

Application and pre-app meeting – Zone Change 680

APPLICATION FORM

COUNTY ZONE CHANGE

County Zone Change # 680 - **Project #** PZ-16-00227

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings-Yellowstone County Unified Zoning Regulations.

Present Zoning: Controlled Industrial (CI)

Proposed Zoning: Highway Commercial (HC)

Tax ID # D04575L & D04575M **COUNTY COMMISSIONER DISTRICT #** 2

Legal Description of Property: Tracts 13 &14 C of S 2037 Yellowstone County

Address or General Location (If unknown, Contact County Public Works): West of Billings Logan International Airport & North of Montana Highway 3.

Size of Parcel (Area & Dimensions): The southern border of the proposed zone change will be the property's current east to west Controlled Industrial (CI)/Highway Commercial boundary. The northern boundary shall be the line running east to west from points along the east boundary and west boundary of the property located 1,065 feet south of the northeast and northwest corners of the Property. The proposed zone change's dimensions and acreage are as follows: approximately 247 (ft) North to South, 1343 (ft) East to West, and it encompasses approximately 7.61 acres. If approved, the entire Highway Commercial zone would be expanded and would run, commencing at the southern property boundary, 847 (ft) North to South and 1343 (ft) East to West.

Present Land-Use: The property currently sits as undeveloped Controlled Industrial zoned acreage.

Proposed Land-Use: Aviation Properties, LLC seeks to have the above referenced acreage designated as Highway Commercial which would allow for highway and airport compatible commercial development.

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application: Please see Exhibit "A".

*** Additional Information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Aviation Properties, LLC
6309 Jellison Road, Billings, MT 59101
(406) 252-6937

Agent(s): Kenneth D. Tolliver - Attorney at Law - Tolliver Law Firm, P.C.
P.O. Box 1913, Billings, MT 59103-1913
(406) 256-9600 ktolliver@tolliverlaw.com

County Zone Change Application (Continued)

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

The proposed zone change compliments and contributes to Yellowstone County and the City of Billings' growth policy. In 2008, Yellowstone County, in partnership with the City of Billings, issued its Yellowstone County and City of Billings 2008 Growth Policy Update ("Growth Policy"). The Growth Policy analyzed and characterized how Yellowstone County's communities had changed over time and what tools were needed to improve the area's communities. After the work was done, the completed report identified numerous issues, goals, and objectives. This proposed zone change addresses several of the report's stated issues and will assist Yellowstone County and the City of Billings in meeting its goals and objectives.

Successful rezoning will allow the property to be commercially developed in a manner consistent with its proximity to Montana Highway 3 and Billings Logan International Airport ("Airport"). Yellowstone County zoning regulations provide as follows:

The highway commercial zone is intended to provide areas for commercial and service enterprises which are intended primarily to serve the needs of the tourist, traveler, recreationist, or the general traveling public. Areas designated as Highway Commercial should be located in the vicinity of, and accessible from interstate interchanges, intersections on limited access highways, or adjacent to primary or secondary highways. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the hazard to the safety of the surrounding community and those who use such facilities.

(Unified Zoning Regulations, Article 27-300. Zoning Districts and Official Maps, Sec. 27-301. Zoning Districts).

Both Montana Highway 3 and the Airport, by their nature, are used exclusively by tourists, travelers, recreationists, and the generally traveling public. Accordingly, the property should be developed to provide services to the area's users.

Regarding economic development, the Growth Policy calls for a cohesive focus on economic development. Specifically, the plan aspires for: "Coordinated economic development efforts that target business recruitment, retention, and expansion." The requested zoning will allow for coordinated development by increasing the size of the property's adjacent Highway Commercial zone.

2. **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 of the immediate area.**

Concerning proper land use, the Growth Policy sets two relevant goals:

- a. Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans; and
- b. New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County town sites.

Aircraft noise and vertical limitations limit the number of potential uses on the property.

This proposed zone change affords Yellowstone County and the City of Billings the opportunity

to put airport area property to full and effective use. The Airport indisputably dominates the landscape. Airport's presence brings a set of challenges and advantages to developers. Highway Commercial zoning effectively mitigates the challenges and capitalizes on the advantages.

Nearby residential neighborhoods will be positively impacted by the requested zone change. This zone change is consistent with and required by the settlement agreement which resolved Montana Thirteenth Judicial District proceeding DV 16-0627 which challenged Yellowstone County's previous Zone Change 669. Plaintiffs in that case were concerned that land-uses, more intense than Highway Commercial, would eventually encroach upon the highway. Resolving this fear, the settlement agreement calls for Aviation Properties, LLC to seek this zone change. This zone change is brought after neighborhood collaboration, and the former Plaintiffs in DV 16-0627 represented through the settlement agreement they either support or are not opposed to this requested zone change. This zone change is the last zone change contemplated by the settlement agreement.

Current plans for rezoning and development fit consistently with the existing zoning and land uses of the immediate area.

Conclusion

Considering Yellowstone County and the City of Billings' economic and land-use interests, this proposed zone change is consistent with the Growth Policy and general land-use principles. Accordingly, the property should be rezoned from Controlled Industrial (CI) to Highway Commercial (HC).

Application Form Signature Page

Aviation Properties, LLC understands that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signed:

Owner: Aviation Properties, LLC
Address: 6309 Jellison Rd, Billings, MT 59101

Telephone: (406) 252-6937
Email: N/A

Signature: Aviation Properties LLC Date: 12/8/2016
Aviation Properties, LLC Kenneth Tolliver P.A.
(Signed by Kenneth Tolliver - Agent/Attorney in Fact)

Zone Change Application Meeting Synopsis

A Pre-Application Neighborhood Meeting was held at Tolliver Law Firm, 1004 Division St., Billings, Montana, on Thursday December 1, 2016 at 4:00 p.m.

Tyler T. Dugger was present representing Aviation Properties, LLC. No one else attended the Pre-Application Neighborhood Meeting.