

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 700 - Project # PZ-20-0050

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: Agriculture Open

Proposed Zoning: Agriculture Suburban and Community Commercial

Tax ID # D04676, D04691, and D04692 COUNTY COMMISSIONER DISTRICT # 3

Legal Description of Property: Lots 89, 104 and 121 of Sunny Cove Fruit Farms, Located in Section 31, Township 1 North, Range 25 East, Principal Meridian Montana, Yellowstone County, Montana

Address or General Location (If unknown, contact County Public Works): No physical address has been assigned; however, the lots are located on the eastern side of the intersection of Grand Ave and 62nd St. West.

Size of Parcel (Area & Dimensions): 28.6 acres; see the attached layout for the property dimensions

Present Land-Use: Agricultural Land / Vacant Land

Proposed Land-Use: The +/- 23.3 acres to be rezoned to Agriculture Suburban has been proposed for residential use and the +/- 5.3 acres to be rezoned to Community Commercial has been proposed for commercial use.

Covenants or Deed Restrictions on Property: Yes No [checked]

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): John Poukish (Recorded Owner) 306 Eby Creek Road, Eagle, CO 81631 (Address) (970) 390-1898 jpoukish@jjpcompanies.com (Phone Number) (email)

Agent(s): IMEG c/o Kolten Knatterud (Name) 175 N 27th St. #1312, Billings, MT 59101 (Address) (406) 248-900 Kolten.L.Knatterud@IMEGcorp.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: [Signature] John Poukish Date: 2/21/20 (Recorded Owner)





February 20, 2020

Planning & Community Services  
2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor  
Billings, MT 59101

RE: County Zone Change Application – Lots 89, 104 and 121 of Sunny Cove Fruit Farms, Located in Section 31, Township 1 North, Range 25 East

To Whom it May Concern:

Enclosed are the required documents to request a zone change on the properties located in Yellowstone County and legally described above. The three properties are currently zoned with Agriculture Open zoning. A Boundary Line Relocation has also been proposed on the property, so Tracts A and B (+/-23.3 acres) are proposed to be rezoned to Agriculture Suburban zoning and Tract C (+/-5.3 acres) is proposed to be rezoned to Community Commercial zoning. Please see our explanations below (in **bold italics**) in response to the items identified as required in the Zone Change Application Information Packet.

- a. A legal description of the tract (s) proposed to be rezoned;  
***A legal description of the tracts proposed to be rezoned has been included in this letter and the attached Application Form.***
- b. A map showing the dimensions, acreage, and location of the tract(s) and adjacent land uses;  
***A map has been included with this submittal that shows the dimensions, acreage and location of the tracts and adjacent land uses.***
- c. The present and proposed classification for the tract(s);  
***The present and proposed zoning classification for the tracts has been noted on the Application Form included with this letter.***
- d. A certified list of the names, addresses and legal descriptions of the owners of property within a radius of three hundred (300) or more feet, as determined by the zoning coordinator, of the exterior boundaries of the tract(s);  
***A certified list as noted above has been included with this letter.***
- e. Gummed mailing labels with the names and mailing addresses typed or printed neatly of all of the property owners indicated on the certified list;  
***Gummed mailing labels as noted above have been included with this letter.***
- f. The names and addresses of the owner(s) of the land and their agents, if any, along with the recorded property owner's signature; and  
***The names and addresses of the landowners and their agent, along with the property owner's signature have been included on the Application Form.***
- g. Payment of all applicable fees.  
***A check has been included with this letter to address payment of all applicable fees.***

- h. A signed statement affirming the pre-application neighborhood meeting was conducted in conformance with the requirements of Section 27-1508 (b) 3, and the zone change application is based on material presented at the meeting. The signed statement shall include a copy of the meeting notice, any written materials provided to the surrounding property owners, a brief synopsis of the meeting results, a roster of the persons attending the meeting and audio or written minutes of the meeting.

***The Pre-Application Statement of Owner or Agent along with all supporting documents, have been included with this submittal to address the above-mentioned items.***

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

***This proposed zone change is consistent with several of the goals and policies of the adopted Yellowstone County and City of Billings 2008 Growth Policy Update. According to the Growth Policy, these properties are located within the single family residential / agriculture land use designation in an area with a 5-year projected residential growth.***

***The proposed zoning changes for approximately 23.3 acres of two of the properties to agriculture suburban zoning aligns well with the single family residential / agriculture land use designation. This will allow for single family residential use at a density of one dwelling unit per acre. This will fit in with the density of the surrounding existing residential development. The proposed residential use will also align well with the character of the neighborhood, as it is proposed in a location in Billings that was projected to receive residential growth. Further, as the proposed zone change is in an area that has been designated for residential growth, it will minimize urban sprawl by providing homes in the designated area. There are also several existing residential subdivisions located in the surrounding area, so future residential homes would fit into the character of the neighborhood.***

***The proposed zoning change to Community Commercial zoning for approximately 5.3 acres of one of the properties will also provide commercial uses to support the existing and proposed residential development in the area. A goal of the 2008 Growth Policy Update is to provide more housing and business choices within each neighborhood. This proposed mixed-use zone change of both residential and commercial zoning is consistent with this goal as it would allow both residential use and commercial use on these properties.***

***The new commercial and residential development that would result from the proposed zone change will be developed to meet the current development standards. This will meet the 2008 Growth Policy Update goal of providing sanitary and safe properties, in an effort to improve the community image. There are no known natural resources located on these properties that would be impacted by proposed zone change. We have endeavored to prepare a thorough zone change application with this submittal, so as to meet the 2008 Growth Policy Update goal of a predictable and timely zone change review procedure.***

- 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.

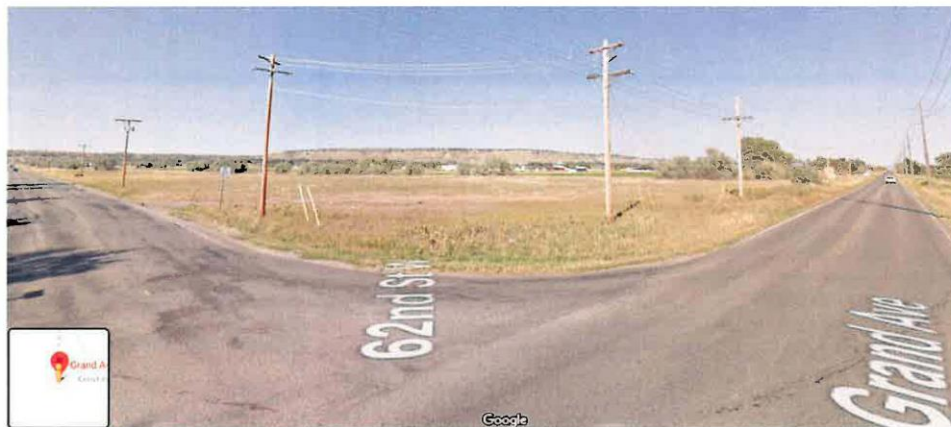
***The properties are currently zoned with Agriculture Open Zoning, which allows a residential land use of up to one dwelling unit per ten acres. A portion of these properties, along with***



*another property in the area, were previously used for agriculture purposes. However, the property has since been sold and the owner does not intend to use it for agricultural purposes.*

*Instead, a portion of the property is proposed for residential use. The total acreage of the three properties is slightly under 30 acres, so with the current zoning, only two homes would be permitted on these large properties. Instead, approximately 23.3 acres are proposed to be changed to the Agriculture Suburban zoning, which would allow up to approximately 23 homes on this portion of the property. This would align well with the existing surrounding residential subdivisions developed in the area. Several of the properties to the north and the south are also zoned with Agriculture Suburban zoning, so this proposed zoning will fit in well with the existing zoning and land uses of the immediate area. Several of the properties in the surrounding area are also zoned with Residential 15,000 zoning. The proposed Agriculture Suburban zoning will encourage slightly less dense development than the existing Residential 15,000 zoning in the area; however, it will still fit in nicely with the existing surrounding area.*

*An approximately 5.3-acre portion of the properties was not utilized recently for agriculture use. This portion of the properties is on the western side of the ditch that crosses them, and it has recently been utilized just as vacant land. An image below has been provided to depict this portion of the property.*



*The proposed zoning change for this approximately 5.3-acre portion of the property will allow it to be utilized for commercial use. The Community Commercial use could allow a storage unit facility, or another type of commercial operation that would benefit and support the surrounding residential properties. This use will fit in well with the existing residential uses of the area as it will provide services and support for these properties.*

Please feel free to contact me with any questions by email at [Christina.M.Loucks@IMEGcorp.com](mailto:Christina.M.Loucks@IMEGcorp.com) or by phone at (406) 721-0142.

Sincerely,  
Territorial-Landworks, Inc.



  
Christina Loucks, Planning Technician

Enclosures:    Application Form  
                  Vicinity Map  
                  Layout with Dimensions and Acreages of Properties  
                  Pre-Application Statement of Owner or Agent  
                  Pre-Application Meeting Notification Letter  
                  Subject Property Map  
                  Pre-Application Meeting Minutes  
                  Pre-Application Meeting Sign in Sheet  
                  Neighbor Comment  
                  Map Provided by City of Properties within 300' of the Zone Change  
                  Certified List of Names and Addresses of Property Owners  
                  Mailing Labels based on Certified List  
                  Review Fee

C.        File & Scan (with attachments)

*T:\1\_ACTIVE FILES\2019 Projects\5540 - John Poukish 62nd Street Subdivision\4\_PLANNING\Rezone Application\ltr.2020-02-20.YCPD.Rezone Application.docx*

