

ORDINANCE 24-5877

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE ZONE CLASSIFICATION for C/S 3844,
Tract 2, 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 3844, Tract 2, is presently zoned **Agriculture (A)**, 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 3844, Tract 2, is hereby changed from **Agriculture (A)**, to **Corridor Mixed Use 1 (CMU1)**, **Neighborhood Mixed Use (NMU)**, **Mixed Residential 2 (NX2)**, **Mixed Residential 1 (NX1)**, **Mid-Century Neighborhood (N2)** and **Public 1 (P1)**, as shown on the attached **Exhibit A – Zoning Master Plan**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Corridor Mixed Use 1 (CMU1)**, **Neighborhood Mixed Use (NMU)**, **Mixed Residential 2 (NX2)**, **Mixed Residential 1 (NX1)**, **Mid-Century Neighborhood (N2)** and **Public 1 (P1)**, 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 24-11190 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 All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.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.



Attest:

BY: Denise R. Bohlman

Denise R. Bohlman, City Clerk

Zone Change 1045 – 4524 Central Ave – Clearwater Neighborhood

CITY OF BILLINGS

BY: William A. Cole

William A. Cole, Mayor

Exhibit A – Zoning Master Plan Zone Change 1045

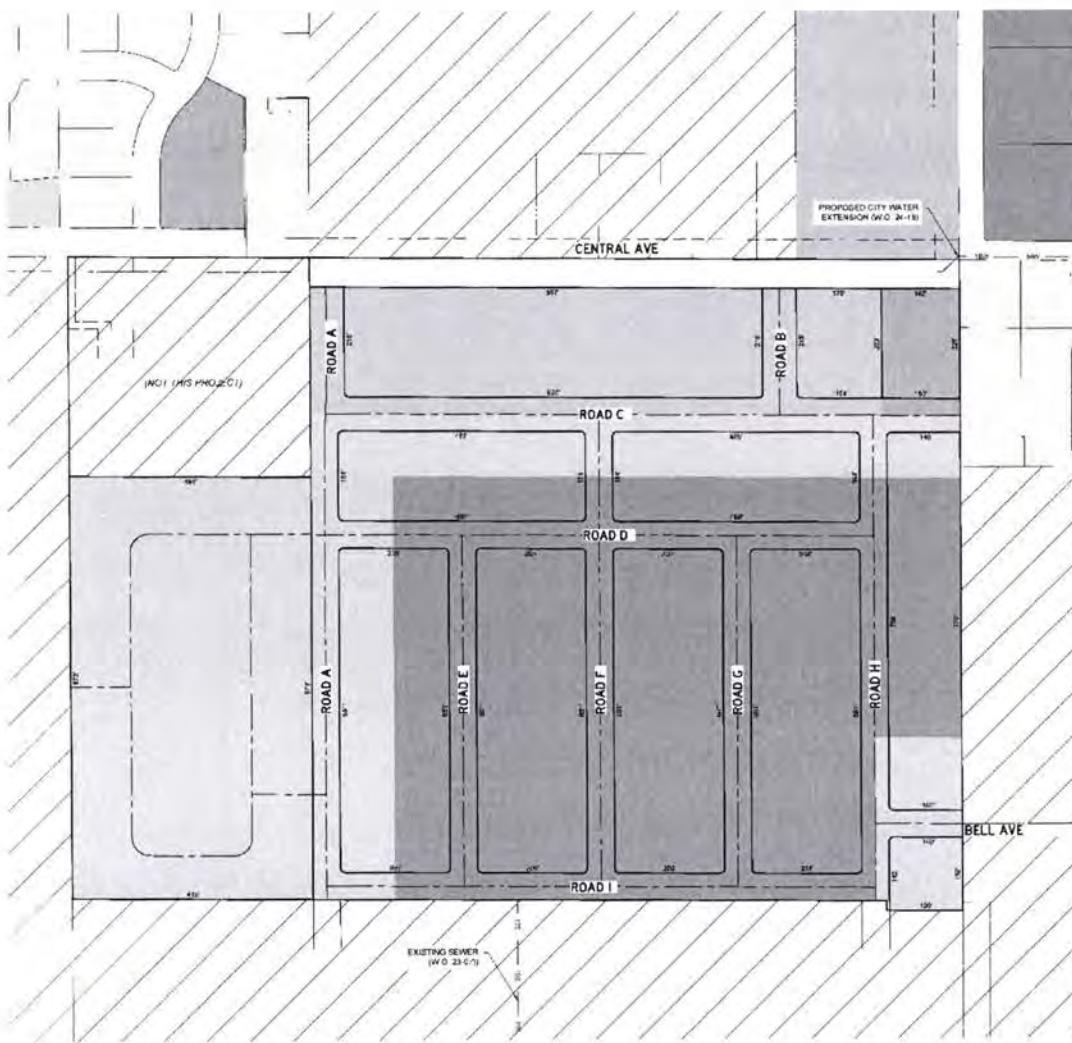
PROPOSED PLANNED NEIGHBORHOOD DEVELOPMENT FOR TRACT 2 OF CERTIFICATE OF SURVEY 3844

LOCATED NW 1/4 OF SECTION 10, T 01 S, R 25 E, P.M.M.
YELLOWSTONE COUNTY, MT



PREPARED FOR: BROWN DEVELOPMENT, LLC
PREPARED BY: PERFORMANCE ENGINEERING, LLC

ZONING INFORMATION		
ZONING DISTRICT	ACRES	PERCENTAGE
CMU 1	6.988	14.4
NMU	0.954	2.0
NX1	21.947	45.3
NX2	8.704	13.8
N2	10.452	21.6
P1	1.452	2.9
TOTAL	48.492	100.0



ZONING LEGEND

CMU 1 - COMMERCIAL MIXED USE 1	RRI - RURAL RESIDENTIAL 1	P1 - OPEN SPACE
N2 - 1 TO 2 DWELLING UNITS/STRUCTURE	RR3 - RURAL RESIDENTIAL 3	
NX1 - 1 TO 4 DWELLING UNITS/STRUCTURE	NX2 - 2 TO 8 DWELLING UNITS/STRUCTURE	AO - AGRICULTURAL OPEN
NMU - NEIGHBORHOOD MIXED USE	N4 - LARGE LOT SUBURBAN	



SHEET 1 OF 1

Zoning Commission

Date: 04/08/2024
Title: Zone Change 1045 - 4524 Central Ave - Proposed Clearwater Neighborhood -
Zone Change 2nd reading
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: No
Legal Review: Not Applicable
Project Number: PZX-24-00053

COUNCIL ACTION APP 10-0
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OPD 24-5877
APR 08 2024
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CITY CLERK

RECOMMENDATION

The City Zoning Commission recommended approval and adoption of the findings of the 10 review criteria for Zone Change 1045. The City Council held a public hearing on March 25, 2024, and approved the zone change on first reading. 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 using the Planned Neighborhood Development zone change process for a proposed annexation of a 48.49-acre parcel located south of Central Avenue and west of the Twin Pines and Legends West urban neighborhoods. The proposed Mixed Use PND will include 6.9 acres of Corridor Mixed Use 1 (CMU1) on the Central Ave frontage, less than 1-acre of Neighborhood Mixed Use (NMU) also on the Central Ave frontage, 21.9 acres of Mixed Residential 1 (NX1), 6.7 acres of Mixed Residential 2 (NX2), 10.4 acres of Mid-Century Neighborhood (N2) and 1.4 acres of Public 1 (P1). The PND process is a tool to help guide the coordination of annexation, subdivisions, and master planning for new city neighborhoods. The previous zoning code (pre-2021) allowed urban-type zoning districts in both the city and the county. In many cases, developers were "pre-zoning" parcels in the county prior to annexation. The PND process allows developers to process all the zoning with the City Council, phase the annexation of the property (if necessary), and coordinate both of these processes with subdivision or master site plan review. The new tool applies a level of certainty to all stakeholders, including the surrounding property owners.

This zone change is for a Mixed Use PND and includes two types of mixed residential zoning (NX1 and NX2), and N2 zoned area adjacent to the County zoning on the west boundary. The Corridor Mixed Use and Neighborhood Mixed Use are along the Central Avenue frontage in proximity to the 44th St W (collector) street intersection planned for this area. The applicant also has an option to purchase another 50+ acres south of the subject parcel. This may also be annexed and zone changed through the PND process. Bell Avenue will be the street that runs along the south boundary of the subject property. The Public zone area is in the southeast corner on both sides of the proposed Bell Avenue.

The zoning plan for the property shows a grid layout that is conducive to the proposed blocks and provides for a wide variety of housing choices on the subject property including single family dwellings, two-family, 3-8 unit apartment buildings (or condos) as well as mixed uses that can provide neighborhood services to the area. The layout meets the requirements of Section 27-800 for Planned Neighborhood Development zone change applications including the required mix of zone districts, blocks, percent open space and recommendations for district placements. The street layout includes connections to adjacent property to ensure connectivity between developments as they occur. The Central Avenue frontage will have a multi-use path required as part of the subdivision and annexation agreement. While this section may be discontinuous to adjacent property outside the city limits, eventually these parcels will annex to the city and the path can be completed.

This area of Billings has experienced a great deal of growth and development in the past decade. This includes three Planned Development zones, customized zoning for specific parcels, that include mixed uses, residential development and medical facilities. Housing demand has reached a high level while supply of all types of housing choices has not kept up with the demand. At least two decades ago, local planning and growth policy documents indicated a need for independent living units for aging residents who want to "downsize" from a maintenance heavy single family dwelling on a large lot to unit ownership or townhomes as well as rental apartments. The 2010 Census indicated Billings, like many other urban areas, saw a reduction in average household size to 2.3 persons. The 2020 Census saw a slight increase to 2.8 persons per household, with 17.5% of the city population over the age of 65. Smaller households, aging residents and the higher costs of all housing has driven the demand for apartments, townhomes, and smaller multi-family products. Developers have made robust investments in multi-family dwelling choices in Lenhardt Square already including the InterUrban and Interpointe Apartments, and the KWO Apartments. A new multi-family project is underway for the northern piece of Lenhardt Square. Several other multi-family

developments have come on-line in the last 15 years around King Avenue West and Shiloh Road including Long Beach Apartments, Affinity at Billings (age restricted), and Hoop Dreams Apartments and condominiums. Apartments, townhomes and unit ownership housing choices are still in high demand in Billings especially in areas close to shopping, schools and recreational opportunities. The Ridgeline Subdivision and PND zoning was approved last year and will include areas for mixed residential and two-family townhomes as well as a small commercial node at King Ave West and 48th St West. The Vista West PND zone change approved in 2023, and includes a mix of housing choices. Development of the parcel will start in 2024.

There are challenges to an area of urban development that is on the edge of the city limits. These challenges include ensuring there are transitions between adjacent county property and uses and the new urban neighborhoods and uses. This is not meant to ensure similarity or homogenous development patterns between the city and county, but the development plan includes buffering, connectivity where and when needed, and recognition of similar goals for both types of property. The 2016 Billings Growth Policy and the 2001 West Billings Neighborhood Plan goals and policies support the proposed Mixed Residential PND zoning for different housing types. The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The proposed zone change supports these goals. The 2016 Billings Growth Policy supports a broad range of housing choices, encourages more walkable neighborhoods with connectivity to other transportation options, and building the community fabric through urban-designed public spaces. The proposed zone change supports these goals as well.

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting on January 24, 2024, at Grace Montessori Academy, 4809 Grand Avenue. Twenty-seven people attended the meeting, not including the applicants. The required notification area for all new PND zone changes is 1/4-mile from the property boundary. In this case, over 180 individual property owners and interested parties were notified of the pending zoning application. The summary of the meeting is included in the attachments. In general, the questions from the surrounding owners included interest in the number of new dwelling units. The applicants estimated at the time of the pre-application meeting about 250 units (5+ units per acre) might be built. Attendees asked about the traffic impacts and access to surrounding existing streets. The agents stated they have a contract to do a full traffic impact study based on the proposed zoning if it is approved. Questions were asked regarding building height and whether homes outside the city limits would be forced to annex when water and sewer is installed. The CMU zone allows for up to 4 stories, while the other zone districts are 2 or 2.5 stories. The city will not force anyone to annex unless the property requests or is required to use city water or sewer. Annexation is required before these city services can be provided.

Planning staff did not receive any written comments or phone calls from the surrounding owners prior to preparing this staff report and recommendation. City staff and departments had no negative comments on the proposed annexation and zoning plan. One letter of comment was received by the Zoning Commission on March 4, 2024. This is attached to this report.

City Zoning Commission hearing March 5, 2024

The Zoning Commission held its public hearing and received the staff report and recommendation for approval of Zone Change 1045. The applicant's agent, Craig Dalton of Performance Engineering, provided testimony in favor of the application. He stated the property is currently surrounded by county land and the owner originally intended to build a residential subdivision in the County. As part of the preliminary review of that plan, planning staff encouraged the owner to look at the feasibility of developing within the city limits. He stated the city has identified Central Avenue as a critical corridor for connecting and sustaining the city's infrastructure investments in water, sewer and storm water management facilities. He stated the city had recently installed a 30-inch sewer main along the Monad/Rocky Vista Way corridor to the south and city water is only about 800 feet east on Central Avenue. Mr. Dalton stated the Ridgeline development to the south and west at 48th St W and King Ave W was done by the same owner working with Performance Engineering. He stated that although a full city re-build of Central Avenue is not yet in the Capital improvement plan, developments such as the Clearwater Neighborhood and Vista West to the southeast would help bring that project to the top of the list. The city does intend to enforce its access management on Central Avenue since the street is an important arterial connector. He stated there will be different traffic control at Central Avenue and 48th St W in the future such as a roundabout or signal. He stated the subdivision will have one entry that allows all turning movements, and one that will be restricted to a right in/right out turning movement. He stated that Bell Avenue as shown in the south-east corner would not connect to the current dead end of Bell Avenue unless and until the county land between the subject property and the current city limits is annexed. Mr. Dalton stated the parkland shown on the zoning master plan is just the beginning of their plan for parks in the new neighborhood. He stated it is difficult to know at the PND stage of a project where the best location in the development might be for a neighborhood park. He stated the city should consider allowing some flexibility for the placement or area of Public 1 zoning in a PND after annexation, without having to go through another zone change process. He stated the intent of the CMU1 and NMU zoning on the Central Ave frontage was to encourage the new residents to have walkable amenities and not

have to drive everywhere for services. He stated the neighborhood was informed of some of those potential uses, including a gas station or a bar. He stated the location could not support a casino since it does not have the separation distance to a neighborhood zone. He stated a bar may be possible since the neighborhood separation is only 150 feet compared to the 350 feet for a casino. He stated the commercial zoning was not likely large enough for a grocery store, but specialty services such as a bakery or coffee shop might be possible. He stated the mix of the other N and NX zones was to allow residents to choose a housing option that fits their lifestyle and also have the opportunity to stay in the neighborhood when their housing needs change.

Mr. Craig Jardine of 110 Saddletree Lane spoke in opposition. He stated his home is in the Shiloh Estate subdivision to the north of Central Avenue. He stated it does not make sense to strip out commercial development on this location on Central Avenue. He stated he would be in favor of single family development that is similar to the county subdivision to the north. He stated there is enough multifamily development already to the south of this land. Mr. Jardine stated the traffic on Central is already hard to manage during certain times of the day. He stated he does not feel left out because there isn't a coffee shop in his neighborhood because there are at least three places to get coffee within 5 minutes of his house. He stated the proposal is not a neighborhood but a subdivision. He stated he has never heard of people moving from house to house within the same subdivision. He stated Twin Pines and Legends West are the preferred development pattern with just single family homes and duplexes. He stated there is no need for more multifamily housing.

Mr. Andy Wilson of 4355 Wells Place testified against the zone change. He stated their home is right across from the new commercial zoning. He stated he does not want to live across the street from a bar or a gas station. He wanted to know why this was considered compatible with the adjacent zoning, since Shiloh Estates is all single family homes on large lots. He stated this new zoning and subdivision would devalue their property. He stated he found someone out surveying recently on Central Avenue and the work crew told him they were surveying for a new 4-lane street. He stated he would be amenable to all residential zoning and development but not commercial zoning. He stated there were already enough bars just down the street on Shiloh Road.

Laura Wilson of 4355 Wells Place testified against the zone change. She stated this is not the place for commercial zoning or uses. She stated the commercial zoning could allow 4-story buildings. She stated their primary concerns were noise, lighting and crime from commercial activity. She stated neighborhoods that have commercial development have a lot more crime. She stated there was no crime in their subdivision (Shiloh Estates). She stated if a gas station went in it would endanger all their drinking water wells, and cause more air pollution. She stated that right now there are some evenings in their backyard when all you can smell is exhaust fumes from Shiloh and Central Avenue. She stated Shiloh Rd has some very loud traffic noise at all hours of the day and night. She stated the traffic is a constant nuisance to their neighborhood. She stated single-family homes would be welcomed but not commercial uses or multifamily developments.

Mr. Dalton provided some rebuttal comments on the testimony against the zone change. He stated the city code does not allow the placement of neighborhood zone districts directly on arterial streets. He stated the owner could essentially do the same type of zoning outside the city limits, so having the development in the county and not in the city would not necessarily eliminate commercial zoning on the frontage. He stated that CMU1 would allow a 4-story building, but it is not a requirement of the zone. He stated there are challenges to building at that height. He stated that a bar is possible but not a casino at this location. He re-iterated that the owners' intent is to provide daily services close to the neighborhood, so people need not drive every place.

Chairperson Dan Brooks closed the public hearing. David Goss made a motion to recommend approval and adoption of the findings of the 10 review criteria for Zone Change 1045. The motion was seconded by Andy Megorden. Mr. Goss stated he understood the county neighbor's concerns about the city development across the street. He stated the one thing that was quite noticeable to him when he returned to Billings after living on the West Coast was that the city had grown out but not up. He stated a continuation of the same pattern is no longer feasible. Mr. Brooks stated he also shares the concern about getting development ahead of street improvements and not having Central Avenue as a CIP project yet. He stated this has been the way the city has paid for street improvements - by annexing and getting contributions for those improvements ahead of time, well before there is enough funding to build a safer road. Mr. McCall stated he was recusing himself from the vote and debate on this item as he is in discussions with the owner about buying and developing a portion of this new neighborhood. The Commission voted 4-0-1 to recommend approval of the zone change.

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, Performance Engineering. Council member Aspenlieder recused himself from the hearing and voting due to a conflict of interest. There was no other public testimony.

The Council asked staff and the agent questions regarding the connectivity of the proposed development. The Council

expressed concern that the only connection to the west might be through private streets. The Council added a condition to the annexation agreement to ensure there will be public access granted across any private streets in the development.

Mayor Cole closed the public hearing. Council member Rupsis made a motion to approve the zone change and adopt the findings of the 10 review criteria. The motion was seconded by Council member Boyett and approved on a 9-0 vote with Council member Aspenlieder recused from voting.

ALTERNATIVES

The City Council may:

- Approve and adopt the findings of the ten review criteria for Zone Change 1045 as recommended by the Zoning Commission; or,
- Deny and adopt different findings of the ten review criteria for Zone Change 1045; 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 ten review criteria as recommended by the Zoning Commission before making a decision on Zone Change 1045:

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

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy and the West Billings Neighborhood Plan (2001):

The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed MU-PND for the property is consistent with the following adopted Policies of Planned Growth

Goal 1: Establish Development Patterns that Use Land More Efficiently

Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed zoning is compatible with goals of the West Billings Neighborhood Plan. The proposed zone change and street layout will accommodate uses that are compatible in a mixed-use environment. The proposed development will also have good access to outdoor activities and is in proximity to commercial centers and transportation options.

The proposed zone change is in line with the adopted 2016 Growth Policy goals for:

Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale streetlights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired Implementation of the Infill Policy is important to encourage development of underutilized properties

Home Base:

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

- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development. Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings. Public safety and emergency service response are critical to the well-being of Billings' residents.
- Homes that are safe and sound support a healthy community.

The proposed layout for the property will allow higher density housing to be located internal to the property and the dwellings adjacent to the agricultural uses to the west will be a lower density. The proposed zoning plan will have urban development adjacent to county agricultural land to the east, west and south. The property to the south may be an addition to the city in the near future if this development is successful. The layout of the parkland will provide an "entry" type park for the development when the connection is made to the existing west end of Bell Avenue. The location of the parkland on either side of the Bell Avenue right of way will lend itself to a green or a plaza (Section 27-803.B).

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

The zoning requires minimum setbacks, open and landscaped areas and building separations. The zoning assembly is designed to secure the development from fire and other dangers.

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

Public health and public safety will be promoted by the proposed change. Approval of the overall zoning plan will provide certainty both for the property owner and the surrounding owners. Annexation and provision of public health and safety services from the city will promote the general welfare of the area.

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

Transportation: The applicant has started the process of developing a traffic impact study and will coordinate with the City Engineering Division. The future transportation map only includes collector streets and arterial streets. A mid-section collector street (44th St West) is intended to come south from Central Avenue. Bell Avenue will extend further west to meet this collector street in the future. Although it is not shown on the zoning plan, there is a multi-use path planned for the south side of Central Avenue. The city limits are discontinuous on Central Avenue west of Shiloh Road. The developer will likely be required through the annexation agreement to contribute to the cost of this multi-use path construction in the future.

Water and Sewer: The City will provide water and sewer for the property. There will be no additional impacts on the system from the proposed changes.

Schools and Parks: Schools and parks may be effected by the proposed zone change and development of a new city neighborhood. SD #2 did not provide any comments. At the time of subdivision, the developer will need to provide additional parkland or cash-in-lieu of parkland to meet the minimum required by subdivision regulations (11% of net area).

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

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

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

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

Non-motorized travel -- walking and biking -- is an essential part of the traffic plan for this development. The subject property will be isolated from the co-terminus boundaries of the city limits for an undetermined amount of time. If the developer exercises the option to purchase the 50 acres to the south, a clear vehicle and pedestrian connection can be made to the urban neighborhoods of Lenhardt Square, the Vista West development and the St. Vincent's Healthcare subdivision, as well as a connection to Shiloh Road. Central Avenue is a principal arterial street. Most of the development west of Shiloh Road with access to Central Avenue is rural residential neighborhoods that are still actively used for agricultural purposes. The average daily traffic count just west of Shiloh road is less than 6,500 trips per day. The 2016 West End Multi-Modal Traffic Study (city/County) indicated long term projects for Central Avenue from Shiloh Road to 48th St West would include completion of a three-lane section (one lane each direction with a center turn lane) and a traffic control option (signal or roundabout) at 48th St W and Central Avenue. The existing conditions according to the 2016 study indicated a low level of service for traffic entering or leaving Central Avenue during peak hours between Shiloh Road and about 44th St West. The level of service is based on wait time for making safe left or right turns onto Central Avenue or off of Central Avenue. The south side of Central Avenue is on the list of arterial streets with a multi-use path on the south side of the right of way. There is no continuous city-controlled right of way on Central Avenue west of Shiloh. The developer will be required to contribute to the future construction of the multi-use path.

7) Will the new zoning will promote compatible urban growth?

The proposed overall development density is compatible with urban growth and the provision of city-level services for new residents. The proposed zone district boundaries are consistent with the urban growth in this area and will be compatible with the surrounding neighborhoods.

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. This area between Central Avenue and King Ave West is undergoing rapid urban development and growth. Demand for new housing choices, including townhomes and apartments, is increasing. Providing a wide range of housing types is suitable for this area.

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

The property is an undeveloped agricultural parcel. Approval of the zone change will provide certainty for surrounding landowners and may help to maintain property values of adjacent buildings.

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

The proposed Mixed Used PND with N2, NX1, NX2, CMU1, NMU and Public 1 zoning will encourage the most appropriate use of this land in Billings.

Attachments

Ordinance ZC 1045

Zoning Commission

Date: 03/25/2024

Title: Zone Change 1045 - 4524 Central Ave. - Proposed Clearwater Neighborhood -
Joint Hearing for Zone Change and Annexation

Presented by: Nicole Cromwell

Department: Planning & Community Services

Presentation: Yes

Legal Review: Not Applicable

Project Number: PZX-24-00053

COUNCIL ACTION	
Approved	
Q. Q. Queen Absent / Excused	
Aspen Lieder Abstained	
MAR 25 2024	
db	
CITY CLERK	

RECOMMENDATION

The City Zoning Commission recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1045.

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

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This area of Billings has experienced a great deal of growth and development in the past decade. This includes three Planned Development zones, customized zoning for specific parcels, that include mixed uses, residential development and medical facilities. Housing demand has reached a high level while supply of all types of housing choices has not kept up with the demand. At least two decades ago, local planning and growth policy documents indicated a need for independent living units for aging residents who want to "downsize" from a maintenance heavy single family dwelling on a large lot to unit ownership or townhomes as well as rental apartments. The 2010 Census indicated Billings, like many other urban areas, saw a reduction in average household size to 2.3 persons. The 2020 Census saw a slight increase to 2.8 persons per household, with 17.5% of the city population over the age of 65. Smaller households, aging residents and the higher costs of all housing has driven the demand for apartments, townhomes, and smaller multi-family products. Developers have made robust investments in multi-family dwelling choices in Lenhardt Square already including the InterUrban and Interpointe Apartments, and the KWO Apartments. A new multi-family project is underway for the northern piece of Lenhardt Square. Several other multi-family developments have come on-line in the last 15 years around King Avenue West and Shiloh Road including Long

Beach Apartments, Affinity at Billings (age restricted), and Hoop Dreams Apartments and condominiums. Apartments, townhomes and unit ownership housing choices are still in high demand in Billings especially in areas close to shopping, schools and recreational opportunities. The Ridgeline Subdivision and PND zoning was approved last year and will include areas for mixed residential and two-family townhomes as well as a small commercial node at King Ave West and 48th St West. The Vista West PND zone change approved in 2023, and includes a mix of housing choices. Development of the parcel will start in 2024.

There are challenges to an area of urban development that is on the edge of the city limits. These challenges include ensuring there are transitions between adjacent county property and uses and the new urban neighborhoods and uses. This is not meant to ensure similarity or homogenous development patterns between the city and county, but the development plan includes buffering, connectivity where and when needed, and recognition of similar goals for both types of property. The 2016 Billings Growth Policy and the 2001 West Billings Neighborhood Plan goals and policies support the proposed Mixed Residential PND zoning for different housing types. The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The proposed zone change supports these goals. The 2016 Billings Growth Policy supports a broad range of housing choices, encourages more walkable neighborhoods with connectivity to other transportation options, and building the community fabric through urban-designed public spaces. The proposed zone change supports these goals as well.

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting on January 24, 2024, at Grace Montessori Academy, 4809 Grand Avenue. Twenty-seven people attended the meeting, not including the applicants. The required notification area for all new PND zone changes is 1/4-mile from the property boundary. In this case, over 180 individual property owners and interested parties were notified of the pending zoning application. The summary of the meeting is included in the attachments. In general, the questions from the surrounding owners included interest in the number of new dwelling units. The applicants estimated at the time of the pre-application meeting about 250 units (5+ units per acre) might be built. Attendees asked about the traffic impacts and access to surrounding existing streets. The agents stated they have a contract to do a full traffic impact study based on the proposed zoning if it is approved. Questions were asked regarding building height and whether homes outside the city limits would be forced to annex when water and sewer is installed. The CMU zone allows for up to 4 stories, while the other zone districts are 2 or 2.5 stories. The city will not force anyone to annex unless the property requests or is required to use city water or sewer. Annexation is required before these city services can be provided.

Planning staff did not receive any written comments or phone calls from the surrounding owners prior to preparing this staff report and recommendation. City staff and departments had no negative comments on the proposed annexation and zoning plan. One letter of comment was received by the Zoning Commission on March 4, 2024. This is attached to this report.

City Zoning Commission hearing March 5, 2024

The Zoning Commission held its public hearing and received the staff report and recommendation for approval of Zone Change 1045. The applicant's agent, Craig Dalton of Performance Engineering, provided testimony in favor of the application. He stated the property is currently surrounded by county land and the owner originally intended to build a residential subdivision in the County. As part of the preliminary review of that plan, planning staff encouraged the owner to look at the feasibility of developing within the city limits. He stated the city has identified Central Avenue as a critical corridor for connecting and sustaining the city's infrastructure investments in water, sewer and storm water management facilities. He stated the city had recently installed a 30-inch sewer main along the Monad/Rocky Vista Way corridor to the south and city water is only about 800 feet east on Central Avenue. Mr. Dalton stated the Ridgeline development to the south and west at 48th St W and King Ave W was done by the same owner working with Performance Engineering. He stated that although a full city re-build of Central Avenue is not yet in the Capital improvement plan, developments such as the Clearwater Neighborhood and Vista West to the southeast would help bring that project to the top of the list. The city does intend to enforce its access management on Central Avenue since the street is an important arterial connector. He stated there will be different traffic control at Central Avenue and 48th St W in the future such as a roundabout or signal. He stated the subdivision will have one entry that allows all turning movements, and one that will be restricted to a right in/right out turning movement. He stated that Bell Avenue as shown in the south-east corner would not connect to the current dead end of Bell Avenue unless and until the county land between the subject property and the current city limits is annexed. Mr. Dalton stated the parkland shown on the zoning master plan is just the beginning of their plan for parks in the new neighborhood. He stated it is difficult to know at the PND stage of a project where the best location in the development might be for a neighborhood park. He stated the city should consider allowing some flexibility for the placement or area of Public 1 zoning in a PND after annexation, without having to go through another zone change process. He stated the intent of the CMU1 and NMU zoning on the Central Ave frontage was to encourage the new residents to have walkable amenities and not have to drive everywhere for services. He stated the neighborhood was informed of some of those potential uses,

including a gas station or a bar. He stated the location could not support a casino since it does not have the separation distance to a neighborhood zone. He stated a bar may be possible since the neighborhood separation is only 150 feet compared to the 350 feet for a casino. He stated the commercial zoning was not likely large enough for a grocery store, but specialty services such as a bakery or coffee shop might be possible. He stated the mix of the other N and NX zones was to allow residents to choose a housing option that fits their lifestyle and also have the opportunity to stay in the neighborhood when their housing needs change.

Mr. Craig Jardine of 110 Saddletree Lane spoke in opposition. He stated his home is in the Shiloh Estate subdivision to the north of Central Avenue. He stated it does not make sense to strip out commercial development on this location on Central Avenue. He stated he would be in favor of single family development that is similar to the county subdivision to the north. He stated there is enough multifamily development already to the south of this land. Mr. Jardine stated the traffic on Central is already hard to manage during certain times of the day. He stated he does not feel left out because there isn't a coffee shop in his neighborhood because there are at least three places to get coffee within 5 minutes of his house. He stated the proposal is not a neighborhood but a subdivision. He stated he has never heard of people moving from house to house within the same subdivision. He stated Twin Pines and Legends West are the preferred development pattern with just single family homes and duplexes. He stated there is no need for more multifamily housing.

Mr. Andy Wilson of 4355 Wells Place testified against the zone change. He stated their home is right across from the new commercial zoning. He stated he does not want to live across the street from a bar or a gas station. He wanted to know why this was considered compatible with the adjacent zoning, since Shiloh Estates is all single family homes on large lots. He stated this new zoning and subdivision would devalue their property. He stated he found someone out surveying recently on Central Avenue and the work crew told him they were surveying for a new 4-lane street. He stated he would be amenable to all residential zoning and development but not commercial zoning. He stated there were already enough bars just down the street on Shiloh Road.

Laura Wilson of 4355 Wells Place testified against the zone change. She stated this is not the place for commercial zoning or uses. She stated the commercial zoning could allow 4-story buildings. She stated their primary concerns were noise, lighting and crime from commercial activity. She stated neighborhoods that have commercial development have a lot more crime. She stated there was no crime in their subdivision (Shiloh Estates). She stated if a gas station went in it would endanger all their drinking water wells, and cause more air pollution. She stated that right now there are some evenings in their backyard when all you can smell is exhaust fumes from Shiloh and Central Avenue. She stated Shiloh Rd has some very loud traffic noise at all hours of the day and night. She stated the traffic is a constant nuisance to their neighborhood. She stated single-family homes would be welcomed but not commercial uses or multifamily developments.

Mr. Dalton provided some rebuttal comments on the testimony against the zone change. He stated the city code does not allow the placement of neighborhood zone districts directly on arterial streets. He stated the owner could essentially do the same type of zoning outside the city limits, so having the development in the county and not in the city would not necessarily eliminate commercial zoning on the frontage. He stated that CMU1 would allow a 4-story building, but it is not a requirement of the zone. He stated there are challenges to building at that height. He stated that a bar is possible but not a casino at this location. He re-iterated that the owners' intent is to provide daily services close to the neighborhood, so people need not drive everywhere.

Chairperson Dan Brooks closed the public hearing. David Goss made a motion to recommend approval and adoption of the findings of the 10 review criteria for Zone Change 1045. The motion was seconded by Andy Megorden. Mr. Goss stated he understood the county neighbor's concerns about the city development across the street. He stated the one thing that was quite noticeable to him when he returned to Billings after living on the West Coast was that the city had grown out but not up. He stated a continuation of the same pattern is no longer feasible. Mr. Brooks stated he also shares the concern about getting development ahead of street improvements and not having Central Avenue as a CIP project yet. He stated this has been the way the city has paid for street improvements - by annexing and getting contributions for those improvements ahead of time, well before there is enough funding to build a safer road. Mr. McCall stated he was recusing himself from the vote and debate on this item as he is in discussions with the owner about buying and developing a portion of this new neighborhood. The Commission voted 4-0-1 to recommend approval of the zone change.

ALTERNATIVES

The City Council may:

- Approve and adopt the findings of the ten review criteria for Zone Change 1045 as recommended by the Zoning Commission; or,

- Deny and adopt different findings of the ten review criteria for Zone Change 1045; 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 ten review criteria as recommended by the Zoning Commission before making a decision on Zone Change 1045:

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

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy and the West Billings Neighborhood Plan (2001):

The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed MU-PND for the property is consistent with the following adopted Policies of Planned Growth

Goal 1: Establish Development Patterns that Use Land More Efficiently

Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed zoning is compatible with goals of the West Billings Neighborhood Plan. The proposed zone change and street layout will accommodate uses that are compatible in a mixed-use environment. The proposed development will also have good access to outdoor activities and is in proximity to commercial centers and transportation options.

The proposed zone change is in line with the adopted 2016 Growth Policy goals for:

Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale streetlights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired Implementation of the Infill Policy is important to encourage development of underutilized properties

Home Base:

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community

The proposed layout for the property will allow higher density housing to be located internal to the property and the dwellings adjacent to the agricultural uses to the west will be a lower density. The proposed zoning plan will have urban development adjacent to county agricultural land to the east, west and south. The property to the south may be an addition to the city in the near future if this development is successful. The layout of the parkland will provide an "entry" type park for the development when the connection is made to the existing west end of Bell Avenue. The location of the parkland on either side of the Bell Avenue right of way will lend itself to a green or a plaza (Section 27-803.B).

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

The zoning requires minimum setbacks, open and landscaped areas and building separations. The zoning assembly is designed to secure the development from fire and other dangers.

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

Public health and public safety will be promoted by the proposed change. Approval of the overall zoning plan will provide certainty both for the property owner and the surrounding owners. Annexation and provision of public health and safety services from the city will promote the general welfare of the area.

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

Transportation: The applicant has started the process of developing a traffic impact study and will coordinate with the City Engineering Division. The future transportation map only includes collector streets and arterial streets. A mid-section collector street (44th St West) is intended to come south from Central Avenue. Bell Avenue will extend further west to meet this collector street in the future. Although it is not shown on the zoning plan, there is a multi-use path planned for the south side of Central Avenue. The city limits are discontinuous on Central Avenue west of Shiloh Road. The developer will likely be required through the annexation agreement to contribute to the cost of this multi-use path construction in the future.

Water and Sewer: The City will provide water and sewer for the property. There will be no additional impacts on the system from the proposed changes.

Schools and Parks: Schools and parks may be effected by the proposed zone change and development of a new city neighborhood. SD #2 did not provide any comments. At the time of subdivision, the developer will need to provide additional parkland or cash-in-lieu of parkland to meet the minimum required by subdivision regulations (11% of net area).

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

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

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

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

Non-motorized travel -- walking and biking -- is an essential part of the traffic plan for this development. The subject property will be isolated from the co-terminus boundaries of the city limits for an undetermined amount of time. If the developer exercises the option to purchase the 50 acres to the south, a clear vehicle and pedestrian connection can be made to the urban neighborhoods of Lenhardt Square, the Vista West development and the St. Vincent's Healthcare subdivision, as well as a connection to Shiloh Road. Central Avenue is a principal arterial street. Most of the development west of Shiloh Road with access to Central Avenue is rural residential neighborhoods that are still actively used for agricultural purposes. The average daily traffic count just west of Shiloh road is less than 6,500 trips per day. The 2016 West End Multi-Modal Traffic Study (city/County) indicated long term projects for Central Avenue from Shiloh Road to 48th St West would include completion of a three-lane section (one lane each direction with a center turn lane) and a traffic control option (signal or roundabout) at 48th St W and Central Avenue. The existing conditions according to the 2016 study indicated a low level of service for traffic entering or leaving Central Avenue during peak hours between Shiloh Road and about 44th St West. The level of service is based on wait time for making safe left or right turns onto Central Avenue or off of Central Avenue. The south side of Central Avenue is on the list of arterial streets with a multi-use path on the south side of the right of way. There is no continuous city-controlled right of way on Central Avenue west of Shiloh. The developer will be required to contribute to the future construction of the multi-use path.

7) Will the new zoning will promote compatible urban growth?

The proposed overall development density is compatible with urban growth and the provision of city-level services for new residents. The proposed zone district boundaries are consistent with the urban growth in this area and will be compatible with the surrounding neighborhoods.

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. This area between Central Avenue and King Ave West is undergoing rapid urban development and growth. Demand for new housing choices, including townhomes and apartments, is increasing. Providing a wide range of housing types is suitable for this area.

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

The property is an undeveloped agricultural parcel. Approval of the zone change will provide certainty for surrounding landowners and may help to maintain property values of adjacent buildings.

10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?
The proposed Mixed Used PND with N2, NX1, NX2, CMU1, NMU and Public 1 zoning will encourage the most appropriate use of this land in Billings.

Attachments

ZC 1045 Zoning Map and Site Photos

ZC 1045 Zoning History

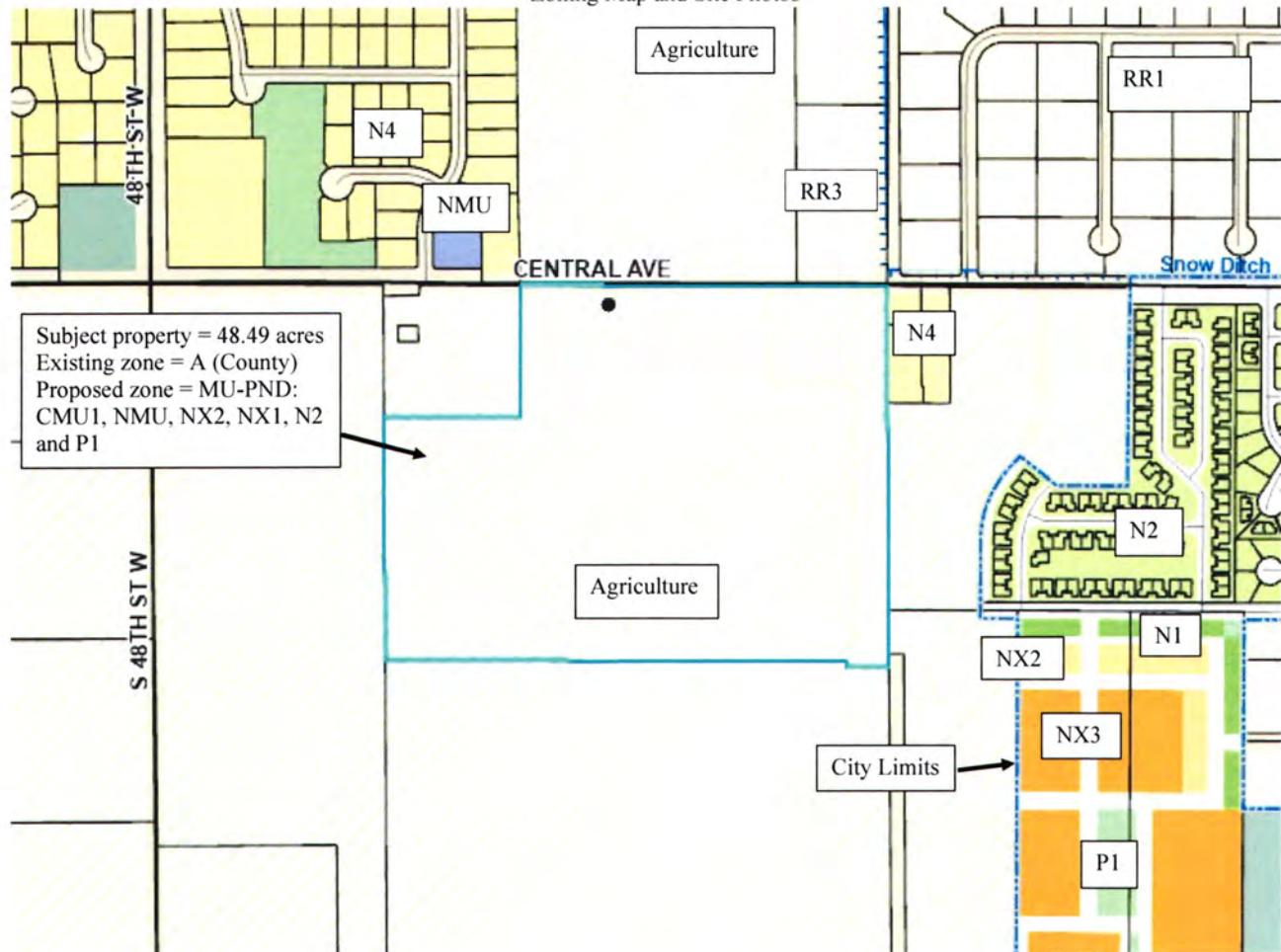
ZC 1045 Pre app information

ZC 1045 Application and Letter

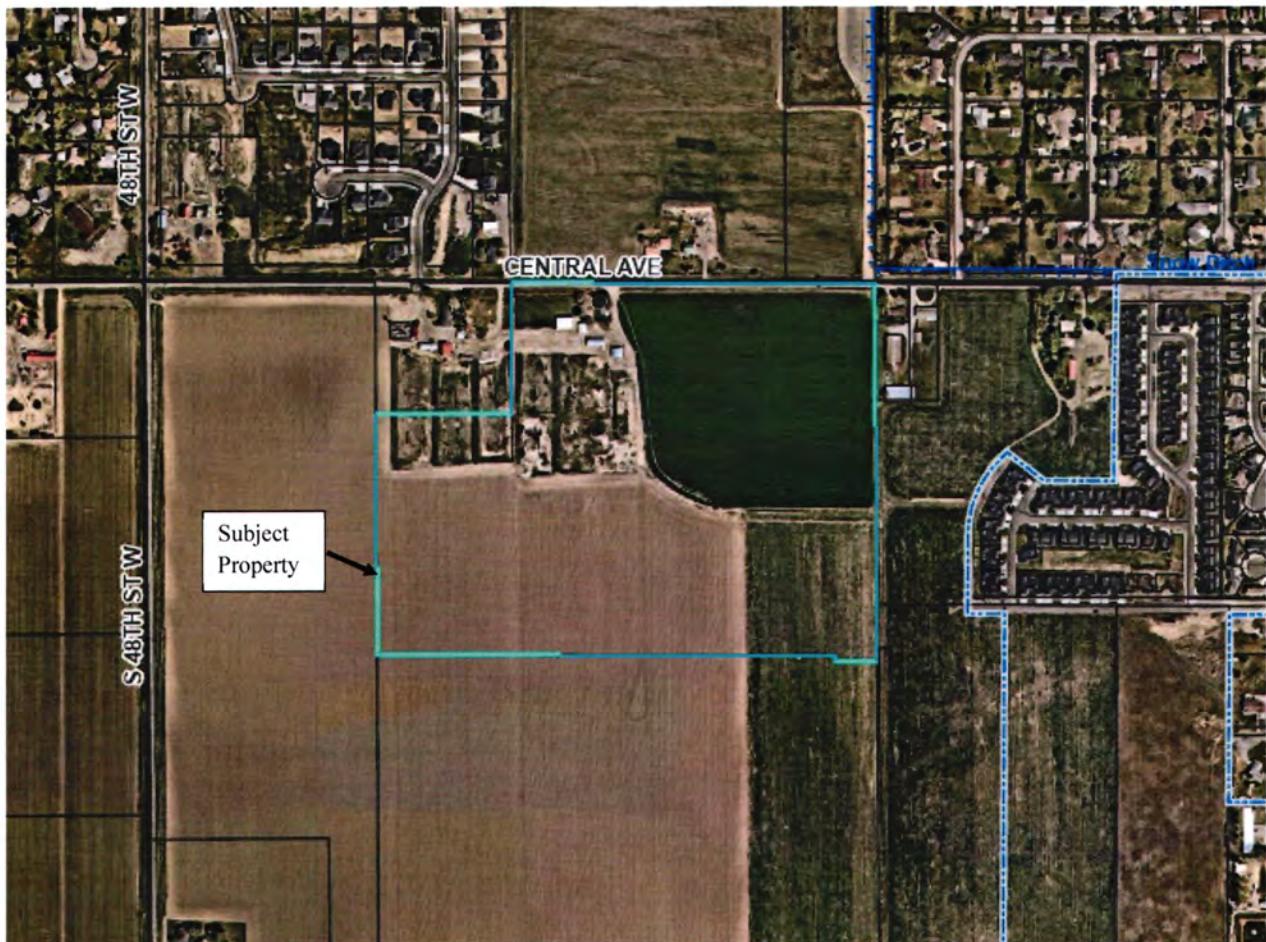
Public Comment ZC 1045

Ordinance ZC 1045

City Zone Change 1045 – 4524 Central Ave – MU-PND - Clearwater
Zoning Map and Site Photos



Subject Property



Zoning Master Plan Clearwater – ZC 1045

PROPOSED PLANNED NEIGHBORHOOD DEVELOPMENT FOR
TRACT 2 OF CERTIFICATE OF SURVEY 3844

LOCATED NW 1/4 OF SECTION 10, T 01 S, R 25 E, P.M.M.
YELLOWSTONE COUNTY, MT

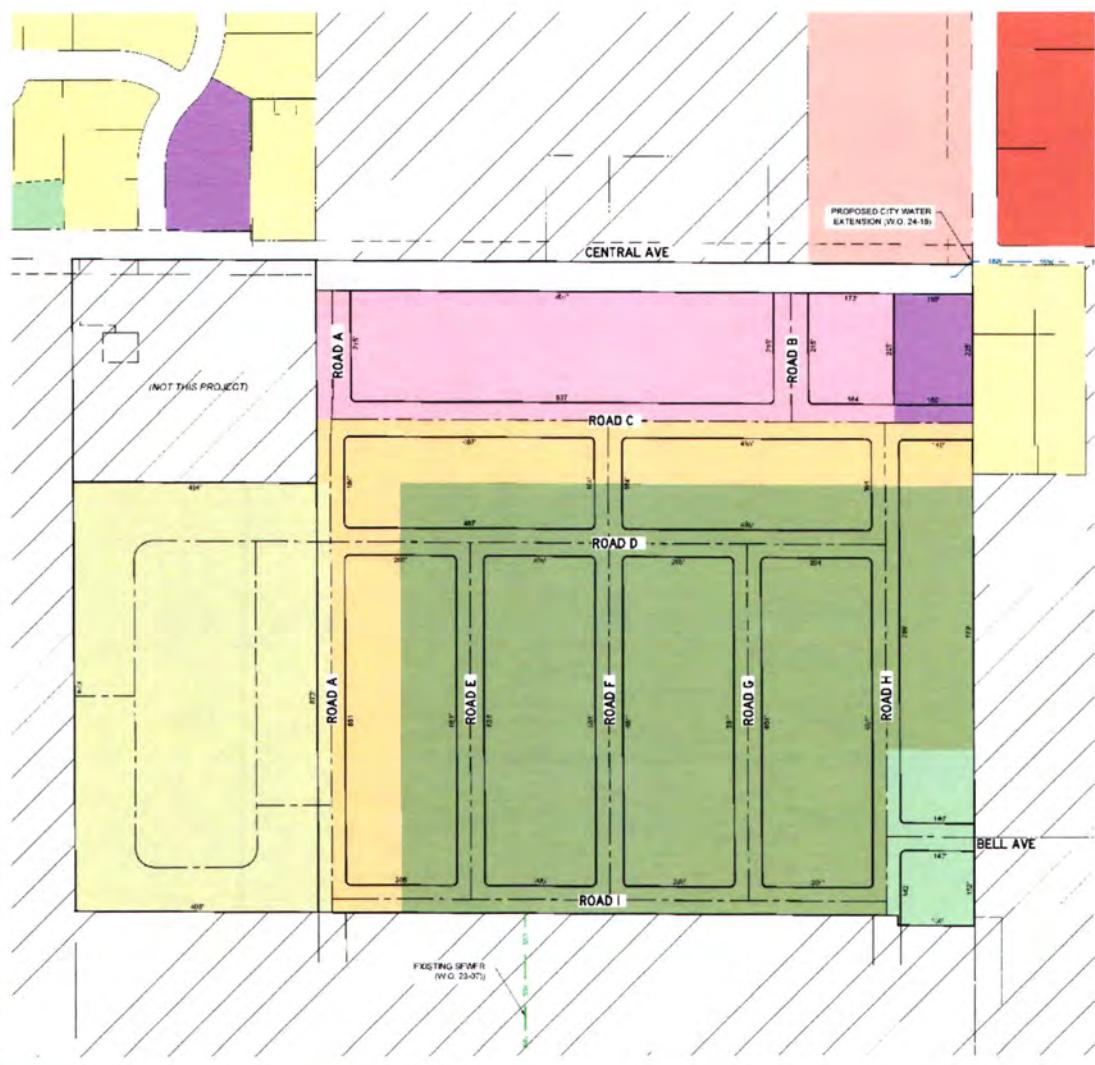
YELLOWSTONE COUNTY, MT



PREPARED FOR BROWN DEVELOPMENT, LLC

PREPARED BY PERFORMANCE ENGINEERING, LLC

ZONING INFORMATION		
ZONING DISTRICT	ACRES	PERCENTAGE
CMU 1	6.995	14.4
NMU	0.954	2.0
NX1	21.947	45.3
NX2	6.704	13.8
N2	10.452	21.6
P1	1.452	2.9
TOTAL	48.452	100.0



ZONING LEGEND

The legend identifies six categories of land use, each represented by a colored square and a corresponding label:

- CMU 1 - COMMERCIAL MIXED USE 1 (Pink)
- RR1 - RURAL RESIDENTIAL 1 (Red)
- P1 - OPEN SPACE (Light Green)
- N2 - 1 TO 2 DWELLING UNITS/STRUCTURE (Yellow)
- RR3 - RURAL RESIDENTIAL 3 (Light Red)
- AO - AGRICULTURAL OPEN (Hatched)
- NX1 - 1 TO 4 DWELLING UNITS/STRUCTURE (Dark Green)
- NX2 - 2 TO 8 DWELLING UNITS/STRUCTURE (Yellow)
- NMU - NEIGHBORHOOD MIXED USE (Purple)
- N4 - LARGE LOT SUBURBAN (Yellow)



SHEET 1 OF 1



Subject Property – view south from Central Avenue at west property line



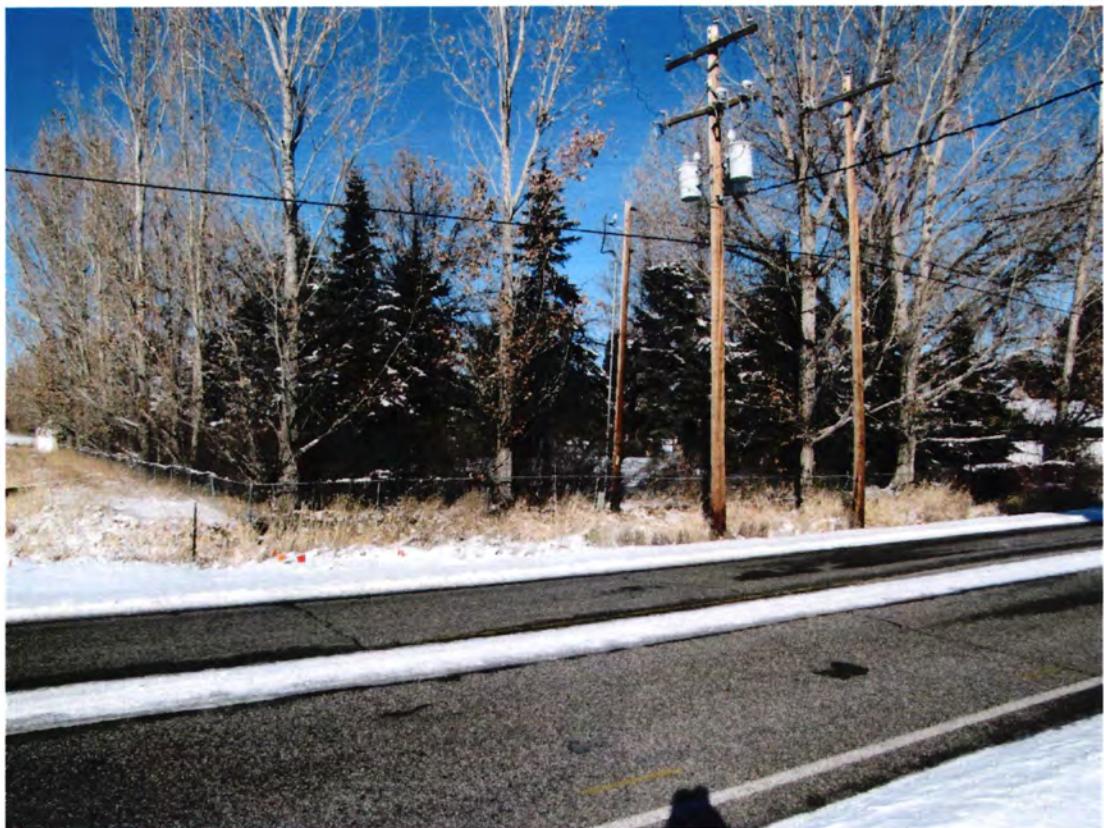
Subject Property from Central Avenue east property line



View south and east from subject property at east property line



View west on Central across subject property frontage from east property line



View north and east across Central Avenue from east property line



View north and west across Central Avenue from east property line



View west on Central from west property line of subject parcel



View north and east across Central Avenue from west property line of subject property



Subject Property – Summer 2021

Zoning History for City ZC 1045 – 4524 Central Ave – proposed Clearwater development – MU-PND

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
4524 Central Ave	NA				Original zoning for Agriculture
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Ridgeline Sub – 48 th St W and King Ave W	City ZC 997	9/13/2021	A to CMU1, NX2, N2 & P1 MU-PND	Yes	Phased Annexation
Sweetgrass Sub- 54 th St W, S of Rimrock Rd	City ZC 998	10/11/2021	A to N1, N2, N3, NX1 & P1 N-PND	Yes	
The Timbers – Alkali Creek	City ZC 1003	1/24/2022	A to NMU, NX1, N3 and P1 N-PND	Yes	
Vista West	City ZC 1004	2/28/2022	A to N2, NX1, NX3 & P1 MR-PND	Withdrawn	
Zimmerman Home Place	City ZC 1009	3/14/2022	N3, NX1, NX3 & P1 to N2, NX1, NX3 & P1 MR-PND	Yes	
Buffalo Crossing	City ZC 1011	4/11/2022	A to NX2, N2, N3 & P1 MR-PND	Yes	
Vista West	City ZC 1021	2/27/2023	A to N1, NX2, NX3 & P1 MR-PND	Yes	
54 West	City ZC 1025	6/12/2023	N3 to N2, N3 & P1 N-PND	Yes	

Pre-Application Statement of Owner(s) or 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:** AO – Agricultural Open

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

Zone Change from AO to a combination of CMUI, NMU, NX1, NX2, N2 & P1 on 48.49 acres

3. **Subject Property Map:** please attach to this form.

4. **Legal Description of Property:**

Tract 2 of COS 3844 Located in Sec 10, T01S, R25E, Yellowstone County, P.M.M

5. **Neighborhood Task Force Area:** Yes // No. If Yes, Name of Task Force and mailing address of Chairperson:

West End Task Force, Steve Zeier

6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form.

7. **A copy of the meeting notice.** please attach to this form

8. **A brief synopsis of the meeting results including any written minutes or audio recording.** please attach to this form

9. **The undersigned affirm the following:**

1) The pre-application neighborhood meeting was held on the 24th day of January, 2024.

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

Owner (s): Brown Development, LLC Telephone: (406) 698 - 5970

Address: 745 South 56th St. West Email: tbrownbuilders@yahoo.com
Billings, MT 59106

Agent (s): Performance Engineering, Craig Dalton Telephone: (406) 384 - 0080

Address: 608 N. 29th Street Billings, MT 59101 Email: craig@performance-ec.com



AMD Tract 1 COS 2715 and Tract 1 COS 2719 PND Neighborhood Meeting Sign-In

January 24th, 2024 @ 6-7PM

NAME	ADDRESS
Doug Reiter	1945 Parkhill Dr (Bell Farm)
JERI TOLSTEDT	1310 BROADWATER AVE (BELL FARM)
Clyde Seifert	116 Big Pine CRT
Terr Kaufman	110 Big Pine CRT
Randall Adams	4206 Limber Pine Ln
ANDREW WILSON	4355 Wells Pl
Laura Wilson	4355 Wells Pl
Julie Larson	103 Saddle Tree Pl.
BRYAN LEITZ	4420 CENTRAL AVE.
Chris Merritt	4319 Wells Pl
Ed Hansen	4246 CENTRAL
Howard Holt	1120 BLACKBERRY WAY
Beth Smith	4430 Central Ave
Tim & Lindy Morgan	2157 Rangeview Ct.
Norm Tjelteit	4650 Sunbeam Ln
George Allen	4240 Wells Pl
Charlotte Allen	4240 Park Pl.
Frank Kolawich	4237 Wells Pl.
Chad Marton	12 Double Tree Pl
Thad Fenton	245 S. 41 st ST W
Tom Brown	745 S. 56 th St. #1
Julia Armenia	22 Saddle Tree Place
Jickie Jardine	110 Saddle Tree Place
Hans Hungate	4 Twin Pines Lane
Kristen Hungate	4 Twin Pines Lane
Dave Biegel	4221 Wells place



608 North 29th Street, • Billings, MT 59101 • (406) 384-0080

Tract 2 of Certificate of Survey 3844

Being Amended Tract 1 of COS 2715 and Tract 1 of COS 2719 and the E1/2, NW1/4 of Section 10, T01S, R25E, Yellowstone County, Montana

Zone Change Neighborhood Meeting Notes

The meeting was conducted from 6-7:15 PM on January 24th, 2024 at the Grace Montessori School. The meeting was hosted by Craig Dalton of Performance Engineering (agent) and Todd Brown (developer).

There were 26 public participants for the meeting.

The meeting began with Craig Dalton giving an overview of the property. He discussed who the previous owners were (Hardt family). Craig covered how the project went through a pre-application meeting with the County in 2022. The City, however, viewing Central as an important corridor, worked with the developer to extend water and sewer services to the property in exchange for annexation. Craig covered how the City had already constructed sewer to the property as part of the Monad sewer extension project and has plans to extend water down Central to the property this spring/summer.

Craig described how the PND process works and gave out the expected timelines for application submittal and public hearings (anticipated March 5th and 25th). He said that anyone who received a neighborhood meeting notice would also receive a public hearing notice from the city confirming the meeting dates.

Craig then went through each of the proposed zoning types. He described the allowable density for each of the residential districts, and read the allowed uses for CMU1 and NMU districts from Table 27-1000.1 of the zoning code. Craig stated that bars and casinos are an allowed use in CMU1, but are subject to special reviews with additional setback requirements from residential zones. He discussed that a bar would be able to meet the setback requirements in this area, but that a casino wouldn't meet the 350 ft setback requirement as the property is proposed.

Following Craig's overview, the floor was opened for participants to ask questions.

Questions from the individuals and subsequent responses are shown below:

- Why not zone the development for single-family homes instead of higher density?

One of the objectives of the City's recently updated zoning code and PND process is to promote mixed use neighborhoods to offer multiple levels of housing options. Part of the PND requirements is to pair a lower density "N" district with a higher density "NX" district. Additionally, there is growing concern from city officials on

the cost of service to operate and maintain infrastructure throughout the city. One of the answers to this is to increase density to help keep the cost per dwelling served down.

- What is the number of units that would be built in this development given the proposed zoning?

Final densities will be subject to amount of net acreage left following subdivision which is a subsequent process to zoning. That being said, based on the current layout shown on the map it would be estimated in the 250 dwelling unit range.

- What is going to be done to address the increase in traffic in the area? Residents from Shiloh Estates Subdivision stated they already have issues accessing Central at certain times of the day.

A Traffic Impact Study (TIS) has been contracted and is ready to be commissioned upon finalizing the PND plan. The TIS will study the Central Avenue corridor between 48th and Shiloh, in addition to some of the other major intersections within 1-mile of the development. The TIS will provide findings and recommendations for areas that may need improvements or modifications to accommodate increased loads produced by this development.

The City doesn't currently have a road improvements project proposed for Central Avenue in their CIP, but as sections of their arterial corridors become more and more developed it tends to move that area's priority up for a major road project. It is important to note that improvements to Central Avenue will only come via a City project which would be driven by City developments. The County hasn't historically constructed major roadway improvements, particularly roadways on the border of the City limits.

- How many stories can the buildings be?

NX1 allows for buildings up to 2.5 stories. NX2 allows for buildings up to 3 stories. N2 allows for buildings up to 2 stories. NMU allows for buildings up to 2 stories. CMU1 can have buildings up to 4 stories tall. CMU 1 also allows for residential development, however, the first floor must be commercial services (example Shiloh Commons).

- Will the City force County properties to annex when water and sewer go by? Referenced properties in the Heights being forced into the City.

The City does not have a history of forcing properties to annex into the City limits. In the past when County properties residing within City limits were required to annex into the City limits it was typically driven by a failing septic system with no room on the property for replacement. In these cases, the County Health Department/DEQ wouldn't issue a new septic permit and therefore the only remaining option was to tie into City services. In the case of Shiloh Estates Subdivision, that was permitted under more recent DEQ standards which require a

spot be reserved on the property for a replacement drainfield. The constraints the older Heights properties encountered wouldn't likely apply here.

- What will the development be required to do with it's stormwater?

The development will be required to meet the standards of the Billings Stormwater Management Manual. The property will be required to detain stormwater on-site (example ponds) or in a city owned facility such as the Monad (Bannister) Drain.

- Why is commercial being proposed along the frontage? Previous commercial zoning reviews on the west end discussed keeping commercial properties at major intersections.

The current zoning code requires CMU1 to be within 1,320 feet from an arterial or collector street intersection. Where Road B is shown on the map will be 44th Street in the future and per the City's classification map this is a collector road that will continue north to Broadwater.

The PND guidelines require either a commercial or NX use along arterial corridors. This is in effort to prevent future situations like we see on Grand Avenue as it enters into the downtown area where you have a bunch of commercial businesses operating out of old single-family homes.

Ultimately the hope in placing pockets of commercial along these frontages is to draw small business services to these neighborhoods. We often see in areas that have commercial incorporated into the neighborhoods an alleviation of traffic on the adjacent roadways. This is due in part to the fact that people do not need to commute as far to reach these types of businesses.

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1045 - Project # PZX-24-00053

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 AO – Agricultural Open

Proposed Zoning: CMU1, NMU, NX1, NX2, N2, and P1

TAX ID# D00486 CITY ELECTION WARD 5

Legal Description of Property: Tract 2 of Certificate of Survey 3844 located in Section 10, T01S, R25E, Yellowstone County, MT

P.M.M.

Address or General Location (If unknown, contact City Engineering): 4524 Central Ave.

Size of Parcel (Area & Dimensions): Total Area = 48.492 acres

Present Land-Use: Vacant Agricultural Land

Proposed Land-Use: Mixed Density Commercial and Mix Density Residential Housing

Covenants or Deed Restrictions on Property: Yes No X

If yes, please attach to application

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

Owner(s): Brown Development, LLC

(Recorded Owner) 745 South 56th St. West, Billings, MT 59106

(Address) (406) 698 - 5970 tbrownbuilders@yahoo.com

(Phone Number) (email)

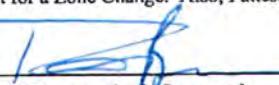
Agent(s): Performance Engineering, Craig Dalton, PE

(Name) 608 N. 29th Street, Billings, MT 59101

(Address) (406) 384 - 0080 craig@performance-ec.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: 

(Recorded Owner)

Date: 7-1-24



608 North 29th Street • Billings, MT 59101 • 406-384-0080

Zone Change Questions

Tract 2 of Certificated of Survey 3844 Yellowstone County, Montana. Having a total area of approximately 48.5 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 along Central Avenue which is a critical corridor for growth of the City. The development and extension of municipal services, particularly public utilities, will open further development of a large swath of land between Monad and Broadwater from 48th Street to the east. The proposed development will assure that key parts of the Billings West End will be developed with appropriate density, connected to City services, and added to the City tax base. This property was originally conceptualized to be developed in the County, still drawing on emergency services and the transportation network of the City. Coordination with City Planning and Engineering for the extension of City water and sewer services provided the necessary avenue for this property to annex into the City. The proposed zoning adds necessary density to assure there are adequate taxable properties to provide a return on the City's initial extension investment and lowers the cost of service to the City in the future.

Infill Development Policy - The goal of the Billings Infill Policy is to promote housing and retail choices to encourage economic development, by rezoning this area it will stimulate development of the area and provide a more enjoyable neighborhood environment for the residents. Proposed commercial designation along Central Avenue will bring services closer to residents of the West End, improving neighborhood walkability and reducing commuter traffic into the City for basic services.

Diversified & Affordable Housing - This zone change will provide a mix of housing options. By offering a mix of housing alternatives, residents will be afforded the opportunity to upgrade within in the same neighborhood, creating a more resilient community. The development will also be an affordable option for the City due to the low cost of service created by the proposed mix of density in this proposal. This project will require a short extension of services (less than 800-ft) west while opening future areas for City growth between Monad and Broadwater. The proposed zoning will bring residential density to an area that currently has little diversity in housing, filling in the "missing middle" housing gap that currently exists in this West End area.

2. Explain how the proposed project meets the 10 zone change criteria.
 - a. Is the new zoning designed in accordance with the growth policy?

The new zoning adheres to the City of Billings growth policy through its expansion of mixed community uses with both residential diversity and commercial services incorporated into the development. The project incorporates multi-modal components with access to trails and parks included to give residents options. The proposal also assures that development of this land is done in a manner that takes into account the cost of services provided by the City with the incorporation of appropriate density and commercial development.
 - b. Is the new zoning designed to secure from fire and other dangers?

There will be fire hydrants located an adequate distance throughout the interior of the development with a maximum spacing of 500-ft, meeting all City of Billings Fire Codes. Additionally, the project will bring fire services with hydrants to an area of the West End that only operated on dry hydrants within the BUFSAs or had no close fire suppression availability at all. Construction of the site will comply with building regulations and zoning code to allow for appropriate separation of buildings and proper lighting for public safety and security. The 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 diversify the surrounding neighborhood and create opportunities for housing in what is now considered the "missing middle" within the Billings West End. Buildout of this vacant land will bring more public eyes to the area to help keep watch on public safety. This zone change also requires landscaped or natural open areas to be incorporated within the development which will improve the general well-being of the neighborhood and encourage residents to use services within walking distance to their residence in the neighborhood.
 - d. Will the new zoning facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements?

The change in zone will tie into existing services with short extension to the parcel which will also open up future development at appropriate density between Monad and Broadwater east of 48th Street. Additional park land areas, above the required 2% as part of the PND, will take form as the property moves into the subdivision process. Ultimately the development will look to provide centralized park spaces to maximize accessibility for residents. The development is not necessarily close to MET transportation however the inclusion of commercial with the intent of providing neighborhood services is an attempt to minimize the need for residence to travel outside their neighborhood, straining our transportation network. Over time the development will connect to

pedestrian systems, such as the multi-use path along Monad, that will tie back to Shiloh and the multi-use trail running along that corridor.

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 residential, however, the open space, and subsequently park dedication, requirements will allow for adequate lighting and air for the property and surrounding area. Any improvements to the land must adhere to the zoning 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 the zone change will convert agricultural lands to mixed commercial and residential development, additional residents will move to the area creating an impact on the motorized transportation in the area. This will be studied and accounted for in the review of a Traffic Impact Study (TIS) associated with the subdivision through the subdivision process. The developer, as part of the overall development, will contribute to intersection impacts in the areas identified by City Public Works to mitigate any negative impact coming from the overall development.

The incorporation of commercial neighborhood services are important in alleviating the traffic volumes currently existing, and what will be contributed to by this development, along the Central Avenue by bringing commercial services closer to residential neighborhoods. The most recent example of how this can alleviate pressures on arterial corridors is the opening of the new Albertsons at 54th Street West and Grand Avenue. The Albertsons at Rehberg and Grand was once the busiest Albertsons in the state, drawing traffic from most properties west of Zimmerman Trail along Grand Avenue. With the opening of this new store, traffic volumes along Grand Avenue between 54th and Shiloh have significantly decreased (outside of typical commuter hours) as the travel distance to this major service has been greatly reduced.

Because the surrounding developments and neighborhoods are primarily County there is limited sidewalk and trail connectivity in this area. The development will be constructed with walkability in mind, anchoring future development in the area with pedestrian facilities. Initially, traffic will undoubtedly increase marginally on Central Avenue. The development will construct or contribute to improvements to Central Avenue along its frontage. Connections will be provided to properties to the east, west, and south to allow for inter-neighborhood movement, reducing impacts to Central Avenue. Over the life of the development, as it approaches full buildout, the diversity in commercial and residential density along with connectivity to the east, west and south will help with traffic congestion on Central Avenue.

g. Will the new zoning promote compatible urban growth?

The proposed mix of zoning will promote compatible urban growth as it is nestled between low density residential on the west and north sides and medium to higher density residential coming (planned, presented and approved by Council) to the east and south of the project area. This zoning will allow for new residents to move into a thriving and safe neighborhood that can easily meet most of their needs in the immediate area. The proposed zone change provides the desired step-back in density placing commercial along the arterial corridor (Central Ave.) and stepping back to mix density residential to the south. The proposed mix in commercial and residential, with varying residential densities, is what both City Council and urban growth policies ask for in new neighborhood development. The proposed plan will introduce new housing variety and density to this area of the Billings West End while creating neighborhoods in a walkable manner with commercial designations to service the surrounding areas.

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 currently surrounded by active agricultural production land with county subdivisions to the northeast and northwest across Central Avenue. Southeast of the proposed development, the City has already approved annexation and zoning for a similar mixed use development north of Monad. The compatibility will be seamless between the development of the Vista property and what is proposed in this application. As presented, the proposal achieves the directives from City of Billings planning documents in that mixed commercial and low to medium density residential is layered through the property. The proposed zoning steps back density with the highest commercial uses along the arterial corridor (Central Ave.) and mixed density residential as the development moves south towards Monad. Because of the surrounding adjacent agricultural uses, the proposed development is buffered in large part from any surrounding developments and will be setting the stage for future development of the City in this area. The proposed medium density residential zoning will allow for a variety of housing options including single-family residences, aligning with the character of the existing County community.

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

It should be noted that the proposed development is only directly adjacent to active agricultural land with County subdivisions to the northwest and northeast across Central Avenue. The proposed zoning will conserve the value of buildings in the area by creating new amenities for nearby neighborhoods while not intruding upon them. Inclusion of parks and pedestrian facilities open for public use along with

construction of additional transportation infrastructure will also benefit the surrounding neighborhoods.

j. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

By providing a mixed density and mixed service development the proposal allows for a lower cost of service to the City of Billings, making the development the most appropriate use of the land. The proposed development adequately steps back density from the arterial corridor (Central Ave.) while providing a diversity in housing options and mixed residential neighborhoods within the Billings West End. Services in the area can support expanded growth without straining City infrastructure or EMS services.

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

The new zoning will fit seamlessly into the area as the surrounding land is still agricultural in nature. This proposal provides the "missing middle" medium density housing between the larger single-family County properties and the high density apartments of the existing Farmstead apartments and the recently approved Vista development. The proposed development will provide neighborhood diversity in both housing options and services. The site will help provide housing density and diversity to start serving the "missing middle" of our City with medium density residential development supported by many amenities and necessities for the current and future residents in the area. Lastly, the development stepped back density from Central Ave. with appropriate distances to minimize impacts and the feel of higher density being within the core of subdivision.

From: Terri Kaufman <kaufmanterri@gmail.com>
Sent: Monday, March 4, 2024 3:49 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] City Zone Change 1045, Project Number PZX-24-00053

Dear City/County Planning Division:

In light of the Planning Division's own "10 Criteria to be Used

for Review of Zone Changes", I am opposed to the Zone changes proposed in City Zone Change 1045. The schools in the area are overcrowded, and there are no parks. The project will add a substantial amount of traffic to the small area. The proposed plan will detract from the value of the buildings and the character of the district by adding parking lots rather than yards. So, as you can see, this proposal does not encourage the most appropriate use of land throughout the city of Billings.

Sincerely,

Terri Kaufman

110 Big Pine Crt.

Billings, Montana

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE ZONE CLASSIFICATION for C/S 3844,
Tract 2, 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 3844, Tract 2, is presently zoned **Agriculture (A)**, 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 3844, Tract 2, is hereby changed from **Agriculture (A)**, to **Corridor Mixed Use 1 (CMU1)**, **Neighborhood Mixed Use (NMU)**, **Mixed Residential 2 (NX2)**, **Mixed Residential 1 (NX1)**, **Mid-Century Neighborhood (N2)** and **Public 1 (P1)**, as shown on the attached **Exhibit A – Zoning Master Plan**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Corridor Mixed Use 1 (CMU1)**, **Neighborhood Mixed Use (NMU)**, **Mixed Residential 2 (NX2)**, **Mixed Residential 1 (NX1)**, **Mid-Century Neighborhood (N2)** and **Public 1 (P1)**, 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 1045 – 4524 Central Ave – Clearwater Neighborhood

Exhibit A – Zoning Master Plan Zone Change 1045

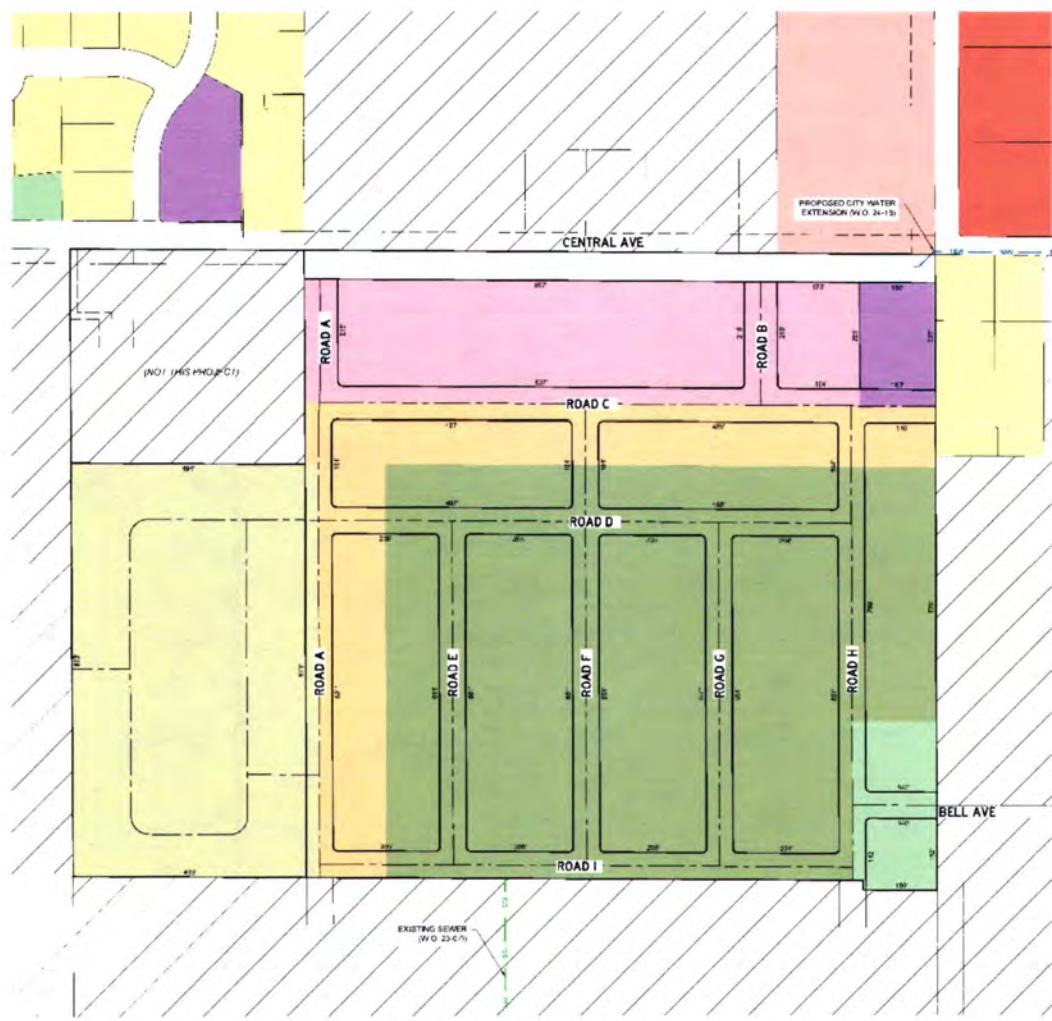
PROPOSED PLANNED NEIGHBORHOOD DEVELOPMENT FOR TRACT 2 OF CERTIFICATE OF SURVEY 3844

LOCATED NW 1/4 OF SECTION 10, T. 01 S., R. 25 E., P. M. M.
YELLOWSTONE COUNTY, MT.



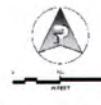
PREPARED FOR: BROWN DEVELOPMENT LLC
PREPARED BY: PERFORMANCE ENGINEERING, LLC.

ZONING INFORMATION		
ZONING DISTRICT	ACRES	PERCENTAGE
CMU 1	6.988	14.4
NMU	0.954	2.0
NX1	21.947	45.3
NX2	6.704	13.8
N2	10.452	21.6
P1	1.452	2.9
TOTAL	48.452	100.0



ZONING LEGEND

CMU 1 - COMMERCIAL MIXED USE 1	RR1 - RURAL RESIDENTIAL 1	P1 - OPEN SPACE
N2 - 1 TO 2 DWELLING UNITS/STRUCTURE	RR3 - RURAL RESIDENTIAL 3	AO - AGRICULTURAL OPEN
NX1 - 1 TO 4 DWELLING UNITS/STRUCTURE	NX2 - 2 TO 8 DWELLING UNITS/STRUCTURE	
NMU - NEIGHBORHOOD MIXED USE	N4 - LARGE LOT SUBURBAN	



SHEET 1 OF 1