

Application

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 692 - Project # PZ-18-00194

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

Present Zoning: Residential 9,600

Proposed Zoning: Residential Manufactured Home

Tax ID # D06453 COUNTY COMMISSIONER DISTRICT # 2

Legal Description of Property: Section 20, Township 1 North, Range 27 East,
W 9.50ac of West 1/2 or the West 1/2 of the Southeast and Northwest 1/4 North of Road

Address or General Location (If unknown, contact County Public Works): _____
3404 Old Hardin Road, Billings, MT 59101

Size of Parcel (Area & Dimensions): 9.50 acres

Present Land-Use: Single family residence

Proposed Land-Use: Manufacture Home Park

Covenants or Deed Restrictions 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): Lockwood Group LLC

(Recorded Owner) PO Box 20043, Billings, Montana 59104-0043

(Address) 406-581-0855 mikes@blindguy.com

(Phone Number) (email)

Agent(s): Houser Engineering

(Name) 626 Ferguson Avenue, Suite 1, Bozeman, MT 59718

(Address) (406) 548-7820 justing@houserengineering.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: 11-26-2018
(Recorded Owner)

Applicant letter

Narrative

The owner of the property located at 3404 Old Hardin Road, being the west 9.50 acres of the west ½ of the west ½ of the southeast ¼ of the northwest ¼ (north of Old Hardin Road) within Section 20 of Township 1 North, Range 27 East, is requesting a zoning change to the property. The owner of the property is as follows:

Lockwood Group LLC
PO Box 20043
Billings, Montana 59104-0043

The agent for this application is as follows:

Houser Engineering P.C.
Justin Houser
626 South Ferguson Avenue, Suite #1
Bozeman, Montana 59718

Currently, this property is zoned R-96. The requested zoning is solely Residential Manufactured Home (RMH). The total acreage included with this zone change request is 9.50 acres. A map has been included in Appendix 5 illustrating the location of the parcel in relation to surrounding properties.

The following questions are from the Yellowstone County Zone change Application, page 4-5. The questions are listed below in bold italics font, while the responses to each question is listed directly thereafter in standard font.

1.A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy? Each of the Growth Policy guidelines is listed below in italics font, with an explanation as to how this proposal is consistent with the Growth Policy. Some of the items are not applicable to the subject property. The response to each Growth Policy Guideline follows directly thereafter in standard font.

- *The existing zoning of R-15,000 may be changes to higher densities of 7-10 dwelling units per acre.* This guideline is not applicable to this property. The zoning for this property is R-9,600.
- *The existing zoning of R-9,600 may be changed to higher densities of 4-6 dwelling units per acre.* The property is currently zoned R-96, which allows for 1 dwelling for every 9,600 square feet of land. Given the property is 9.50 acres, this would allow for up to 43.1 dwellings on the property. The higher density of 4-6 dwellings per acre would result in 38-57 dwellings per acre. It is not the intent of the owners to pursue this additional density at this time. The increased density of this zoning must be supported by public

water and sewer. The proposed zoning change to RMH allows for “stable environments for individual manufactured homes, manufactured home parks and compatible accessory uses”. No mention is made to public water and sewer connections, but without these services, multiple dwellings on the property would be very difficult to permit through the Montana Department of Environmental Quality. The proposed zoning is consistent with the current land use to the east, which is the Emerald Hills Park.

- *A mixed-use zoning district may be applied to properties within the area designated as the TOWN CENTER.* The subject property is located greater than 1 mile to the northeast of the area designated as Town Center, as listed in the Growth Policy maps. For this reason, this guideline seemingly does not apply.
- *Consider constructing private and public improvements to higher design standards in the more densely developed area.* The proposed zoning change will facilitate the construction of a higher density development consisting of private access roads and public utility connections to water and sewer systems. The proposed road and utility improvements will be required to meet the Montana Public Works Standards. This is the goal of the property owners as well.
- *Take into account pedestrian safety when designing private and public infrastructure.* Should the zoning change be approved, the owners will, per the subdivision regulations, be tasked with designing sidewalks, trails and road crossings with the pedestrian safety in mind.
- *Industrial development may be located along existing and proposed transportation corridors north of the interstate.* This guideline does not apply to the subject property.
- *A Targeted Economic Development District (TEDD) may be used to foster secondary, value adding economic development. Properties within the general area of the TEDD may be initially zoned as agriculture with the intent to rezone to an industrial zoning district when and if the TEDD is implemented.* The owners are not interested in utilizing a TEDD at this time. The only goal of the owners is to change the zoning to RMH.
- *Commercial retail and services may be considered appropriate in areas designated for industrial land uses along principal and minor arterials in addition to areas designated for commercial land uses.* The current zoning for this property is R-96, while the proposed zoning is RMH. This guideline seemingly does not apply.
- *Consider connectivity and convenient access for all users when designing future road network.* The owners of this property will consider connecting to the existing private road network of the property to the east (trailer park roads), as well as facilitating future access to the property on the west side for future development. Primary access to the property is from the south of the property, on Old Hardin Road.
- *The County Floodplain regulations may be the best regulatory tool to protect the floodway and flood fringe in the regulated flood hazard zones.* The subject property is not within a floodway or flood fringe.
- *A ‘resource conservation overlay zone’ may be considered to protect natural habitat and other conservation resources along the Yellowstone River.* Acknowledged.

The Lockwood Growth Policy Statement is as follows:

Lockwood is a community that will evolve with a Main Street style TOWN CENTER surrounded by a range of housing options that support and sustain, both fiscally and socially, the community investments in schools, public water and sewer, transportation, recreation, and public safety while providing economic opportunities in general commercial and light and heavy industry businesses in areas shown on the preferred land use map.

This proposed zoning change is consistent with the goal of providing a range of housing options, as stated in the Growth Policy Statement above. Further, the property is located next to the Emerald Hills Park. The modification of the zoning to RMH will keep like developments clustered together.

1.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 of the immediate area. The current zoning (R-96) limits the property to modular home dwellings and does not allow for the placement of manufactured homes. The adjacent property to the east is currently zoned R-96 however it contains manufactured homes. That is not an approved use by current zoning, but a use that was grandfathered since it was in place prior to the zoning regulations. This request is to change the subject property zoning to Residential Manufactured Homes (RMH) which would allow the property to legally contain manufactured homes as the neighboring property does.

2. Photographs may be submitted and are often helpful. They should be of a size adequate to show the nature of the property. Pictures of the property are included in Appendix 5.

3. Pre-Application Statement of Owner(s) or Agent affirming pre-application meeting was held, and include the following: 1) the pre-application neighborhood meeting was held, and 2) the zone change application is based on materials presented at the meeting. Please see Pre-Application Statement of Owner in Appendix 1. As stated earlier, the pre-application neighborhood meeting was held on September 13th, 2018 at the Lockwood Middle School. A copy of the materials mailed to the neighbors and presented at the meeting are enclosed in Appendix 7.

4. Obtain from the Planning & Community Services Department a three hundred (300) foot radius map showing all property which lies within 300 feet of the exterior boundaries of the subject property. Please see map and certified property owners list from the Planning & Community Services Department in Appendix 4.

5. Obtain a certified list of names and addresses of the owners of all property shown within the 300 foot radius on the map as provided by the Planning & Community Services Department. The list of names and mailing addresses must then be placed on gummed

mailing labels and must be typed or neatly printed. Please see certified list of owner names and addresses within 300 feet of the property, provided by the Planning & Community Services Department in Appendix 4. These names and addresses have been placed on gummed mailing labels which are attached to the back of this application.

6. A filing fee must accompany all applications for Zone changes. No application for a Zone Change will be accepted until the filing fee is paid in full. Checks shall be made payable to the City of Billings. This application fee is non-refundable and is no guarantee that the zone change will be granted. Residential: \$829.00. A \$45.00 deposit for posting of zoning request signs is required at the time the application is received. The deposit will be returned when the sign is returned by the applicant or agent at the first public hearing. If the sign is not returned at the first public hearing, the deposit will be retained. Please find a check for \$874.00 (\$829.00+\$45.00) attached to the front of this application.

7. A public hearing shall be held in all petitions for a change in zone classification. As part of the notification procedure, the Zoning Coordinator will notify the property owners on the list prepared by the petitioner for the proposed zone change. All persons identified as owners of property within 300 feet of the exterior boundaries of the property proposed to be rezoned shall be notified by mail not less than fifteen (15) days prior to the date of the public hearing before the County Zoning Commission. In additions, notification of the proposed rezoning shall be posted in a conspicuous place on the property, and legal notice shall be published not less than fifteen (15) days prior to the public hearing in a newspaper for general circulation. Acknowledged.

8. IMPORTANT NOTICE TO PETITIONER: You will be notified by mail as to the time, date and place of the public hearing on your petition. Attendance at the public hearing is not required, but is strongly recommended, so that you may present your case to the Commission. Acknowledged.