

Application and pre-application meeting notes  
Zone Change #953 – 940 & 950 Yellowstone River Road

**OWNER/APPLICANT STATEMENT**  
**IN SUPPORT OF ZONE CHANGE REQUEST**  
**FROM R-7000 TO COMMUNITY COMMERCIAL**

**Preliminary Information**

The Owner/Applicant, River Park Retirement Court, is a Montana LLC, d/b/a River Park Storage (“River Park Storage”). River Park Storage is located at 940-950 Yellowstone River Road, Billings MT. The Owner makes this application by and thru its duly authorized manager, Gerald J. Klein.

The subject property’s legal description is SW ¼ of Section 23, Township 1 North, Range 26 East, P.M.M., City of Billings, Yellowstone County, Tract 14 of Certificate of Survey 4 (Brittain Acres), Recorded April 11, 1945, under document No. 399701, Records of Yellowstone County, Montana, (“Tract 14”). Tract size 2.12 acres.

**Introduction**

940-950 Yellowstone River Road was the address for the duplex that was the original structure on Tract 14. The rear portion of the lot remained vacant until the storage facility started to take shape.<sup>1</sup> River Park Storage has been operating under a City of Billings business license since 2012. The license is current to 2017 and may be found under OL-17-10288. The River Park Storage facility offers bays and enclosed units to qualifying members of the general public.

**Answers to Questions Propounded by the Commission**

A. **In what ways is your proposal consistent with the goals and policies for the adopted Growth Policy?**

The proposed zone change from R-7000 to Community Commercial aligns with the vision and policies that govern future growth in Billings for the following reasons;

**Infill:** The zone change is within the city limits and is an example of how an existing developed commercial property infills the existing neighborhood. In addition, the future development of additional bays and units will not impact bordering properties since the property infill will occur in the center of the property.

**Tax Revenue and Community Benefit:** Increased revenue and local tax benefits from the River Park Storage operation are being realized. The property taxes are based on a property type

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<sup>1</sup> The building permit file and building plans are on file with City of Billings Building Department re:BP-12-2881

classified as “Commercial Urban” and this rate is consistent with the land use and is much higher than a residential use assessment.

**Aesthetics:** Neighborhood aesthetics are improved with the utilization of the storage facility for RV’s, extra autos, appliances, and other property that would otherwise have to be left out in the “open”. Seasonal furniture, playground equipment, maintenance equipment, tools, trailers can be stowed in the facility leaving yards, alleyways, and lawns clutter free.

**Safety:** Storing extra vehicles away from the curbside improves traffic safety and pedestrians can be observed more readily. During the winter months, snow removal will be enhanced if non-essential vehicles are off the street and stored in a secure facility.

**Crime Prevention:** The storage facility is secure and access is restricted. Removal of property from neighborhood streets, yards and driveways will deter prowling and crimes against property.

**Code Compliance:** The storage facility offers a reasonable solution to the ordinance that requires that RV’s, trailers and boats are stored off the street. Per the ordinance River Park Storage offers a solution to this prohibition.

**Existing Services:** The property will require the same services that are currently delivered to the tract. The change to a zoning designation of Community Commercial will not increase or over burden the current infrastructure. The utilities that are in place, fire and police services are more than adequate

**Traffic Flow:** River Park Storage is accessible from Yellowstone River Road. Due to the infrequent and restricted access there is little to no traffic going into and going out of the facility on a daily basis.

**B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses in the immediate area.**

**Deficiencies in the Existing Zoning:** The existing R-7000 zoning is incompatible with the property use and future economic development of this tract. With the current zoning the property is not marketable or economically sustainable. There are a limited number of units that currently exist on the property and the profit margin is not in line with the annual increases in the commercial urban property tax rate. Any additional units developed would be non-conforming in this R-7000 classification. A zone change to Community Commercial will put the property’s current use in balance with the need for increased revenue to meet increasing commercial tax rates and commercial risk coverages premiums.

**The New Zoning Will Fit in with Neighboring Zoning and Land use:** The new zoning will fit in with the neighborhood zoning landscape because it has been a tried and proven low impact

River Park Retirement Court LLC  
d/b/a River Park Storage  
Zone Change Application Statement

commercial activity. The storage facility has been in operation for almost five years. It has a track record of being a “good neighbor”. The Owner has gone to great lengths to ensure that this commercial activity is strictly regulated by a lease agreement that takes into consideration the impact of the activity on the environment, prohibiting side business activity in the storage facility, prohibiting disturbances, and encouraging respect for our neighbors’ peaceful enjoyment of their property. A zone change to Community Commercial will not open the door to disruptive high impact commercial activity. There is pride and a legacy contingent with the Owners’ operation of a storage facility that is and will remain compatible with its Billings Heights neighbors’ expectation of a low impact commercial activity.

**Conclusion**

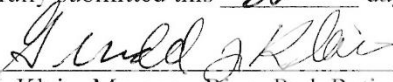
The Owner/Applicant respectfully requests that the Zoning Commission and City Council consider and approve a zone change of the above described Tract 14 from R-7000 to Community Commercial.

**Table of Contents**

The following documents have been attached to this application for your consideration:

- Excerpted portions of the Lease Agreement for River Park Storage;
- Photographs of River Park Storage facility;
- Orion Yellowstone County property tax detail report; and
- Certificate of Survey 4 Brittain Acres Record No. 399701.

Respectfully submitted this 20<sup>th</sup> day of November, 2016.

  
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Gerald J. Klein, Manager, River Park Retirement Court, LLC  
River Park Storage  
Mail to: P.O. Box 731  
Sedro Woolley WA 98284

## River Park Storage Pre- Application Neighborhood Meeting Summary

Date of Pre-Application Meeting: November 14, 2016 @ 10:30 a.m. to 12:00 p.m.

Meeting Location: County Inn Suites, Meeting Room, 231 Main Street, Billings MT

The Notice that was mailed to property owners within 300 feet of the proposed zone change was posted in the corridor outside the meeting room together with a map of the property.


Materials were distributed to the attendees and reviewed with the small group. The owner pointed out that the storage facility in this heights neighborhood should be considered a low impact commercial activity.

Also it was noted that the storage facility has very strict rules and regulations for its use and the types of property that can be stored inside. Access is also strictly limited during business hours. The dates for public hearing, January 3, 2017, was discussed, as well as, the next steps after the zoning commission examines the application.

All participants agreed that it made sense that since the property was an existing storage/rental operation it should be zoned community commercial. There were no concerns or objections voiced during the meeting.

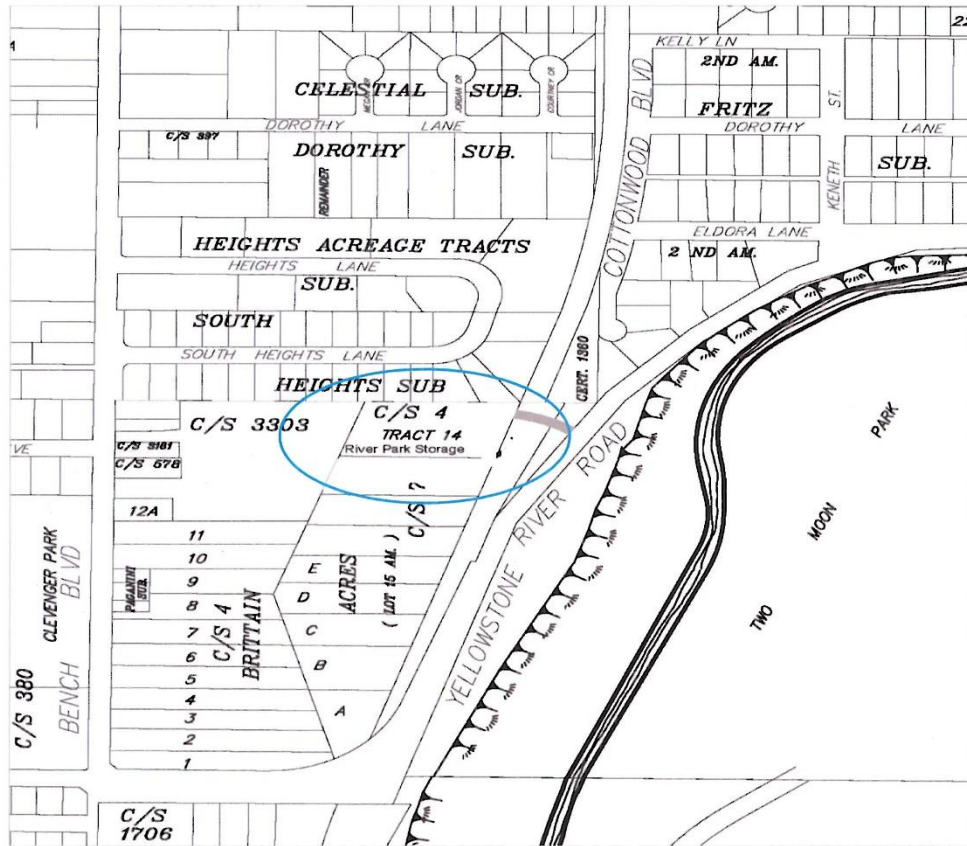
I hereby certify that the above summary is an accurate record of the pre-application meeting.

Dated this 28<sup>th</sup> day of November, 2016.

  
Gerald J. Klein, Manager  
Owner River Park Retirement Park, LLC  
d/b/a River Park Storage



### ILLUSTRATIVE MAP OF ROADS AND DEVELOPMENTS IN THE HEIGHTS





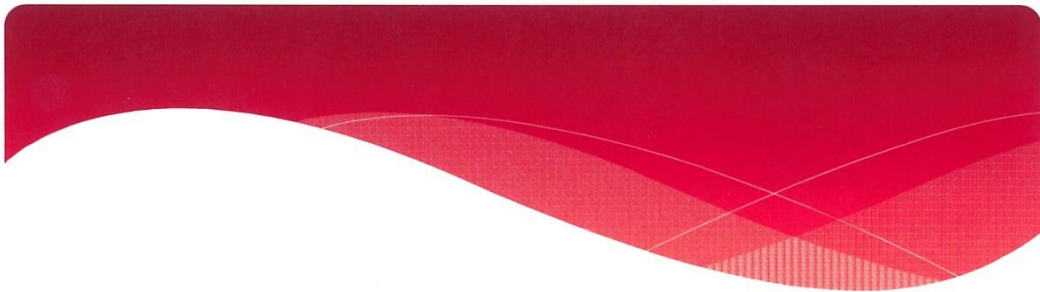
### Structures located on Tract 14 – 940-950 Yellowstone River Road

- Residence(s) car port(s) and garage
- Storage unit inventory consists of 23 enclosed units and 22 open bays

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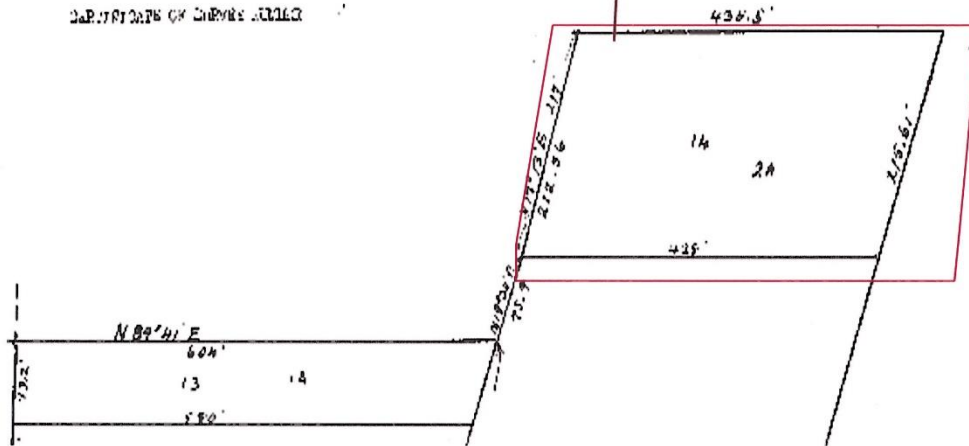
## Zone Change to Community Commercial is Compatible with the Billings Heights Neighborhood Plan

- The River Park Storage operation has been offering storage under a City of Billings business license for several years and is a proven low impact commercial activity
- The rules and regulations strictly limit access to the storage facility to day-time business hours and no commercial activity is allowed in the facility
- Storage of chemicals or other solvents is strictly prohibited so there are no noxious odors or hazards contingent with this commercial activity
- River Park Storage offers an affordable alternative to storing boats and RV's in the "open" on residential property-this improves the aesthetics of the neighborhood
- Owners of RV's and boats that live in surrounding high density developments with limited off-street parking or covenants against RV's are able to take advantage of storage in their locale
- The storage area is set back from the property's frontage and not visually obtrusive
- The neutral colored steel security fencing serves as a screen for adjacent property owners
- Getting RV's, boats and vehicles off the street and behind the walls of the storage facility is a deterrent to prowling and other crimes against property
- Any future development and addition of more bays and units will "infill" the lot since the existing structures' footprints are located along the perimeter and boundaries of the property

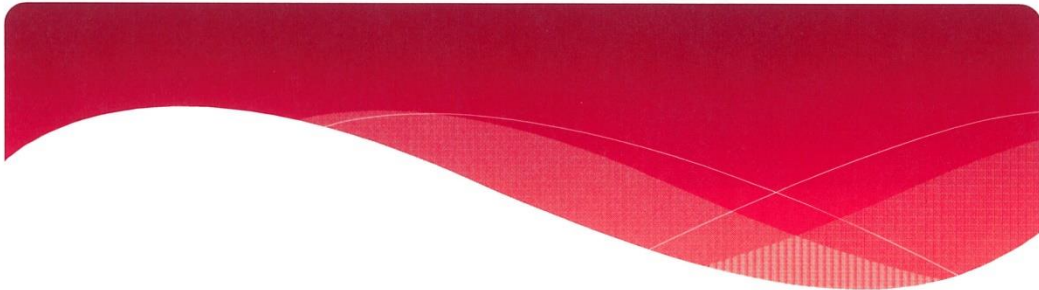


PLAT  
OF  
BRITAIN ACRES  
IN SW<sup>1</sup> SEC 23 T1N R26E  
1946 SCALE 1"=100' J. SIMASON

DEPARTMENT OF INTERIOR

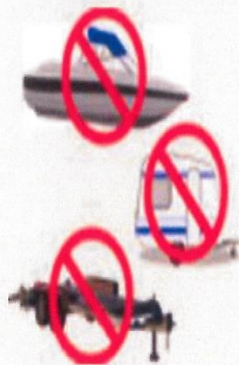


Excerpted from 25<sup>th</sup> day of April, 1945 Certificate of Survey



## PROPER STORAGE OF CAMPERS, BOATS AND TRAILERS

(Section 24-406)



**Do:** Store your camper, trailer or boat in the back yard or properly store on the driveway; in the garage or at a storage facility.

**Do Not:** Use the City's on-street parking for storage of campers, trailers or boats in residential areas.

**Excerpted from Storage Facility Lease Agreement:**

River Park Storage  
940-950 Yellowstone River Road  
Billings MT, 59105

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5. USE OF PREMISES AND PROPERTY AND COMPLIANCE WITH LAW. Occupant shall store only personal property that belongs to Occupant. Because the value of the personal property may be difficult or impossible to ascertain, Occupant agrees that under no circumstances will the aggregate value of all personal property stored in the Premises exceed, or be deemed to exceed, \$5,000 and may be worth substantially less than \$5,000. Occupant shall not permit any Hazardous Materials (as defined below) to be stored in the Premises or the Property or store any improperly packaged food or perishable goods, construction debris, asbestos or asbestos containing products, tires, batteries, propane, liquid natural gas tanks, fertilizers, pesticides, flammable materials, explosives, ammunition, corrosives, petroleum products and other inherently dangerous material in the Premises or the Property and shall not store any personal property on the Premises which would result in the violation of any law or regulation of any governmental authority, including without limitation, all laws and regulations relating to Hazardous Materials, waste disposal and other environmental matters, and Occupant shall comply with all laws, rules, regulations and ordinances of any and all governmental authorities concerning the Premises and its use. For purposes of this Agreement, "Hazardous Materials" shall include but not be limited to any hazardous or toxic chemical, gas, liquid, substance, material or waste that is or becomes regulated under any applicable local, state or federal law or regulation. Occupant acknowledges and agrees that the Premises and the Property are not suitable for the storage of heirlooms or precious, invaluable or irreplaceable property. Occupant acknowledges that the Premises may be used for storage only, and that use of the Premises for the conduct of a business or for human or animal habitation is specifically prohibited. No business, commercial, hobby, or any other activities inconsistent with the storage of goods may be conducted in the facility including but not limited to: manufacturing, fabrication, construction, mechanical servicing, welding, or power tool operation. Upon termination of this Agreement, Occupant shall remove all Occupant's personal property from the Premises unless there are unpaid charges secured by Owner's lien rights as referenced herein and under Montana law.

Occupant shall not smoke, drink or use drugs on the premises. No occupant shall disturb the peace on the premises. Any person found by the management, or reported to be in any area of the premises that is not that of the Occupant's unit or bay, will be considered to be trespassing and subject to immediate eviction without recourse. Occupants are only permitted to be on the premises for the time it takes to add or remove stored items.

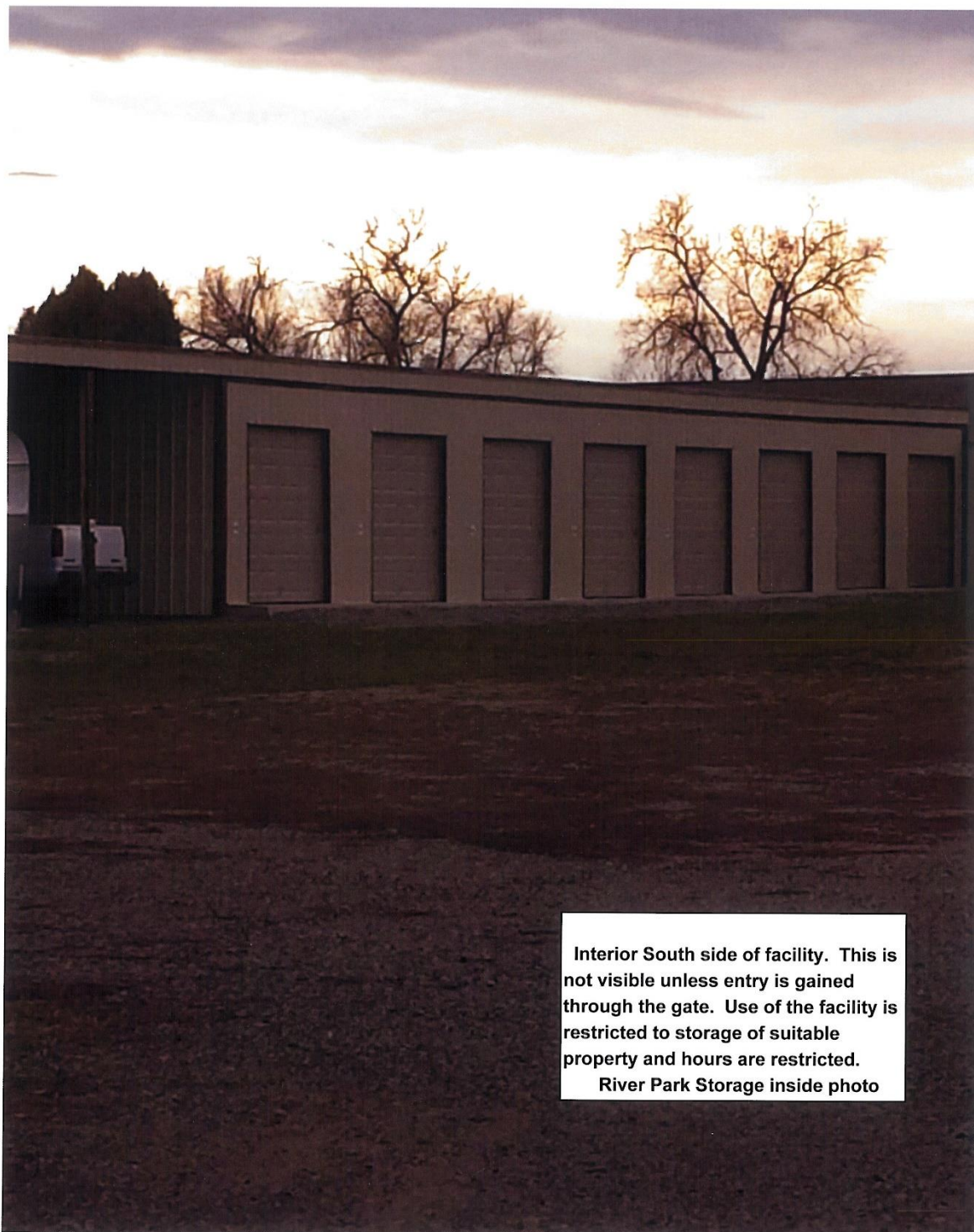
Vehicles that are not registered with the Occupant's unit or bay may not enter the facility or be left unattended on the Premises. Vehicles left at the facility will be subject to towing at the owner's expense.

Items placed in the Premises must belong to the Occupant. This also pertains to any vehicle storage.

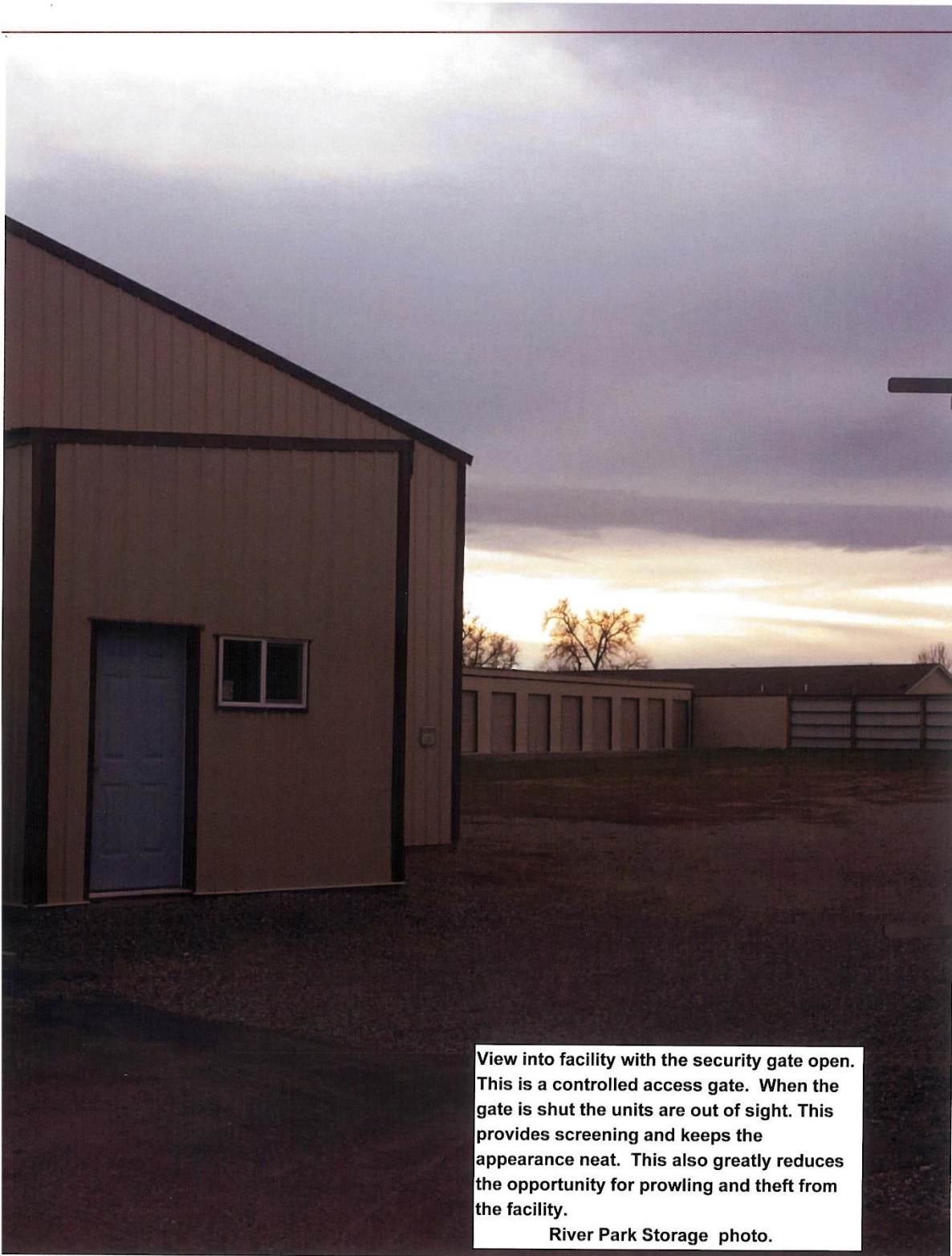
At the expiration of the lease term, Occupant shall surrender the Premises in as good condition as it was in the beginning of the term, reasonable use and wear from the normal business uses excepted.

6. ENTRY TO THE PREMISES. The entry code is to be used by the Occupant. The Occupant is not to give the entry code to any other person. If the Occupant has a household member who needs the code, they must obtain it from the River Park Storage management and provide sufficient identification to obtain it for use in conjunction with the assigned unit or bay. Access to the River Park Storage facility is strictly limited from 7:00am-8:00pm seven days a week. The 5 miles per hour speed limit will be strictly enforced.

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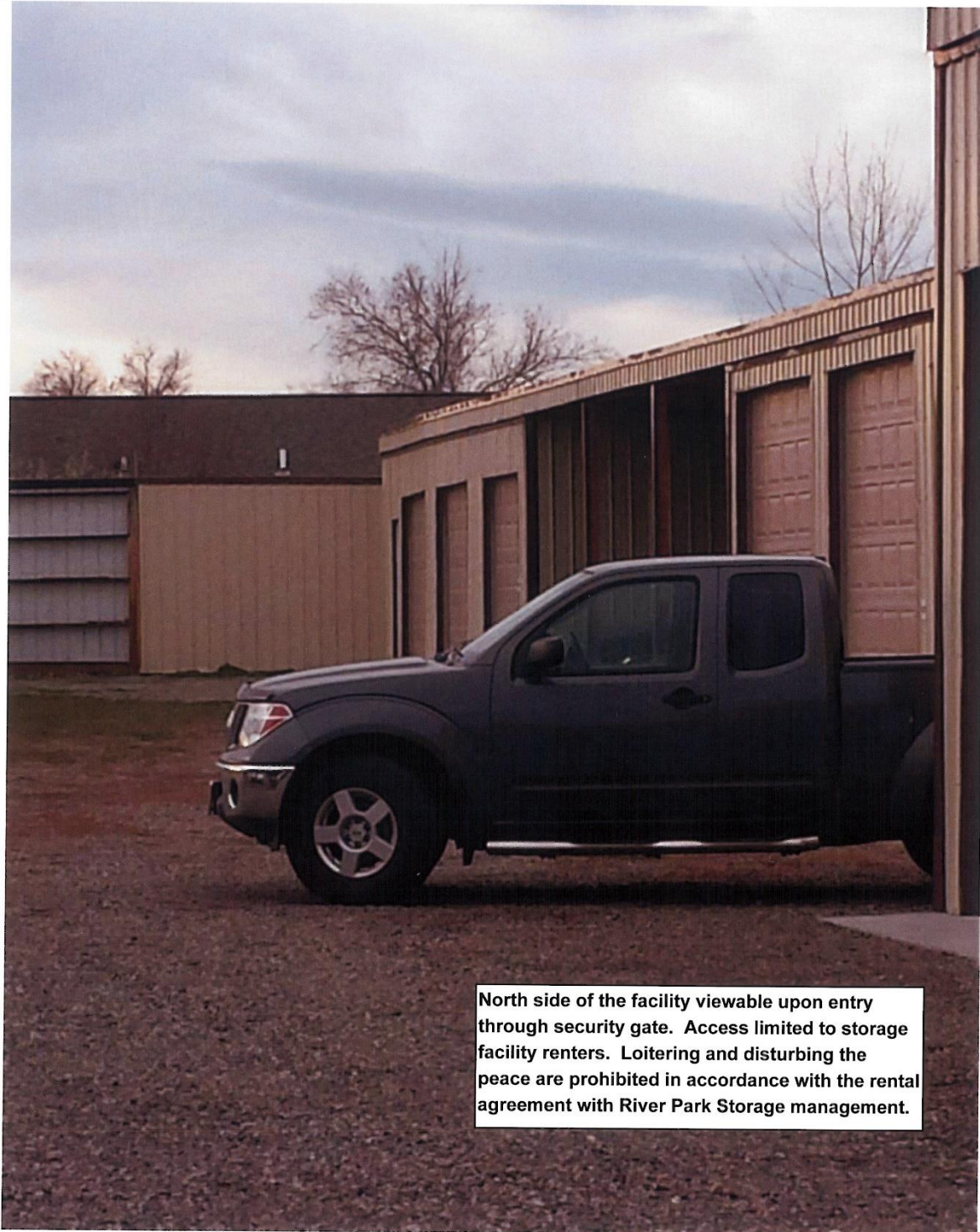


**Interior South side of facility. This is not visible unless entry is gained through the gate. Use of the facility is restricted to storage of suitable property and hours are restricted.  
River Park Storage inside photo**



**View into facility with the security gate open. This is a controlled access gate. When the gate is shut the units are out of sight. This provides screening and keeps the appearance neat. This also greatly reduces the opportunity for prowling and theft from the facility.**

**River Park Storage photo.**



**North side of the facility viewable upon entry through security gate. Access limited to storage facility renters. Loitering and disturbing the peace are prohibited in accordance with the rental agreement with River Park Storage management.**



**Storage facility located in the rear of the property. Beyond the screening fence and gate.**

**Rental house/  
duplex in front  
portion of  
property.**

**View of property from the walking trail and Yellowstone River Road. The location of storage facility is "off the beaten path" and creates a "uniquely Billings" rural feel. The facility has a low visual profile consistent with its proven low impact commercial activity that has been ongoing in this Billings Heights location.  
River Park Storage - photo**