near existing city infrastructure may be the most cost-effective.
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill, and social interaction.
- Implementation of the Infill Policy is important to encourage the development of underutilized properties.

The proposed zoning would allow an existing vacant county property to be sold and incorporated into the Buffalo Crossing subdivision plan. This in-holding was not acquired by the developer of Buffalo Crossing. The prospective owner, Taj Mukadam, is working with the owner of Buffalo Crossing to ensure the compatibility of both developments. The current concept plan adds up to 18 dwelling units on this one-acre parcel.

2) Is the new zoning designed to secure from fire and other dangers?

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The site will be developed in conformance with section 27-300 (BMCC) for Mixed Residential zones as well as landscaping (27-1200). New buildings would be required to meet city Building Codes and Engineering standards as well. A multi-unit development on an undivided parcel will require a master site plan review. This is an administrative review similar to a subdivision.

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

Similar to criteria two, public health and public safety will be promoted by both the existing zoning and the proposed zoning. The proposed NX2 zoning would allow the vacant property to be developed with compatible uses to the already approved Buffalo Crossing neighborhood. Developed land will increase property values. Vacant land tends to add unpredictability to the area. It is not likely that the current zoning would result in the placement of a residential home on the property. The state and city would require annexation to provide water and sewer to any new dwelling(s).

4) Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

Transportation: The proposed zoning should not have any measurable impact on transportation. The owner will need to coordinate any changes to the existing traffic analysis done for Buffalo Crossing.

Water and Sewer: The City will provide water and sewer to the property. An annexation agreement will outline the city and developer's responsibilities.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. The school district provided no comments on the proposed zone change. Parks should not be negatively impacted by the proposed zoning. The development is not large enough to trigger the requirement to provide on-site open space. There will be walking trails within Buffalo Crossing and there will be a multi-use path on the south side of Grand Avenue.

Fire and Police: The subject property will be served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5) Will the new zoning provide adequate light and air?

Similar to criteria 2 and 3, the proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. Any development of the property would follow the requirements of Section 27-300 (BMCC) and other city regulations for development.

6) Will the new zoning affect motorized and non-motorized transportation?

The existing property has no street frontage. The current certificate of survey provides an access easement from Buffalo Crossing to Grand Avenue. This is a high-speed arterial managed by the city and county. There is no curb, gutter or sidewalk currently along this street frontage. If the annexation and zone change are approved, the easement for direct access onto Grand Avenue will be extinguished, and new access will be along Buffalo Crossing streets. This will improve traffic management and non-motorized transportation by removing this potential conflicting access point on Grand Avenue.

7) Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth proposed for this area. The property to the west is outside the city limits and is agricultural land. The surrounding residential subdivisions are compatible with this proposed zoning and a 1-acre infill parcel. The zoning does promote compatible urban growth.

8) Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use or uses. The proposed zoning will allow the 1 acre parcel to develop with the rest of Buffalo Crossing. The adjacent zoning to the north is NX2. To the south, west and east is N3 zoning. A buffer yard will be required along the shared property lines with the adjacent lots. This does not need to be a sight-obscuring buffer but will include trees and shrubs as required.

9) Will the new zoning conserve the value of buildings?

The new zoning is not expected to alter the value of any buildings in the area. Any development of the property will need to meet the code requirements for Mixed Residential zoning, and other city development and building regulations. New development tends to increase surrounding property values.

10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will allow the incorporation of the property in the existing Buffalo Crossing, allowing infill on a vacant parcel. This also contributes to the neighborhood stability of the area. The proposed zoning and use will encourage the most appropriate use of the parcel.

Attachments

Ordinance ZC 1044

Zoning Commission

Date: 03/25/2024
Title: Zone Change 1044 - 5900 Block of Grand - Joint Hearing for Zone Change and Annexation - 1st reading of ordinance
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes
Legal Review: Not Applicable
Project Number: PZX-24-00044

COUNCIL ACTION Approved
 10-0, Owen, Absent
Excused
 MAR 25 2024
 db
CITY CLERK

RECOMMENDATION

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BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

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- Deny and adopt different findings of the ten review criteria for Zone Change 1044; or,
- Delay action on the zone change request for up to 30 days at the request of the applicant or on its own motion; or
- Refer the application back to the Zoning Commission for an additional public hearing based on 1) new information submitted that the applicant and public has not had an opportunity to examine; or 2) new information has been presented that was never submitted or considered by the Zoning Commission or staff; or
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FISCAL EFFECTS

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SUMMARY

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Fire and Police: The subject property will be served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

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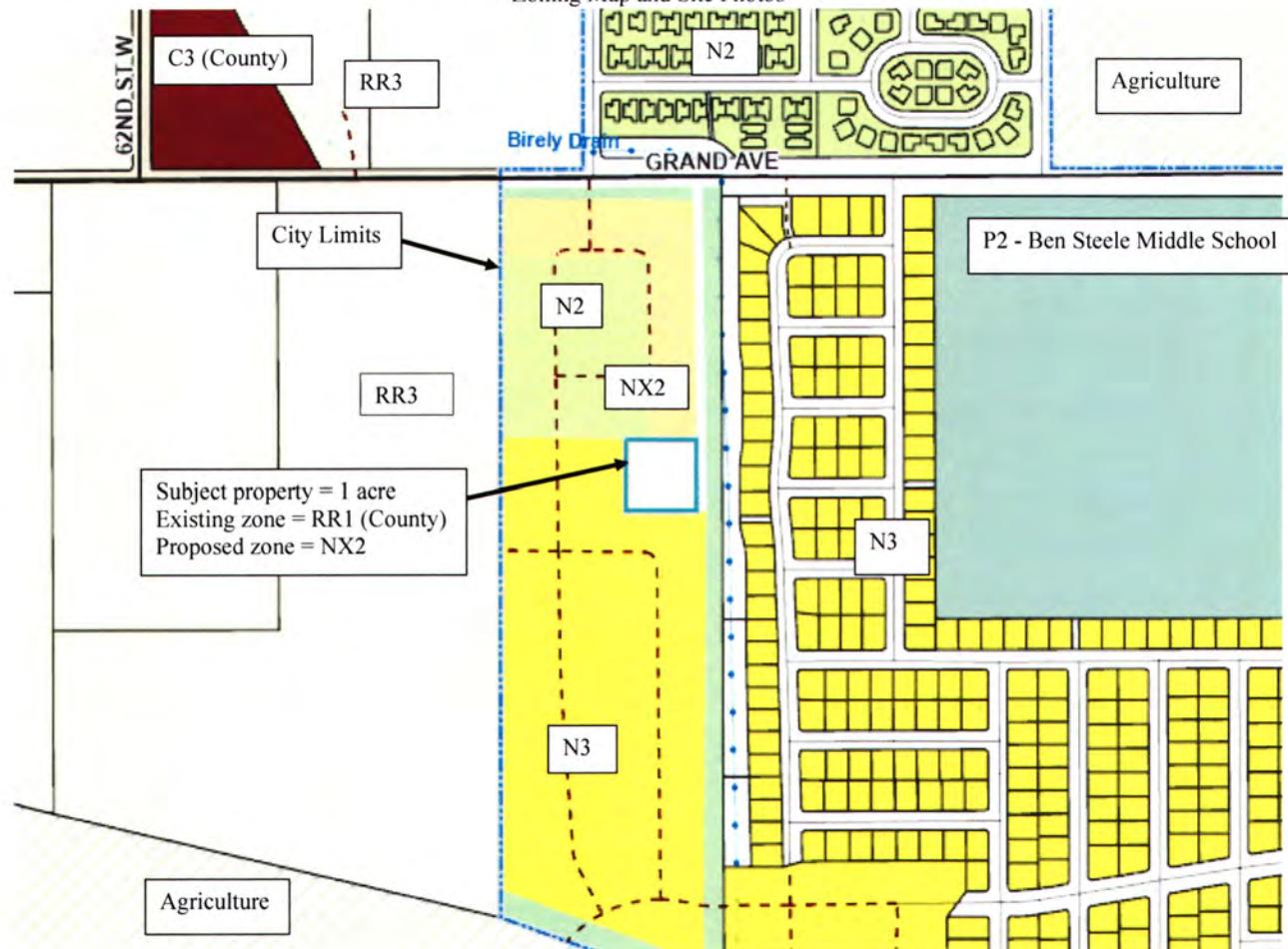
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The proposed zoning will allow the incorporation of the property in the existing Buffalo Crossing, allowing infill on a vacant parcel. This also contributes to the neighborhood stability of the area. The proposed zoning and use will encourage the most appropriate use of the parcel.

Attachments

ZC 1044 Zoning Map and Site Photos
ZC 1044 Chart of Zoning History
ZC 1044 Pre app information
ZC 1044 Application and Letter
Ordinance ZC 1044

City Zone Change 1044 – 5900 Block Grand Ave – Buffalo Crossing
Zoning Map and Site Photos



Subject Property





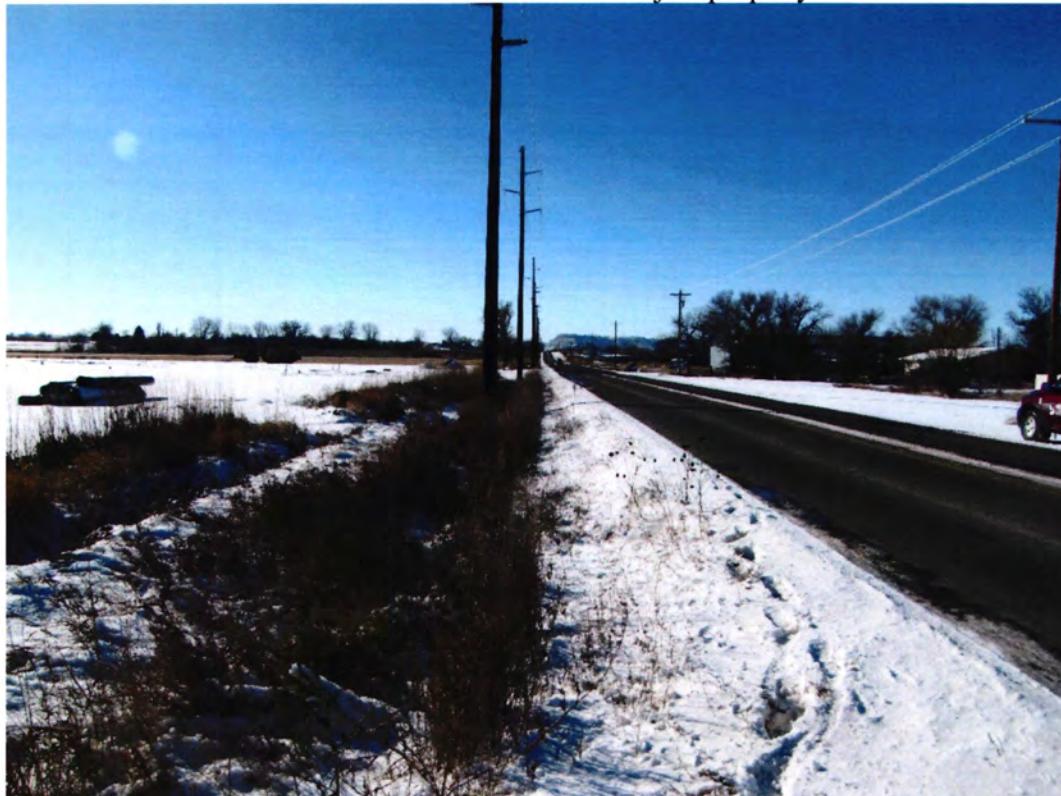
Subject Property – view south from Grand Ave



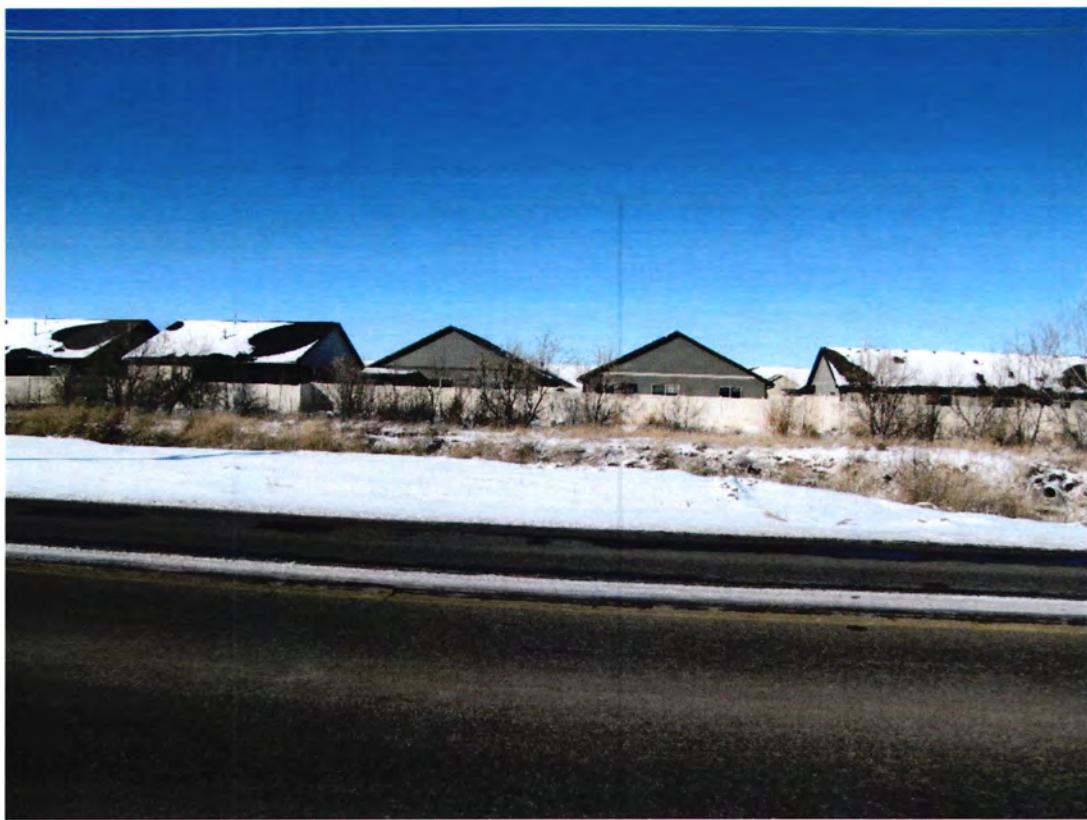
View south and east across Birely Drain to Trails West Neighborhood



View south and west across subject property



View west on Grand Avenue



View north across Grand Avenue – Foxtail Village Neighborhood



View east along Grand Avenue

Zoning History for City ZC 1044 – 5900 Grand Ave – Buffalo Crossing

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
5900 Grand Ave	County ZC 620	11/3/2009	A-1 to AS	Yes	Includes Parcels 1-4 of C/S 2735
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Buffalo Crossing	City ZC 1011	4/11/2022	RR3 to MX2, N2, N3 and Public 1 (PND process)	Yes	
Trails West	City ZC 847	10/14/2008	R96 to R60-R	Yes	Current zone = N3
Foxtail Village	City ZC 729	5/10/2004	A-1 to R70 and R96	Yes	Current zone = N2 and N3
Foxtail Village	City ZC 774	4/10/2006	R96 to R70	Yes	Current zone = N2
Foxtail Village	City ZC 764	8/22/2005	R96 & R70 to R60	No	Withdrawn

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: RR-1 RURAL RESIDENTIAL

2. Written description of the Zone Change Plan including existing and proposed new zoning:

THE EXISTING ZONING IS RURAL RESIDENTIAL (RR-1) AND THE PROPOSED ZONING FOR THE PROPERTY IS NX-2

3. Legal Description of Property:

TRACT 43 OF CERTIFICATE OF SURVEY NO 2735

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 - ATTACHED

6. A brief synopsis of the meeting results including any written minutes or audio recording.
please attach to on line application - ATTACHED

7. The undersigned affirm the following:

1) The pre-application neighborhood meeting was held on the 20th, day of JAN. 2024.

2) The zone change application is based on materials presented at the meeting.

Owner (s):

George Jurovich Telephone: 406-652-1121

Address:

3647 DONNA DR BILLINGS MT 59102 Email: gjurovich@bresnan.net

Agent (s):

Taj Mukadam Telephone: 406 647 2353

Address: 6214 IRONWOOD DR Email: tajmukadam@gmail.com
BILLINGS MT 59106

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

Pre Application Neighborhood Zone Change Meeting - Buffalo Crossing Infill

Name	Address	Phone
1 Howard Hiltz	1120 Blackberry Way	406 534 4340
2 Carol Hiltz	Billing 99108	4
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

Pre-Application Meeting for Tract 4B COS 2735 Held on Jan 20th, 2024 at 11am outside Ben Steele Middle School.

- Question 1: How was the proposed density of the development selected?
 - Answer 1: The density was selected based on a value determination of potential developments and also considered the adjacent zoning of NX-2 and the ability to subdivide the property for single family residential.
- Question 2: Is there a density requirement for this property?
 - Answer 2: No, larger parcels or those on arterials have requirements for density or different zoning but this parcel did not.
- Question 3: What direction would the garages point?
 - Answer 3: The preliminary sketch of the property was shown to the attendees of the meeting to show that garages are tentatively pointed north/south on the property specific to units nearest Trails West (location attendees lived).
- Question 4: Where is the park area that was discussed in the past shown on the maps?
 - Answer 4: The park area that was zoned as part of Buffalo Crossing Subdivision was pointed out to the attendees on maps.
- Question 5: What is the purpose of this meeting, because isn't this a County parcel?
 - Answer 5: The prospective purchaser is pursuing annexation and zoning of the property to develop it as part of the City of Billings.
- Question 6: Is the plan to own or rent the units?
 - Answer 6: The plan currently is to own. It was explained as part of that answer that this is only for annexation and zoning, so that decision is not completely made for a significant amount of time into the future though.

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE

Billings Zone Change # 1044 Project # PZX-24-00044

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 (RR-1)

Proposed Zoning: NU-2

PARCEL TAX ID# D11914 CITY ELECTION WARD N/A

Legal Description of Property: TRACT 4-B OF CERTIFICATE OF SURVEY 2735

Address or General Location (If unknown, contact City Engineering): 60th STREET W/ GRAND AVE

Size of Parcel (Area square feet or acres): 1.00 Acre

Present Land-Use: VACANT

Proposed Land-Use: RESIDENTIAL SUBDIVISION

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

Owner(s) George J. Jurovich

(Record Owner)

3647 Donna DR Billings MT 59102

(Address)

(Phone Number)

(email)

Agent(s): Taj Mukadam

(Name)

6214 Ironwood DR Billings MT 59106

(Address)

406 647 2353 taj.mukadam@gmail.com

(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: George J. Jurovich Date: 1-29-24

(Record Owner - Digital Signature Allowed)

January 26, 2024

To Whom It May Concern

Re: Proposed Zone Change

The purpose of this letter is to explain how the proposed zone change and annexation for Tract 4-B of Certificate of Survey No 2735 is consistent with the City of Billings Growth Policy and how it meets the statutory guidelines, and how it fits within the existing or planned developments.

The proposed zone change for this parcel is NX-2. The intended request matches the current zoning of the property located directly North of the subject property. Currently, the subject property is surrounded by property in the City of Billings creating a "County Island" (See Exhibit 1). Therefore, the current zoning of the undeveloped property no longer makes sense.

To utilize this property properly with the new zoning, an agreement with the neighboring property owner has been developed to allow for access of the nearby public utilities. (See Exhibit 2)

The use of the property will then match the use of the parcel to the North.

I believe that this proposed zone change meets the following 10 review criteria:

- (1) The new zoning is designed in accordance with the growth policy.
- (2) The new zoning is designed to secure from fire and other dangers.
- (3) The new zoning will promote public health, public safety and general welfare.
- (4) The new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- (5) The new zoning will provide adequate light and air.
- (6) The new zoning will affect motorized and nonmotorized transportation.
- (7) The new zoning will promote compatible urban growth.
- (8) The new zoning considers the character of the district and the peculiar suitability of the property for particular uses.
- (9) The new zoning will conserve the value of buildings; and
- (10) The new zoning will encourage the most appropriate use of land throughout the City of Billings.

I hope that after your review you agree with my findings.

Regards,



Taj Mukadam
406.647.2353
tajmukadam@gmail.com

Encl.: Exhibit 1, 2.

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE ZONE CLASSIFICATION for C/S 2735,
Parcel 4B, Amd, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. Title 76, Chapter 2, Part 3, MCA, and Sections 27-1628, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

Section 2. DESCRIPTION. C/S 2735, Parcel 4B, Amd, is presently zoned **Rural Residential 1 (RR1)**, a county zone district, and is shown on the official zoning map within this zone.

Section 3. ZONE DISTRICT AMENDMENT. The official zoning map is hereby amended and the zoning for C/S 2735, Parcel 4B, Amd, is hereby changed from **Rural Residential 1 (RR1)**, to **Mixed Residential 2 (NX2)**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Mixed Residential 2 (NX2)**, as set out in the Billings, Montana City Code.

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law; or upon effective date of Resolution 24-_____ approving the annexation of the above territory, whichever is later.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 25th day of March, 2024.

PASSED, ADOPTED and APPROVED on second reading this 8th day of April, 2024.

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

Zone Change 1044 – 5900 Grand Ave