

Agenda Items



CITY COUNCIL FRIDAY PACKET ITEM
CITY OF BILLINGS, MONTANA



SUBJECT: Western Subdivision Final Plat – Additional Item for Final Plat Approval Packet
THROUGH: Candi Beaudry, AICP, Planning Director
PRESENTED BY: Juliet Spalding, AICP, Planner II

INTRODUCTION

The final plat for Western Subdivision is being presented to Council for approval on Monday, February 25, 2013. City Council approved the preliminary plat of this five-lot subdivision of 32.6 acres of land on December 17, 2012. The subject property is located at the southwest corner of King Avenue West and South 44th Street West. The property is zoned Residential Multi-Family-Restricted and multi-family residences are proposed on Lots 1-4, and a 3-acre private park is planned for Lot 5. Conditions of final plat approval have been met and building plans are under review for Lot 2 showing fifteen 12-unit condominium buildings.

As outlined in the final Subdivision Improvements Agreement (SIA) that establishes what public improvements are required to be installed by the developer, a temporary emergency access road (EAR) will be installed with the first phase of development to provide two points of access to the subdivision. This EAR will access King Avenue West at approximately 45th St. West. Montana Department of Transportation (MDT) has jurisdictional authority of King Avenue West at this location and requires an approach permit prior to construction of the EAR. As part of the approach permit process, MDT has requested a letter from the City indicating that the developer will be responsible for construction and maintenance of the EAR and that the developer will remove it after a permanent street access/approach is installed in the future at 46th Street West. MDT has also requested that the letter include acknowledgement that the City will enforce the developer's responsibility to install, maintain, and eventually remove the EAR. As these are requirements already specified in the SIA that will get recorded with the final plat, City Legal, Fire and Engineering staff are agreeable to provide such a letter to MDT.

City Legal has drafted the above described letter for the mayor's signature concurrent with the other final plat documents. It is attached to this memo.

ATTACHMENTS:

A: Letter of Understanding for Montana Department of Transportation

February 25, 2013

Mr. Mike Tooley, Director
Montana Department of Transportation
P. O. Box 201001
Helena, MT 59620-1001

RE: Memorandum of Understanding
Secondary access for Western Subdivision
King Avenue West and South 44th Street West, Billings, Montana

Dear Mr. Tooley,

This letter sets forth a memorandum of the agreement reached between the Montana Department of Transportation (“MDT”) and the City of Billings (“City”) relating to Western Subdivision (“Subdivision”) proposed by Pemberton, LLC, a Montana limited liability company and Lincoln Lane Apartments, LLC, 1001 South 24th St. West, Billings, MT 59102, (“Subdivider”).

The City agrees that the agreement between the City and the Subdivider will require anyone working within the MDT right-of-way to follow MDT standards as found in the MDT reference materials as set forth on the approach permit issued by MDT. See the last ‘WHEREAS’ clause and Sections III.A., III.E., IV.B. and XII.F. of the attached Subdivision Improvements Agreement.

The City agrees that the agreement between the City and the Subdivider will require the Subdivider to construct a temporary secondary emergency access connecting Lot 2 of the Subdivision with King Avenue West. The access will be consistent with the Site Plan and Profile submitted by Dowl HKM; approved before construction by MDT, The Billings Fire Department, and The City Engineering Department; will be constructed in accordance with the International Fire Code adopted by the City. See Section IV.C.1. of the attached Subdivision Improvements Agreement.

The City agrees that the agreement between the City and the Subdivider will require the Subdivider to maintain the temporary secondary access road, the gate, and the signage. See Section IV.C.2. of the attached Subdivision Improvements Agreement.

Mr. Mike Tooley
February 25, 2013
Page Two

The City agrees that the agreement between the City and the Subdivider will require the Subdivider to eliminate the temporary secondary emergency access when a permanent secondary access to the Subdivision is provided and all lots have interconnectivity as approved by the Billings Fire Department. See Section IV.C.3. of the attached Subdivision Improvements Agreement.

The City agrees that it will enforce the obligations of the Subdivider.

Sincerely,

Thomas W. Hanel, Mayor

Other Items

City of Billings
Weekly Legislative Report
Seventh Week of the Montana Legislature
February 21, 2013

As of today, February 21st, 988 bills have been introduced (of the 2157 bill draft requests filed). Budget hearings under HB 2 continued this week for House Appropriations Sub-Committees. For this Report the following topics and bills are highlighted:

- The Select Joint Committee on Pension Reform, Sen. Dave Lewis as Chair, meets every Tuesday and Thursday. This week the most important bill the Select Committee heard was HB 454 to provide funding for the PERS defined benefit plan. Executive Action on the many proposals has not yet been scheduled.
- HB 314, to revise Special District laws, was amended and passed out of House Local Government Committee this week by a vote of 18 to 0. The amendment to delete the Section of the Bill which would have caused the City to start over with its citywide park district was adopted by the Committee.
- SB 290, sponsored by Sen. Arntzen, was heard in Senate Local Government Committee. The Bill would provide for a hearing and potential change in a county zoning district for county parcels surrounded by city property. This Bill would apply to the noise and dust issues at one or more industrial properties in Billings.
- HB 443, sponsored by Rep. Cook, was heard this week in the House Taxation Committee. This Bill would require that a tax increment financing district terminate no later than 15 years after adoption.
- SB 324, sponsored by Sen. Rosendale, would substantially revise subdivision laws related to lease or rent. It was heard in Senate Local Government on Feb 20th. The Bill attempts to address concerns raised by a 2010 Attorney General's Opinion by providing for a number of exemptions from subdivision review for certain buildings and providing an alternative process to subdivision review for other buildings.
- SB 239, sponsored by Sen. Buttrey, was passed by the Senate Taxation Committee by a vote of 11 to 1. The Bill would merge laws to create aerospace, technology and industrial tax increment finance districts into one district called a targeted economic development district.
- HB 383, sponsored by Rep. Fiscus, would require buffer zones between proposed highway bypasses and nearby residential zones. The Bill, if passed, would impact several cities in Montana including Billings. The Bill was tabled in House Transportation Committee on Feb 19th.
- HB 437, sponsored by Rep. McNiven, would allow a county to create a new improvement district for "walking and biking". The Bill, if passed, would permit Yellowstone County to create a new improvement district in Lockwood, for the purpose of making roads safer for pedestrians and bikers.

- Yet another business equipment tax reduction bill was introduced this week. HB 472, sponsored by Rep. Bennett, would reduce the tax owed on business equipment by raising the exemption amount to \$250,000.

I look forward to discussing these and other legislative matters with City Administrator Volek and City Council. Please contact me if you have any questions or would like information on any particular topic or bill.

Ed Bartlett, City of Billings Lobbyist, cell: 406-431-6014



February 2013



Sun Mon Tue Wed Thu Fri Sat

1 2

3 4 5 6 7 8 9

10 11 12 13 14 15 16

17 18 19 20 21 22 23

24 25 26 27 28

Special Event Calendar

*Approval Pending

For questions or details:
wellbrooks@ci.billings.mt.us



March 2013



Sun Mon Tue Wed Thu Fri Sat

1
2
***Beartooth Family Fun Run Heights 7:30a-11a**

3 4 5 6 7 8 9

Special Event Calendar

***Approval Pending**

For questions or details:
wellbrooks@ci.billings.mt.us

10 11 12 13 14 15 16
***ST. Patrick's Day Parade & Celtic Street Fair 9:30am-2pm**

17 18 19 20 21 22 23
***Shamrock Run 11-30am-1:45pm**

24 25 26 27 28 29 30
***Spare Change for Real Change Run 7:30am-12pm**

31



April 2013



SUN MON TUE WED THU FRI SAT

1 2 3 4 5 6

***Elephants on
Broadway
5pm-9pm
Downtown**

7 8 9 10 11 12 13

***Scheels Run for
Ryan
7am-11am
Westend**

14 15 16 17 18 19 20

21 22 23 24 25 26 27

28 29 30

Special Event Calendar

***Approval Pending**

For questions or details:
wellbrooks@ci.billings.mt.us