



YELLOWSTONE COUNTY ZONING COMMISSION
YELLOWSTONE COUNTY, MONTANA
MONDAY, AUGUST 13, 2012

SUBJECT: Zone Change #637 – 517 Lincoln Lane
THROUGH: Candi Beaudry, AICP, Planning Director
FROM: Nicole Cromwell, AICP, Zoning Coordinator, Planner II

REQUEST

The applicant is requesting a zone change from Residential 7,000 (R-70) to Residential Multi-Family-Restricted (RMF-R) on a 1.96-acre parcel of land described as the Fraction of 175 feet by 490 feet in the S1/2NWSENE1/4 of Section 27, Township 1 North, Range 26 East generally located at 517 Lincoln Lane. Planning staff is forwarding a recommendation of approval.

APPLICATION DATA

OWNER: Thomas Snyder
AGENT: Marshall Phil, P.E. Blueline Engineering
LEGAL DESCRIPTION: Fraction of 175 feet by 490 feet in the S1/2NWSENE1/4 of Section 27, Township 1 North, Range 26 East
ADDRESS: 517 Lincoln Lane
SIZE OF PARCEL: 1.96 acres
EXISTING LAND USE: Single family residence
PROPOSED LAND USE: Same with possible annexation and multi-family development by a future owner
EXISTING ZONING: R-70
PROPOSED ZONING: RMF-R

APPLICABLE ZONING HISTORY

Subject Property

Zone Change #362 (County) – 517 Lincoln Lane – A zone change from R-70 to NC was denied on July 31, 1984.

Surrounding Properties

Zone Change #82 (County) – 727 Bench Boulevard – A zone change from R-70 to RMF was approved on April 6, 1976.

Zone Change #136 (County) – 309 – 337 and 1039 Lincoln Lane; 312-346 Bench Boulevard – A zone change from R-70 to CC was approved on August 23, 1977.

Zone Change #306 (County) – 605, 621 and 637 Lincoln Lane – A zone change from R-70 to NC was approved on March 17, 1981.

Zone Change #345 (County) – 553 Lincoln Lane – A zone change from R-70 to NC was approved on September 27, 1983.

Zone Change #750 (City) – King Place Subdivision at Bench Boulevard and Wicks Lane - A zone change from Residential-7,000 to Neighborhood Commercial and Residential Multi-family-Restricted was approved on February 28, 2005.

Zone Change #590 (County) – Southeast corner of Bench Boulevard and Hilltop Road – A zone change from Residential Multi-family to Neighborhood Commercial was approved on April 18, 2006.

Zone Change #805 (City)– 941 Bench Boulevard – A zone change from R-70 to RMF-R was withdrawn on May 2, 2007.

Zone Change #816 (City) – 848 Wicks Lane – A zone change from R-70 to NC was approved on September 10, 2007.

Zone Change #833 (City) – 1442 Bench Boulevard – A zone change from R-70 to R-60 was approved on February 25, 2008.

Zone Change #859 (City) – 2100 Main Street – A zone change from Residential Manufactured Home (RMH) to Highway Commercial (HC) was approved on December 21, 2009.

Zone Change #862 (City) – 2414 Roundup Road and 621 Pemberton Lane – A zone change from CC to HC was approved March 22, 2010.

Zone Change #864 (City) – 2408 Main Street – A zone change from CC to HC was approved on June 28, 2010.

Zone Change #876 (City) – 519 Crow Lane – A zone change from R-70 to RMF-R was approved on June 27, 2011.

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

NORTH: Zoning: NC (City)
Land Use: Townhomes – multi-family dwellings

SOUTH: Zoning: R-70 (County)
Land Use: Single family residence

EAST: Zoning: R-70 (County)
Land Use: Single-family residences

WEST: Zoning: HC (City)
Land Use: Vehicle service storage yard – Manufactured Home Park

REASONS

The subject property is located on the east side of Lincoln Lane in a rapidly developing area of the City of Billings. The applicant intends to eventually sell the property to a new owner that will annex and develop the property with multi-family dwellings. The applicant is choosing to submit the zone change as a County application since he does not intend to annex the property at this time. The city limits border the property on the north and west. Property south and east is still in the County and is either vacant or developed for lower density single family homes. The city and developers of other property on Lincoln Lane will be making improvements to the street and storm drainage in the near future to handle the increased traffic and chronic storm water problems. The applicant is requesting to rezone the 1.96-acre subject property from R-70 to RMF-R to offer the land for sale and development. The property is served by Billings Heights Water District but does not have public sewer service. The property is within the limits of annexation for the City of Billings for any time in the next 5 years. Any new development would have to be served by public water and public sewer.

Properties to the west and north are commercially zoned and have been developed for multi-family dwellings, vehicle services and manufactured homes. The owner has used this property for a single family residence. The Billings area has experienced an increase in market pressure for multi-family dwellings in the last 12 months. Several new units are under construction on Lincoln Lane south of the subject property and city-wide several hundred new apartments are under construction. Lincoln Lane is considered a local street and the intersection with Bench Boulevard has been re-constructed in the past year.

A neighborhood meeting was conducted by the applicant on May 29, 2012, at 517 Lincoln Lane. The minutes of meeting are included as Attachment B. The applicant shows in the meeting minutes that issues of concern are lighting, density of the development, and the difference between current density and the proposed RMF-R zoning. The Planning Division did not receive any telephone or written comments concerning the application.

Planning staff has reviewed this application and is forwarding a recommendation of approval for the proposed zone change based on the 11 criteria for zone changes. The property is adjacent to multi-family dwellings in an NC zoning district to the north and across the street from commercial uses. The proposed zoning is the most compatible with those districts and development. Any multi-family development of the property will require annexation and compliance with site development standards including off-street parking, landscaping, a new access driveway and right of way improvements for curb, gutter, sidewalks and storm drainage. A subdivision will be required for any development that is for rent or lease of the dwelling units. A condominium or unit ownership development does not require subdivision approval but does require a Master Site Plan approval.

RECOMMENDATION

Approval of Zone Change #637 and adoption of the 11 criteria for this zone change.

PROPOSED ZONING COMMISSION DETERMINATIONS

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County and City of Billings 2008 Growth Policy?*

The proposed zoning complies with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (Land Use Element, page 6).
This zone change would allow for additional area for multi-family dwellings adjacent to existing uses that are similar to the surrounding development in the area.

- Goal: New developments that is sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).

This property is adjacent to multi-family dwellings to the north and across the street from commercial uses.

2. *Is the new zoning designed to secure from fire and other danger?*

The subject property is currently served by the Billings Fire Department through the Billings Urban Fire Service Area. The nearest fire station is located on Wicks Lane at St. Andrews Drive, approximately 2 miles north of the subject property. Development of the property for multi-family uses will require annexation and development review by city agencies including the Fire Department.

3. *Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?*

Transportation: The new zoning could increase traffic on Lincoln Lane if multi-family dwellings are constructed in the future. The increase would be addressed through traffic analysis during the subdivision or master site plan review.

Water and Sewerage: The property will be served by City Water (via Billings Heights Water District) and public sewer when it is annexed.

Schools and Parks: If in the future this property is subdivided, the area schools will be notified and will have input as to the impacts on the schools. It would be anticipated there might a significant impact on the school system depending on the type of multi-family dwellings constructed. The development would not necessarily increase demand for parks. The Billings Bike Trail system is nearby and there is access to several regional and neighborhood parks in the immediate area.

Fire and Police: The subject property is serviced by the Billings Fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of annexation. This is in area of the County bordering the city limits and the Police Department can serve the property on annexation.

4. *Will the new zoning promote health and general welfare?*

The new zoning will allow development of property that is adjacent to an existing and developing neighborhood between Main Street and Bench Boulevard. Property improvements will require upgrades to the streets and infrastructure that will promote health and general welfare in this area of Billings Heights.

5. *Will the new zoning provide adequate light and air?*

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

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

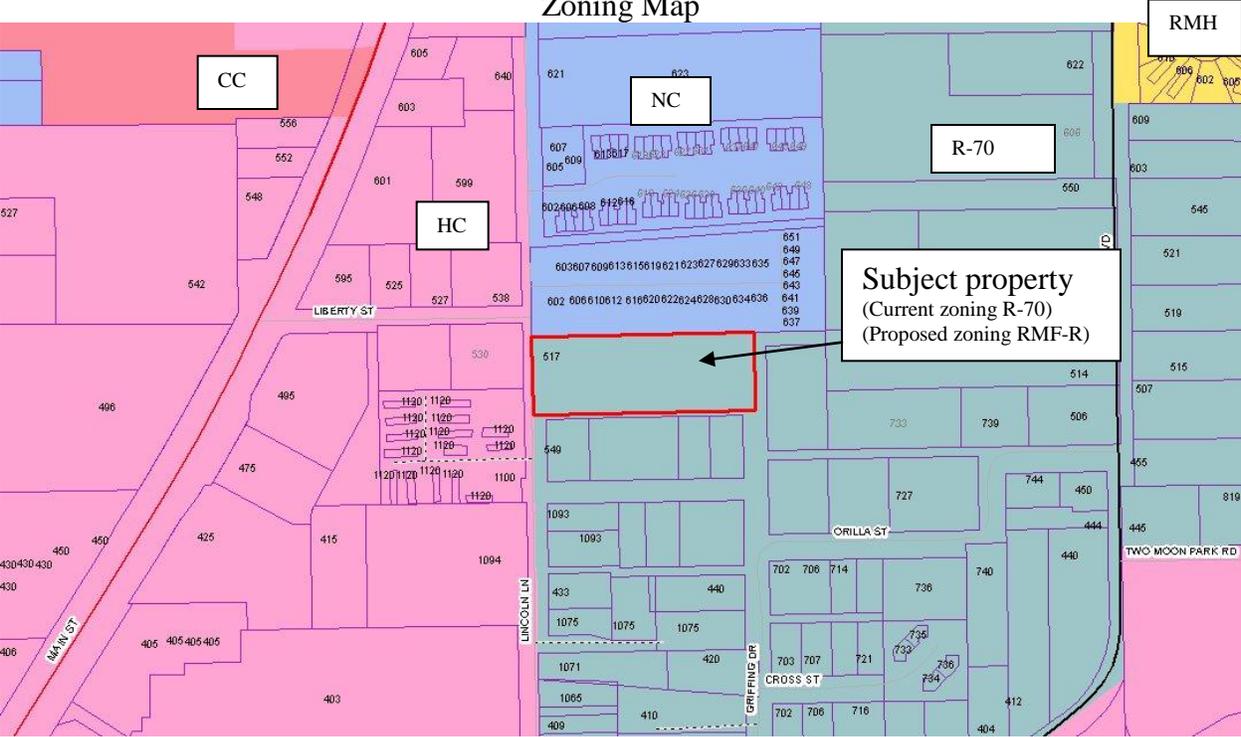
The proposed zoning itself will not generate more traffic on Lincoln Lane. If the property is annexed and developed for multi-family dwellings it could generate up to 200

additional vehicle trips per day to Lincoln Lane at a development density of 14 units per acre. This amount of additional traffic should not trigger a Traffic Impact Analysis but street improvements will be required.

7. Will the new zoning be compatible with urban growth in the vicinity?
The proposed zoning is compatible with adjacent urban development including the two multi-family neighborhoods to the north and the commercial development to the west.
8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?
The subject property is in an area that has existing multi-family development and is in character with those uses. The property is suitable for multi-family uses given its location in proximity to Main Street and services.
9. Will the new zoning conserve the value of buildings?
The new zoning allows single family and multi-family dwellings. The existing home will be conserved under the proposed RMF-R zoning since residential uses are allowed.
10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?
The property is suitable for residential development. The property is adjacent to the city limits and must be annexed before multi-family development can occur. The location is in an area the city prefers to annex in the next five years. This is the most appropriate use of the land in this area of the County.
11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?
The proposed zoning is compatible with the adjacent City zoning of NC and HC.

- Attachment A: Zoning Map
Attachment B: Applicant Letter & Pre-application neighborhood meeting minutes
Attachment C: Site Photographs

Attachment A - Zone Change #637
Zoning Map



Attachment B - Zone Change #637

Applicant Letter & Pre-application neighborhood meeting minutes

400-234-2295

p.1

Nicole Cromwell
City County Planning
510 North Broadway
4th Floor, Pamily Library
Billings, MT 59101

June 28, 2012

RE: Zone Change Application S27, T01 N, R26 E, FRAC 175'X490' in S2NWSENE4

Nicole:

I am applying for a Zone Change from R-7000 to RFM-R for the above referenced parcel. The area of the parcel within the Zone Change is 85,750 square feet (175' Wide, 490' Long).

A mailing list was obtained from the Planning Office for the individuals within 300 feet of the referenced property. On May 17, 2012 those individuals were sent letters from the owner and engineer inviting them to the meeting which was held at 517 Lincoln Lane on Tuesday, May 29, 2012 at 6:00 PM.

A pre-application meeting was held for the neighborhood that presented these zoning changes for consideration. Four neighboring residences showed up to the meeting with concerns for the rezoning of the parcel. The major concerns involved light pollution from potential apartments, and increase of population density in the area. A list of the neighbors that attended the meeting is attached.

Attached is a letter dated May 17th, of 2012, that was sent to the individuals as listed on the attached certified mailing list asking for their comments on this proposed zone change.

Issue 1 of the Land Use Element is included in this Zone change to preserve consistent neighborhoods. Apartments tie in well with the surrounding zoning of adjacent lots and encourage a community feeling to the area. There also have been two recent zone changes to the north that are now Neighborhood Commercial. The RMF-R would be more restrictive than these adjacent lots and would ensure future developments build the community and not businesses.

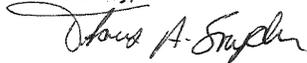
Issue 4 of the Land Use Element fits perfectly with preventing urban sprawl as a result of re-zoning. The parcel that is 517 Lincoln Lane is bordering the existing city limits of Billings. No rural character will be diminished by the change of the zoning.

Issue 5 of the Land Use Element is covered by the Zone Change to have affordable housing for low to moderate income households. By allowing this Zone Change, apartments put onto this parcel would provide a modern residence for low to moderate income families.

Issue 9 of the Economic Development Element is addressed by this re-zoning. The goal of the property owner is to construct multiple family residences on this parcel. This would not only improve the lot itself but the Heights area as well with the construction of modern housing.

Issue 3 of the Public Facilities and Services Element is immediately included with zoning and development of the lot. New construction will connect to sewer and water mains already in Lincoln Lane. Emergency service currently services the area.

Sincerely,



Thomas Snyder
517 Lincoln Lane
Billings MT 59105

Name	Address	Phone
Vonnie Anderson	1093 Lincoln Ln.	254-9689
Betty Pinnick	549 Lincoln Ln.	245-320
Linda Fiene & Michael Quinn	727 Orilla St	259-2689
Sam and Barb Sheep	518 Bench	248-5068

Lights
density
current allowed vs proposed -

**Attachment C – Zone Change #637
Site Photographs**



Subject Property

Attachment C – Zone Change #637, continued
Site Photographs



View north along Lincoln Lane



View north and west to intersection of Lincoln Lane and Liberty Street

Attachment C – Zone Change #637, continued
Site Photographs



View west across Lincoln Lane



View south and west across Lincoln Lane