

PROPOSED ZONING COMMISSION DETERMINATIONS

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

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

The proposed zoning does not comply with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- Prohibit high intensity commercial development in residential areas. Provide less intensive commercial development on arterial intersections within residential neighborhoods.
This zone change would place a commercial zone adjacent to existing zoning that is intended for low density housing without a proposed buffering zone in between.
- Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (Land Use Element, page 6).
This zone change would allow for commercial use adjacent to low-density use zoning and neighborhoods. This is not consistent with the neighborhood character. There is just over 16 acres of Community Commercial zoning to the north west that already has buffering zoning around it to provide separation from the commercial and the low density housing farther north and west.
- Goal: New developments that sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).
This property is adjacent on three sides to low density zoning. Community Commercial zoning would allow uses that are incompatible with low density residential zoning. This is not compatible with the adjacent zoning.

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 Area (BUFSA). The nearest fire station is located on 54th Street West just north of Grand Avenue (FS #7), just over 2 miles from subject property.

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

Transportation: The new zoning will increase traffic on all of the adjoining streets when sales of property and development occurs. It is not possible to predict the type and volume of traffic that could be generated except in a general manner. Both road frontages of this property are county roads. Rimrock Road to the west of the intersection of Rimrock Road and 62nd Street West is in the City of Billings. Only approximately 1025 feet of Rimrock Road going to the east back to 54th Street West is in the City of Billings. There is a stop sign on Rimrock Road with through traffic on 62nd Street West. Traveling west on Rimrock Road requires drivers to go straight and not go around the curve to Molt Road. This at times can be done at speeds of 55 miles per hour or faster if the driver doesn't see any oncoming traffic. With commercial development on this strip of road the chances of traffic accidents would increase because of speeds people travel not expecting someone to be pulling out onto the road and with obstructed visibility from the height of

the road at the curve and the drop down to meet 62nd Street West. If a subdivision occurs on this parcel, improvements to the principal arterial street standards may be required.

Water and Sewerage: The property will be served by septic systems and an on-site water system if developed in the County. If the property is annexed, city services could be extended to the property.

Schools and Parks: The proposed zoning would not have an impact on the student enrollment if developed as a commercial site. A commercial development is not required to provide park land dedication as they are not providing housing.

Fire and Police: The subject property is serviced by the Billings Fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan.

4. *Will the new zoning promote health and general welfare?*
The new zoning will allow development of property that is adjacent to commercially zoned property to the north west but not near any existing commercial uses. The proposed zoning adjacent to the residential uses (existing and planned) is not compatible and would not promote the general health and welfare of the residents. The current zoning, R-96 and R-150, allows low density single family dwellings and current agricultural uses. The proposed CC zoning will allow the owner to sell the property to any developer for a commercial use including single use developments, mixed use developments or multi-family uses. This does not promote the health and general welfare of the area.
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 by itself will not generate more traffic on any of the adjacent streets the future uses would increase the traffic and different uses would be more intense than others.
There are no pedestrian facilities in the area but Rimrock Road and 62nd Street West are designated on-street bike routes. There are no shoulders on the pavement of Rimrock Road and 62nd Street West so the travel way for pedestrians, bicycles, and vehicles are shared. Introducing commercial traffic loads to either street would have a detrimental effect on pedestrian, bicycle, and vehicular use of these travel ways.
7. *Will the new zoning be compatible with urban growth in the vicinity?*
The proposed zoning is not compatible with adjacent residential uses and zoning. The property to the north east was rezoned in 2005 with just over 16 acres of Community Commercial. Approximately 4 acres of Residential Professional (RP) zoning and just

over 19 acres of Residential Multi-Family (RMF) zoning and has not developed. They also are in the city limits and would have water and sewer available for the development. The Community Commercial zoning on the north west corner of the intersection of 62nd Street West and Rimrock Road have a buffer of RP and RMF zoning before the lower intensity zoning to the north west. This proposed zone change would have a higher intensity commercial zoning right up against Residential 9600, which is a low density zoning. With this property and the surrounding properties in the county if they all develop in the county the housing would only be allowed to be as dense as the Montana Department of Environmental Quality (MDEQ) will allow because of required separations for septic and wells. Historically that has been 1 acre lots. This would mean the lots sizes would dictate very low density housing.

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

The subject property is in an area that has low density residential development and zoning. The front portion of the property may be suitable for CC zoning, but not the entire parcel. It is not likely the character of the area south, east and west of the property will change to further commercial uses in the future given the existing uses of farming and low density housing and low density zoning.

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

The new zoning will allow the development of new commercial uses on the property. The intrusion of commercial uses across the street from homes to the south and west without any type of buffering from the low density zoning would result in lower market value for these adjacent residential properties and land.

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

The property is not suitable for the proposed CC zone for the entire parcel. The north portion of the property may be suitable for CC uses. This area of west Billings has experienced recent growth primarily from property zoned and annexed for development into residential neighborhoods. Rural commercial development is possible but many potential uses would require city water and sewer services. There has been property to the north west that was zoned Community Commercial in 2005 that has not developed and would seem more appropriate to develop before zoning more land for commercial development. The CC zone is intended to “*primarily to accommodate community retail, service and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development. Facilities within the classification will generally serve the community, and is commensurate with the purchasing power and needs of the present and potential population within the trade area. It is intended that these business facilities be provided in business corridors or in islands (thirty (30) acres) centrally located in the trade area rather than a strip development along arterials*”. While the northern portion of the property may be appropriate for the requested CC zone, there is no careful planning that will mitigate commercial uses right next to low density residentially zoned property or to protect their property values. This not the most appropriate use of land for this entire property in this area of the County.

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

The proposed zoning is adjacent to the City of Billings on the north west. The proposed zoning is compatible with zoning across the intersection. But it is not compatible with zoning to the north, east and south.

Attachment A: Zoning Map

Attachment B: Applicant Letter & Pre-application neighborhood meeting minutes

Attachment C: Site Photographs