

**APPLICATION FORM**

COUNTY ZONE CHANGE

City, Zone Change # 961 - Project # P2-17-00191

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: Residential Multi-Family, Residential Professional, and Community Commercial

Proposed Zoning: Residential Multi-Family, Residential Professional, and Community Commercial ← *slightly expanded*

Tax ID # D12648 COUNTY COMMISSIONER DISTRICT # 3

Legal Description of Property: Section 25, T 01 N, R 24 E, C.O.S. 2465, Parcel 6A, 39.379 AC (02) (2003)

Address or General Location (If unknown, contact County Public Works): Located Northwest of the intersection of Rimrock Road and 62<sup>nd</sup> Street West in Billings, Montana.

Size of Parcel (Area & Dimensions): 39.38 acres

Present Land-Use: Undeveloped with a Multi-Family project currently being constructed.

Proposed Land-Use: Commercial business office space and residential multi-family housing.

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): Magnus Land Development, LLC

(Recorded Owner)

745 South 56<sup>th</sup> Street West Billings, MT 59106

(Address)

(406) 425-3388 tbrownbuilders@yahoo.com

(Phone Number) (Email)

Agent(s): Craig Dalton *Performance Engineering*

(Recorded Owner)

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

(Address)

(406) 384-0080 craig@performance-ec.com

(Phone Number) (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:  Date: 10-30-17

(Recorded Owner)

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

The tract of land of interest is currently zoned Residential Multi-Family, Community Commercial, and Residential Professional. The proposed zoning change will shift the shared boundary line of the Community Commercial Zone and the Residential Professional Zone to the north approximately 98 feet. The zoning boundary line will then follow the boundary lines of the proposed Coal Creek Subdivision that has Preliminary Plat approval from the City Council. Adjusting the boundary of the Community Commercial and Residential Professional zones will maintain the zoning within the area that has prior approval from the City Council.

**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 current zoning boundaries were established by a previous landowner. The previous landowner sold the land to the current owner without subdividing the parcel. The proposed adjustment of the zoning boundary is intended to align the zoning boundary with the proposed Coal Creek Subdivision's boundary lines. The preliminary plat of Coal Creek Subdivision has been approved by the City Council. With the current zoning boundaries, two lots will be split between Residential Professional zoning and Community Commercial zoning. This multi-zoning of these smaller properties presents significant challenges during development and will potentially restrict the future property owners from opening certain businesses as the two zoning types are conflicting in many ways. The proposed zoning adjustment will eliminate those type of restrictions. The zoning within the area will not change from what has previously been approved, the adjustment will just allow the existing zones to follow the proposed subdivision boundaries.

## Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** Residential Multi-Family, Residential Professional, and Community Commercial
  
2. **Written description of the Zone Change Plan** including a square footage or acres of proposed new zoning: The proposed zoning change is to shift the boundary line between the Residential Professional and Community Commercial zones north approximately 98 feet. The Residential Professional zoning will decrease from 5.13 acres to 3.71 acres and the Community Commercial zoning will increase from 12.59 acres to 14.01 acres. The Residential Multi-Family zoning will remain unchanged.
  
3. **Subject Property Map:** See Attachments
  
4. **Legal Description of Property:** Section 25, T 01 N, R 24 E, C.O.S. 2465, Parcel 6A, 39.379 AC (02) (2003)
5. **Roster of persons who attended the pre-application neighborhood meeting:** See Attachments
  
6. **A copy of the meeting notice:** See Attachments
  
7. **A brief synopsis of the meeting results:** See Attachments
  
8. **The undersigned affirm the following:**
  - 1) The pre-application neighborhood meeting was held on the 25, day of October, 2017.
  - 2) The zone change application is based on materials presented at the meeting.

**Owner (s):** Magnus Land Development, LLC Telephone: (406) 425-3388

Address: 745 South 56<sup>th</sup> Street West Email: tbrownbuilders@yahoo.com  
Billings, MT 59106

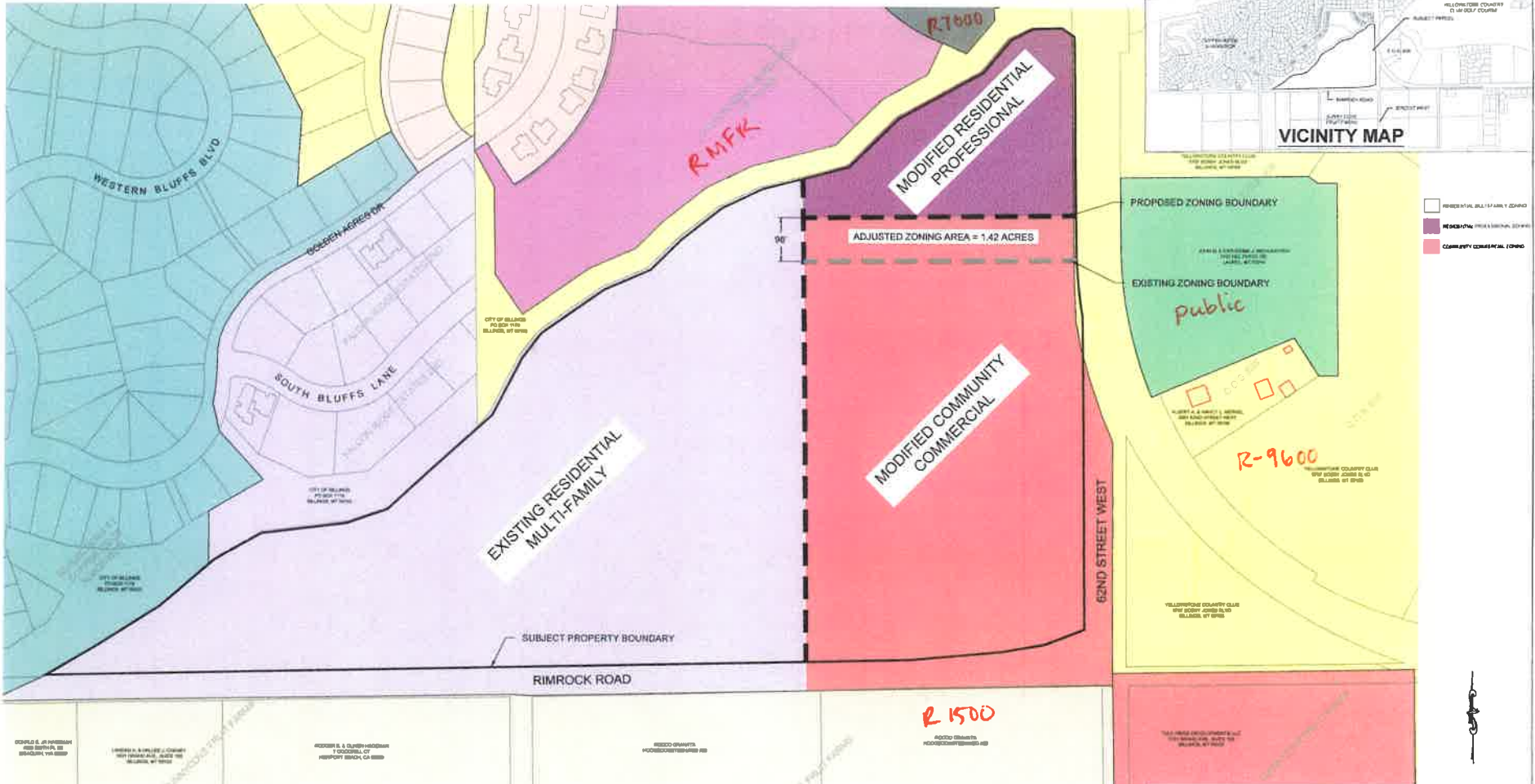
**Agent (s):** Craig Dalton Telephone: (406) 384-0080

Address: 7100 Commercial Ave., Ste. 4 Email: craig@performance-ec.com  
Billings, MT 59101

# ZONE CHANGE MAP

BEING TRACT 6A OF CERTIFICATE OF SURVEY 2465  
AND THE SE 1/4 OF SECTION 26, T 01 N, R 24 E, P M M  
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: MAGNUS LAND DEVELOPMENT, LLC  
PREPARED BY: PERFORMANCE ENGINEERS & CONSULTANTS, INC.



- RESIDENTIAL MULTI-FAMILY ZONING
- RESIDENTIAL PROFESSIONAL ZONING
- COMMUNITY COMMERCIAL ZONING

**EXISTING ZONING:**  
RESIDENTIAL MULTI-FAMILY (20.84 ACRES)  
RESIDENTIAL PROFESSIONAL (5.13 ACRES)  
COMMUNITY COMMERCIAL (12.59 ACRES)

**PROPOSED ZONING:**  
RESIDENTIAL MULTI-FAMILY (20.84 ACRES)  
RESIDENTIAL PROFESSIONAL (3.71 ACRES)  
COMMUNITY COMMERCIAL (14.01 ACRES)

**PROPERTY OWNER:**  
MAGNUS LAND DEVELOPMENTS, LLC

PROJECT TITLE		<b>ZONE CHANGE MAP</b>		SHEET <b>1 OF 1</b>
PROJECT NO.	1700 COMMERCIAL AVE. SUITE #	OFFICE - 406-254-0000		
DATE	BILLINGS, MT 59101	WWW.PERFORMANCE-EC.COM		
		PERFORMANCE ENGINEERS & CONSULTANTS 1700 COMMERCIAL AVE. SUITE # 100 BILLINGS, MT 59101		
		OWNER	DATE	APPROVED

REC 1700 COMMERCIAL AVE. SUITE # 100 BILLINGS, MT 59101  
 406-254-0000 WWW.PERFORMANCE-EC.COM  
 PROJECT NO. 1700 COMMERCIAL AVE. SUITE # 100 BILLINGS, MT 59101  
 DATE 11/23/2017

Tract 6A of Certificate of Survey No. 2465, Section 25, Township 01N, Range 24E  
Neighborhood Meeting Sign-In Sheet (10/25/2017)

	Name	Address	Phone
1	Blaine Poppler	5403 KING AVE WEST	671-0399
2	Mike Michunovich	4305 HUCKLEBERRY LN S.	860-8297
3	Craig Dalton	Performance Engineering	
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September 22, 2017

The meeting began at 6:00 pm on Wednesday, October 25, 2017 at The Yellowstone Country Club – Clubhouse Upstairs Lounge, 3200 Paul Allen Way, Billings, MT 59106. Those in attendance were Craig Dalton (Performance Engineering).

Two people from the public attended the meeting (list of those attending is included with the Zone Change Application). After explaining that the zone change request will not actually change the zoning, rather just shift the zoning boundary north, Mike Michunovich only had one question. The question is as follows:

- **What kind of businesses are usually constructed in Community Commercial zoning?**

Typical businesses constructed in Community Commercial zoning are restaurants, grocery stores, and gas stations. A good example of a Community Commercial zoned area would be the northwest corner of Shiloh Road and Grand Avenue.

The meeting ended at 6:15 pm.



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

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October 12, 2017

To whom it may concern:

Magnus Land Development, LLC is writing to inform you of a zoning pre-application neighborhood meeting being held on Wednesday, October 25<sup>th</sup> at 6:00 pm at The Yellowstone Country Club – Clubhouse Upstairs Lounge, 3200 Paul Allen Way, Billings, MT 59106. The meeting will discuss a proposed zone change in regard to a neighboring property. The owner is requesting that the property shown on the attached exhibit and described below adjust the existing zoning boundaries to accommodate future development:

**Tracts 6A of Certificate of Survey No. 2465, situated in the Southeast 1/4 of Section 25, Township 01 North, Range 24 East in Billings, MT totaling 39.38 acres**

The intent of the meeting is to make neighboring properties aware of the proposed zoning change for the subject property. The property is currently zoned Residential Multi-Family (RMF), Residential Professional (RP), and Community Commercial (CC). The zoning proposal to be presented to the City of Billings will be to adjust the boundary line between the Community Commercial and Residential Professional areas north 98 feet (please see attached exhibit). A total of 1.42 acres is included in the proposed zone change.

Representatives from Performance Engineering and Consulting, PLLC will be present at the meeting to answer questions from those who attend. For those unable to attend the meeting, questions can be directed to the owner's agent, Performance Engineering and Consulting, at 7100 Commercial Ave. Suite #4, Billings, MT 59101 attention: Craig Dalton. We look forward to discussing the proposed zoning change with you and hope to see you on October 25<sup>th</sup>.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Craig Dalton', is written over the typed name.

Craig Dalton, P.E.  
Project Manager