

# BOZEMAN<sup>MT</sup>

THE COMMUNITY DEVELOPMENT BOARD OF BOZEMAN, MONTANA

CDB AGENDA

**Monday, June 3, 2024**

**General information about the Community Development Board is available in our [Laserfiche repository](#).**

*If you are interested in commenting in writing on items on the agenda please send an email to [comments@bozeman.net](mailto:comments@bozeman.net) or by visiting the [Public Comment Page](#) prior to 12:00pm on the day of the meeting.*

*Public comments will also be accepted in-person and through video conference during the appropriate agenda items.*

*As always, the meeting will be streamed through the [Commission's video page](#) and available in the City on cable channel 190.*

*For more information please contact Anna Bentley, [abentley@bozeman.net](mailto:abentley@bozeman.net)*

**A. Call to Order - 6:00 pm**

*This meeting will be held both in-person and also using an online video conferencing system. You can join this meeting:*

***[Via Video Conference:](#)***

*Click the Register link, enter the required information, and click submit.*

*Click Join Now to enter the meeting.*

*Via Phone: This is for listening only if you cannot watch the stream, channel 190, or attend in-person*

*United States Toll*

*+1 346 248 7799*

*Access code: 954 6079 2484*

**B. Disclosures**

**C. Changes to the Agenda**

**D. Public Service Announcements**

**E. Approval of Minutes**

E.1 [Approval](#)(Sagstetter)

Approve

**F. Consent Items**

**G. Public Comments**

*This is the time to comment on any matter falling within the scope of the Community*

*Development Board. There will also be time in conjunction with each agenda item for public comment relating to that item but you may only speak once per topic.*

*Please note, the Community Development Board cannot take action on any item which does not appear on the agenda. All persons addressing the Community Development Board shall speak in a civil and courteous manner and members of the audience shall be respectful of others. Please state your name and place of residence in an audible tone of voice for the record and limit your comments to three minutes.*

*General public comments to the Board can be found in their [Laserfiche repository folder](#).*

## **H. Special Presentations**

### **I. Action Items**

- I.1 [Review and Consider Recommending Approval of the Jarrett Major Subdivision Preliminary Plat; Application No. 23072\(Montana\)](#)

Recommend Approval of the Jarrett Major Subdivision Preliminary Plat; Application No. 23072

- I.2 [1920 West Babcock Zone Map Amendment Requesting an Amendment to the City Zoning Map from R-O \(Residential Office\) to B-2M \(Community Commercial Mixed-Use\) on 0.249 Acres Plus the Adjacent Right-of-Way. The Property is Addressed as 1920 West Babcock Street and located on the Southeast Corner of West Babcock Street and South 20th Avenue; Application 24024\(Rogers\)](#)

- I.3 [Community Development Board Work Plan for Calendar Years 2024 and 2025 \(Happel\)](#)

### **J. FYI/Discussions**

- J.1 [Upcoming Items for the June 17, 2024, Community Development Board Meeting. \(Saunders\)](#)

### **K. Adjournment**

**This board generally meets the first and third Monday of the month from 6:00 pm to 8:00 pm. City Board meetings are open to all members of the public. If you have a disability that requires assistance, please contact our Acting ADA Coordinator, Max Ziegler, at 406.582.2439 (TDD 406.582.2301).**

# Memorandum

**REPORT TO:** Community Development Board

**FROM:** Sam Sagstetter - Community Development.

**SUBJECT:** Approval

**MEETING DATE:** June 3, 2024

**AGENDA ITEM TYPE:** Community Development - Legislative

**RECOMMENDATION:** Approve

**STRATEGIC PLAN:** 1.1 Outreach: Continue to strengthen and innovate in how we deliver information to the community and our partners.

**BACKGROUND:** None.

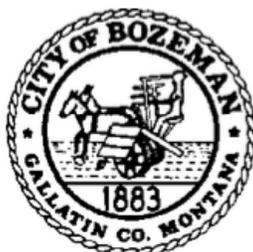
**UNRESOLVED ISSUES:** None.

**ALTERNATIVES:** Approve with corrections.

**FISCAL EFFECTS:** None.

Attachments:  
[050624 CDB Minutes .pdf](#)

Report compiled on: May 31, 2024



THE COMMUNITY DEVELOPMENT BOARD MEETING OF BOZEMAN, MONTANA

MINUTES

**MAY 6, 2024**

General information about the Community Development Board is available in our Laserfiche repository.

This board generally meets the first and third Monday of the month from 6:00 pm to 8:00 pm.

**Present:** Brady Ernst, Padden Guy Murphy, Nicole Olmstead, Henry Happel, Jennifer Madgic, Jason Delmue, Chris Egnatz

**Excused:** Ben Lloyd, Mark Egge

- A) 00:06:56 Call to Order - 6:00 pm
- B) 00:07:38 Disclosures
- C) 00:07:51 Changes to the Agenda
- D) 00:07:53 Approval of Minutes

**00:08:37 Motion to approve as amended D) Approval of Minutes**

Jason Delmue: Motion

Jennifer Madgic: 2<sup>nd</sup>

**00:08:40 Vote on the Motion to approve as amended D) Approval of Minutes The Motion carried 7 - 0.**

Approve:

Brady Ernst

Padden Guy Murphy

Nicole Olmstead

Henry Happel

Jennifer Madgic

Jason Delmue

Chris Egnatz

Disapprove:

None

- E) 00:09:10 Public Comments
- F.1 00:10:08 Special Presentation on Affordable Housing Work Presently Underway
- F) 00:53:29 Special Presentations
- G) 01:49:59 Action Items
  - G.1 01:50:27 Review and Consider Recommending Approval of the Zoning Text Amendment to Reduce the Minimum Rear Yard Setback for Lots Abutting Alleys in the Residential Emphasis Mixed Use (REMU) Districts Citywide; Application 24055

**02:44:03 Motion** to approve The Community Development Board requests that the City provide to it, upon receipt, with copies of all consultant reports received by the City that concern information relevant to development of the Bozeman community and surrounding areas, including but not limited to information concerning population, employment, income levels, land use, housing starts, housing units, housing prices, commercial real estate prices, industrial real estate prices, and similar matters.

Chris Egnatz: Motion

Jason Delmue: 2<sup>nd</sup>

**03:06:28 Vote on the Motion** to approve The Community Development Board requests that the City provide to it, upon receipt, with copies of all consultant reports received by the City that concern information relevant to development of the Bozeman community and surrounding areas, including but not limited to information concerning population, employment, income levels, land use, housing starts, housing units, housing prices, commercial real estate prices, industrial real estate prices, and similar matters. **The Motion carried 6 - 1.**

Approve:

Padden Guy Murphy

Nicole Olmstead

Henry Happel

Jennifer Madgic

Jason Delmue

Chris Egnatz

Disapprove:

Brady Ernst

- H) 03:08:03 FYI/Discussions

I. 03:09:03 Adjournment

# Memorandum

**REPORT TO:** Community Development Board

**FROM:** Susana Montana, Senior Planner, Development Review Division  
Brian Krueger, Manager, Development Review Division  
Erin George, Deputy Director of Community Development  
Anna Bentley, Director of Community Development

**SUBJECT:** Review and Consider Recommending Approval of the Jarrett Major Subdivision Preliminary Plat; Application No. 23072

**MEETING DATE:** June 3, 2024

**AGENDA ITEM TYPE:** Community Development - Quasi-Judicial

**RECOMMENDATION:** Recommend Approval of the Jarrett Major Subdivision Preliminary Plat; Application No. 23072

**STRATEGIC PLAN:** 4.2 High Quality Urban Approach: Continue to support high-quality planning, ranging from building design to neighborhood layouts, while pursuing urban approaches to issues such as multimodal transportation, infill, density, connected trails and parks, and walkable neighborhoods.

**BACKGROUND:** A major preliminary plat subdivision of a 45.83 acre property to create 112 residential lots, 3 undevelopable development lots, street rights-of-way, street public easements, and 1 City park lot. Development of the subdivision would take place in three phases. The undevelopable lots, Lot 1, Block 8, Lot 1, Block 9 and Lot 1, Block 10, totaling 18.332 acres require further subdivision review. The subdivision land was recently rezoned from R-1, Low Density Residential to R-2, Moderate Density Residential to allow the smaller lot sizes (Ordinance No. 2159, Project No. 23047).

**UNRESOLVED ISSUES:** None

**ALTERNATIVES:** None suggested

**FISCAL EFFECTS:**

Fiscal effects are undetermined at this time but any development occurring as a result of this subdivision would increase property tax revenue to the City, along with increased costs to deliver municipal services to the property.

Attachments:

[23072 Jarrett PP CDB Staff Report.pdf](#)

Report compiled on: May 24, 2024

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**23072; CDB Staff Report for the Jarrett Major Subdivision Preliminary Plat**

**Project Summary:** The Jarrett Subdivision application is a 45.83 acre Major Subdivision Preliminary Plat providing 110 residential lots, 2 open space lots, one 7.5 acre City Park, 3 undevelopable/restricted development lots totaling 18.3 acres, street rights-of-way, and public easements.

**Legal Description:** The property is described as a tract of land being Lot 1 and 2 of the Amended Plat of Lot 1, Block 9, Allison Subdivision Phase 4A (Plat ref. J-702) and the SE ¼ of the NW ¼ of Section 24 of C.O.S. 252 and C.O.S. 792 and Lot 3A of the Amended Plat of Lot 2, Block 7, Allison Subdivision Phase 4A (Plat ref. J-702) and Lot 3 of Amended Plat of Lot 1, Block 9, Allison Subdivision Phase 4A (Plat ref. J=702) and the SE ¼ of the NW ¼ pf Section 24 of C.O.S. 252 and C.O.S. 792 (Plat ref. J-702A) located in the NE ¼ of the SE ¼, SW ¼ and NW ¼ of Section 24, T 2 S, R5 E, P.M.M., City of Bozeman, Gallatin County, Montana.

**Project Location:** The above-referenced property (“Site”) is located south of the Montana State University (MSU), south of Arnold Street and generally west of S. 11<sup>th</sup> Avenue.

**Staff Finding:** The application conforms to standards and is sufficient for approval with conditions and code provisions.

**Suggested Community Development Board Motion:**

Having reviewed and considered the application materials, public comment, and all the information presented, I hereby adopt the findings presented in the staff report for application 23072 and move for the Community Development Board, in its capacity as the Planning Board, to recommend approval of the Jarrett Major Subdivision Preliminary Plat with conditions and subject to all applicable code provisions.

**Report Date:** May 24, 2024

**Staff Contact:** Susana Montana, Senior Planner  
Simon Lindley, Project Engineer

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**EXECUTIVE SUMMARY**

This report is based on the revised application materials submitted and public comment received to date. The application materials are available [here](#) and <https://weblink.bozeman.net/WebLink/Browse.aspx?startid=274018&cr=1>

and in the City’s [Laserfiche archive](#) and may be accessed through the [Community Development viewer](#) as well.

No public comments have been received as of the writing of this report. Should written public comments be received they will be included in the City’s [Laserfiche archive](#) and available to the public.

**Unresolved Issues:** None

## **Project Description**

The Department of Community Development received a Preliminary Plat Application on April 4, 2022, requesting to subdivide 45.83 acres to create 110 single-household lots, 1 7.52 acre park, street easements and rights-of-way and 3 undevelopable lots totaling 18.3 acres. The site is former farmland and is R-2. The property will have access from Arnold Street to the north, from W. Graf Street to the south, and from South 11<sup>th</sup> Avenue to the east. Development of the subdivision would take place in three phases as shown in Exhibits 7 and 8.

The subdivision land was recently rezoned from R-1, Low Density Residential to R-2, Moderate Density Residential to allow smaller lot sizes (Ordinance No. 2159, Project No. 23047).

Although the application states that the subdivision would provide 110 lots for single-household homes, the R-2 zoning would allow duplex and townhouse/rowhouse homes.

The undevelopable/restricted development Lot 1, Block 8, Lot 1, Block 9 and Lot 1, Block 10, totaling 18.332 acres, require further subdivision review.

On May 15, 2024, the Development Review Committee (DRC) found the application sufficient for continued review and recommends the conditions and code provisions identified in this report.

The final decision for this preliminary plat must be made by June 28, 2024.

## **Alternatives**

1. Recommend approval of the application with the recommended conditions;
2. Recommend approval of the application with modifications to the recommended conditions;
3. Recommend denial of the application based on the Board's findings of non-compliance with the applicable criteria contained within the staff report; or
4. Continue the public hearing on the application, with specific direction to staff or the subdivider to supply additional information or to address specific items.

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### SECTION 1 – MAP SERIES

Exhibit 1: Location Map

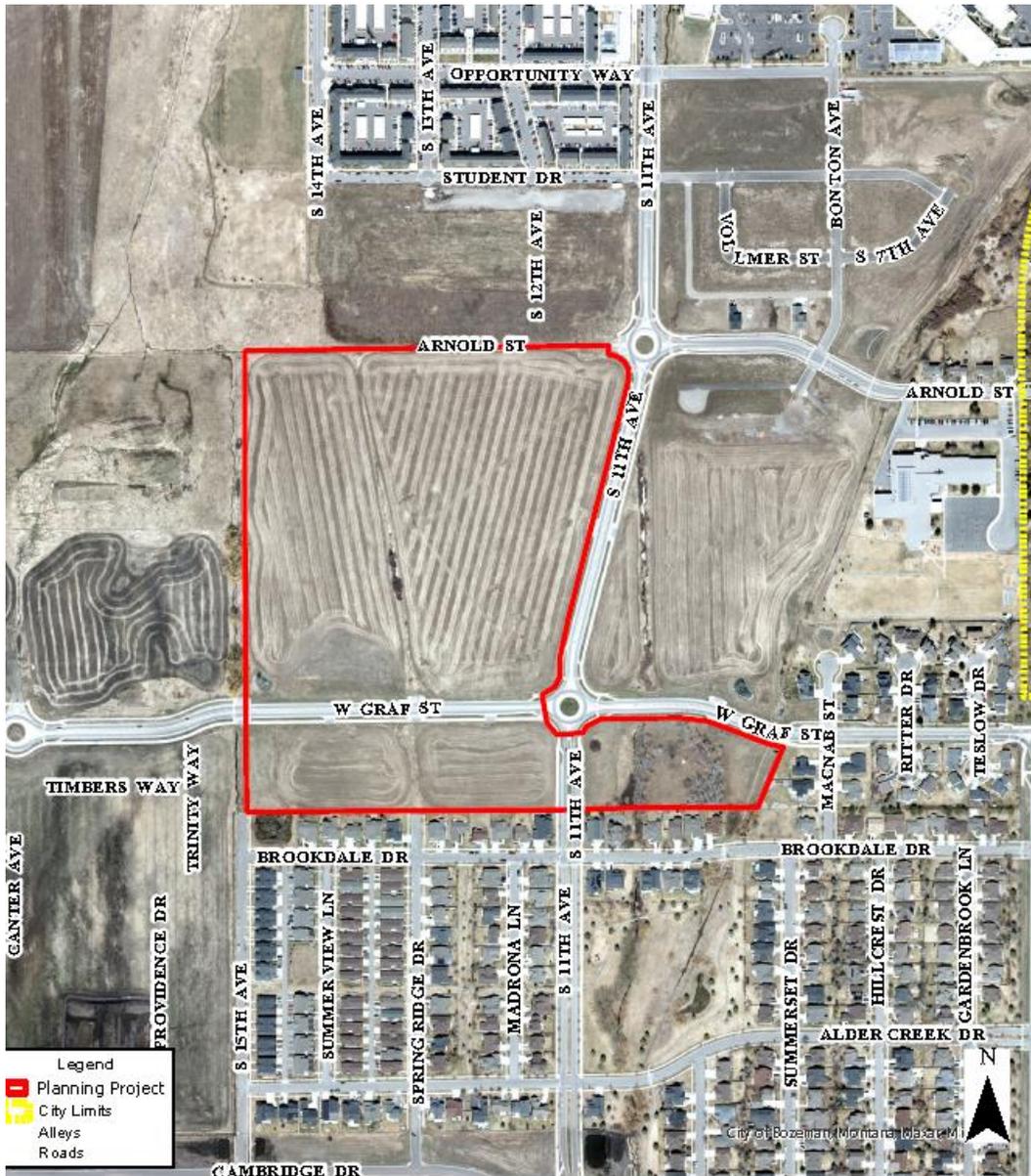




Exhibit 3: Community Plan 2020 Future Land Use

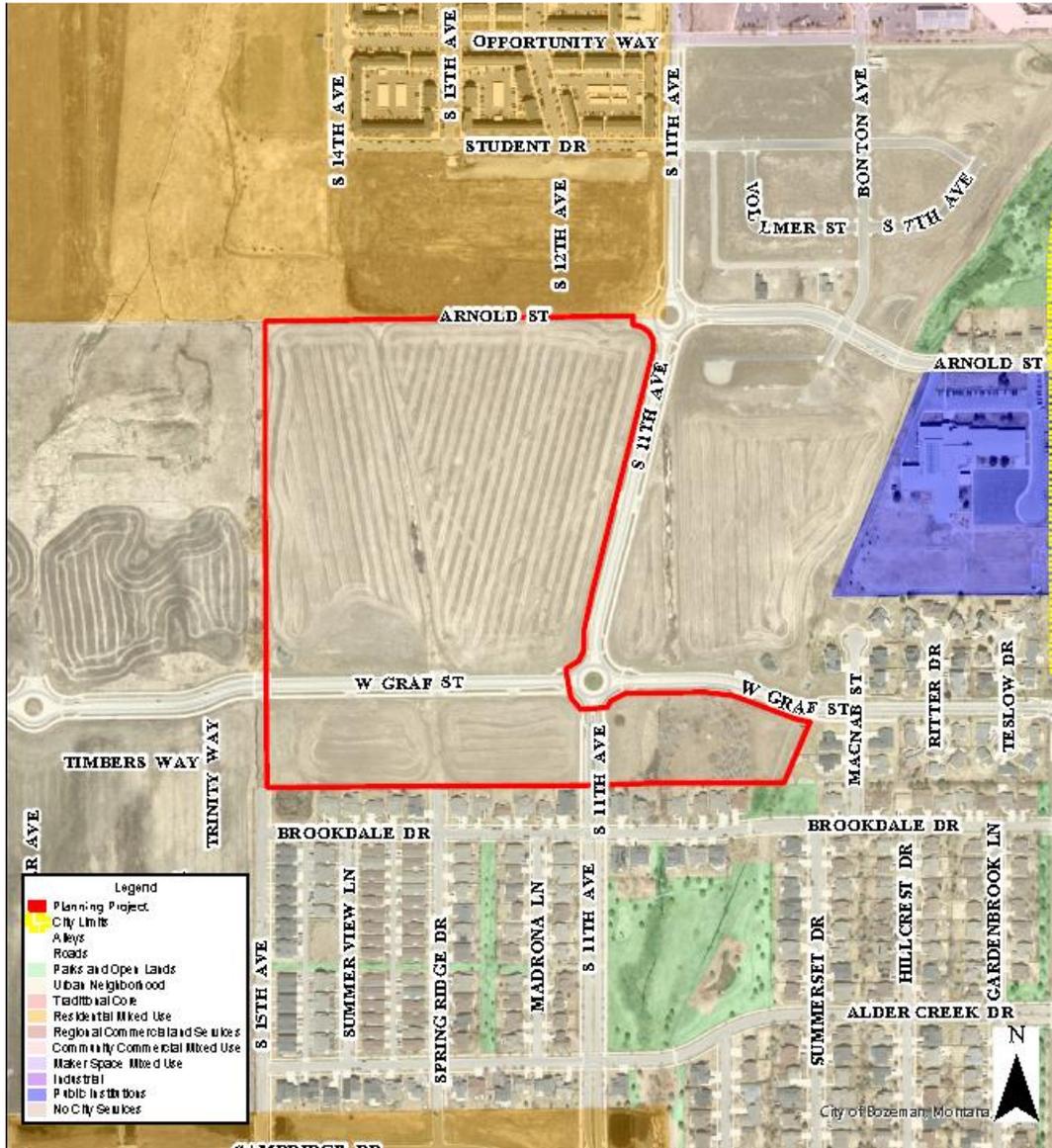


Exhibit 4: "Parent" Allison Subdivision. Jarrett Subdivision within the red lines.

PRIMARY PLAT  
**ALLISON SUBDIVISION – FUTURE PHASES**

2006 Preliminary Plat  
100 acres to be built in 24 phases  
312 Dwelling Units at build-out  
274 Single-Household lots  
7 Multi-Household lots

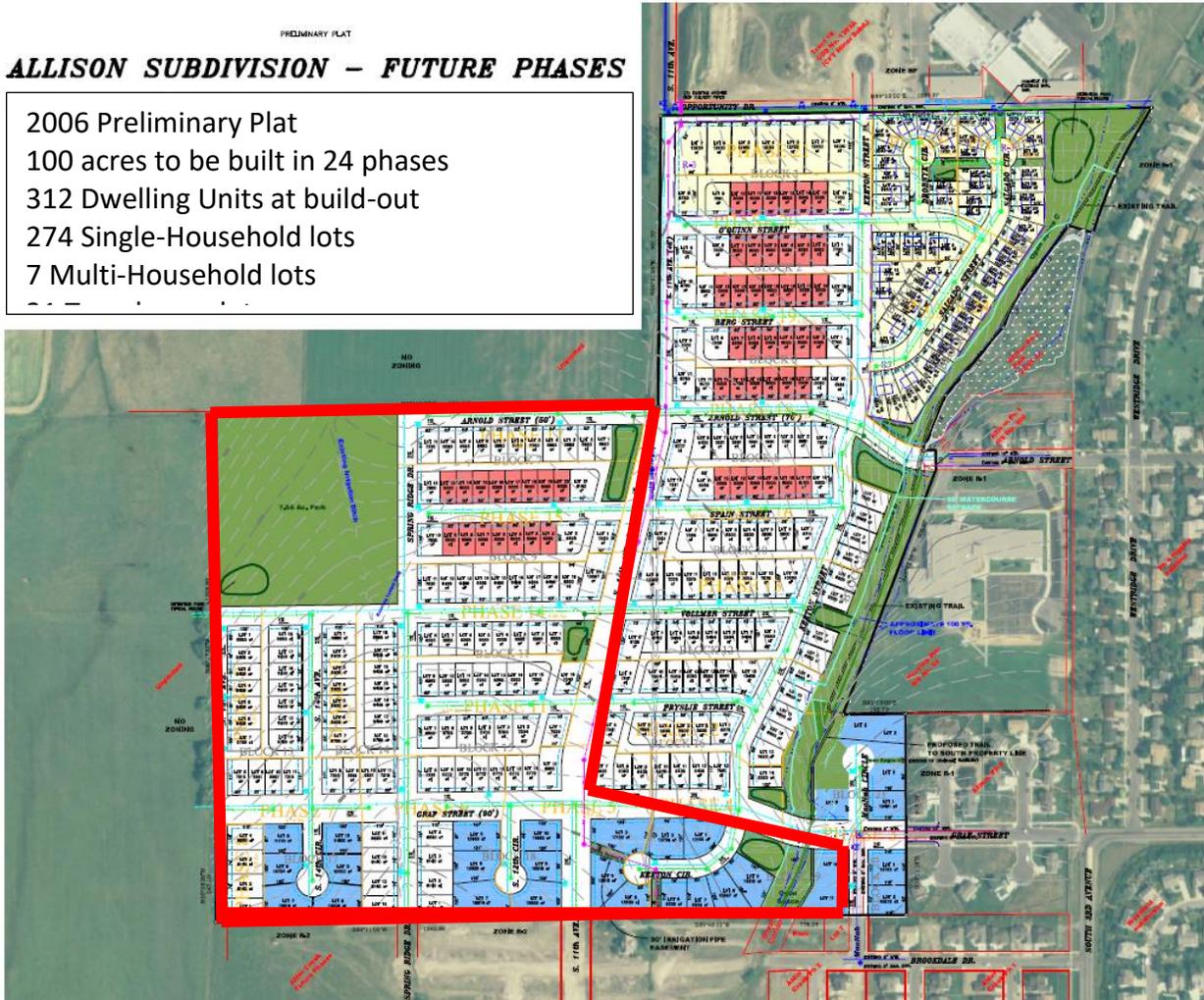


Exhibit 5: Allison Subdivision Context.  
Jarrett Subdivision shown within the yellow lines.

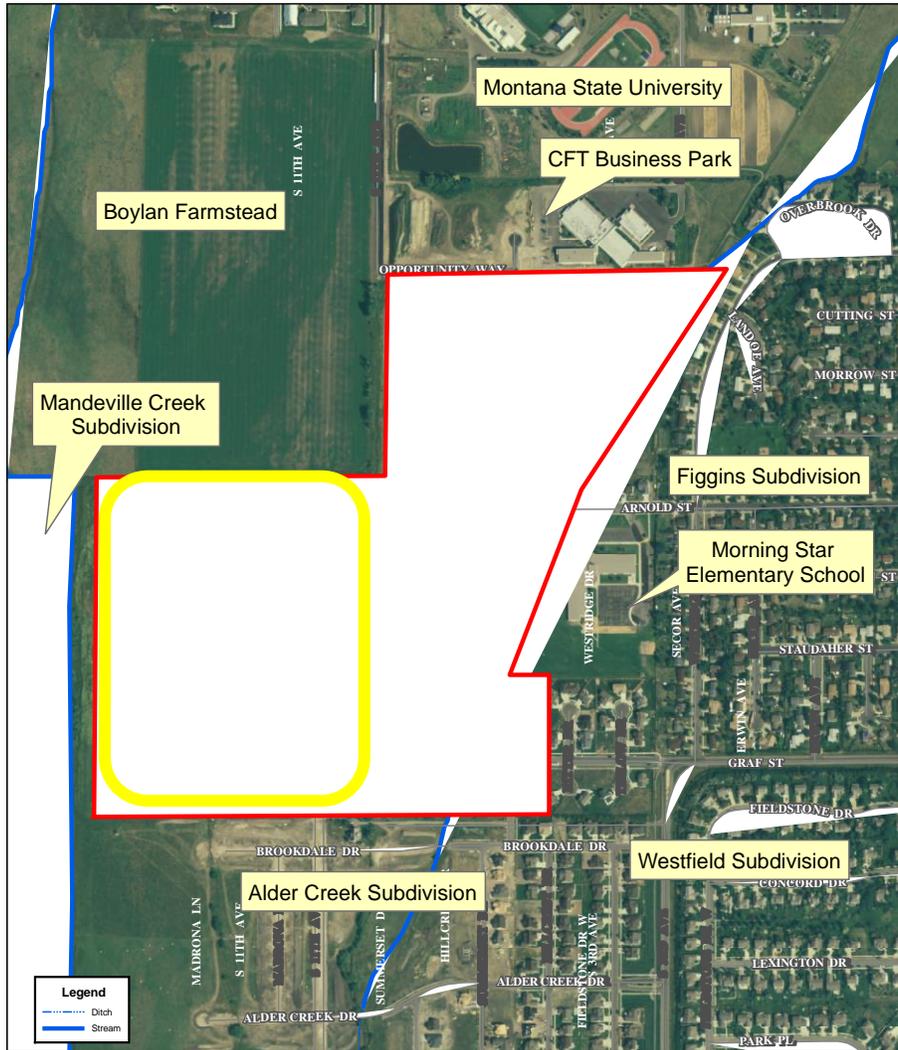


Exhibit 6: Jarrett Subdivision Area Map

Jarrett Subdivision is 45.83 acres, providing 110 residential lots; 2 open space lots; and 1 7.5 acre City Park; and 3 undevelopable/restricted development lots totaling 18.3 acres.

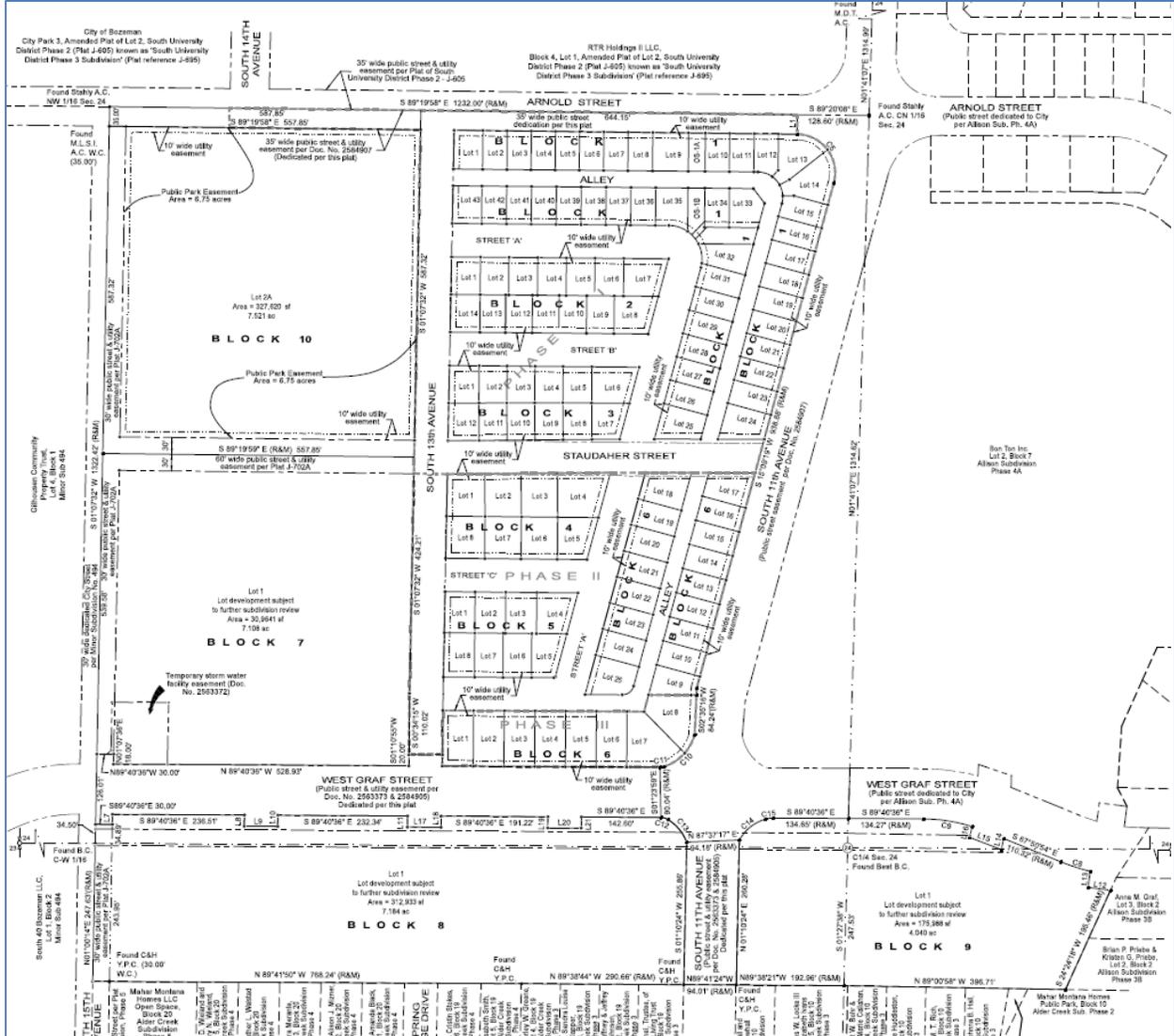


Exhibit 7 – Jarrett Major Subdivision Preliminary Plat Phases of Development

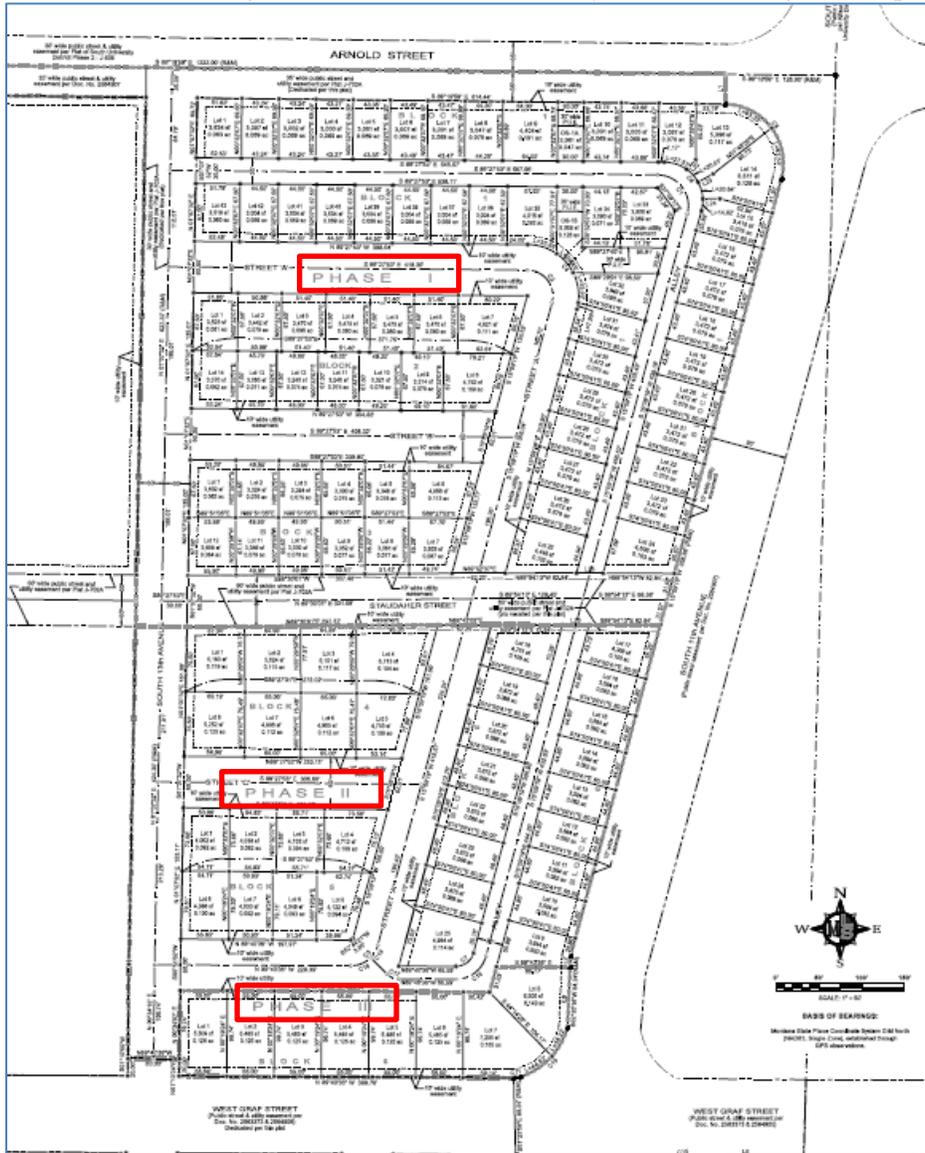


Exhibit 8 – Phasing Plan

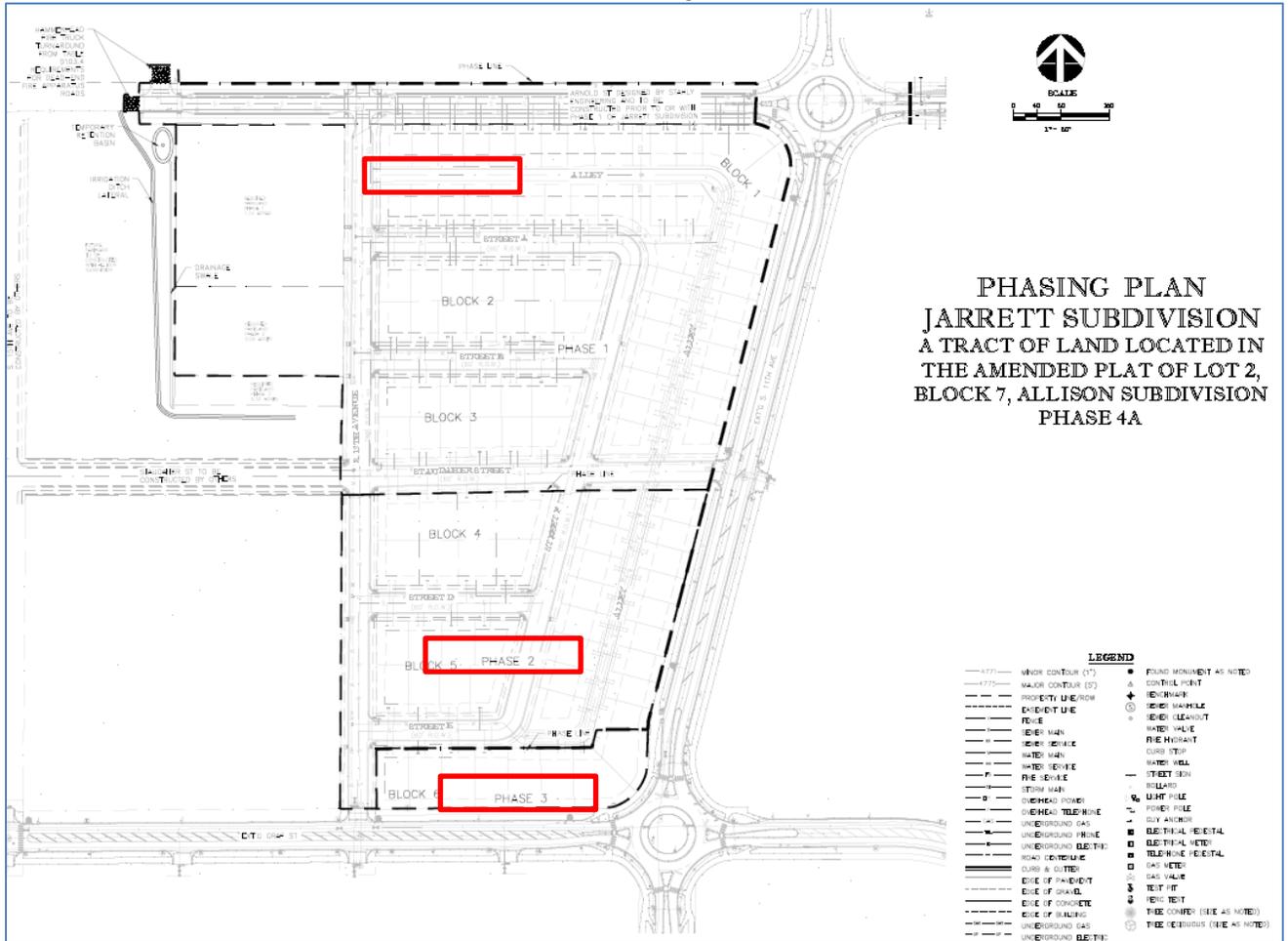


Exhibit 9: Park Plan; Phase 1 Improvements noted in red.



## SECTION 2 – REQUESTED VARIANCES

The subdivider does not request any subdivision variances with this preliminary plat application.

## SECTION 3 – RECOMMENDED CONDITIONS OF APPROVAL

Please note that these conditions are in addition to any required code provisions identified in this report. These conditions are specific to this project.

### **Recommended Conditions of Approval:**

1. The subject property is located within the South 11th Street and Graf Street payback district boundaries. If the subject property did not participate in the original cost of construction of improvements the subject property will be assessed a payback charge prior to final plat approval. Reference documents (<https://weblink.bozeman.net/WebLink/ElectronicFile.aspx?dbid=0&docid=179320&>) and (<https://weblink.bozeman.net/WebLink/ElectronicFile.aspx?dbid=0&docid=181722&>).
2. A 1 foot "No Access" strip must be noted and shown on the final plat application along the South 11<sup>th</sup> Avenue and West Graf Street frontages for the full length of the development.

## SECTION 4 – CODE REQUIREMENTS

1. BMC 38.410.060. Easements.
  - a. All Easements indicated below must be provided on city standard easements templates with an easement exhibit certified by a professional land surveyor licensed in the State of Montana. Drafts must be prepared for review and approval by the city. Signed hard copies of the easements must be submitted to the city prior to final plat approval.
  - b. Agricultural Water Facilities.
    - (1) An agricultural water users easement meeting the requirement of 38.410.060.D.1. must be dedicated with the final plat and notice stating that the easements are subject to the requirements of Section 70-17-112, MCA restricting interference with canal or ditch easements and that irrigation works are subject to Section 85-7-2211 and 85-7-2212, MCA regarding duties and liability, per 38.410.060.D.6 or provide sufficient information pursuant to Sec. 38.410.060.D.5

to allow for the removal of the ditch lateral from the subject property. 38.410.060.D.5 to allow for the removal of the ditch lateral from the subject property.

The notice must include language to assure the duties are binding upon all successors in interest and remain in effect until such time that the agricultural water user facility is abandoned in accordance with the requirements of Montana Law or alternative requirements are agreed to in writing by all applicable parties.

(2) The notice must include language to assure the duties are binding upon all successors in interest and remain in effect until such time that the agricultural water user facility is abandoned in accordance with the requirements of Montana Law or alternative requirements are agreed to in writing by all applicable parties. The easements must be prepared as documents separate from a final plat but may be referenced on a final plat.

(3) The easements must be prepared as documents separate from a final plat but may be referenced on a final plat.

(4) The developers professional engineer must provide a certification with the final plat, that the water entering and exiting the piped ditches are the same quality and amount of water that entered or exited the facility prior to adjustment.

(5) The applicant must provide a permission form from the ditch owner to modify any ditches. (30 foot Storm pipeline access easement, 30 foot water and sewer pipeline access easement).

c. The temporary drainage easement just northwest of the intersection of South 11th Avenue and Graf Street must be released prior to final plat using the city standard template.

d. Prior to final plat approval, the applicant must provide an easement for the existing stormwater pond #2 located in the Allision Phase 4A Subdivision. The easement is required to provide the Jarrett Subdivision legal access to perform shared maintenance on existing stormwater pond #2 in the Allision Phase 4A Subdivision.

e. BMC 38.220.070.7.f - List all easements and recorded document numbers on the Conditions of Approval Sheet of the final plat.

3. BMC 38.400.070 - Street Lighting: The required public streetlight(s) must be included in a Special Improvement Lighting District (SILD), in accordance with the City of Bozeman Lighting and Electrical Specifications, prior to final plat approval.

4. BMC 38.220.020.A - Streambed, Streambank, and/or Wetlands Permits  
The applicant must contact the Gallatin County Conservation District, Montana Department of Environmental Quality, and U.S. Army Corps of Engineers regarding the proposed project and any required permits (i.e., 310, 404, Turbidity exemption, etc.). Any required permits must be obtained by the applicant and provided to the Community Development Department prior to construction and/or final plat approval, whichever is sooner. A permission form from the ditch owner and downstream water user must be provided to modify a ditch. Ditches must follow historical drainage.
5. BMC 38.220.070.7.b - The Conditions of Approval Sheet shall contain the following, "This is a known area of high groundwater. No crawl spaces or basements may be constructed. Sump pumps are not allowed to be connected to the sanitary sewer system. Sump pumps are not allowed to be connected to the drainage system. Water from sump pumps may not be discharged into streets, such as into the curb and gutter where they create a safety hazard for pedestrians and vehicles."
6. BMC 38.400.040.A.2 - Street names must be reviewed and approved by the County's geographic information systems and City Engineering Department prior to final plat approval. The applicant must submit written approval from both entities with the final plat application.
7. BMC 38.240.450.A - Where improvements are to be installed prior to final plat approval, the final plat subdivision must contain a certificate of completion of public improvements. The certificate must list all completed and accepted improvements.
8. BMC 38.220.070.7.b - The Conditions of Approval Sheet shall contain the following, "The maintenance of all stormwater retention facilities outside the public right-of-way is the responsibility of the property owners' association (POA)."
10. BMC 40.04.700.A.4.h and DSSP II.B.5. Prior to final plat approval, the Allision Phase 4A Subdivision HOA documents must be amended to include a shared maintenance responsibility with the Jarrett Subdivision HOA for existing stormwater pond #2, located adjacent to Arnold Street within the Allision Phase 4A Subdivision. The Jarrett Subdivision HOA documents must also describe the shared maintenance responsibility with the Allision Phase 4A Subdivision HOA for existing stormwater pond #2.
11. BMC 38.400.010.A.1, BMC 38.400.050.A & BMC 38.420.060  
Arnold Street must be fully constructed, including drainage and lighting, from South 14th Avenue to South 11th Avenue prior to final plat approval of Phase 1 of the Jarrett Subdivision.
12. BMC 38.420.020.D. Parkland. To ensure coordination when parks are being created by a multiphase development, the entire parkland dedication must be accomplished at the time of the initial phase of the development. If necessary, this may be accomplished through the grant of public access easements during later phases.

13. BMC 38.420.070.A. – Linear Parks. If consistent with the growth policy or citywide park plan, and if reviewed and approved by the review authority, linear parks must be dedicated to the city to provide corridors for recreation pathways as defined in section 38.420.110.

14. BMC 38.410.130 - Water Adequacy.

- a. Subject to subsections B and C, prior to final approval by the review authority of development occurring under this chapter or chapter 10, the Applicant must offset the entire estimated increase in annual municipal water demand attributable to the development pursuant to subsection D.
- b. Payment-in-lieu of water rights must be made for the townhouse lots prior to final plat approval.
- c. Sec. 38.410.130.C.2 - Water Adequacy.

Compliance with this section is deferred for development of Blocks 7, 8 and 9 provided the applicant records a notice of restriction on future development on these lands in a form acceptable to the review authority with the Gallatin County Clerk and Recorder: Individual lots of a subdivision final plat planned for future multiple-household development.

A note must be included in the conditions of approval sheet indicating lots which will require future payment of cash-in-lieu of water rights upon future development.

## SECTION 5 – RECOMMENDATION AND FUTURE ACTIONS

On May 15, 2024, the Development Review Committee (DRC) determined the application was sufficient for continued review and recommended approval with conditions.

## SECTION 6 – STAFF ANALYSIS AND FINDINGS

Analysis and resulting recommendations are based on the entirety of the application materials, municipal codes, standards, plans, public comment, and all other materials available during the review period. Collectively this information is the record of the review. The analysis in this report is a summary of the completed review.

### **Applicable Subdivision Review Criteria, Section 38.240.150.B, BMC.**

In considering applications for subdivision approval under this title, the advisory boards and City Commission shall consider the following:

#### **1) Compliance with the survey requirements of Part 4 of the Montana Subdivision and Platting Act**

The preliminary plat was prepared in accordance with the surveying and monumentation requirements of the Montana Subdivision and Platting Act by a Professional Engineer registered in the State of Montana. The final plat must comply with State statute, Administrative Rules of Montana, and the Bozeman Municipal Code.

**2) Compliance with the local subdivision regulations provided for in Part 5 of the Montana Subdivision and Platting Act**

The final plat must comply with the standards identified and referenced in the Bozeman Municipal Code. The subdivider is advised that unmet code provisions, or code provisions not specifically listed as a condition of approval, do not, in any way, create a waiver or other relaxation of the lawful requirements of the Bozeman Municipal Code or State law. Sections 3 and 4 of this report identify conditions and code provisions necessary to meet all municipal standards. The listed code requirements address necessary documentation and compliance with standards. Therefore, upon satisfaction of all conditions and code corrections, the subdivision will comply with the subdivision regulations.

**3) Compliance with the local subdivision review procedures provided for in Part 6 of the Montana Subdivision and Platting Act**

Based on the recommendation of the Development Review Committee (DRC) and other applicable review agencies, as well as any public testimony received on the matter, the City Commission will make the final decision on the conditional approval of the Preliminary Plat.

The subdivider requested review of this subdivision under the terms of 76-3-623/MCA as authorized in 38.240.100, seeking expedited review in 35 working days after the application is deemed complete (sufficiency).

The Department of Community Development received a preliminary plat application on April 4, 2022. The DRC reviewed the preliminary plat application and determined the submittal did not contain detailed, supporting information that was sufficient to allow for the continued review of the proposed subdivision. In fact, the lot sizes are not permitted in the underlying R-1 zoning district. Subsequently, the Applicant applied for a rezoning of the property to an R-2 designation for the residential lots and to PLI designation for the Block 10 parkland Lot 2A, Project 23047. On April 23, 2024, the rezoning Ordinance No. 2159 was provisionally approved by the City Commission, and on May 7, 2024 the Commission granted final adoption of the rezoning and it will become effective on June 7, 2024. Therefore, this subdivision will be in compliance with the R-2 zoning with regard to lot size and densities on June 7, 2024.

A revised subdivision application was received on March 7, 2023, April 4, 2023, September 1, 2023, November 28, 2023, January 20, 2024, March 20, 2024 and May 15, 2024. The DRC determined the application was adequate for continued review on May 15, 2024 and recommended conditions of approval and code corrections for the staff report.

Public Notice. The Applicant posted public notice on the subject property on May 10, 2024 and on that date sent the public notice to landowners of record within 200-feet of the subject property via first class mail. No public comment had been received on this application as of the writing of this report.

On May 24, 2024, this major subdivision staff report was completed and forwarded with a DRC recommendation of conditional approval for consideration to the Community Development Board acting as the Zoning Commission.

**4) Compliance with Chapter 38, BMC and other relevant regulations**

The DRC reviewed all of the preliminary plat submittals against all applicable regulations of the Bozeman Municipal Code (BMC) and the application complies with the BMC and all other relevant regulations with the conditions and code corrections noted in Sections 3 and 4. This report includes [Conditions of Approval](#) and required [code provisions](#) as recommended by the DRC for consideration by the City Commission to complete the application processing for final plat approval.

All municipal water and sewer facilities will conform to the regulations outlined by the Montana Department of Environmental Quality and the requirements of the Design Standards and Specifications Policy and the City of Bozeman Modifications to Montana Public Works Standard Specifications.

**5) The provision of easements to and within the subdivision for the location and installation of any necessary utilities**

The final plat will provide and depict all necessary utilities and required utility easements as noted in Code Requirement No.1 which requires all easements, existing and proposed, to be accurately depicted and addressed on the final plat and in the final plat application. Public utilities are located within dedicated street right of ways.

**6) The provision of legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument transferring the parcel**

The final plat will provide legal and physical access to each lot within the subdivision. All of the proposed lots will have frontage on public streets constructed to City standards with lot frontage meeting minimum standards shown on the preliminary plat. However, access to lots fronting on South 11<sup>th</sup> Avenue and West Graf Street will have a 1-foot no access easement noted and shown on the final plat. This is to ensure that driveway access to those alley-loaded lots is provided from the alley and not from the South 11<sup>th</sup> Avenue frontage which is designated a collector street. West Graf Street will also have a 1-foot no access easement noted and shown on the final plat for the same reason as it is also designated a collector street. On-street parking will be permitted on South 11<sup>th</sup> Avenue with the Applicant removing the bike lane and restriping the street to allow for on-street parking adjacent to the development (see Condition of Approval No. 2).

### **38.220.060. Documentation of compliance with adopted standards**

The DRC completed a subdivision pre-application plan review on November 9, 2022 and no variances were requested at that time. The DRC is recommending conditional-approval of the current, revised application with the conditions and code provisions noted above in Sections 3 and 4.

#### **Staff offers the following summary comments on the documents required with Article 38.220.060, BMC, Compliance with Adopted Standards.**

**38.220.060.A.1 – Surface water.** There is one unnamed irrigation ditch lateral that flows through the subject property. This lateral starts from the Alder Creek Subdivision to the south and flows northward underneath W. Graf St. It then flows north by northwest across the subject property (“Site”) to the existing ditch located in the planned alignment of Arnold St north of the Site. In meeting with the owner of water rights in the area, the Middle Creek Ditch Company, it was stated that water has not flown through this lateral for a few years. The downstream water users obtain their water via another ditch to the west, offsite of the subject property. There are no wetlands on this Site.

**38.220.060.A.2 – Floodplains.** The Site is located within the FEMA Panel 30031C0818E. The majority of the Site lies within Zone X, which is the designation used for areas where there minimal flood hazards.

**38.220.060.A.3 – Groundwater.** Groundwater monitoring wells were drilled on site in December of 2022 to monitor the groundwater throughout the 2023 high-water season. In December of 2022 the groundwater depth across the Site was approximately 13.5 feet. Spring groundwater levels are much higher and, therefore, basements are not allowed within buildings within this Site as noted in Code Provision No. 5.

#### **38.220.060.A.4 - Geology, Soils and Slopes.**

##### **a. Geologic hazards.**

There are no known geologic hazards, areas of instability, or unusual soil, topographic or geologic conditions present on site. The site topography slopes at a 1.5% in a northeasterly direction.

**b. Protective measures.** As aforementioned, there are no known geologic hazards, areas of instability, or unusual soil, topographic or geologic conditions present on site. Therefore, no additional protective measures are proposed to prevent, or material lessen the danger of future property damage or injury due to any of the hazards.

**c. Unusual features.** There are no unusual features on site. There are no unusual soils, topographic or geologic conditions on the property, which will limit the capability for building or excavation using ordinary reasonable construction techniques. There is no known presence of the following on site: shallow bedrock, high water table, unstable or expansive soil conditions, and slope. The site topography slopes at a 1.5% in a northeasterly direction.

**d. Soils map.** The NRCS soils map overlaid with the subdivision shows that the majority of the Allison Subdivision Phase IV contains 350B soils.

**e. Cuts and fills.** Proposed road and lot grades will not exceed 3-percent and slope work will not exceed a 4:1 horizontal:vertical ratio. Cuts/fills required during construction will be minor and will

be less than three feet deep. A Storm Water Pollution Prevention Plan (SWPPP) will be required to be approved before any construction begins. The SWPPP will contain Best Management Practices (BMPs) that will be required to be implemented during construction that will manage sediment and minimize erosion during construction. The SWPPP will also require revegetation.

**38.220.060.A.5 – Vegetation.** The current site is an undeveloped tract historically used for agriculture. Native vegetation is mainly reed grass, tufted hairgrass, prairie cordgrass, sedges and shrubs. The Site is a stubble field and there are no steep areas, unstable slopes, or vegetation on soils highly susceptible to wind or water erosion

**38.220.060.A.6 – Wildlife.** The Department of Fish, Wildlife & Parks (FWP) has evaluated the site and does not have any fish and wildlife concerns at this time. It is noted that a small herd of “neighborhood” wild but “habituated” deer are frequently observed feeding upon the Site and area throughout the year.

During construction a stormwater pollution prevention plan (SWPPP) will be required to be issued and implemented to prevent unclean stormwater runoff during construction to enter the waterway. Because this area has historically been used for agriculture, it has not been a vital habitat for wild animals. All land included in streets, avenues, alleys, and public parks will be donated to the City of Bozeman for public use and enjoyment. The subdivision does not interfere with public access to any existing public areas. The Covenants, Conditions and Restrictions (CC&R) document provides for the maintenance of streets, open space lots and the Park lot by the Homeowners’ Association (HOA) as does the Certificate of Dedication signature block on Sheet 1 of the Preliminary Plat which will be carried forward to the final plat.

**a. Species. Describe species of fish and wildlife which use the area affected by the proposed subdivision.**

The area has historically been used as agricultural land and therefore is not a significant habitat for wildlife. The occasional deer and birds have been spotted on site.

**b. Critical areas. Identify on a plat overlay or sketch map of the proposed subdivision any known critical, significant or "key" wildlife areas, such as big game winter range, waterfowl nesting areas, habitat for rare or endangered species or wetlands.**

As aforementioned, the land has historically been used as agricultural land and is currently a stubble field. No known critical, significant, or “key” wildlife areas are known to exist on site. Therefore, no plat overlay is included here because there are no such wildlife areas on site.

**c. Pets/human activity. Describe the expected effects of pets and human activity on wildlife.** The subdivision will be subject to the City of Bozeman animal control laws that require licensing of pets and leashes on dogs.

**d. Public access. Describe the effects on public access to public lands, trails, hunting or fishing areas.** This site has no public access to public lands or hunting and fishing areas.

**e. Protective measures. Describe any proposed measures to protect or enhance wildlife habitat or to minimize degradation (e.g., keeping building and streets back from**

shorelines, setting aside marshland as undeveloped open space).

As aforementioned, no significant wildlife areas exist on site. Montana Fish, Wildlife & Parks states that they do not have any fish and wildlife concerns.

**38.220.060.A.7 – Agriculture.**

**a. Number of acres in production and type of production.**

The majority of the property has been in hay production (approximately 20 acres).

**b. Agricultural operations in the vicinity, and other uses of land in the general vicinity.**

The surrounding area to the north, east, and south is residential development. The area to the west has been used for hay production in past years.

**c. The productivity of the land.**

The land has been productive for hay production. According to the NRCS Soils Map, the majority of the site consists of Blackmore silt loam, which is considered prime for farmland.

**d. Whether or not the property is part of a viable farm unit, and whether the property was under production during the last regular season.**

The property is not part of a viable farm unit. The property has been leased for agricultural development, but the owners plan to develop it for residential use now and into the future. The site is surrounded on two sides with residential development.

**e. What measures will be taken, if any, to control family pets.**

All pets will be required to be constrained to home lots, or if on shared open space animals must be kept on a leash per the City of Bozeman requirements. The covenants and restrictions address controlling family pets.

**f. Fencing of agricultural land.** No known fence lines around the subdivision boundary exist that protect agricultural lands under an ownership other than that of the developer.

**38.220.060.A.8 - Agricultural Water User Facilities.** The Site was previously used for the production of hay. Other land in the vicinity is used for production of hay and for residential and commercial purposes.

An existing irrigation lateral ditch starts from the Alder Creek Subdivision to the south and flows northward through the Site. This lateral starts on the southside of the subject property and extends north by northwest across the west boundary then west on the adjacent property. Peg Easton who is the president of the Middle Creek Ditch Company and owns the water shares to the ditch lateral was first contacted via email on 07/25/23 with questions pertaining to the ditch. A notice was sent out on 10/24/23 showing our intent to reroute the ditch on the subject property. Ms. Easton is the lateral ditch person approving the realignment of the north end of this ditch to go around the proposed Jarrett Subdivision parkland area and back into the existing ditch on the north side of the park Block 10, Lot 2A. This new alignment is generally consistent with the existing flow and will not impact any downstream users. The north ditch is currently located in the planned alignment of Arnold St which is being designed by Stahly Engineering.

All impacted ditches still in use will be piped to allow for continued conveyance of water rights to downstream users. The alignments of the piped ditches will be generally consistent with the existing flow line of the ditch. If any realignment is determined to be necessary, it will comply with all relevant requirements of State law.

**38.220.060.A.9 - Water and Sewer.** New water and sewer infrastructure will be installed on site to serve the development's residents. The sewer and water mains will provide service to the residents of Jarrett Subdivision and are designed to tie into and supply future phases. The sewer mains will connect to the existing City of Bozeman system in Arnold Street and S. 11th Avenue. The water mains will be looped and connect to the existing City of Bozeman system in Arnold Street, South 11th Avenue, and Graf Street.

**a. Water rights.** Sec. 38.410.130 - Water Adequacy. Subject to subsections B and C, prior to final approval by the review authority of development occurring under this chapter or chapter 10, the Applicant must offset the entire estimated increase in annual municipal water demand attributable to the development, pursuant to subsection D. Per Code Requirement No. 14, payment-in-lieu of water rights must be made for the lots prior to final plat approval.

Per Code Requirement No. 14, cash-in-lieu of water rights (CILWR) are proposed to be paid prior to final plat approval. However, compliance with subsection C.2 is deferred for the Blocks 7, 8 and 9 until the occurrence of future development provided the Applicant records a notice of restriction on future development in a form acceptable to the review authority with the Gallatin County Clerk and Recorder: Individual lots of a subdivision final plat planned for future multiple-household development.

A note must be included in the conditions of approval sheet indicating the Blocks and Lots which will require future payment of cash-in-lieu of water rights upon future development.

**38.220.060.A.10 - Stormwater Management.** The Site is currently undeveloped and vacant. Stormwater management within the subdivision will be accomplished with the combination of surface/gutter flow, pipe conveyance, and detention facilities. Monolithic curb and gutters and valley gutters will be utilized to transfer stormwater to the drain inlets, which will be connected to the closed conveyance piping collection system. The collection system will be designed to convey the 25-year storm event. The location of the curb inlets and piping will be dependent on the final roadway and grading design.

The stormwater basins and flow control structures will control and meter the discharge of the increased flow to the 10-year pre-development flows and will help remove solids, silt, oils grease and other pollutants from the stormwater.

### **Stormwater Detention Ponds**

The detention pond on the corner of Arnold Street and Bon Ton Avenue in Allison Subdivision Phase IV was designed with this subdivision in mind. In general, the runoff from this subdivision will drain northeast into the curb inlets on site and be piped across S. 11th Ave to the pond in Allison Subdivision Phase 4A.

The stormwater management system was designed and sized per the City of Bozeman Design Standards. Each pond is sized to accommodate more than the required volume, has 4:1 minimum side slope and is 1.5 ft deep maximum with 6" depth of freeboard.

The runoff coefficients (C) were determined from Table I-1 of the City of Bozeman Design Standards. Although the property will be both medium and high density residential, the runoff coefficient for high density residential was used for the entire subdivision to be conservative during the early design stage. Detention pond volume calculations are provided in this section.

The proposed detention facilities will be maintained by subdivision's Homeowners Association as noted in the CC&R document as noted in Code Requirement No. 10.

Maintenance activities will include periodic inspection, mowing of grasses in the basin and adjacent areas, weed control, removal of trash, and maintenance of the basin flow control structure and outlet piping to ensure the system functions properly.

### **38.220.060.A.11 - Streets, Roads and Alleys**

The Site is located within the South 11th Street and Graf Street Payback District boundaries. Per Condition of Approval No. 1, if the subject property did not participate in the original cost of construction of improvements the subject property will be assessed, and must pay, a payback charge prior to final plat approval.

Per Condition of Approval No. 2, a 1 foot "No Access" strip shall be placed along the South 11<sup>th</sup> Avenue and West Graf Street frontages for the full length of the development in order to keep curb cuts and turning movements into driveways off those collector roadways.

All lots will meet the minimum lot size and street frontage. Access will be provided to the Subdivision from S 11th Ave, Graf St, and Arnold St. Arnold St will be extended from the existing S 11th Ave at the roundabout to the west. Local streets will extend off these existing roads and loop through the subdivision. S 11th Ave is a collector on the 2017 Bozeman Transportation Plan and Arnold is a hybrid local street with a 70' ROW, parking and bike lanes. Except Arnold St, all new streets will be constructed as local roadways and will meet at the applicable standards. An alley is proposed in the subdivision to separate the lots in Block 1 and Block 6. The proposed alley is 30' wide, with a 20' wide asphaltic concrete drive and 5' wide shoulders on each side. Attached are typical roadway sections.

All construction activities in the area will be required to have adequate dust control and erosion control practices based on City and MDEQ standards. Temporary erosion control will also be provided at the dead ends of streets between phases of construction. All interior local roads will be constructed by the developer and maintained through construction. Upon acceptance of road improvements, these roads will be maintained by the City of Bozeman.

A Traffic Impact Study was prepared for the subdivision and recommends mitigation measures for the subdivision, some of which have been completed such as installing a traffic signal at S 11th Ave. and Kagy Boulevard and constructing S.11th Ave. and W. Graf St. to two-lane urban collector standards.

The City of Bozeman has requested that S. 11th Ave be restriped to replace the existing bike lane with street parking and add a left turn lane into the proposed subdivision. The existing 10' shared use sidewalk along S. 11th Ave will be used for cyclists. Street closures and/or traffic control will be used during the restriping of S. 11th Ave.

**38.220.060.A.12 – Non-Municipal Utilities.** Northwestern Energy has been notified that electricity and natural gas service will need to be provided to the subdivision and has confirmed that they can provide service, as seen in the attached letter. It has been requested from Northwestern to work concurrently and in cooperation with other utilities and services, including telephone, internet, and cable TV providers to provide for their respective infrastructure in joint utility trenches. Gas, electricity, and information utilities will be phased and will be installed after completion of roads but prior to construction of dwellings. All utilities will be located underground and per the City of Bozeman Standards.

**38.220.060.A.13 - Land Use.** The Site is currently being used for agriculture—the growing of hay. The property is being rezoned from R-1, Residential Low-Density District to both R-2, Residential Moderate-density and PLI, Public Lands and Institutions Districts. The rezoning has been approved by the City Commission and will be effective on June 7, 2024. The developer wishes to subdivide the 45.83 acre Site into 110 residential lots, 3 unbuildable/restricted development lots, 2 open space lots, 1 7.521 acre park lot and streets and rights-of-way. The R-2 zoning allows Single-Household, Two-Household and Townhouse/Rowhouse residential dwellings within the subdivision.

**38.220.060.A.14 - Parks and Recreation Facilities**

The 7.521 acre Block 10, Lot 2A has a 6.75-acre “Public Park Easement” that will be used as a park to serve this subdivision as well as future phases of the Allison Subdivision. This public park easement will be called the BonTon Park. A Park Master Plan is included in this application.

The maintenance of the park, including weed control, garbage collection, snow removal, leaf removal, and irrigation maintenance will be coordinated and paid for by the subdivisions Homeowners Association (HOA) per the Subdivision CC&R document. Detailed maintenance plans will be developed by the HOA at a later date. A detailed park plan will show neighborhood amenities such as an elevated viewing platform, a grill, picnic tables, benches, and doggie stations on the trail. Because the BonTon Master Park Plan is also being used to satisfy parkland requirements in the adjacent Allison Subdivision, the BonTon Master Park Plan must include linear park parcels, compliant with section 38.420.110, to accommodate the Gallagator Trail Connections at the far east of Allison Subdivision as noted in Code Requirement Numbers 12 and 13. The master park plan must be revised to include this information: *Future development of Allison Subdivision will require the inclusion and construction of the Gallagator Trail through the property.* Calculations for improvements-in-lieu value may need to be adjusted based on inclusion of the Gallagator.

Please note that parkland credit provided to future phases of Allison Subdivision by Jarrett Subdivision and associated park master plan, do not preclude the requirement for future phases of

Allison Subdivision to include and construct the Gallagator Trail corridor. The Gallagator Trail is considered a joint Transportation/Recreation facility and as a Transportation Facility and major anchor route, and per Sec. 38.220.040.A.14.(a).(13)., will be required to be constructed when future phases of Allison Subdivision propose development, regardless of parkland credits provided by Jarrett Subdivision and associated park master plan. Parks will need a legal agreement with the property owner adjacent to the Gallagator Trail to ensure a proper easement width will be acquired when that section of Allison Subdivision develops. The requirement for the Gallagator Trail easement is in addition to any parkland dedicated with Jarrett Subdivision. The availability of parkland credits at the time of future Allison Subdivision development does not release the requirement for future phases of Allison Subdivision to provide the required trail easement for the Gallagator Trail. Parks will provide the proposed legal agreement.

**38.220.060.A.15 - Neighborhood Center Plan**

The proposed parkland on Block 10 will serve as the Jarrett Subdivision neighborhood center.

**38.220.060.A.16 - Lighting Plan.** A Lighting Plan for Jarrett Subdivision conducted by Royal Engineering is provided in this submittal.

**38.220.060.A.17 – Miscellaneous.** There are no public lands within 200’ of the proposed subdivision. There are no known potential hazards such as mining activity, potential subsidence, high pressure gas lines, dilapidated structures, or high voltage power lines located within the proposed subdivision. The Site is not located in the wildlands-urban interface per the Gallatin County Wildlife Urban Interface Areas and Fire District map.

**38.220.060.A.18 - Affordable Housing.** There are no subsidized housing units proposed for this development nor are there any BMC affordable housing incentives proposed to be used.

**38.220.060.A.19 – Adopted Growth Policy:** See Appendix A below.

**APPENDIX A – PROJECT SITE ZONING AND GROWTH POLICY**

**Zoning Designation and Land Uses:**

The subject property currently being rezoned from R-1 to R-2, Residential Moderate Density District. The intent of the R-2 residential moderate density district is to provide for the development of one- to two-household or townhome residential structures at urban densities within the City. Urban densities are not specifically defined in the UDC but in 38.300.100, the intent and purpose of all residential and mixed use zones urge this compact development. The Community

Plan policies also urge urban densities, compact development and inf-fill development where municipal services are already accessible.

**Adopted Growth Policy Designation:**

The subject property is designated “Urban Neighborhood” on the City’s Future Land Use Map. Table 4 of the Bozeman Community Plan 2020 shows the correlation between the Urban Neighborhood future land use map designation and implementing zoning districts. (See below for the Table).

**CORRELATION WITH ZONING**

The zoning districts which implement each future land use category are shown in relation to each future land use category in chart below. For zoning district intent, see 38.300. For permitted uses, see 38.310.

<b>Urban Neighborhood</b>	
R-S, R-1, <span style="border: 1px solid red; border-radius: 50%; padding: 2px;">R-2</span> , R-3, R-4, R-5, R-O, REMU	
RMH, B-1, PLI	

The subject property is designated as Urban Neighborhood on the Future Land Use Map (FLUM). This category primarily includes urban density homes in a variety of types, shapes, sizes, and intensities. Large areas of any single type of housing are discouraged. In limited instances, an area may develop at a lower gross density due to site constraints and/or natural features such as floodplains or steep slopes. Complementary uses such as parks, home-based occupations, fire stations, churches, schools, and some neighborhood-serving commerce provide activity centers for community gathering and services. The Urban Neighborhood designation indicates that development is expected to occur within municipal boundaries. This may require annexation prior to development.

The FLUM allows the low-density R-1 Districts as well as the moderate-density R-2 Districts.

This proposed subdivision would provide one hundred and ten (110) 3,000 to 5,500 square foot (sf) sized lots for single detached, single-household dwelling units or townhomes. The Site is flat without habitat encumbrances such as wetlands or floodplains. There is an agricultural irrigation ditch on the Site that will be removed and piped to allow for continued conveyance of water rights to downstream users. The alignments of the piped ditches will be generally consistent with the existing flow line of the ditch. If any realignment is determined to be necessary, it will comply with all relevant requirements of State law. As such, the presence of the irrigation ditch will not impair an urban scale and density of the Site. The R-2 zoning only allows single-household, duplex or townhome/rowhouse development on the Site which is similar to adjacent built subdivisions but dissimilar to the more urban apartment complex developments currently under construction in the area.

The Urban Neighborhood growth policy encourages development to be walkable, which is defined in the glossary as: Walkable. A walkable area has:

- A center, whether it's a main street or a public space.
- People: Enough people for businesses to flourish and for public transit to run frequently.
- Parks and public space: Functional and pleasant public places to gather and play.
- Pedestrian design: Buildings are close to the street; parking lots are relegated to the back.
- Schools and workplaces: Close enough that walking to and from home to these destinations is realistic.
- Complete streets: Streets designed for bicyclists, pedestrians, and transit.

The Site has a Block Frontage designation of "Landscape" which facilitates homes with entrances facing the street. Block 1 of Phase I and Block 6 of Phase II of the subdivision features lots with alley access. This would facilitate the development of garages facing the alley which decreases the number of curb cuts and driveways facing the street resulting in safer and more convenient pedestrian and bicycle travel on the street. It also facilitates the "pedestrian design" of each of the street-facing the houses providing a porch, entry door and windows to make an attractive streetscape and a human scale, walkable neighborhood.

The subdivision provides a 6.75 acre park at the northwest corner of the Site. This will be designed and built to serve as the neighborhood center for this subdivision. The park will also be designed to connect with open space and parkland on adjacent lands to the north when that land is developed from farmland to housing.

The site is surrounded by urban-scale apartment complexes planned or under construction. The residential neighborhoods to the north are interspersed with pockets of personal service commercial establishments. Around 900 new dwelling units are under construction in the vicinity; most at urban densities in R-4, Residential High Density and REMU, Residential Emphasis Mixed Use zoning districts.

Transit. Although the closest bus stop lies about one and a half miles north of the Site at College and S. 13<sup>th</sup> Avenue. It is anticipated that the Streamline bus service will respond to this new population and potential transit demand within the next few years. Therefore, it is not surprising that, at this time, the Site has a walk score of zero for transit. All trips are dependent upon a vehicle or a bicycle. The Site is deemed by the private Walk Score algorithm to be somewhat bikeable (outside of snow months).

The City conducts extensive planning for municipal transportation, water, sewer, parks, and other facilities and services provided by the City. The adopted plans allow the City to consider existing conditions and identify enhancements needed to provide additional service needed by new development. The City implements these plans through its capital improvements program that identifies individual projects, project construction scheduling, and financing of construction.

The subject properties are within the City's land use, transportation, parks, and utility planning areas. The 2025 to 2049 Capital Improvement Plan shows transportation system expansion projects on Kagy Blvd and Stucky Road that will improve all mode transportation system capacity in the area. Development consistent with City standards will improve connectivity of sidewalks to adjacent residential and commercial districts. About a half-mile north of the Site along S. 11<sup>th</sup> Avenue is a Deli and Market and another half-mile north along S. 11<sup>th</sup> is a Town and Country grocery store with some other local shops and restaurants on S. 11<sup>th</sup> Avenue and College Avenue. All of which are generally walkable and bikeable. There are many college students walking and biking about in the area.

Any future development of the property will be required to conform to City standards for setbacks, height, lot coverage, and buffering.

The City's transportation plan is used to evaluate transportation needs over the long term throughout the City and will evaluate impacts of motorized vehicles along with bikes and pedestrians. The parks and trail plans also examine and specify options for extensions of the existing trail network through this site. Development review of individual lots within the subdivision will ensure that development under the new R-2 zoning will comply with the City's standards for the provision of onsite parking, circulation and open space. The Homeowners Association (HOA) for the subdivision will maintain the park and open space amenities, landscaping and stormwater manage facilities.

### **Relevant Community Plan Growth Policies Addressed by this Subdivision**

#### *THEME 2 | A CITY OF UNIQUE NEIGHBORHOODS*

*Our City desires to be diverse, healthy, and inclusive, defined by our vibrant neighborhoods, quality housing, walkability, excellent schools, numerous parks and trails, and thriving areas of commerce.*

*Goal N-1: Support well-planned, walkable neighborhoods.*

*N-1.2 Increase required minimum densities in residential districts.*

Staff Comment: The R-2 offers slightly higher densities than the R-1 zone in that a duplex housing type is permitted with minimum lot sizes of 2,500 sf. Townhomes and row houses are permitted in the R-2 zone with densities of 3,000 sf per attached dwelling.

*N-1.5 Encourage neighborhood focal point development with functions, activities, and facilities that can be sustained over time. Maintain standards for placement of community focal points and services within new development.*

*N-1.9 Ensure multimodal connections between adjacent developments*

*N-1.10 Increase connectivity between parks and neighborhoods through continued trail and sidewalk development. Prioritize closing gaps within the network.*

N-4.4 Ensure an adequate supply of off leash facilities to meet the demand of Bozeman dog owners.

Staff Comment: The BonTon Park will serve as the neighborhood center for this subdivision as shown above in Exhibit 9 and below in Exhibit 10. The multi-modal connections to adjacent developments are shown in Exhibit 10. The east-west connection to the mixed use development to the west and to S. 19th Avenue will be provided in later phases when Lot 1/Block 7, one of the restricted lots, is developed.

Exhibit 10: BonTon Park connection to the future Gallagator Trail Linear Park  
Trail Connections



Staff Comment: The Parks and Recreation Department accepts the subdivision Master Park Plan and views the BonTon Park as part of a *community park* consisting of this BonTon Park and the South University District public park located on the north side of Arnold Street. However, the BonTon Park does not offer dog off lease facilities.

N-3.7 Support compact neighborhoods, small lot sizes, and small floor plans, especially through mechanisms such as density bonuses.

N-3.8 Promote the development of "Missing Middle" housing (side by side or stacked duplex, triplex, live-work, cottage housing, group living, rowhouses/townhouses, etc.) as one of the most critical components of affordable housing.

Staff Comment: The 3,000+ square foot lots bordering the alley in Block 1 of Phase I and Block 6 of Phase II of the subdivision are intended to be lower cost and intended to accommodate smaller and, therefore, lower cost housing. This may be affordable “by design” for missing middle type

housing. The R-2 zoning would allow development of duplex and rowhouse/townhouse style housing.

## APPENDIX B – NOTICING AND PUBLIC COMMENT

Notice was provided by the Applicant by posting on the property and by first class mail to landowners of adjacent properties at least 15 and not more than 45 days prior to the close of the public comment period/the June 18, 2024 City Commission public hearing per BMC 38.220.420. The Applicant posted public notice on the Site on May 10, 2024 and mailed by first class mail on that same date to landowners of record within 200-feet of the Site. As of the date of this report, no comments have been received.

## APPENDIX C – OWNER INFORMATION AND REVIEWING STAFF

Owner: Bon Ton Inc, Eugene Graf, President and Yvonne G. Jarrett  
Applicant: Madison Engineering  
Representative: Chris Budeski  
Report By: Susana Montana, Senior Planner

## FISCAL EFFECTS

No unusual fiscal effects have been identified. No presently budgeted funds will be changed by this subdivision.

## ATTACHMENT LINKS

The application materials are available [here](#) and <https://weblink.bozeman.net/WebLink/Browse.aspx?startid=274018&cr=1> and in the City's [Laserfiche archive](#) and may be accessed through the [Community Development viewer](#) as well.

# Memorandum

**REPORT TO:** Community Development Board

**FROM:** Tom Rogers, Senior Planner  
Chris Saunders, Community Development Manager  
Erin George, Deputy Director of Community Development  
Anna Bentley, Director of Community Development

**SUBJECT:** 1920 West Babcock Zone Map Amendment Requesting an Amendment to the City Zoning Map from R-O (Residential Office) to B-2M (Community Commercial Mixed-Use) on 0.249 Acres Plus the Adjacent Right-of-Way. The Property is Addressed as 1920 West Babcock Street and located on the Southeast Corner of West Babcock Street and South 20th Avenue; Application 24024

**MEETING DATE:** June 3, 2024

**AGENDA ITEM TYPE:** Community Development - Legislative

**RECOMMENDATION:** Having reviewed and considered the staff report, application materials, public comment, and all information presented, I hereby adopt the findings presented in the staff report for application 24024 and move to recommend approval of the 1920 West Babcock Zone Map Amendment, with contingencies required to complete the application processing.

**STRATEGIC PLAN:** 4.2 High Quality Urban Approach: Continue to support high-quality planning, ranging from building design to neighborhood layouts, while pursuing urban approaches to issues such as multimodal transportation, infill, density, connected trails and parks, and walkable neighborhoods.

**BACKGROUND:** The owner, Maloney Holdings, LLC, 101 South Main Street, Suite 301, Sioux Falls, SD 57104, submitted application to rezone a property totaling 0.249 acres, plus adjacent right-of-way, from R-O to B-2M. The property is currently vacant after the recent tear down of the previous building on the property. No future development plans were submitted with the application. However, the property owners previously submitted a concept review for a proposed 5-unit residential building (Concept 23-209). The applicant owns the three adjacent properties zoned R-O.

The property is not within the NCOD, a historic district, or a city recognized neighborhood. The underlying Future Land Use designation is Community Commercial Mixed-Use. Both the existing R-O and proposed B-2M zoning are implementing districts of the Community Commercial Mixed-Use classification. The properties directly to the south are in the Urban Neighborhood designation. See Map Series in Section 1 below.

West Babcock Street is a designated Collector and South 20th Avenue is a local street according to the Bozeman Transportation Master Plan, 2017 Update. As illustrated in the map series below, the site is adjacent to a fully built street network.

**UNRESOLVED ISSUES:** There are no identified conflicts on this application.

**ALTERNATIVES:**

1. Approve the application with contingencies as presented;
2. Approve the application with modifications to the recommended zoning;
3. Deny the application based on findings of non-compliance with the applicable criteria contained within the staff report; or
4. Open and continue the public hearing, with specific direction to staff or the applicant to supply additional information or to address specific items.

**FISCAL EFFECTS:** No unusual fiscal effects have been identified. No presently budgeted funds will be changed by this Zone Map Amendment.

Attachments:

[24024 1920 W Babcock ZMA CDB SR.pdf](#)

Report compiled on: May 28, 2024

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***24024, Staff Report for the 1920 West Babcock Zone Map Amendment***

**Public Hearing Date(s):** Community Development Board acting in their capacity as the Zoning Commission will hold a public hearing on June 3, 2024, at 6:00 pm.

City Commission meeting is on June 18, 2024, at 6:00 pm.

**Project Description:** The 1920 West Babcock zone map amendment requests amendment of the City Zoning Map on 0.249 acres (10,843 square feet) plus the adjacent right-of way from R-O (Residential Office) to B-2M (Community Business District-Mixed).

**Project Location:** The property is addressed as 1920 West Babcock Street and more thoroughly described as Lot 10, Block 1, Kirk Subdivision (Plat F-1), located in the Southeast One-Quarter (SE ¼) of Section 11 Township Two South (T2S), Range Five East (R5E) of P.M.M., Gallatin County, Montana.

**Recommendation:** Meets standards for approval

**Community Development Board Motion:** Having reviewed and considered the staff report, application materials, public comment, and all information presented, I hereby adopt the findings presented in the staff report for application 24024 and move to recommend approval of the 1920 West Babcock Zone Map Amendment, with contingencies required to complete the application processing.

**Recommended City Commission Motion:** Having reviewed and considered the staff report, application materials, public comment, recommendation of the Zoning Commission, and all information presented, I hereby adopt the findings presented in the staff report for application 24024 and move to approve the 1920 West Babcock Zone Map Amendment, with contingencies required to complete the application processing.

**Report Date:** May 28, 2024

**Staff Contact:** Tom Rogers, Senior Planner

**Agenda Item Type:** Action – **Legislative**

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***EXECUTIVE SUMMARY***

***Unresolved Issues***

None identified at this time.

### ***Project Summary***

The owner, Maloney Holdings, LLC, 101 South Main Street, Suite 301, Sioux Falls, SD 57104, submitted application to rezone a property totaling 0.249 acres, plus adjacent right-of-way, from R-O to B-2M. The property is currently vacant after the recent tear down of the previous building on the property. No future development plans were submitted with the application. However, the property owners previously submitted a concept review for a proposed 5-unit residential building (Concept 23-209). The applicant owns the three adjacent properties zoned R-O.

The property is not within the NCOD, a historic district, or a city recognized neighborhood. The underlying Future Land Use designation is Community Commercial Mixed-Use. Both the existing R-O and proposed B-2M zoning are implementing districts of the Community Commercial Mixed-Use classification. The properties directly to the south are in the Urban Neighborhood designation. See Map Series in Section 1 below.

West Babcock Street is a designated Collector and South 20<sup>th</sup> Avenue is a local street according to the Bozeman Transportation Master Plan, 2017 Update. As illustrated in the map series below, the site is adjacent to a fully built street network.

Application materials can be viewed on the City's development map at the following link.

<https://weblink.bozeman.net/WebLink/Browse.aspx?startid=262088&cr=1>

### ***Community Development Board (Zoning Commission) Summary***

The Zoning Commission will hold a public hearing on June 3, 2024. A summary of the meeting will be provided after the conclusion of the meeting.

The video recording of the public hearing is available after the conclusion of the meeting.

No comment has been received as of the production of this report.

### ***Alternatives***

1. Approve the application with contingencies as presented;
2. Approve the application with modifications to the recommended zoning;
3. Deny the application based on findings of non-compliance with the applicable criteria contained within the staff report; or
4. Open and continue the public hearing, with specific direction to staff or the applicant to supply additional information or to address specific items.

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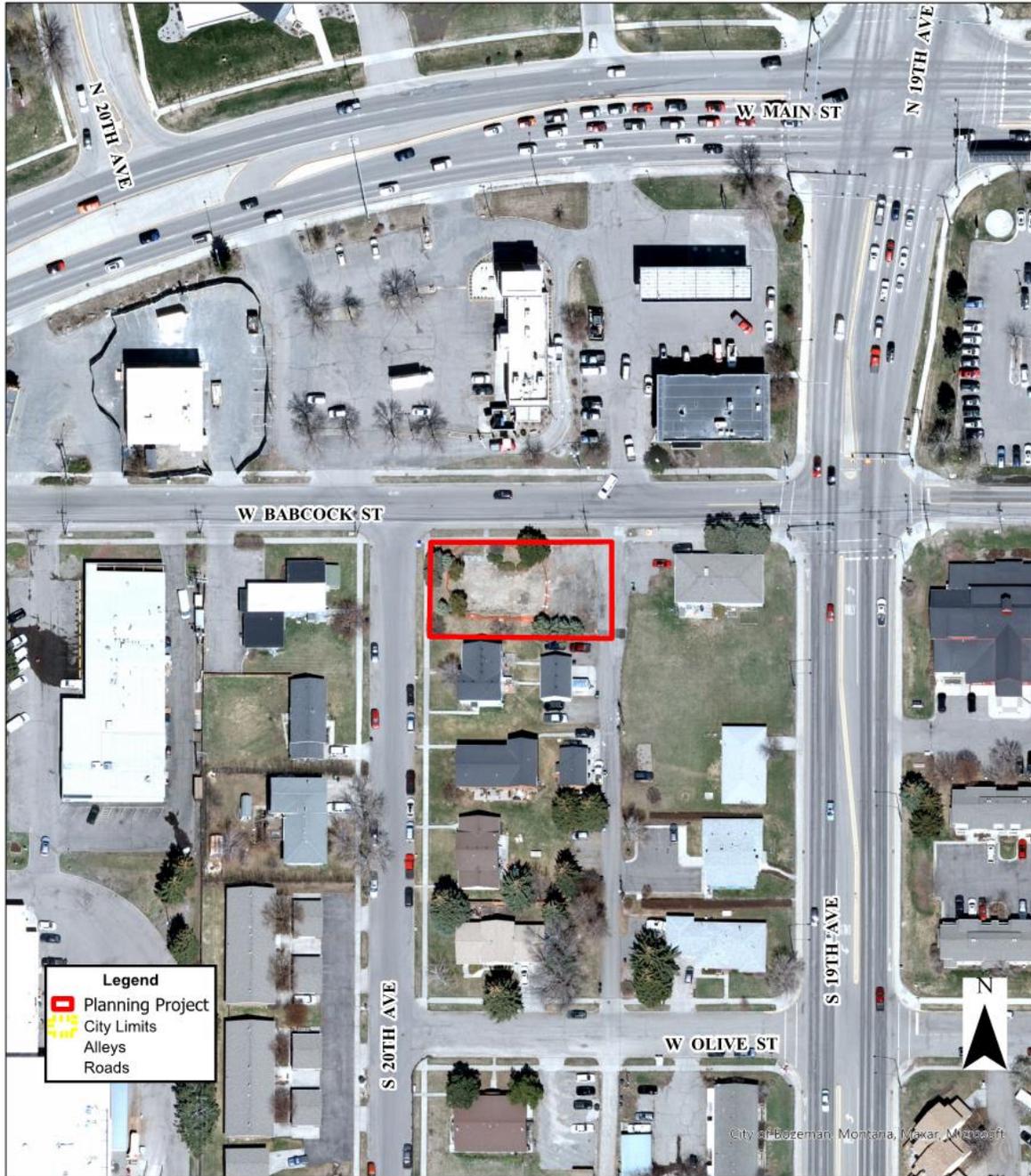
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**SECTION 1 - MAP SERIES**



This map was created by the  
City of Bozeman  
Planning Division  
*Intended for Planning purposes only.*

Revised: 4/17/2024

0 25 50 100 Feet  
1:1,200

1920 W Babcock ZMA  
Proposed Zone Map Amendment  
Application 24-024

**BOZEMAN**<sup>MT</sup>  
Planning

Figure 1: Location Map



Figure 2: Future Land Use Designations

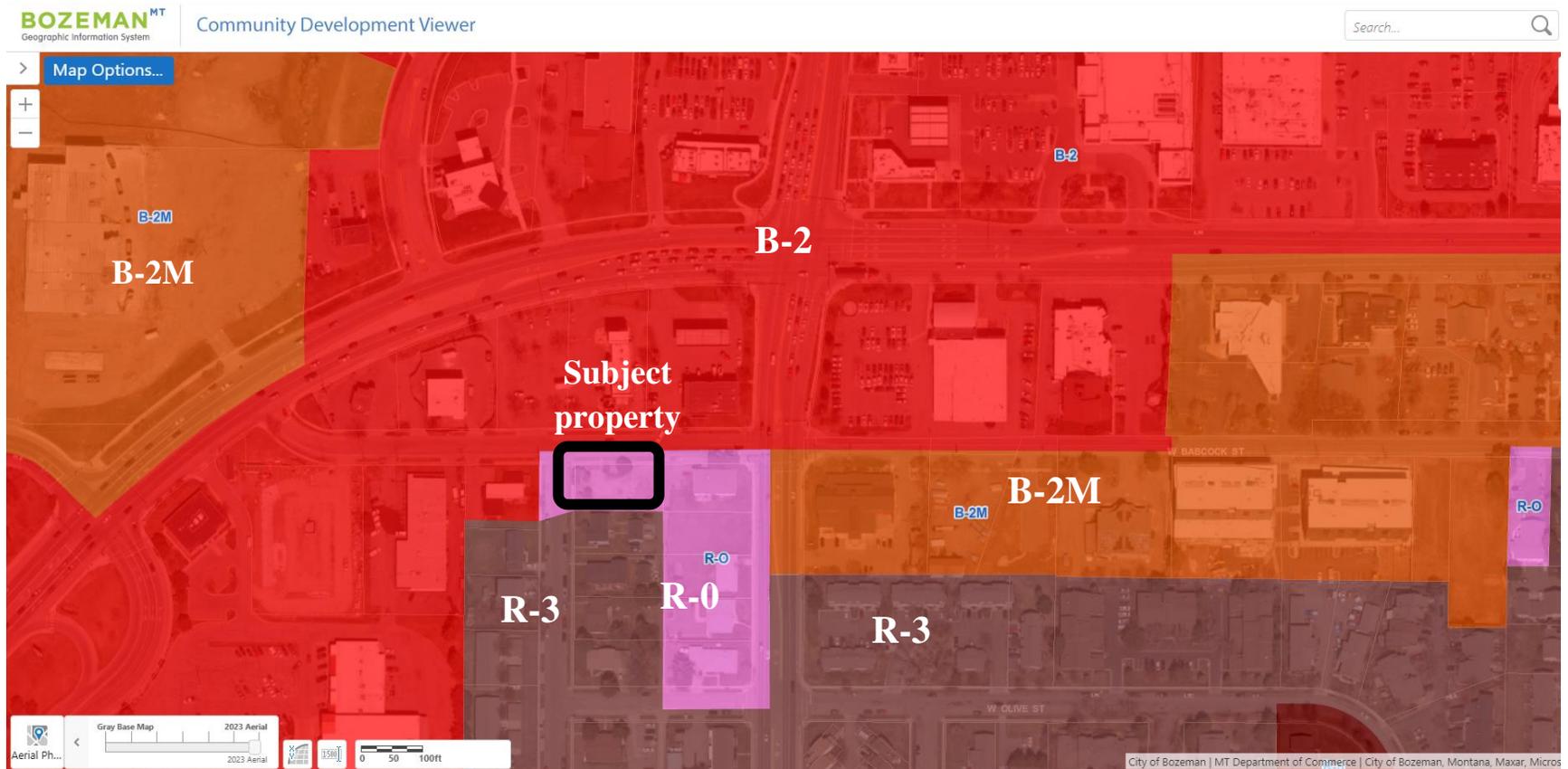


Figure 3: Current Zoning Map



Figure 4: Exterior elevations submitted with Concept Application 23209

## ***SECTION 2 - RECOMMENDED CONTINGENCIES OF ZONE MAP AMENDMENT***

Please note that these contingencies are necessary for the City to complete the process of the proposed amendment. Should the application not be approved these contingencies are not required.

### **Recommended Contingencies of Approval:**

1. That all documents and exhibits necessary to establish the amended municipal zoning designation of B-2M shall be identified as the “1920 West Babcock Zone Map Amendment”.
2. The applicant must submit a zone amendment map, titled “1920 West Babcock Zone Map Amendment”, acceptable to the Director of Public Works, as a PDF which will be utilized in the preparation of the Ordinance to officially amend the City of Bozeman Zoning Map. Said map shall contain a metes and bounds legal description of the perimeter of the subject property including adjacent rights-of-way, and total acreage of the property.
3. The Ordinance for the Zone Map Amendment shall not be drafted until the applicant provides an editable metes and bounds legal description prepared by a licensed Montana surveyor.

## ***SECTION 3 - RECOMMENDATION AND FUTURE ACTIONS***

Having considered the criteria established for a zone map amendment, the Staff found the application meets standards for approval as submitted.

The Development Review Committee (DRC) considered the amendment. The DRC did not identify any infrastructure or regulatory constraints that would impede the approval of the application.

The Community Development Board acting in their capacity as the Zoning Commission will hold a public hearing on this zone map amendment on June 3, 2024, and will forward a recommendation to the City Commission on the zone map amendment. The meeting will begin at 6 p.m. in the Commission Room at City Hall, 121 N. Rouse Ave, Bozeman, Montana.

The City Commission will hold a public meeting on the zone map amendment on June 18, 2024. The meeting will begin at 6 p.m. in the Commission Room at City Hall, 121 N. Rouse Ave, Bozeman, Montana, **the City Commission** will conduct a public hearing on the proposed Zone Map Amendment application.

**SECTION 4 - ZONE MAP AMENDMENT STAFF ANALYSIS AND FINDINGS**

In considering applications for plan approval under this title, the advisory boards and City Commission must consider the following criteria (letters A-K). As an amendment is a legislative action, the Commission has broad latitude to determine a policy direction. The burden of proof that the application should be approved lies with the applicant.

A zone map amendment must be in accordance with the growth policy (criteria A) and be designed to secure safety from fire and other dangers (criteria B), promote public health, public safety, and general welfare (criteria C), and facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements (criteria D). Therefore, to approve a zone map amendment the Commission must find Criteria A-D are met.

In addition, the Commission must also consider criteria E - K, and may find the zone map amendment to be positive, neutral, or negative with regards to these criteria. To approve the zone map amendment, the Commission must find the positive outcomes of the amendment outweigh negative outcomes for criteria E-K. In determining whether the criteria are met, Staff considers the entire body of regulations for land development. Standards which prevent or mitigated negative impacts are incorporated throughout the entire municipal code but are principally in Chapter 38, Unified Development Code.

Zoning review is discretionary. The city balances many priorities and competing outcomes by threading the needle to create the best outcomes to benefit as many diverse goals as possible. The State review criteria is rudimentary and fails to adequately convey the nuance involved in more urban setting such as Bozeman, Missoula, Billings, Kalispell, and Great Falls. It is common for an application to have both favorable and unfavorable influence on a particular criteria. An unreserved finding of compliance is not required but staff may call out competing elements. Therefore, a criteria may be weakly or strongly complied with or not. The following zoning appropriateness scale can be used to assist evaluating a proposed amendment. The scale is not being used at this time to assess applications.

**Zoning Scale of Appropriateness (ZSA)**

Score	Description
0	Criterion not met. Requires growth policy amendment.
1	Criterion not met. Proposed zoning may further some goals and policies but is narrow in their scope and does not comport with a disproportionate number of other City goals and priorities of adopted plans.

2	Criterion met to some degree. Proposed zoning is an implementing district for FLU. However, the context of the proposed zoning, existing neighborhood, and individual perspective and interpretation of City priorities may influence final decision.
3	Criterion generally met. More goals and objectives are furthered by proposed zoning, but several important City issues may not be addressed. This contradiction must be evaluated and, due to the legislative nature of the review, may be found to be not supportive in some contexts.
4	Criterion met. Many more goals and objectives in numerous adopted plans are supported with the proposed zoning. Although there may be some contradiction(s) the community may find obtrusive, it would be difficult to find not to support the zoning designation.
5	Proposed zoning supports wide variety of diverse Community Plan goals and objectives. Furthers goals and objectives of numerous City plans through integrative and simultaneous support of City Strategic Plan.

**Section 76-2-304, MCA (Zoning) Criteria**

**A. Be in accordance with a growth policy.**

Criterion met. The BCP 2020, Chapter 5, p. 73, in the section titled Review Criteria for Zoning Amendments and Their Application, discusses how the various criteria in 76-2-304 MCA are applied locally. Application of the criteria varies depending on whether an amendment is for the zoning map or for the text of Chapter 38, BMC. The first criterion for a zoning amendment is accordance with a growth policy.

**Future Land Use Map**

The proposed amendment is a change to the zoning map. Therefore, it is necessary to analyze compliance with the future land use map. Chapter 3 of the BCP 2020 addresses the future land use map. The introduction to that chapter discusses the importance of the chapter. Following are some excerpts.

“Future land use is the community’s fundamental building block. It is an illustration of the City’s desired outcome to accommodate the complex and diverse needs of its residents.”

“The land use map sets generalized expectations for what goes where in the community. Each category has its own descriptions. Understanding the future land use map is not possible without understanding the category descriptions.”

The area of this application is within the annexed area of the City and where there is anticipated redevelopment within the City as discussed below. As shown on the maps in Section 1, on the excerpt of the current future land use map, the property is designated as Community Commercial Mixed-Use. The Community Commercial Mixed-Use designation description reads:

“The Community Commercial Mixed-Use category promotes commercial areas necessary for economic health and vibrancy. This includes professional and personal services, retail, education, health services, offices, public administration, and tourism establishments. Density is expected to be higher than it is currently in most commercial areas in Bozeman and should include multi-story buildings. Residences on upper floors, in appropriate circumstances, are encouraged. The urban character expected in this designation includes urban streetscapes, plazas, outdoor seating, public art, and hardscaped open space and park amenities. High density residential areas are expected in close proximity.

Developments in this land use area should be located on one or two quadrants of intersections of the arterial and/or collector streets and integrated with transit and non-automotive routes. Due to past development patterns, there are also areas along major streets where this category is organized as a corridor rather than a center. Although a broad range of uses may be appropriate in both types of locations, the size and scale is to be smaller within the local service areas. Building and site designs made to support easy reuse of the building and site over time is important. Mixed use areas should be developed in an integrated, pedestrian friendly manner and should not be overly dominated by any single use. Higher intensity uses are encouraged in the core of the area or adjacent to significant streets and intersections. Building height or other methods of transition may be required for compatibility with adjacent development.

Smaller neighborhood scale areas are intended to provide local service to an area of approximately one half-mile to one mile radius as well as passersby. These smaller centers support and help give identity to neighborhoods by providing a visible and distinct focal point as well as employment and services. Densities of nearby homes needed to support this scale are an average of 14 to 22 dwellings per net acre.”

The correlation between the future land use map of the growth policy and the zoning districts is presented in Table 4 of the Bozeman Community Plan 2020. As shown in the following Correlation with Zoning Table, both R-O and B-2M districts are implementing districts of the Community Commercial Mixed-Use future land use category.

**CORRELATION WITH ZONING**

The zoning districts which implement each future land use category are shown in relation to each future land use category in chart below. For zoning district intent, see 38.300. For permitted uses, see 38.310.



**Goals and Policies**

A zoning amendment is also evaluated against the goals and policies of the BCP 2020. Most of the goals and policies are not applicable to this application. Relevant goals and objectives have been identified by staff. Conflict with the text of the growth policy hasn't been identified.

The Short-Term Action list on page 63 of the BCP 2020 describes 14 items to implement the growth policy. The first two relate to direct changes to the zoning map in support of listed goals and objectives. These include increasing the intensity of zoning districts in already developed areas. Beginning on page 71 of the BCP 2020 in the section titled Zoning Amendment Review, the document discusses how the City implements zoning for new areas, amendments to areas, and revisions to existing text. This section includes a discussion of when the City may initiate a zoning change to a more intensive district to increase development opportunities. This section demonstrates that the City, as a matter of policy, is supportive of more intensive zoning districts and development, even within already developed areas. This policy approach does not specify any individual district but does lean towards the more intensive portion of the zoning district spectrum.

With individual property owner request to modify zoning, the applicant has the burden of proof to show the proposed amendment is in the city's best interest and furthers more goals and policies of the BCP, 2020 than hinders. The applicant's argument is that B-2M is an implementing district for the FLU designation and that the draft development code map revisions propose this property and those in the immediate vicinity show a change to B-2M. While these statements are true, no further analysis or discussion is provided with the original application. The city requested analysis to support the application which was provide on April 10, 2024. In addition to analysis, staff suggested the application would be more in compliance with the goals and policies of the BCP 2020 if additional adjacent properties, under the same ownership, were included in the application., No additional properties were added to the request.

Section 38.300.110, BMC states that the intent and purposes of the commercial zoning districts are to establish areas within the city that are *primarily commercial*. Subsection C continues describing that the intent of the B-2M community business district-mixed is to function as a vibrant mixed-use district that accommodates substantial growth and enhances the character of the city. This district provides for a range of commercial uses that serve both the immediate area and the broader trade area and encourages the integration of multi-household residential as a *secondary use*. Use of this zone is appropriate for arterial corridors, commercial nodes and/or areas served by transit. [*Emphasis added.*]

It is difficult to make positive findings for a single, small, isolated amendment when considering the intent and purpose statements of the future land use and the specific zoning district requested. However, pursuant to table 38.320.050 [[External Web Link](#)], form and intensity standards for commercial zones, there is no minimum lot size in the B-2M zone. While the size will limit viability of a mixed-use building there is sufficient size to accommodate commercial building as show the previous use as an insurance office.



2021 aerial image of subject property (Bozeman GIS)

The North 7<sup>th</sup> corridor has a numerous small lot B-2M zoned properties. For example, the Rue building on the northwest corner of 7<sup>th</sup> and Durston sits on a 27,974 square foot (0.6422 acre) parcel. The Recompute building is on a 13,503 square foot (0.31 acre) site.

If approved, all types of short-term rentals are a permitted. The R-O zone restricts Type 3 short-term rentals.

Considering the eclectic character of vicinity, the R-O and B-2M appear to be appropriate zoning designations. The area is a transitional area between 19<sup>th</sup> Avenue, Main Street, and the University Square Shopping center with a variety for residential structure types and commercial activity with relatively small building size. The subject property lot size of lot will limit bulk and mass of future building(s).

There is convenient access to many services. Cosmic Pizza, convenience store, dry cleaners, two large grocery stores, fast food, drug store, and more. The proximity of these services help explains the relatively high Walk Score.

There are no public open spaces near the site. Kirk Park is north and across Main Street with the only controlled crossing at 19<sup>th</sup> and Main. The next closest park is Cooper Park one mile to the east.

Staff did not identify goals and objectives the proposed amendment is in direct conflict with. The most likely category for conflict might be under Theme 2, A City of Unique Neighborhoods and neighbor character. However, goals and objectives related to neighborhood elements are limited in their scope and do not address small single parcel requests.

The applicant provided support for and analysis of, the BCP 2020 found in the Zone Map Amendment Narrative, updated, and are hereby incorporated into this report. The applicant provides justification for the map amendment on page 6 and 7 of the narrative by listing several goals and objectives the request furthers. Staff generally agrees with exceptions. Objective N-2.2 “Revise the zoning map to support higher intensity residential districts near schools, services, and transportation.” The requested zoning is commercial in a commercially designated area therefore, it is unclear how this objective is supported. Also, DCD-2.3, Review and update minimum development intensity requirements in residential and non-residential zoning districts. The application modifies the map, no changes to the standards are proposed.

#### Applicant Amended 5a Response:

*“The Bozeman Community Development Plan has developed seven themes that are identified as ‘community derived desired outcomes. Based on information taken from these themes, the proposed B-2M zoning fits into the growth policy in numerous ways. Throughout the seven themes identified, there are various areas where there is an over-arching value for increasing density. These goals taken directly from the 2020 City Grown Development Plan document and support the desire for more density:*

#### *THEME 2 | GOALS, OBJECTIVES, AND ACTIONS*

*N-2.2 Revise the zoning map to support higher intensity residential districts near schools, services, and transportation.*

*N-3.7 Support compact neighborhoods, small lot sizes, and small floor plans, especially through mechanisms such as density bonuses.*

### **THEME 3 | GOALS, OBJECTIVES, AND ACTIONS**

*DCD-2.2 Support higher density development along main corridors and at high visibility street corners to accommodate population growth and support businesses.*

*DCD-1.5 Identify underutilized sites, vacant, and undeveloped sites for possible development or redevelopment, including evaluating possible development incentives.*

*DCD-1.10 Support University efforts to attract development near campus.*

*DCD-2.3 Review and update minimum development intensity requirements in residential and non-residential zoning districts.*

*DCD-2.7 Encourage the location of higher density housing and public transit routes in proximity to one another.*

*There are certain characteristics between the two zones that are similar, like building height allowance, that won't negatively impact the re-zoning. There are however differences between R-O and B-2M that will allow for an increase in density in positive ways. Some of the setbacks are less in the B-2m zoning and there is a higher coverage percentage that is allowed. This ensures a stronger utilization of the site to allow for said increase in density.*

*As it stands now, the R-O zoning holds a larger requirement for parking. Changing to the B-2M zoning will reduce the parking requirements, which will encourage more use for public transportation, walking and biking. This responds well to the Goal M-1.4 listed under Theme 5 which states, "Develop safe, connected, and complementary transportation networks for pedestrians, bicyclists, and users of other personal mobility devices (e-bikes, electric scooter powered wheelchairs, etc.)." It is possible to alleviate parking congestion in these areas by utilizing more pedestrian and alternative modes of transportation. There are two bus stops under a quarter mile away and any future development will supply bike racks and adequate ADA accessibility. There are grocery stores and other business in close proximity that further support a walkable area.*

*While it is understood that the existing zoning of R-O is still active throughout the City of Bozeman, the 2023 Community Development Plan is recommending removing the R-O zoning entirely. This has not taken place yet and might not, however based on this conjecture and lack of direction, re-zoning this site to a B-2M is a move toward communal cohesion and consistency. B-2M will not be removed from zoning, while the fate of R-O is heavily in question. Designing a development of any kind when the*

*guidelines are in question, has potential to have costly negative ramifications. Numerous goals/themes express the importance of long-term impact, resilience, and simplification of the zoning districts and re-zoning to a B-2M will be an appropriate response to that. These goals are identified below:*

**THEME 1 | GOALS, OBJECTIVES, AND ACTIONS**

*R-1.7 Be flexible: willingness and ability to adopt alternative strategies in response to changing circumstances. -R-2: Pursue community decisions in a manner that supports resilience.*

*R-2.1 Co-Benefits: Provide solutions that address problems across multiple sectors, creating maximum benefit.*

*R-2.9 Long-Term and Lasting Impact: Create long-term gains to the community with solutions that are replicable and sustainable, creating benefit for present and future generations. (Best interests of the community to have workforce housing and a diversity of uses)*

**THEME 3 | GOALS, OBJECTIVES, AND ACTIONS**

*DCD-2.8 Revise the zoning ordinance, reducing the number of zoning districts to be more consistent with the designated land use classifications, to simplify the development process, and support affordability objectives of the plan.*

*In conclusion, changing from an R-O zoning to a B-2M is in accordance with the City of Bozeman’s Growth Policy Plan. It will allow for a greater level of density, promote pedestrian and alternative forms of travel, create communal stability within long term zoning, and allow for a stronger level of future adaptability.”*

In conclusion, the B-2M zoning designation is in accordance with the growth policy.

**B. Secure safety from fire and other dangers.**

Criterion met. The subject property is currently served by City of Bozeman Fire and Police Departments. Future development of the property will be required to conform to all City of Bozeman public safety, building, transportation, and land use requirements, which will generally ensure this criterion is met.

Municipal Code Section and Title	Subject	Related Documents	When standard is applied
<b>18.02 International Fire code</b>	Adopt standards for fire prevention and control	Fire/EMS master plan, International Fire Code	Site plan and building permit

<b>38.400 Transportation Facilities and Access</b>	Streets standards for size and construction	Transportation Master Plan	Subdivision or site plan review
<b>38.400.010 Streets, general</b>	Access for emergency services	Transportation Master Plan	Subdivision or site plan.
<b>38.410.090 Fire protection requirements</b>	Development design	Fire/EMS master plan, International Fire Code	Subdivision, site plan, and building permit

**C. Promote public health, public safety, and general welfare.**

Criterion met. City development standards included in Chapter 38, Unified Development Code, building codes, and engineering standards all ensure that this criterion is met. Adequate water and sewer supply and conveyance provide for public health through clean water. Rapid and effective emergency response provides for public safety. The City’s standards ensure that adequate services are provided prior to building construction which advances this criterion. General welfare has been evaluated during the adoption of Chapter 38 and found to be advanced by the adopted standards. Provision of parks, control of storm water, and other features of the City’s development standards also advance the general welfare.

The subject property is well connected to the City’s transportation system and is served by fully constructed intersections and streets. Sidewalks are constructed in all directions. Development on site will require any improvements not installed to mitigate impacts and meet the city’s complete street policies.

<b>Municipal Code Section and Title</b>	<b>Subject</b>	<b>Related Documents</b>	<b>When standard is applied</b>
<b>18.02 International Fire code</b>	Adopt standards for fire prevention and control	Fire/EMS master plan, International Fire Code	Site plan and building permit
<b>38.400 Transportation Facilities and Access</b>	Streets standards for size and construction	Transportation Master Plan	Subdivision or site plan review
<b>38.410.070 Municipal water, sewer systems</b>	Location and requirement to install.	Sewer collection facilities plan, Water facilities plan	Subdivision or site plan.

<b>38.410.090 Fire protection requirements</b>	Development design	Fire/EMS master plan, International Fire Code	Subdivision, Site plan, and building permit
<b>38.420 Parks</b>	Standards for location, type, and development of parks and trails	Park, Recreation, and Active Transportation Plan	Subdivision or site plan review
<b>38.5 Project Design</b>	Site layouts, landscaping, building configuration, signs, lighting		Site plan and building permit

**D. Facilitate the provision of transportation, water, sewerage, schools, parks, and other public requirements.**

Criterion met. The City conducts extensive planning for municipal transportation, water, sewer, parks, sustainability, and other facilities and services provided by the City. The adopted plans allow the City to consider existing conditions; and identify enhancements needed to provide service to new development. See page 19 of the BCP 2020 for a listing. The City implements these plans through its capital improvements program (CIP). The CIP identifies individual projects, project construction scheduling, and financing of construction for infrastructure. Private development must demonstrate compliance with standards prior to construction. Dedication of school facilities is not required by municipal zoning standards. However, School District 7 will have opportunity to review and comment on future development.

Section 38.300.020.C, BMC, states that the designation of a zoning district does not guarantee approval of new development until the City verifies the availability of needed infrastructure. All zoning districts in Bozeman enable a wide range of uses and intensities. At time of future subdivision or site plan review the need for individual services can be more precisely determined. No subdivision or site plan is approved without demonstration of adequate capacity.

38.300.020.C, “Placement of any given zoning district on an area depicted on the zoning map indicates a judgment on the part of the city that the range of uses allowed within that district are generally acceptable in that location. It is not a guarantee of approval for any given use prior to the completion of the appropriate review procedure and compliance with all the applicable requirements and development standards of this chapter and other applicable policies, laws and ordinances. It is also not a guarantee of

immediate infrastructure availability or a commitment on the part of the city to bear the cost of extending services.”

Municipal Code Section and Title	Subject	Related Documents	When standard is applied
<b>18.02 International Fire code</b>	Adopt standards for fire prevention and control	Fire/EMS master plan, International Fire Code	Site plan and building permit
<b>38.400 Transportation Facilities and Access</b>	Streets standards for size and construction	Transportation Master Plan	Subdivision or site plan review
<b>38.410.060 Easements</b>	Location and form of easements for utilities	Transportation Master Plan, Sewer collection facilities plan, Water facilities plan	Annexation for collector and arterial streets. Subdivision or site plan for all others.
<b>38.410.070 Municipal water, sewer systems</b>	Location and requirement to install.	Sewer collection facilities plan, Water facilities plan	Subdivision or site plan.
<b>38.410.090 Fire protection requirements</b>	Development design	Fire/EMS master plan, International Fire Code	Subdivision, site plan, and building permit
<b>38.420 Parks</b>	Standards for location, type, and development of parks and trails	Park, Recreation, and Active Transportation Plan	Subdivision or site plan

Water and sewer are available to the site. A 10-inch vitrified clay sewer line on the eastern side of the property. A 10-inch ductile iron water main is in West Babcock Street and a 6-inch carrier water line is under South 20<sup>th</sup> Avenue.

It is likely future development will increase impacts on services, adequate capacity is presently available to meet demand.

**E. Reasonable provision of adequate light and air.**

Criterion met. This criterion is not about individual preferences for a given degree of visual openness but about preservation of public health. The B-2M district provides adequate light and air through the Bozeman Unified Development Code’s standards for park and recreation

requirements, on-site open space for residential uses, maximum building height, lot coverage, and setback requirements.

The form and intensity standards, [Division 38.320](#), provide minimum lot areas, lot widths, lot coverage and maximum floor area ratios, and prescribe require minimum separation from property lines and limits building heights. [Section 38.520.030](#) requires building placement to ensure access to light and air. [Division 38.420](#) and [Section 38.520.060](#) require dedication of parks and on-site open spaces to meet needs of residents. The standards provide a reasonable provision of adequate light and air. Zone edge transitions do not apply to this property if the B-2M is approved pursuant to section [38.320.060, BMC](#).

In addition to the zoning standards, adopted building codes contain more detailed requirements for air circulation, window placement, and building separation that further ensure the intent of this criterion is satisfied.

Municipal Code Section and Title	Subject	Related Documents	When standard is applied
<b>38.320 Form and Intensity Standards</b>	Standards for building placement and maximum size		Subdivision, site plan review, building permit
<b>38.420 Parks</b>	Standards for location, type, and development of parks and trails	Park, Recreation, and Active Transportation Plan	Subdivision or site plan review
<b>38.520.060 On-site residential and commercial open space</b>	Private land open area requirements		Site plan

**F. The effect on motorized and non-motorized transportation systems.**

Criterion met. Potential future development within a zoning district of B-2M will affect the City’s motorized and non-motorized transportation system with potential increased traffic and vehicle trips along West Babcock Street and 19<sup>th</sup> Avenue. The subject property is located on a street corner with a constructed Collector Street to the north and a local street to the west. Due to the small size potential impacts will be limited and therefore can be accommodated by the existing street network.

The proposed zoning will allow for a higher density of uses than is currently allowed under R-O zoning district. The City’s transportation plan is used to evaluate transportation needs over

the long term throughout the City and will evaluate impacts of motorized vehicles along with bikes and pedestrians. The parks and trails plan also examine and specify options for extensions of the existing trail network through this site. Future site development will examine impacts in greater detail on the transportation network, parks, and trails system, and municipal facilities when specific construction has been identified. Furthermore, these future development reviews will ensure that development under the new zoning will comply with the City’s standards for the provision of onsite parking for bicycles and vehicles, as well as the requirements for onsite circulation.

Traffic impacts will be studied by the development team to demonstrate compliance with the City’s long-range transportation plans. Future project development will ensure compliance with the acceptable traffic limits identified in the transportation plans, as well as provide for the dedication of rights of way, construction or reconstruction of streets and trails, payment of impact fees, and other contributions as will be applicable to this project.

As previously mentioned, the City conducts extensive planning for municipal transportation, water, sewer, parks, sustainability, and other facilities and services provided by the City. The adopted plans allow the City to consider existing conditions; and identify enhancements needed to provide service to new development.

The subject properties are within the City’s land use, transportation, parks, and utility planning areas. Those plans show this property as developing within the City when development is proposed. The [2025-2049 CIP](#) [External link] shows transportation system expansion projects on Kagy Blvd and Stucky Road that will improve all mode transportation capacity in the area. Development consistent with City standards will add/improve connectivity of sidewalks to SRX South development and the Blackwood Groves development.

Future development and redevelopment of the property will be required to comply with transportation-related standards and reviewed for impacts on the surrounding streets, intersections, and sidewalks, and improvements to the transportation network to serve the site, which will improve the overall transportation system. These improvements include provisions for non-motorized transportation systems. The change in zoning district will have a minimal effect on required road improvements, pedestrian or bicycle facilities, or similar compliance with standards. The site is adjacent to one collector (West Babcock) and one local street (20<sup>th</sup> Avenue), both of which have capacity to carry additional traffic.

Municipal Code Section and Title	Subject	Related Documents	When standard is applied
<b>38.400 Transportation Facilities and Access</b>	Streets standards for size and construction	Transportation Master Plan	Subdivision or site plan review

<b>38.410.060 Easements</b>	Location and form of easements for utilities	Transportation Master Plan,	Annexation for collector and arterial streets.  Subdivision or site plan for all others.
<b>38.420.110 Recreation Pathways</b>	Location and requirement to install.	Park, Recreation, and Active Transportation Plan	Annexation for Class 1 Trails easement.  Subdivision or site plan for all else.

The site has a Walk Score of 83, a Transit score of 26, and a Bike Score of 80. According to Walk Score® the walks score measures the walkability of any address based on the distance to nearby places and pedestrian friendliness.

90 – 100	Walker’s Paradise. Daily errands do not require a car.
70 – 89	Very Walkable. Most errands can be accomplished on foot.
50 – 69	Somewhat walkable. Some errands can be accomplished on foot.
25 – 49	Car-Dependent. Most errands require a car.
0 – 24	Car-Dependent. Almost all errands require a car.

The site is reasonably served by the Streamline Bus service. Two routes, Gold and Purple lines, currently make stops at the intersection of Main and Babcock. According to Walk Score, the transit score for the site is 26 out of 100. However, Streamline routes are subject to change without notice.

These values are provided by Walk Score, a private organization which presents information on real estate and transportation through walkscore.com. The algorithm which produces these numbers is proprietary. A score is not an indication of safety or continuity of services or routes. Scores are influenced by proximity of housing, transit, and services and expected ability, as determined by the algorithm, to meet basic needs without using a car. Sites located on the edge of the community have lower scores than those in the center of the community as the area is still under development and therefore diversity of uses is less than in fully established areas. There are no adopted development standards relating to the walk score.

**G. Promotion of compatible urban growth.**

Criterion met. The Bozeman Community Plan establishes a preferred and compatible development pattern. *“The land use map sets generalized expectations for what goes where in the community... The land use categories and descriptions provide a guide for appropriate development and redevelopment locations for civic, residential, commercial, industrial, and*

other uses. The future land use designations are important because they aim to further the vision and goals of the City through promoting sustainability, citizen and visitor safety, and a high quality of life that will shape Bozeman’s future.” (Community Plan p. 51).

The City’s future land use map designates the properties as Community Commercial Mixed-Use. These designations correlate with several zoning districts including the B-2M district proposed by the applicants. The districts were developed by the City to promote appropriate urban growth compatible with the areas of the City as identified on the future land use map. Based on the land use map designations and correlated zoning districts in the plan and proposed by the applicants, the zone map amendment would promote compatible urban growth. Also see the discussion in (H) below.

The subject property is bounded by existing B-2 zones on the north and west sides, R-O zone to the east, and R-3 (Moderate Density Residential) to the south. There is no street or alley separation between the proposed B-2M and the existing residential use to the south. The city’s zone edge transition standards, [section 38.320.060.B](#) [External Link], would not apply. Single use buildings, residential or commercial, are allowed to build to four (4) stories or 50 feet, whichever is less. Buildings in the R-3 zone have a maximum height of 36 or 46 feet depending on roof pitch. The existing structure is a two-story building.

Municipal Code Section and Title	Subject	Related Documents	When standard is applied
<b>38.310 Permitted Uses</b>	What can be done where in the city.	Growth policy	Subdivision, site plan, building permit
<b>38.320 Form and Intensity Standards</b>	Standards for building placement and maximum size		Subdivision, site plan, building permit
<b>38.320.060 Zone Edge Transitions</b>	Height adjustments on the edge of some zones		Site plan
<b>38.340 Overlay District Standards</b>	Historic preservation	SOI Standards for Historic Preservation, Design Guidelines for Historic Preservation	Site plan and building permit
<b>38.5 Project Design</b>	Site layouts, landscaping, building configuration, signs, lighting		Site plan and building permit

## H. Character of the district.

Criterion met. Section 76-2-302, MCA says "...legislative body may divide the municipality into districts of the *number, shape, and area* as are considered best suited to carry out the purposes [promoting health, safety, morals, or the general welfare of the community] of this part." Emphasis added.

This proposal amends the zoning map and not the text. Therefore, no element of this amendment modifies the standards of any zoning district. The character of the districts as created by those standards remains intact.

As noted above, the City Commission has latitude in considering the geographical extents of a zoning district. It is not expected that zoning freeze the character of an area in perpetuity. Rather, it provides a structured method to consider changes to the character. This is especially true when applying zoning to undeveloped areas as any new construction will alter the physical characteristics of the area.

The City has defined compatible development as:

"The use of land and the construction and use of structures which is in harmony with adjoining development, existing neighborhoods, and the goals and objectives of the city's adopted growth policy. Elements of compatible development include, but are not limited to, variety of architectural design; rhythm of architectural elements; scale; intensity; materials; building siting; lot and building size; hours of operation; and integration with existing community systems including water and sewer services, natural elements in the area, motorized and non-motorized transportation, and open spaces and parks. Compatible development does not require uniformity or monotony of architectural or site design, density or use."

The City has adopted many standards to identify and avoid or mitigate demonstrable negative impacts of development. These will support the ability of future development in [B-2M] to be compatible with adjacent development and consistent with the residential and commercial character of the area.

Community business district-mixed (B-2M)

1. *The intent of the B-2M community business district-mixed is to function as a vibrant mixed-use district that accommodates substantial growth and enhances the character of the city. This district provides for a range of commercial uses that serve both the immediate area and the broader trade area and encourages the integration of multi-household residential as a secondary use. Design standards emphasizing pedestrian-oriented design are important elements of this district. Use of this zone is appropriate for arterial corridors, commercial nodes and/or areas served by transit.*

The city has adopted many standards to identify and avoid or mitigate demonstrable negative impacts of development. These will support the ability of future development in the proposed

B-2M district to be compatible with the proposed adjacent mixed-use district, where both will help serve the expanding residential development within this southern region of the city. The proposed zone district allows the applicant to construct a variety of commercial-sized buildings as well as some secondary residential uses like townhomes and apartment buildings.

There is a mix of uses in the immediate vicinity including, fast food restaurants, gas station, multi-unit and single family residential, general retail, and a variety of others uses. The property is not within the Neighborhood Conservation Overlay District, a historic district, or any other designated area.

Municipal Code Section and Title	Subject	Related Documents	When standard is applied
<b>38.310 Permitted Uses</b>	What can be done where in the city.	Growth policy	Subdivision, site plan, building permit
<b>38.320 Form and Intensity Standards</b>	Standards for building placement and maximum size		Subdivision, site plan, building permit
<b>38.320.060 Zone Edge Transitions</b>	Height adjustments on the edge of some zones		Site plan
<b>38.340 Overlay District Standards</b>	Historic preservation	SOI Standards for Historic Preservation, Design Guidelines for Historic Preservation	Site plan and building permit
<b>38.5 Project Design</b>	Site layouts, landscaping, building configuration, signs, lighting		Site plan and building permit

**I. Peculiar suitability for particular uses.**

Neutral. Future uses for construction on the site are not finalized at this time, so the suitability of the site for particular uses is not easily evaluated. However, considering the context of the site and previous applications by the applicant for a residential building it seems reasonable assumption residential is the desired use. Historically, the site was used as an office. Adjacent properties to the east and south are residential use and the building to the west is a small

commercial use building. The B-2M zone allows a wide variety of use although assumes commercial nature, see criterion A above.

As shown in Figure 2, the property is bounded by B-2 zoning on the east and west and PLI to the north and south. The Softball Complex is directly to the south and Haggerty Lane and right-of-way for I-90 to the north.

The proposed B-2M district can support many types of urban development that are likely to serve the immediate area and region as a result of its location and proximity to major transportation networks. Final determination of suitability will occur during the site development process. On the other hand, the parcel size and single lot undermine the ability of the B-2M zone to achieve its stated outcome to, "... function as a vibrant mixed-use district that accommodates substantial growth and enhances the character of the city. This district provides for a range of commercial uses that serve both the immediate area and the broader trade area and encourages the integration of multi-household residential as a secondary use. Design standards emphasizing pedestrian-oriented design are important elements of this district. Use of this zone is appropriate for arterial corridors, commercial nodes and/or areas served by transit." The parcel is located on a Collector Street and served by nearby transit required on-site parking, open space, parkland, utilities, stormwater and other necessary components of development will limit its functionality for these outcomes.

Municipal Code Section and Title	Subject	Related Documents	When standard is applied
<b>38.310 Permitted Uses</b>	What can be done where in the city.	Growth policy	Subdivision, site plan review, building permit
<b>38.320 Form and Intensity Standards</b>	Standards for building placement and maximum size		Subdivision, site plan review, building permit
<b>38.600 Natural Resource Protection</b>	Protect watercourses and wetlands	FEMA Floodplain study	Subdivision, site plan review, building permit

**J. Conserving the value of buildings.**

Criterion met. The site is vacant. B-2M zoning will allow for new and diverse development patterns on the subject parcel that compliment development on adjacent sites as does the existing R-O designation. Future development must comply with the Bozeman Unified Development Code which will ensure an appropriate scale and intensity of uses. As a result, the proposed zone map amendment is not anticipated to negatively impact nearby building values as the development pattern will be appropriate to the surrounding character of the district.

The values of some buildings may improve in the future as new and improved amenities are provided to the area as the site is developed according to the proposed B-2M district, while other buildings' values are unlikely to be impacted largely due to a robust real estate market and lack of unmitigated offensive uses allowed by the proposed zoning district.

**K. Encourage the most appropriate use of land throughout the jurisdictional area.**

Criterion met. As stated above, the BCP 2020 illustrates the most appropriate use of the land through the future land use map. This application complies with the BCP 2020 by proposing zone map amendments of districts that continue to implement the future land use map designations. In this case, urban mixed-use development has been identified by the community as the most appropriate types of development for the property. The Unified Development Code contains standards, protections, and review processes to ensure the land is developed in ways that are appropriate to a site's context and according to the BCP 2020.

Similarly, as stated by the applicant, "... *The city has a growing need for additional housing and retail/commercial services to the surrounding community. The zoning will provide an increased alignment with the Community Development Plan's desired increase of density. The proposed B-2M offers a positive opportunity to generate a greater sense of community scale in an established neighborhood while providing an increase in flexibility; i.e. reducing in parking requirements allow for a more optimal land use.*"

***Spot Zoning Criteria***

Rezoning may, in certain factual circumstances, constitute impermissible "spot zoning." The issue of whether a rezoning constitutes spot zoning was discussed by the Montana Supreme Court in *Plains Grains LP v. Board of County Comm'rs of Cascade County* and *Little v. Bd. Of County Comm'rs*, in which the Court determined that the presence of the following three conditions generally will indicate that a given situation constitutes spot zoning, regardless of variations in factual scenarios.

Staff provides the following analysis for three primary reasons; the size of the parcel, the number of property owners involved, and the proposed zoning is an isolated patch.

*1. Is the proposed use significantly different from the prevailing land uses in the area?*

No. Existing zoning in the immediate vicinity includes B-2, directly adjacent to the north and west, R-3 to the south, and other B-2M across South 19<sup>th</sup>. The B-2M to the east underwent a zone change recently and modified from B-2 to B-2M. As noted in the map series, all properties to the north, east, and west are designated as Community Commercial Mixed-use and are eligible for this zoning designation without the growth policy amendment. The proposed zoning would allow residential, and office uses that

are similar to adjacent development patterns. As a result, the proposed B-2M zoning designation would not result in primary uses of the site which are significantly different from prevailing land uses in the area.

2. *Is the area requested for the rezone rather small in terms of the number of separate landowners benefited from the proposed change?*

Neutral. A single landowner requested the change and the parcel totals 0.249 acres. It is debatable whether the proposed zone change benefits the property owner at the expense of nearby property owners. The previous use was an office. The existing R-O zone allows relatively dense residential development with office or entirely office use. Permitted uses in the B-2M zone are more permissive. However, site constraints will limit the size and intensity of a future development. Therefore, staff find it difficult that the proposed change benefits only the property owner at the expense of adjacent property.

3. *Would the change be in the nature of “special legislation” designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public?*

No. The proposed zone is an implementing district of the Community Commercial Mixed-Use future land use designation. This designation covers the area to the north, east, and west. The properties to south fall under the Urban Neighborhood Classification which permits from low to high density residential development. As the applicant noted in their narrative, the City is suggesting this area, within the CCMU area, be rezoned to B-2M with the revised development code and associated zone map amendment. While the City direction is premised on all the R-O properties being rezoned, the same principals apply.

### ***PROTEST NOTICE FOR ZONING AMENDMENTS***

IN THE CASE OF WRITTEN PROTEST AGAINST SUCH CHANGES SIGNED BY THE OWNERS OF 25% OR MORE OF THE AREA OF THE LOTS WITHIN THE AMENDMENT AREA OR THOSE LOTS OR UNITS WITHIN 150 FEET FROM A LOT INCLUDED IN A PROPOSED CHANGE, THE AMENDMENT SHALL NOT BECOME EFFECTIVE EXCEPT BY THE FAVORABLE VOTE OF TWO-THIRDS OF THE PRESENT AND VOTING MEMBERS OF THE CITY COMMISSION.

**The City will accept written protests from property owners against the proposal described in this report until the close of the public hearing before the City Commission.** Pursuant to 76-2-305, MCA, a protest may only be submitted by the owner(s) of real property within the area affected by the proposal or by owner(s) of real

property that lie within 150 feet of an area affected by the proposal. The protest must be in writing and must be signed by **all** owners of the real property. In addition, a sufficient protest must: (i) contain a description of the action protested sufficient to identify the action against which the protest is lodged; and (ii) contain a statement of the protestor's qualifications (including listing all owners of the property and the physical address and legal description of the property), to protest the action against which the protest is lodged, including ownership of property affected by the action. Signers are encouraged to print their names after their signatures. A person may in writing withdraw a previously filed protest at any time prior to final action by the City Commission. **Protests must be delivered to the Bozeman City Clerk, 121 North Rouse Ave., PO Box 1230, Bozeman, MT 59771-1230.**

## ***APPENDIX A - DETAILED PROJECT DESCRIPTION AND BACKGROUND***

The owner, Maloney Holdings, LLC, 101 South Main Street, Suite 301, Sioux Falls, SD 57104, submitted application to rezone a property totaling 0.249 acres, plus adjacent right-of-way, from R-O to B-2M. The property is currently vacant after the recent tear down of the previous building on the property. No future development plans were submitted with the application. However, the property owners previously submitted a concept review for a proposed 5-unit residential building (Concept 23-209). See the exterior elevations show in Figure 4 in the Map series above. The applicant owns the three adjacent properties zoned R-O.

The property is not within the NCOD, a historic district, or a city recognized neighborhood. The underlying Future Land Use designation is Community Commercial Mixed Use. The properties directly to the south are in the Urban Neighborhood designation. See Map Series in Section 1 below.

West Babcock Street is a designated Collector and South 20<sup>th</sup> Avenue is a local street according to the Bozeman Transportation Master Plan, 2017 Update. As illustrated in the map series below, the site is adjacent to a fully built street network.

The primary differences between the B-2 and B-2M districts are slight differences in building height, more permissive residential use, and reduction of parking requirements. Building height in the B-2 district is between 50-60 feet, depending on roof pitch. Building height in B-2M is five (5) stories or 60 feet. Residential use is allowed on the ground floor in without a Conditional Use Permit in the B-2M zone and may be permitted in the B-2 district with an approved CUP.

## ***APPENDIX B - NOTICING AND PUBLIC COMMENT***

Notice was sent via US first class mail to all owners of property located inside the site and within 200 feet of the perimeter of the site. The project site was posted with a copy of the notice. The notice was published in the Legal Ads section of the *Bozeman Daily Chronicle* on May 11 and 18, 2024. The Community Development Board acting in their capacity as the Zoning Commission hearing is scheduled for June 3, 2024, and the City Commission public hearing is scheduled for June 18, 2024.

No comment has been received as of the date of the production of this report.

## ***APPENDIX C - PROJECT GROWTH POLICY AND PROPOSED ZONING***

### **Adopted Growth Policy Designation:**

The property is designated as community commercial mixed use in the Bozeman Community Plan 2020 future land use map – see descriptions below.

**“Community Commercial Mixed Use.”** The growth policy states that, “activities within this land use category are the basic employment and services necessary for a vibrant community. Establishments located within these categories draw from the community as a whole for their employee and customer base and are sized accordingly. A broad range of functions including retail, education, professional and personal services, offices, residences, and general service activities typify this designation. In the “center-based” land use pattern, Community Commercial Mixed-Use areas are integrated with significant transportation corridors, including transit and non-automotive routes, to facilitate efficient travel opportunities. The density of development is expected to be higher than currently seen in most commercial areas in Bozeman and should include multi-story buildings...High density residential areas are expected in close proximity. Including residential units on sites within this category, typically on upper floors, will facilitate the provision of services and opportunities to persons without requiring the use of an automobile... Mixed use areas should be developed in an integrated, pedestrian friendly manner and should not be overly dominated by any single land use. Higher intensity employment and residential uses are encouraged in the core of the area or adjacent to significant streets and intersections. As needed, building height transitions should be provided to be compatible with adjacent development.”

The Zoning Correlation Table on Page 58 of the Bozeman Community Plan, 2020 correlates zoning districts with the Growth Policy’s land use categories, demonstrating that the proposed zoning designation of B-2M correlates with the Growth Policy’s future land use designation of “Community Commercial Mixed Use”.

**Proposed Zoning Designation and Land Uses:**

The applicant has requested zoning of B-2M (Community Business District-Mixed). The intent of the B-2M district is “...to function as a vibrant mixed-use district that accommodates substantial growth and enhances the character of the city. This district provides for a range of commercial uses that serve both the immediate area and the broader trade area and encourages the integration of multi-household residential as a secondary use. Design standards emphasizing pedestrian-oriented design are important elements of this district. Use of this zone is appropriate for arterial corridors, commercial nodes and/or areas served by transit”.

**CORRELATION WITH ZONING**

The zoning districts which implement each future land use category are shown in relation to each future land use category in chart below. For zoning district intent, see 38.300. For permitted uses, see 38.310.



**LEGEND**

- Low Density Housing
- Moderate Density Housing
- Medium Density Housing
- High Density Housing & Mixed Use
- Neighborhood & Community Commercial & Business
- Office
- Downtown Business & Mixed Use
- Large Commercial & Business
- Maker Space
- Manufacturing & Artisan
- Public Lands, Parks, & Open Space
- Educational Facilities
- Civic Buildings & Institutions

***APPENDIX D - OWNER INFORMATION AND REVIEWING STAFF***

**Owner:** Maloney Holdings, LLC, 101 South Main Street, Suite 301, Sioux Falls, SD 57104

**Applicant:** Firm 5, 703 Wyoming Street, Belgrade, MT 59714

**Representative:** Firm 5, 703 Wyoming Street, Belgrade, MT 59714

**Report By:** Tom Rogers, Senior Planner

***FISCAL EFFECTS***

No unusual fiscal effects have been identified. No presently budgeted funds will be changed by this zone map amendment.

***ATTACHMENTS***

The full application and file of record can be viewed at the Community Development Department at 20 E. Olive Street, Bozeman, MT 59715. In addition, application materials can be viewed on the City's development map at the following link.

<https://weblink.bozeman.net/WebLink/Browse.aspx?id=289450&dbid=0&repo=BOZEMAN>

# Memorandum

**REPORT TO:** Community Development Board

**FROM:** Anna Bentley, Director of Community Development

**SUBJECT:** Community Development Board Work Plan for Calendar Years 2024 and 2025

**MEETING DATE:** June 3, 2024

**AGENDA ITEM TYPE:** Citizen Advisory Board/Commission

**RECOMMENDATION:** Consider draft work plan and make recommendation to City Commission.

**STRATEGIC PLAN:** 4.1 Informed Conversation on Growth: Continue developing an in-depth understanding of how Bozeman is growing and changing and proactively address change in a balanced and coordinated manner.

**BACKGROUND:** As part of the advisory board restructuring process, the City Commission requires each advisory board to prepare a work plan for review and consideration by the City Commission. The City Commission will then approve or revise the plan to direct the work of the Advisory Board.

A draft plan for calendar years 2024 and 2025 has been created for Board review. It is generally consistent in scope to the 2022/2023 work plan, adding a new Focus Area and updating all others. Staff and the Chair recommend this plan to the Board for consideration.

The Community Development Board has many duties assigned in state law and the municipal code. The majority of the work plan is focused on completing the legally required actions such as review of subdivisions and zone map amendments. The work plan has six focus areas. Each focus area is connected to the strategic plan, identifies anticipated staff and board time commitment, and provides a schedule of work, if appropriate. Please note that the Board time commitment is identified as per individual Board member and not the Board as a whole. Staff time commitment is for the staff as a whole and only reflects those hours of work directly associated with the Board.

**UNRESOLVED ISSUES:** Discussion of the proposed plan and determination of what recommendation to make.

**ALTERNATIVES:** The Board may suggest additional items but must identify time expectations and funding required for recommendation to the City Commission.

**FISCAL EFFECTS:** None.

Attachments:

[CDB 2024-2025 Work Plan.pdf](#)

Report compiled on: May 29, 2024

# COMMUNITY DEVELOPMENT BOARD WORK PLAN 2024 & 2025

In addition to the matters specifically described in this Work Plan, the Board may, in consultation with the Department of Community Development, from time to time undertake to discuss and provide advice on any other matters directly relevant to the development of the community, consistent with the City’s adopted Strategic Plan.

## Focus Area 1: Review of Development Applications as Required in State Law

WP Item Description:	Strategic Priorities Connection:	Board Time Commitment:	Staff Time Commitment:	Schedule:	Budget Impact:
Review Subdivisions, GPA	4.1, 4.2, 4.4	15 meetings/year, plus prep time	Medium	On-going	No separate funding requested

## Focus Area 2: Unified Development Code Updates

WP Item Description:	Strategic Priorities Connection:	Board Time Commitment:	Staff Time Commitment:	Schedule:	Budget Impact:
Review text and map amendments, includes all UDC updates regardless of scope or size, all nominator types (e.g., resident, developer, or City)	4.1, 4.2, 4.5, 6.3	Approx. 20 meetings/year, plus prep time	High	On-going	No separate funding requested

## Focus Area 3: Impact Fee Study Update

WP Item Description:	Strategic Priorities Connection:	Board Time Commitment:	Staff Time Commitment:	Schedule:	Budget Impact:
Duties per 7-6-1604, MCA	4.1, 4.2, 4.3, 4.5, 6.1, 6.3, 7.5	3 meetings/year, plus prep time	Medium	Fall 2022-Fall 2024 ( <i>in progress</i> )	No separate funding requested

## Focus Area 4: Training

WP Item Description:	Strategic Priorities Connection:	Board Time Commitment:	Staff Time Commitment:	Schedule:	Budget Impact:
Knowledge Building	4.1	3 meetings/year	Low	As available	No separate funding requested

**Focus Area 5: Annual Report**

<b>WP Item Description:</b>	<b>Strategic Priorities Connection:</b>	<b>Board Time Commitment:</b>	<b>Staff Time Commitment:</b>	<b>Schedule:</b>	<b>Budget Impact:</b>
Annual report on Goals and Objectives per BCP2020 p 62	4.1	1 meeting/year, plus prep time	Medium	Summer 2024	No separate funding requested
Annual report on implementation metrics per BCP2020 p 63-64	4.1	1 meeting/year, plus prep time	Low	As GIS staffing is available	No separate funding requested

**Focus Area 6: Initiate Growth Policy/Land Use Plan Review**

<b>WP Item Description:</b>	<b>Strategic Priorities Connection:</b>	<b>Board Time Commitment:</b>	<b>Staff Time Commitment:</b>	<b>Schedule:</b>	<b>Budget Impact:</b>
Public engagement, review land use policy	4.1, 4.2, 4.5	Approx. 30 meetings, plus prep time	High	Spring 2025-TBD	No separate funding requested

# Memorandum

**REPORT TO:** Community Development Board

**FROM:** Chris Saunders, Community Development Manager  
Erin George, Community Development Deputy Director

**SUBJECT:** Upcoming Items for the June 17, 2024, Community Development Board Meeting.

**MEETING DATE:** June 3, 2024

**AGENDA ITEM TYPE:** Citizen Advisory Board/Commission

**RECOMMENDATION:** Information only, no action required.

**STRATEGIC PLAN:** 4.2 High Quality Urban Approach: Continue to support high-quality planning, ranging from building design to neighborhood layouts, while pursuing urban approaches to issues such as multimodal transportation, infill, density, connected trails and parks, and walkable neighborhoods.

**BACKGROUND:** The following development review items are presently scheduled for the June 17, 2024, Community Development Board meeting:

1. 2320 West Babcock Street Zone Map A amendment, Application 24106, considered in capacity as Zoning Commission.

The following non-development review items are expected to be presented.

1. Annual report on implementation of the growth policy.

**UNRESOLVED ISSUES:** None.

**ALTERNATIVES:** None.

**FISCAL EFFECTS:** None.

Report compiled on: May 23, 2024