

Application

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 684 - Project # P2-17-w169

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: Agricultural Open

Proposed Zoning: Agricultural Suburban and Community Commercial 58.48 ac 11.75 ac

Tax ID # D00624A COUNTY COMMISSIONER DISTRICT #1

Legal Description of Property: Section 16, T 01 S, R 25 E, C.O.S. 3641, Parcel 2, (17)

Address or General Location (If unknown, contact County Public Works): Located on the northwest corner of the intersection of Hesper Road and 48th Street West in Billings, MT.

Size of Parcel (Area & Dimensions): 70.23 acres

Present Land-Use: Agricultural

Proposed Land-Use: Residential and Commercial

Covenants or Deed Restriction on Property: Yes _____ No X

If yes, please attach to application

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

Owner(s): NEXCO, LLC

(Recorded Owner)

2680 Overland Ave., Ste. F, Billings, MT 59102

(Address)

(406) 697-5900

(Phone Number)

david@dornrealestate.com

(Email)

Agent(s): Scott Aspenlieder

(Recorded Owner)

7100 Commercial Ave., Ste. 4, Billings, MT 59101

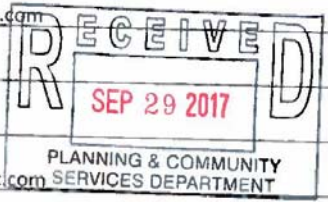
(Address)

(406) 384-0080

(Phone Number)

scott@performance-ec.com

(Email)



I understand 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.

Signature: [Signature] Date: 9/26/17
(Recorded Owner)

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

The tracts of land of interest are currently zoned A-1, Agricultural Open Space. The land surrounding the property is Agricultural Open Space, R-15,000, Agricultural Suburban, and Community Commercial. The Growth Policy has several goals that would be met by changing the zoning of the property from A-1 to Agricultural Suburban. The issues that will be addressed are described below.

The first issue addressed is neighborhoods experiencing pressures from new development and land use changes. The surrounding land is zoned R-15,000, Community Commercial, Agricultural Suburban, and Agricultural Open Space. The land to the north and south have already been subdivided and new homes have been built. The goal is to have predictable land use decisions that are consistent with neighborhood character and preferred land use patterns. Having the land being Agricultural Suburban will accomplish these goals.

Another issue is that the current zoning ordinances and subdivision regulations do not always prevent incompatible uses in and adjacent to existing City neighborhoods and County townsites. This issue is resolved by having a similar zone as the surrounding areas. The property will be subdivided and new homes will be built. New homes will increase the attractiveness of the area and increase the quality of life.

Aesthetic concerns could be that there are areas in the City and County that are unattractive and present a poor image of the community. Creating a subdivision will create an area with landscaped yards. The landscaped yards will create an attractive community.

A natural resource issue is that water is an important resource and it is becoming more scarce. The property is proposing to utilize irrigation water for landscaping purposes. This will reduce the amount of water that would otherwise be drawn from groundwater wells for landscaping purposes. This will also give future projects the opportunity to receive a sufficient, clean supply of water without impacting local groundwater.

Due in part to the arid nature of our environment and the remoteness of some developments, there is an increased risk to human life and property from wildfires. The property will have the ability to water their lawns with irrigation water. The water will create green grass areas which will reduce the risk to human life and property from wildfires.

Weeds detract from the beauty of an area, pose a fire danger, and reduce the productivity of agricultural land. By landscaping and maintaining lawns, the weeds in the area will be minimized. This will reduce the spread of weeds throughout the community and to adjacent lands. Fewer weeds will reduce the fire dander and increase the productivity of agricultural land.

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.

The proposed subdivision plan is to subdivide the property and create at a minimum 1-acre lots in the proposed Agricultural Suburban zoning and commercial development in the proposed Community Commercial zoning. Agricultural Open Space will not allow the property to be subdivided. The Agricultural Suburban zone will allow the property to be subdivided into attractive and appropriately sized lots that fit within the local community. The land surrounding the property is zoned R-15,000, Community Commercial, Agricultural Open, and Agricultural Suburban. The proposed Community Commercial zone area is directly adjacent to another parcel that is zoned Community Commercial across 48th Street West. There are multiple subdivisions located within the vicinity of the proposed development. These subdivisions align with the same development feel of the proposed subdivision.

Pre-Application Minutes



7100 Commercial Ave., Ste. 4 • Billings, MT 59101 • 406-384-0080

September 22, 2017

The meeting began at 5:30 pm on September 22, 2017 at 7100 Commercial Ave., Ste. 4, Billings, MT 59101. Those in attendance were Scott Aspenlieder (Performance Engineering).

Three people from the public attended the meeting (list of those attending is included with the Zone Change Application). Questions from the three individuals and subsequent responses are shown below:

- **How will traffic concerns be addressed?**

Traffic will be addressed during the subdivision process. This process will reveal if any traffic mitigation measures are needed from the development.

- **Will there be a height restriction to 1-story for the Community Commercial zoned area?**

The developer will comply with the Yellowstone County Zoning Regulations for height restrictions on the Community Commercial zone area.

- **How will light pollution be addressed for the Community Commercial zoned area?**

The developer will comply with the Yellowstone County Zoning Regulations for light pollution for the Community Commercial zone area.

The meeting ended at 5:45 pm.

Proposed Zoning

