

Application

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 705 - Project # P2X-21-00157
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: RR1- Rural Residential Zoning

Proposed Zoning: C3- General Commercial Zoning & N4- Large Lot Subdivision Residential Zoning.

Property Tax ID # D04691 COUNTY COMMISSIONER DISTRICT # 3

Legal Description of Property: Lot 104A 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 northeastern side of the intersection of Grand Ave and 62nd St. West

Size of Parcel (Area & Dimensions): 17.55 acres; see attached layout for the property dimensions

Present Land-Use: Agricultural uses.

Proposed Land-Use: +/- 17.55 acres are proposed to have General Commercial and Large Lot Subdivision Residential uses.

Covenants or Deed Restrictions on Property: Yes X No

If yes, please attach to application

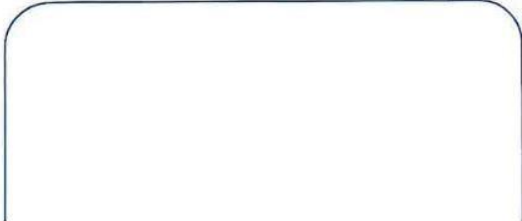
*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

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)
406-248-9000 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 actual and correct.

Signature: [Signature] Date: 6/7/21
(Recorded Owner) AUTHORIZED AGENT





June 7, 2021

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

RE: County Zone Change Application – Lot 104A Sunny Cove Fruit Farms, located in Section 31, Township 1 North, Range 25 East, Principal Meridian Montana, Yellowstone County, Montana.

To Whom it May Concern:

Enclosed are the required documents to request a zone change on the property located in Yellowstone County and legally described above. The property is currently zoned with RR1- Rural Residential zoning and is proposed to be rezoned to C3- General Commercial zoning and N4- Large Lot Subdivision Residential 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 proposed to be rezoned;
A legal description of the tract 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 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;
The present and proposed zoning classification for the tract 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;
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 of the land and their agents, if any, along with the recorded property owner's signature; and
The names and addresses of the landowner and their agent, along with the property owner's signature have been included on the Application Form.
- g. Payment of all applicable fees.
The payment of all applicable fees has been paid through the county website.

- 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 17.55 acres of the property to 3- general commercial zoning and N4- large lot subdivision residential zoning. This will fit in with the density of the surrounding existing residential development. The proposed residential and commercial 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 General Commercial zoning for a portion 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 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.

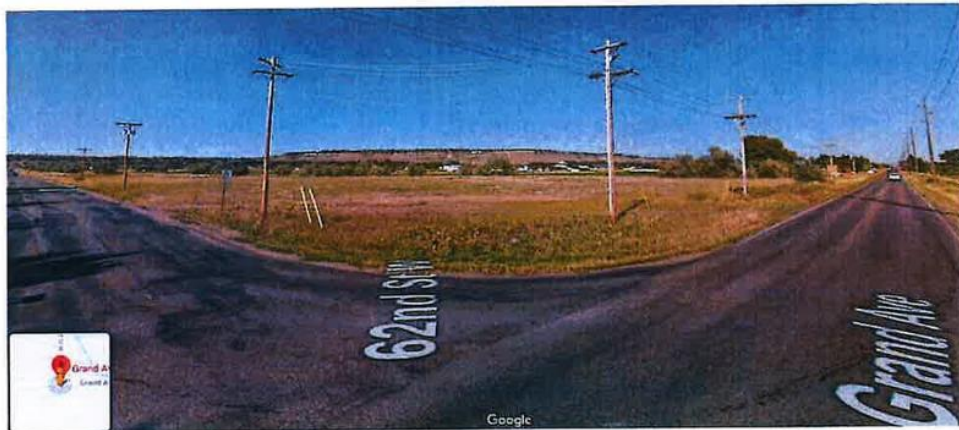
The properties are currently zoned with Rural Residential Zoning, which allows a residential land use of one dwelling unit per 1-3 acres. The majority of this property was previously used for agriculture purposes. However, the property has since been sold and the owner does not intend to use it for agricultural purposes.



Instead, a portion (approximately 5 acres) of the property is proposed for commercial use adjacent to Grand Avenue and the remaining (approximately 12 acres) will be developed with housing of up to 1 acre per lot. This would align well with the existing surrounding residential subdivisions developed in the area.

The area adjacent to Grand Avenue is assumed to be less desirable for housing since Grand Avenue is already a relatively busy roadway and will continue to become busier as development continues.

Due to groundwater issues in the area, not all of the property is available for septic systems so for the residential portion it is assumed that a large park area will need to be provided that could house a number of the septic systems and then smaller lots down to ½ acre may be utilized for actual building sites.



Please feel free to contact me with any questions by email at Kolten.L.Knatterud@IMEGcorp.com or by phone at (406) 248-9000.

Sincerely,
IMEG, Corp.



Kolten Knatterud, Project Executive

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
 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)

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