

REVIEW CRITERIA – ZC 661 – 159 Garden Avenue

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

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

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

- Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in the growth policy. (Land Use Element, page 6).

This zone change would allow for commercial development on the entire legally described property. The property is within the limits of annexation for the City of Billings within the next 5 years. The property has access from Garden Avenue. The prospective buyer intends to re-develop the site for a business park with a variety of businesses. There are adjacent residential and commercial uses. Careful development of the property will be necessary to screen and buffer these existing residential uses. Proximity to a major Interstate 90 interchange makes the property suitable for the potential commercial uses if developed within the county.

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

This property is across the street from commercial zoning in the city to the west and commercial zoning to the south in the county. There are commercial developments throughout the area including 2 campgrounds, a commercial nursery, a special event center to the north and other smaller businesses.

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

The subject property is currently served by the Billings Urban Fire Service and will be served by the Billings Fire Department if it is annexed to the city. The nearest fire station is located on S 28th Street about 1 mile to the north and west. The Fire Department or BUFSA may require special construction or site protection measures depending on the specific uses in any development. The existing and proposed zoning requires building separations, setbacks and height limits that should provide security from fire or other public safety emergencies.

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

Transportation: The new zoning and the existing zoning may increase traffic on Garden Avenue and the adjacent streets. The County will require any new development that adds 500 new vehicle trips per day to analyze the impact of the additional traffic. If the property is annexed and developed, the City Traffic Engineer may require a traffic impact analysis to determine the appropriate mitigation or street development to accommodate the new uses.

Water and Sewerage: The property will not be served by public water and sewer systems unless it is annexed to the city. Public sewer is currently not available or near this location. The closest public sewer line is west of the interstate on Nall Avenue. If it is developed in the county, no public services for water or sewer will be provided.

Schools and Parks: The proposed zoning should not impact the student population. No additional residential uses are planned.

Fire and Police: The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan. If the property is annexed city, public safety services will be provided by the City Police Department.

4. *Will the new zoning promote health and general welfare?*
The new zoning will allow development of property that is adjacent to existing CC zoning south and west of the subject property. Commercial development will need to be carefully planned to ensure adjacent residential uses are protected from noise and other commercial site impacts.
5. *Will the new zoning provide adequate light and air?*
The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.
6. *Will the new zoning effect motorized and non-motorized transportation?*
The proposed zoning itself will not generate more traffic on any of the adjacent streets. Pedestrian traffic in the area is limited due to the lack of sidewalks and trails. Residential development is generally located east and west of the property. There are other commercial businesses on Garden Avenue including a greenhouse, the KOA and Yellowstone River campgrounds, the Bamboo Hut Spa at 105 Garden Avenue and Henry's Garage at 12 Garden Avenue. There are gravel shoulders on the edge of pavement of Garden Avenue so the travel way for pedestrians, bicycles, and vehicles are shared. Commercial traffic loads to this street could have a detrimental effect on pedestrian, bicycle, and vehicular use of these travel ways. Careful planning by a developer will be needed to ensure non-motorized travel is not made hazardous.
7. *Will the new zoning be compatible with urban growth in the vicinity?*
The proposed zoning is compatible with the adjacent zoning and developments. Residential development to the east, north and west may require this property to minimize any impacts from noise, lighting or commercial activity.
8. *Does the new zoning consider the character of the district and the suitability of the property for particular uses?*
The subject property is in an area that is a mix of county commercial and residential uses. The property is suitable for CC uses and the site development will be in character with the adjacent uses.

9. Will the new zoning conserve the value of buildings?
The new zoning will allow the development of new commercial uses adjacent to similarly zoned property. There is 1 residence and at least 2 garages on the site. The proposed zoning allows these uses. The zoning regulations will conserve the value of adjacent buildings by employing enhanced development standards for building design, lighting and landscaping.

10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?
The property is suitable for the uses allowed in the CC zoning district.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?
The proposed zoning is a zoning that is also present in the City of Billings and is in the area of the subject property. The property is adjacent to City Limits and within the limits of annexation area where annexation to the City is expected. CC zoning adjacent to similar zoning and uses is compatible with other urban development in the area. The proposed zoning will require the developer to provide on-site screening and buffering to county residential development to the north, east and west.