

Zone Change #666

Applicant Letter & Pre-application neighborhood meeting minutes

Zone Change Criteria – Response Narrative

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

- **Prohibit high intensity commercial development in residential areas. Provide less intensive commercial development on arterial intersections within residential neighborhoods.**

In an effort to decrease the potential development intensity, the applicant has reduced the proposed Highway Commercial (HC) zoning from the entire 65-acre parcel to a 10-acre site that would be occupied by their business, Raw Machinery.

While the parcels located to the east of the subject parcel could eventually be developed as residential properties, there are currently no existing residences. Additionally, there are significant topographical features directly east of the proposed commercial site that would preclude residential development and provide a buffer of approximately 800 to 1,000 feet.

- **Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.**

At present, there is little residential or commercial development immediately adjacent to the subject parcel with the exception of a one single family residence located directly to the south. Further south, there is a mix of residential properties, agricultural properties, public institutions (Independent Elementary School) and commercial properties (Zentz Lumber).

The applicant and agent are unaware of any neighborhood plans that contemplate this specific area.

- **Goal: New developments that are sensitive to and compatible with the character of adjacent development.**

As previously discussed, there is little residential or commercial development immediately adjacent to the parcel. It is likely that this area of Highway 87 will develop similarly to that of Highway 312 to the southeast, which includes a mix of residential, commercial and agricultural properties.

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

No response required – planning staff had no negative comments.

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

- **Transportation**

Staff from Morrison - Maierle Inc. obtained as-built plans for Highway 87 and calculated sight stopping distance values based on the location of the existing approach. The findings indicated that the existing approach location met all of the Montana Department of Transportation (MDT) safety criteria.

Additionally, Stan Jonutis, with MDT, verified the findings through field measurements. Correspondence from Mr. Jonutis is included with this application.

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

In an effort to mitigate concerns over the potential, unknown commercial development that were raised during the previous zone change attempt, the area affected by the zone change has been significantly reduced from 65-acres to 10-acres. This smaller area would still allow the Beddes to relocate their business to this site, while retaining the existing zoning of R-150 and A-1 on the remainder of the parcel, which is consistent with the surrounding properties.

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

No response required – planning staff had no negative comments.

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

The Beddes' business is not of a nature that produces a large number of daily trips. Aside from the small number of employees and limited daily delivery/pick-up trips by freight carriers, there would be very little customer traffic to the site as much of the business is conducted on-line. Additionally, the majority of the freight carriers are travelling past the property on a daily basis.

Safety concerns that were raised during the last zone change attempt have been mitigated as Morrison - Maierle Inc. and MDT have both confirmed that the existing approach location meets all applicable safety requirements.

7. Will the new zoning be compatible with urban growth in the vicinity?

While there is little commercial development along Highway 87, with the nearest being Zentz Lumber a mile to the south, it is reasonable to believe that this corridor could develop in a similar fashion to Highway 312. Highway 312 has a mix of residential, commercial and agricultural properties located just outside of the Billings City Limits. Additionally, Map 4.1.3 of the City's 2008 Growth Policy contemplates highway commercial/controlled industrial development along this stretch of Highway 87. While this Map isn't regulatory in nature, the document states that the map "presents a concept of future growth in the greater Billings area based on a combination of technology and board member's instinct."

The Sindelar family, who owns agricultural property to the west of the subject parcel, have been in support of the Beddes' proposed zone change. The land to the east of the subject parcel is largely zoned Agricultural Open, which requires a minimum residential parcel size of 10-acres, with a small portion zoned R-150. Currently, this land is largely undeveloped despite attempts to sell lots for quite some time. As previously discussed, should residential development occur to the east of the subject parcel, the existing topography would provide a natural buffer of approximately 800 – 1,000 feet.

8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?

Approximately 15% of the property is being proposed as Highway Commercial. The remainder of the parcel will retain the current zoning designations of R-150 and Agricultural Open making it compatible with the surrounding land uses.

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

There is little development adjacent to the subject parcel, with the nearest residence being located approximately one-quarter mile to the south. As discussed, the owner of

the agricultural land to the west of the parcel has supported the Beddes' efforts to re-zone the property.

Bluffs on the eastern portion of the parcel rise approximately 100-feet above the proposed site of their business which would minimize, if not eliminate, any visual impact to the parcels east of the Beddes' property should they ever be developed. The small portion of the property being proposed for Highway Commercial use is unlikely to have a detrimental effect on the neighboring properties.

10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?

The existing topography of the Beddes property, made up largely of bluffs and coulees, precludes the development of a large portion of the parcel, be it residential or commercial development. As contemplated on Map 4.1.3 of the City's Growth Policy and as seen along the Highway 312 corridor between Billings and Shepherd, it is not unreasonable to have commercial properties interspersed with the low-density residential and agricultural properties in the area.

11. Will the new zoning be as compatible with adjacent zoning in the City of Billings?

No response required – planning staff had no negative comments.

Dax Simek

From: Jonutis, Stan <sjonutis@mt.gov>
Sent: Wednesday, July 15, 2015 10:46 AM
To: Dax Simek
Cc: Jonutis, Stan
Subject: RE: Beddes - Zone Change / Quarnburg Minor Subdivision

Dax-

Beddes: I looked at an approach location (an old existing approach) near milepost 6.231 East that is acceptable to current MDT approach criteria.

Quarnburgs: Your assumption for a worst-case scenario would be the best way to go. I suspect any development here will involve either heavy commercial or dense residential.

Stan Jonutis

Montana Department of Transportation
Traffic & Planning
PO Box 20437
Billings, MT 59104-0437
Office: 406-252-4138
Desk: 406-657-0240
Email: sjonutis@mt.gov


From: Dax Simek [<mailto:dsimek@m-m.net>]
Sent: Tuesday, July 14, 2015 11:31 AM
To: Jonutis, Stan
Subject: RE: Beddes - Zone Change / Quarnburg Minor Subdivision

Stan,

The Beddes property is on Highway 87 approximately 1 mile north of the intersection with Main Street.

For Quarnburgs, would we then just assume worst case scenario based on the current zoning? If the use ultimately ended up being less, it seems like there would be a need for an updated TIS... I'm just trying to minimize any duplicate efforts.

Thanks,

Dax Simek, PE, LEED AP
 **MORRISON-MAIERLE, Inc.**
Direct: 406.237.1263

From: Jonutis, Stan [<mailto:sjonutis@mt.gov>]
Sent: Monday, July 13, 2015 2:44 PM
To: Dax Simek
Cc: Jonutis, Stan
Subject: RE: Beddes - Zone Change / Quarnburg Minor Subdivision

BEDDES ZONE CHANGE APPLICATION - SIGN-IN LIST

Project: Beddes Zone Change Application - Pre-Application Meeting
Date/Time: Wednesday, July 22, 2015, 6:00pm
Location: 3555 Highway 87 North

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>E-MAIL</u>
Tak Smek	415 N. 25th St. Ste. 102	656.6000	tsmek@n-m.net
Rebecca Beddes	4112 Barnett Ave. S9105	855-5875	rebecca@rebeccabeddes.com
Matthew Beddes	" "	855-5874	matt@rebeccabeddes.com
Jean Musaw	5864 SAN MELO DR	707-570-9130	jeanm@productionson.com
DAN ANDERSON	4908 Country View Blvd NW	854-1348	claco20@gmail.com
SEAN FURDSON	" "	254-1243	" "
DYLAN THOMAS	5131 Country View Dr.	856-6030	" "
Ken Callmer	5105 Hidden View	248-3197	leftyrueters@yahoo.com
Diane Kostelcky	2920 Bunker Hill Dr	259-6854	kostelcky@ianemail.com

Pre-application Meeting Synopsis

Yellowstone County requires that a pre-application meeting be conducted prior to the zone change application submittal. As such, a meeting was held on Wednesday, July 22, 2015 at the subject property located at 3555 Highway 87 North. Dax Simek, PE of Morrison-Maierle, Inc. facilitated the meeting to present the proposed zone change and address any questions or concerns from those in attendance. Ten people attended the meeting to discuss the proposed zone change.

The meeting began with a brief summary of the proposed zone change. It was explained that in an attempt to mitigate the concerns from the previous zone change attempt that the proposed area of Highway Commercial zoning was reduced from 65-acres to 15-acres. Additionally, it was explained that Morrison-Maierle and MDT evaluated the existing approach location off of Highway 87 and found it to be in compliance with current MDT safety criteria.

The meeting was then opened up to general discussion.

Much of the discussion was centered on compatibility with potential, future residential development to the east and concerns with the aesthetic issues of the Beddes' business.

There was additional discussion of traffic safety revolving around large trucks exiting/entering the highway. Matt Beddes explained that the freight trucks, Fed Ex, UPS, Old Dominion, etc., already travelled past the property on a daily basis, and that they only receive approximately 25 large pieces of equipment in a year. Dax reiterated that the proposed approach location meets MDT safety criteria.

Other discussion points brought up included potential environmental concerns regarding contaminating downstream water users and the safety of the students attending Independent Elementary School.

Overall, the tone of the meeting was fairly civil with the majority of comments dealing with what the future commercial development along Highway 87 might look like and how it would fit in with the potential, future residential development in the area.