



COUNTY OF YELLOWSTONE ZONING COMMISSION AGENDA

Monday, July 12, 2021

4:00 PM

**Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana**

NOTICE TO THE PUBLIC

The County Zoning Commission will hold its public hearing in the 1st Floor Conference Room at 2825 3rd Avenue North (Miller Building). All interested persons are invited to attend in person or view the meeting on-line on the Billings-Planning & Community Services Facebook Page here: <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks>.

A public comment phone line is available for on-line viewers to provide testimony during the specific Public Comment periods announced by the Chairman during the hearings. The call in phone number is (406)237-6165. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary.

Written comments may also be sent to Board via email before 1:00 PM on Monday, July 12, 2021. All emails received prior to this time will become part of the record for the public hearings.

The Board of County Commissioners public hearing for these applications will be held on **Tuesday, July 27, 2021, at 9:30 a.m. at 316 N 26th Street -- 3rd Floor, Commissioner's Hearing Room.**

Information on the preceding item may be obtained at the Yellowstone County Planning Department, 2825 3rd Avenue North, 4th Floor or phone 657-8246. Anyone wishing to be heard on this matter may appear at this hearing. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Tammy Deines, Planning Clerk, at 247-8610 or e-mail at deinest@ci.billings.mt.us

Call the meeting to order.

Introduction of the Yellowstone County Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes: January 11, 2021

The minutes of the Board meeting of January 11, 2021

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff
a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **Special Review 333-Parcel 1 of Certificate of Survey 2003**-A special review request to allow a Type II (built before Jan 1, 1990) Manufactured Home to be placed on Parcel 1 of Certificate of Survey 2003, a 3.42 acre parcel of land. A pre-application neighborhood meeting was held on May 19, 2021 at the subject property. Tax ID: D01742
- b. **County Zone Change 704 -- 626 Johnson Lane** -- from CMU2 to NX3 - A zone change request from Corridor Mixed Use (CMU2) to Mixed Residential (NX3), on Lot 5, Block 1, Keller Place Subdivision, a 3.560 acre parcel of land. A pre-application neighborhood meeting was held on May 27, 2021, at 501 Johnson Lane. Tax ID: C12325. Presented by: Karen Husman, Planner I.
- c. **County Zone Change 705 -- NE side of Grand at 62nd St W** -- from RR1 to C3 & N4 - A zone change request from Rural Residential (RR1) to General Commercial (C3) and Large Lot Residential (N4), on Lot 104A, Sunny Cove Fruit Farm, a 17.55 acre parcel of land. A pre-application neighborhood meeting was held on May 28, 2021, at 1411 Chy Way. Tax ID: D04691. Presented by: Karen Husman, Planner I.

Other Business/Announcements

Adjournment

Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners. The Board of County Commissioners public hearing for these applications will be held on Tuesday, July 27, 2021, at 9:30 a.m. at 316 N 26th Street -- 3rd Floor, Commissioner's Hearing Room. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed **zone changes or special review**.

Information on the preceding item may be obtained at the Yellowstone County Planning Department, 2825 3rd Avenue North, 4th Floor or phone 657-8246. Anyone wishing to be heard on this matter may appear at this hearing. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Tammy Deines, Planning Clerk, at 247-8610 or e-mail at deinest@ci.billings.mt.us

County Zoning Commission
Meeting Date: 07/12/2021

Information

Subject

The minutes of the Board meeting of January 11, 2021

Attachments

YZC_2021_01_11_DRAFT



**Yellowstone County Zoning Commission
DRAFT Minutes for the Meeting of
Monday, January 11, 2021**

The County Zoning Commission met on Monday, January 11, 2021 at 4:00 p.m. Due to the COVID-19 health concerns, the format of the County Zoning Commission meeting will be held in a virtual videoconferencing environment.

Commissioners and Staff		01/13/20	02/10/20	03/09/20	04/13/20	05/11/20	06/08/20	07/13/20	08/10/20	08/26/20	08/27/20	09/14/20	10/12/20
Blaine Poppler	Commissioner	1											
Troy Boucher	Commissioner Chairman	1											
Tyler Bush	Commissioner Chairman	1											
Todd Hewett	Commissioner	1											

Chairman Boucher opened the meeting and introduced the County Zoning Commission members and Planning Division staff: Monica Plecker, Planning Division Manager, Tammy Deines, Planning Clerk.

Other Participants: Jennifer Kondracki, Richard Juntman

Public Comment

Chairman Boucher asked if there was anyone wishing to speak during the public comment portion of the meeting. The Public may call in during specific Public Comment periods at (406) 237-6165. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary.

Staff received a letter from Bryce and Lesli Glen, owners, Rocky Mountain Compost Inc. 3060 Farley Lane. Billings, Montana

Questions:

- Our main concern is what will happen to the pond / water level as we use the pond for recreation?
- There has been a very active and viable fish and amphibian eco- system in the pond for many years, what impact on that environment will this project have?



**Yellowstone County Zoning Commission
DRAFT Minutes for the Meeting of
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- What is the plan for control of the water that has an outlet on our property and how will it affect our use of the pond?
- What is the process going to be for noise and dust control?
- How long is this project expected to take? Months? Years?
- What is the plan for restoring the pond back to its natural habitat and what is the projected time line?
- There is already work being done in the areas in question, has this already been approved to continue?
- Why are we having this meeting if work has already been in progress?
- What is the intention of Jim Weaver /JDW Farms or any other entity for the land after all the gravel is mined?
- Is there any intention to have the mining be a 24 hr. operation?

Motion. Approval of Minutes: September 24, 2020 (PROJECT RECODE); OCTOBER 12, 2020 (PROJECT RECODE)

Motion

It was moved by Commissioner Bush and seconded by Commissioner Hewitt to approve the September 24, 2020 and October 12, 2020 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Item #1: Special Review 332

Staff read the legal notice for the record. County Special Review 332 – North End of Johnson Lane – Expansion of Kembel Post Gravel Mine – A special review request to allow expansion of an existing gravel extraction operation in a Heavy Industrial (HI) zone on Tracts 1, C/S 2796, a 43.3 acre parcel of land. Tax ID: D06421.

REQUEST

A special review request to allow expansion of an existing gravel extraction operation in a Heavy Industrial (HI) zone JDW Industrial Park 2, LLC, Owners. Jennifer Kondracki, Agent



Yellowstone County Zoning Commission DRAFT Minutes for the Meeting of Monday, January 11, 2021

The applicant is requesting a special review to allow the expansion of an existing gravel mine located along Johnson Lane. The applicant is JDW Industrial Park 2 LLC. This Special Review application is for consideration of a gravel pit on a 43.3 acre parcel immediately adjacent to an existing and approved (SR282) gravel pit on an 85.6 acre parcel of land. The existing mine and proposed expansion area are both zoned Heavy Industrial (I2). The proposed site is legally and physically accessed from Johnson Lane, a gravel road. The applicant states the expansion and additional mining will primarily be used to excavate material to be used in support of the construction of the new Yellowstone River highway bridge and right-of-way on adjacent property to the east of the project. The need for the project directly supports a major highway and bridge project. The applicant further states the project is adjacent to the highway right-of-way and bridge construction site so access/travel/material haul will be contained within the project boundary and will not require use of public roads.

Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) The application complies with all parts of the Zoning Regulations, 2) The application is consistent with the objectives and purposes of the Zoning Regulations and adopted Growth Policy, and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria in so far that it is within a zoning district where a gravel pit can be allowed by special review approval. The application was submitted before the new zoning code was adopted by the Board of County Commissioners. The application is proceeding under the previous code provision. The Heavy Industrial zone district requires a special review approval for all sand and gravel mining. The application also conforms to the second criteria. The zoning regulations in place at the time of this application designated all zoning districts as locations where gravel pits may be allowed by special review approval.

The 2008 Growth Policy encourages new development that provide essential service to neighborhoods. The gravel pit expansion would provide essential materials for a highway and bridge project that benefits the County's transportation network. The application also meets the third criteria in that it can be made somewhat compatible with surrounding land uses in the area through conditions that mitigate the impacts to the surrounding uses. This site is in an area of Yellowstone County that is industrial and is adjacent to an already existing gravel pit. There are impacts from the proposed use that need to be mitigated. The conditions recommended with the special review should mitigate impacts from the site on the surrounding properties.





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RECOMMENDATION

Staff recommends conditional approval of County Special Review #332 with the following conditions:

1. Dust suppression shall be employed on all exposed rock, gravel, sand or topsoil.
2. Adequate back sloping of all cut-slopes shall be applied to prevent slope collapse.
3. This special review is only for the legally described property and only for gravel and sand extraction. No on-site generation of asphalt is allowed by this approval.
4. Internal haul roads shall be graveled and sprinkled or paved.
5. The site shall be reclaimed according to the plan submitted to the Montana Department of Environmental Quality (MT DEQ).
6. A weed control plan shall be submitted and approved by Yellowstone County Weed Control Department.
7. Any mining activity within 500 feet of a residence on adjacent property shall be limited to the hours of 7:00 am and 8:00 pm
8. The operator of the mining operation shall appoint an individual to as a contact person and complaints about failure to comply with these conditions shall be directed to that person in writing as a first step in resolving the problem. Failure to respond to a complaint or to reasonably comply with the complaint will allow the matter to be brought to the attention of the Planning Department. Failure to reasonably address the complaint will bring the matter before the Zoning Commission for recommendation to the Board of County Commissioners on resolving the problem. The name, address and phone number of the contact person shall be provided to the Planning Department and the County Public Works Department.
9. The mined portion of the property shall be restricted to the area described on the MT DEQ application.
10. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, leaseholders, heirs and assigns.
11. Failure to comply with these conditions of approval of the special review use shall be deemed a violation of the zoning regulations.

Division Manager reviewed the citizen comments from Bryce and Lesli Glenn, who are concerned with the existing pond and future use. The applicant is anticipating a 5-year project. Dust suppression is addressed in the Conditions of Approval. Reclamation is planned to bring the pond to its natural habitat. There is a DEQ mining permit for reclamation. Mining should not be occurring at this time. The proposal is for operations to be 10-12 hours a day Monday-Saturday.

Discussion

Commissioner Boucher asked the Commissions for questions and comments. Commissioner Bush noted the requirement of 500-ft separation and asked how many residents are affected. It appears on the property to the west there is presently a farm that would be most affected.



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Public Hearing

Jennifer Kondracki, Agent, JDW Industrial Park (No address given)

Ms. Kondracki, JDW Industrial Park, asked for expansion of the current open cut mining operation. The long-term goal is turn this into a recreational area.

Richard Juntman, JDW Industrial Park (No address given)

Mr. Juntman explained that during mining of the western edge of the pond, a dike will be placed across the pond and the existing stream would be bypassed into the remaining Glen pond. He said the applicant is committed to preserving the water level in the pond.

- **Environmental Impact:** water banks will be treated to create additional habitat. Ultimately, the purpose is to improve the fishery habitat. The final reclamation is planned for two years after initial reclamation.
- **Plan for water:** reroute the existing stream into the Glen pond
- **The noise level will be restricted during hours of operation**
- **Dust level addressed in permit and conditions of approval**
- **Project period:** 1 to 5 years, depending on the materials needed at the bridge crossing.
- **The plan for restoration to natural habitat-**ultimate reclamation is to create a large pond, approximately 30 acres. After reclamation, the dike will be removed and the pond will be accessible to the Glens. Any construction activity on the present land will be conducted for road access and to improve the area around the pond. The northern parcel does have mining activity occurring.

Bryce Glen, 3060 Farley Lane. Billings, Montana

Mr. Glen clarified that they live on the property as caretakers and there is a modular home on the premises. The plan is the dike will only be in place while mining operations are occurring and the pond will be available to adjacent landowners.

Chairman Boucher announced the Public Comment phone number 237-6165 and asked if there is anyone wishing to speak about this text amendment. There were no further public comments. Chairman Boucher closed the public hearing at 5:35 pm and called for a motion.

Motion

Commissioner Bush moved and Commissioner Hewitt seconded the motion that the County Zoning Commission forward a recommendation of conditional approval to the County Commissioners for County Special Review #332 with the conditions of approval presented by staff.

Chairman Boucher called for discussion on the motion. There was none.

The motion carried with a unanimous voice vote.



**Yellowstone County Zoning Commission
DRAFT Minutes for the Meeting of
Monday, January 11, 2021**

*County Special Review #332 will be heard by the Board of County Commissioners Tuesday, January 26, 2021, 9:30 a.m.

OTHER BUSINESS

a. Election of 2020 YC Zoning Commission Officers

Motion was made by Commissioner Hewitt and seconded by Commissioner Bush for Commissioner Boucher to serve as YC Zoning Commission Chairman for the 2020 term.

Motion was made by Commissioner Hewitt and seconded by Commissioner Boucher for Commissioner Bush to serve as YC Zoning Commission Vice Chairman for the 2020 term.

b. Announcement: The next Yellowstone County Zoning Commission meeting on Monday, February 10, 2020 is canceled due to a lack of agenda items.

Adjournment 5:45 PM

DRAFT-To be approved by a motion at the next scheduled meeting

--Tamara L. Deines, Planning Clerk

County Zoning Commission

Meeting Date: 07/12/2021

SUBJECT: County Special Review 333- 1037 Riverside Drive

THROUGH: Karen Husman

PRESENTED BY: Karen Husman

Information

REQUEST

Special Review 333- Parcel 1 of Certificate of Survey 2003-A special review request to allow a Type II (built before Jan 1, 1990) Manufactured Home to be placed on Parcel 1 of Certificate of Survey 2003, a 3.42 acre parcel of land. A pre-application neighborhood meeting was held on May 19, 2021 at the subject property. Tax ID: D01742

RECOMMENDATION

The Planning Division recommends conditional approval, based on the nine review criteria detailed in the Summary section of this memo.

APPLICATION DATA

OWNERS: Robert S. Blanton & Dorothy Huff

LEGAL DESCRIPTION: Tract 1, CS 2003

ADDRESS: 1037 Riverside Drive

CURRENT ZONING: RR3

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

SIZE OF PARCEL: 3.42 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

Special Review 232: 1036 Riverside Drive, approved 8/22/96 to allow a class B or C mobile home.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: RR1 & I1

Land Use: Residential & Commercial

SOUTH: Zoning: RR1 & N4

Land Use: Residential

EAST: Zoning: N3

Land Use: Residential

WEST: Zoning: CX - Heavy Commercial

Land Use: Commercial

BACKGROUND

The applicant is requesting a special review to allow a Type II (built before Jan 1, 1990) Manufactured Home to be placed a 3.42 acre parcel of land in an RR3 (Rural Residential 3) zone district. Prior to Project Re-Code the property was in the R-15,000 Zone and would have allowed the existing two single family dwellings as well as a third unit. A special review would have still been required to allow the Type II manufactured home on the property.

The Special Review request conforms to the Zoning Code requirements except for principle structure on a parcel in the RR3 district is restricted to one. The property is 3.42 acres and can adequately accommodate 3 single family dwellings. In this review, per Section 27-1622.d.9 the Zoning Commission has authority to recommend the BOCC approve along with this Special Review a variance to allow 3 single family structures (3 primary structures) on the described property. The proposed conditions of approval will ensure orderly development of the site.

SUMMARY

The applicant is requesting a special review to allow a Type II (built before Jan 1, 1990) Manufactured Home to be placed a 3.42 acre parcel of land in an RR3 (Rural Residential 3) zone district. Prior to Project Re-Code the property was in the R-15,000 Zone and would have allowed the existing two single family dwellings as well as a third unit. A special review would have still been required to allow the Type II manufactured home on the property.

The zoning commission shall only recommend approval or conditional approval and the County Commission shall only approve or conditionally approve a special review request if:

1. The special review use is consistent with the County's growth policy and applicable neighborhood plans, if any;
The request is consistent with the County Growth Policy in that there is an allowance for a Type II Mobile home to be placed on a property in the RR3 zone district with a Special Review (SR) approval.
2. The establishment, maintenance, or operation of the special review use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
Approval of the requested SR will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
3. The site for the proposed use is adequate in size and topography to accommodate the use while meeting the other requirements of this Zoning Code, including zone district dimensions, landscaping requirements, and parking.
The site is 3.42 acres and currently has two single family dwellings. Given the size of the property, access, and available land to allow appropriate separation between houses the site is adequate to accommodate one additional home.
4. The special review use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

The properties in the surrounding area are primarily used for residential uses, some of which have multiple dwellings on them. The location and additional home on the property should not significantly impact the adjacent neighbors. The proposed location of the home is a minimum of 20 feet to the property line and is buffered from view from the nearest neighbor by mature vegetation. Generally residential uses area always compatible with other residential uses.

5. The special review use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; The majority of the surrounding properties are already established, approval of the requested SR will not significantly affect the development and improvement if the surrounding properties. Any development on the property will require review by appropriate agencies, all improvements must be in place prior to placement of the home.

6. Conditions necessary to protect the public health, safety, and general welfare can be established, including but not limited to conditions on:

- (a) Regulation of the use;
- (b) Special setbacks, buffers, or screening;
- (c) Surfacing of parking areas;
- (d) Street, alley, or service road dedications, improvements, or bonds;
- (e) Regulation of points of vehicular ingress and egress;
- (f) Regulation of signs;
- (g) Regulation on the performance of the site, including noise, vibration, and odors;
- (h) Regulation of the hours of activities;
- (i) Timeframe for development
- (j) Duration of use; and
- (k) Other relevant conditions that will ensure the orderly development of the site.

Proposed Conditions of approval:

1. The approval shall be limited to Parcel 1 of Certificate of Survey 2003, generally located at 1037 Riverside Drive.
2. This special review approval is to allow one Type II manufactured home to be placed on the property and can not be exchanged or changed without further review. No other special review use is intended or implied by this approval.
3. The property is limited to no more than three (3) single family dwellings on the property (two existing structures and one (the proposed) manufactured home.
4. The manufactured home shall be placed on the property in substantial conformance to the site plan submitted with this application.
5. Prior to placement on the property adequate utilities, access roads, drainage, and/or necessary facilities will be provided, and appropriate permits for septic and water will be obtained.
6. Adequate measures will be taken to provide ingress and egress to minimize traffic congestion in public streets.
7. These Conditions must be met within one year or the manufactured home must be removed from the property, and the special review will be invalid.
8. Failure to comply with these conditions of approval of the special review use shall be deemed a violation of the zoning regulations.
9. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

7. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
Condition number 5

8. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in public streets;
The property is already served by a residential driveway. The addition of one more dwelling will not increase traffic congestion.

9. The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the County Commission.
The Special Review request conforms to the Zoning Code requirements except for principle structure on a parcel in the RR3 district is restricted to one. The property is 3.42 acres and can adequately accommodate 3 single family dwellings. In this review, per Section 27-1622.d.9 the Zoning Commission may choose to recommend the BOCC approve along with this Special Review a variance to allow 3 single family structures (3 primary structures) on the described property.

RECOMMENDATION

The Planning Division recommends conditional approval, based on the nine review criteria detailed in the summary section of this memo.

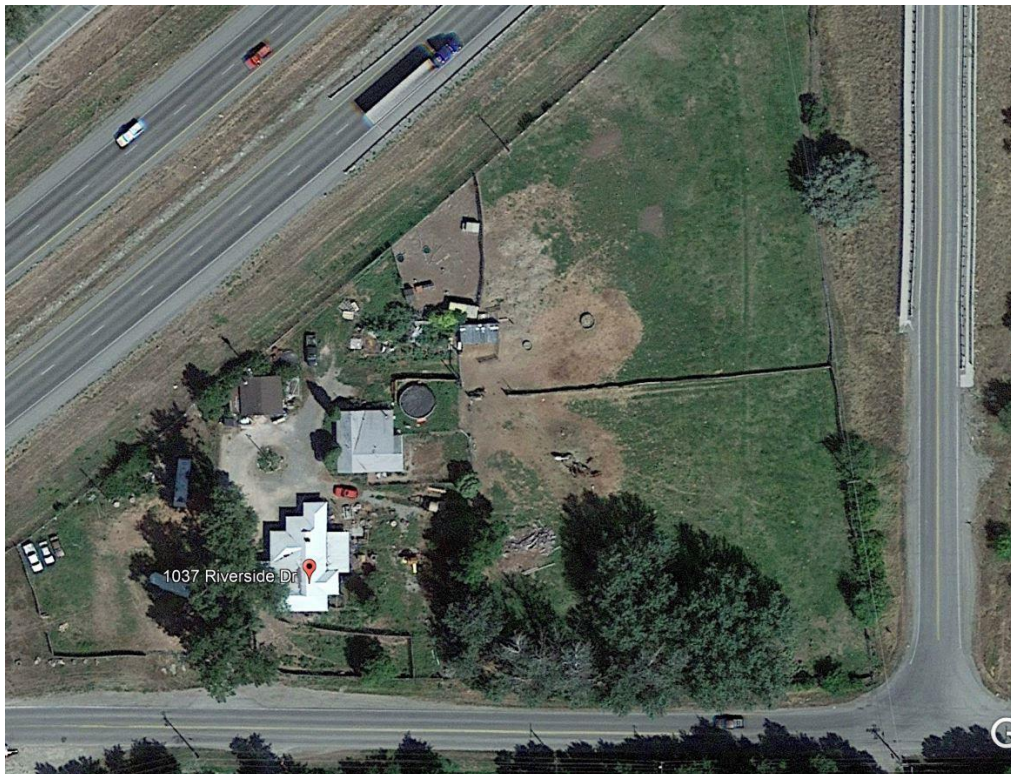
Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Preapplication Meeting Info.
Site Plan

Zoning Map



Site Photos





Subject Property



Looking North



East





South west



West

Application & applicant letter

APPLICATION FORM

COUNTY Special Review COUNTY Special Review # 333 - Project # PZX-21-00154
The undersigned as owner(s) of the following described property hereby request a Special Review as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: RESIDENTIAL RR3

Special Review Requested: Set up older mobile home on property
TYPE 2

PROPERTY TAX ID# D01772 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: S10-T01 S/ R26 E/2003/ PARCE/001/TR1 C5
2003 IN SE SE SE 4 3.42 AC. (OLD # 0-543)

Address or General Location (If unknown, contact County Public Works):
1037 Riverside Drive, Billings, MT 59101

Size of Parcel (Area & Dimensions): 3.42 ACRES

Present Land-Use: Residential

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): ROBERT S BLANTON and Dorothy Nuff
(Recorded Owner)
1037 Riverside Dr. Billings, MT 59101
(Address)
406 690 2343 VSALAZAR 51@GMAIL.COM
(Phone Number) (email)

Agent(s):
(Name)
(Address)
(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 Special Review. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Date: _____
(Recorded Owner)



County Special Review 2021-2022

Instructions #8, #9

I have included pictures
because I have no idea
how to answer questions

The reason I am
asking for a special permit is
to place a mobile home that is
older than required age because
we are on Social Security and it
is all we could afford.

Vick Salzman



SPECIAL ZONING PERMIT APPLICATION MEETING

Please be advised a neighborhood meeting will be held on May 19th, 2021 at 6:30 P.M. at 1037 Riverside Drive, Billings, MT 59101 to discuss the above entitled application and to see if there is any objection to same.

The existing zoning is Rural Residential 3 (RR3). The special permit will be for the purpose of putting a mobile home that is older than the requirement in the existing zoning. Said mobile home will be updated and will not be an eyesore. The mobile home is located at 1037 Riverside Drive, Billings, MT, legal description is S10-T01 s/r26e/2003/parcel 001/tr1 cs 2003 in sesese4 3.42 ac.

Owners of the real property are Robert Blanton and Dorothy Huff, telephone number 406-690-2343 Owner of mobile home is Albert Salazar, 406-200-0492

Dated May 4, 2021

RE:
SPECIAL ZONING PERMIT APPLICATION MEETING

James Brown residing at 1036 Riverside Drive was the only person to appear at meeting. He stated he had absolutely no problem with what we wanted to do.

Vicki Salazar

SCANNED

RECEIVED
JUN 10 2021
PLANNING & COMMUNITY
SERVICES DEPARTMENT



□

County Zoning Commission

Meeting Date: 07/12/2021

SUBJECT: County Zone Change 704- 626 Johnson Lane

THROUGH: Karen Husman

PRESENTED BY: Karen Husman

Information

REQUEST

County Zone Change 704 -- 626 Johnson Lane -- from CMU2 to NX3 - A zone change request from Corridor Mixed Use (CMU2) to Mixed Residential (NX3), on Lot 5, Block 1, Keller Place Subdivision, a 3.560 acre parcel of land. A pre-application neighborhood meeting was held on May 27, 2021, at 501 Johnson Lane. Tax ID: C12325. Presented by: Karen Husman, Planner I.

RECOMMENDATION

Planning staff recommends approval of Zone Change #704 and adoption of the 11 criteria detailed in the summary section of this memo.

APPLICATION DATA

OWNER: Paul Jessop

AGENT: Kolten Knatterud, IMEG

LEGAL DESCRIPTION: Lot 5, Block 1, Keller Place Subdivision

SIZE OF PARCEL: 3.560 Acre

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Residential Multi-Family

EXISTING ZONING: CMU2

PROPOSED ZONING: NX3

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

See attached.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: CMU2

Land Use: Commercial Mini Storage

SOUTH: Zoning: RMH

Land Use: Residential Mobile Home Park

EAST: Zoning: CMU1

Land Use: Commercial Truck wash & Service Center

WEST: Zoning: RMH

Land Use: Residential Mobile Home Park

BACKGROUND

The subject property is located at 626 Johnson Lane. This zone change request from Corridor Mixed Use (CMU2) to Mixed Residential (NX3) would allow the property to develop into a transitional district between the existing CMU2 to the north and the RMH to the south and east of the property, creating the opportunity for more housing choices.

The applicant held a pre-application meeting and answered questions and concerns from the neighboring property owners. There were concerns about building design, if there would be playground facilities, how the project would affect the irrigation ditch along Johnson Lane, and additional traffic. The applicant answered that there will not be a playground, however, a green space will be provided with the development. The applicant responded by letting them know the plans were preliminary and any future development will meet all restrictions and requirements, and they did not foresee any long term affects on the ditch.

The applicant intends to develop the property into multifamily housing. The applicant has stated the proposed area is near the "Lockwood Town Center" and would develop an anchor development in that area, bringing more housing to the downtown area of Lockwood. The intention is to provide workforce housing in an effort to attract more businesses to the area. The Lockwood Growth Policy defines the need for more housing choices near the Town Center area.

The current zoning of CMU2 allows for multifamily housing, but requires the first floor area to be commercial use. The applicant feels that currently Lockwood has an abundance of available commercial space and in today's economic climate, better use of this parcel would be the creation of additional housing units and add additional housing choices to Lockwood.

SUMMARY

PROPOSED DETERMINATIONS

County Zone Change #704

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. Is the new zoning designed in accordance with the Growth Policy?

The proposed zoning does comply with the following goals of the Lockwood Growth Policy and area plans:

Provide ongoing assessment of land use and zoning to help guide future development.

This zone change would allow for an overall zoning plan that is somewhat consistent and should remain consistent with growing neighborhoods. The existing zoning district is intended to allow a mix of commercial and residential land uses. The CMU2 is meant to accommodate larger scale commercial, warehouse style buildings on deeper lots along corridors. The ground stories along streets are intended for commercial uses and the upper stories could accommodate residential and/or office uses. The new zoning NX3 would allow residential as the primary use on the parcel. This would be a new development of multifamily

housing, the Lockwood Growth Policy indicates a need for more housing choices in the Town Center area of Lockwood.

2. Is the new zoning designed to secure from fire and other danger?

The subject property is currently served by the Lockwood Fire Department with mutual aid from the Billings Fire Department. The property will have access from Johnson Lane, a principle arterial street. There should be adequate ingress and egress to the property for emergency vehicles. The property is served by the Lockwood Water District that has fire hydrants throughout the Lockwood community. The fire department may require additional fire suppression with the development of the property. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.

3. Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?

Transportation: Development under the new zoning will increase traffic on Johnson Lane, a principle arterial street. The level of traffic increase will be dependent on the number of residential dwelling units constructed. The property is located on a high traffic corridor that carries approximately 2,600 vehicles a day.

Water and Sewerage: The property is within the Lockwood Water and Sewer District. Water and Sewer needs will be evaluated at the time of a development plan. The number of units will be limited to the capacity the Lockwood Water & Sewer district can provide.

Schools and Parks: The proposed zoning would likely impact the Lockwood School District at a higher level than the current zoning. The number of dwelling units will determine the possible impact on schools. The School District had no comments on the application.

Fire and Police: The subject property is serviced by the Lockwood Fire District and the Yellowstone County Sheriff's Department. Fire suppression requirements will be evaluated at the time of a development plan.

4. Will the new zoning promote health and general welfare?

The new zoning will allow development of property that is adjacent to an existing commercial use to the north as well as low density residential uses to the south and west. There is planned to be residential development on the property, which is not expected to have a negative impact on the surrounding uses. The new zoning and development of a vacant parcel would provide infill development that should provide new sidewalks adjacent to the ROW, promoting pedestrian safety.

5. Will the new zoning provide adequate light and air?

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

6. Will the new zoning effect motorized and non-motorized transportation?

The proposed zoning itself will not generate more traffic, the development of the property to multifamily residential will impact the traffic on Johnson Lane. The estimated increase in traffic would depend on the number of units approved with this development.

Pedestrian traffic in the area is limited due to no pedestrian facilities. The Lockwood Pedestrian Safety District is working to get sidewalks in Lockwood, it would be beneficial for the development and the Lockwood community to include sidewalks along Johnson Lane.

7. Will the new zoning be compatible with urban growth in the vicinity?

The proposed zoning is compatible with nearby urban zoning and development. The proposed zoning is compatible with the residential zoning to the south and east, and new residents could utilize the adjacent mini storage to the north.

8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?

The subject property is in an area that is a mix of residential and commercial uses on the adjacent property. The property is suitable for NX3 uses on this infill parcel and the Growth Policy calls out this area for mixed uses in the Town Center area of Lockwood.

9. Will the new zoning conserve the value of buildings?

The new zoning will allow the development of new residential uses adjacent to residential and commercial uses. The new residential uses should have a limited effect on existing structures on surrounding properties. There are currently no buildings on the property.

10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?

The property is suitable for the uses allowed in the NX3 zoning district. This is an appropriate use of land in this area of the County and will encourage similar development to what is already in this part of the County. The Lockwood Growth Policy calls out this area for mixed use in the Town Center district of Lockwood to encourage workforce housing.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?

The proposed zoning is not close to the city limits of Billings and is compatible with the typical urban development in this area of Lockwood.

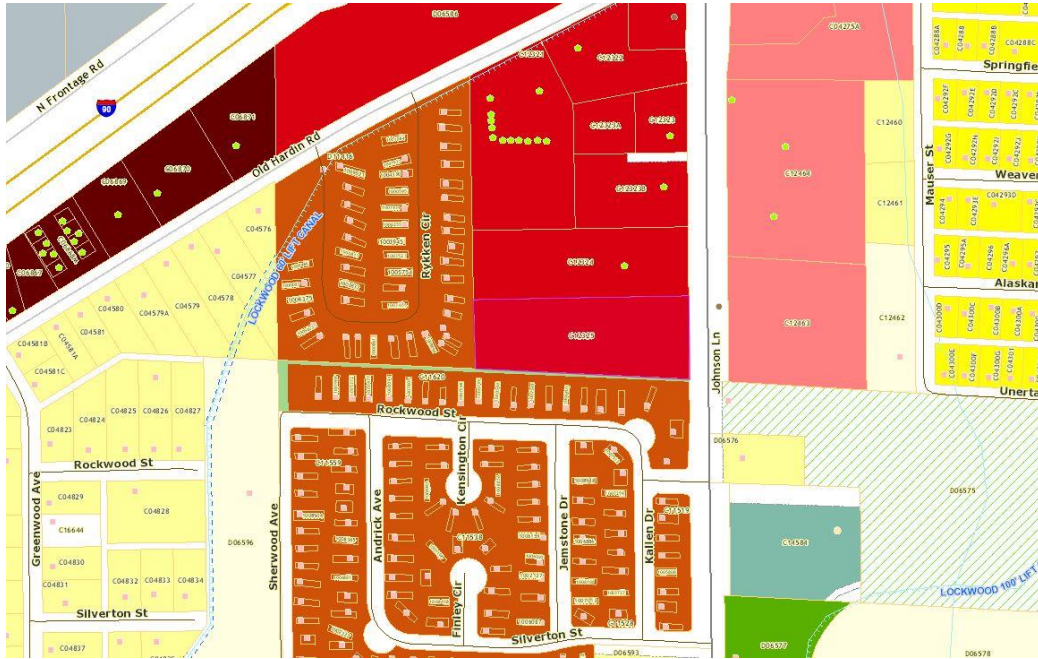
RECOMMENDATION

Planning staff recommends approval of Zone Change #704 and adoption of the 11 criteria detailed in the summary section of this memo.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Site Plan
Pre-application Minutes
Zoning History

Zoning Map



Site Photos





Subject Property



West



Looking North



South



North



East

Application

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # _____ - Project # _____

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: CMU2- Corridor Mixed-Use

Proposed Zoning: NX3- Mixed Residential

Tax ID # C12325 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: Lot 5, Block 1 of Keller Place Subdivision, Located in Section 30, Township 1 North, Range 27 East, P.M.M, Yellowstone County, Montana.

Address or General Location (If unknown, contact County Public Works): 626 Johnson Lane; Billings, MT 59101

Size of Parcel (Area & Dimensions): 3.560 acres; see attached layout for the property dimensions

Present Land-Use: Vacant Land - Rural

Proposed Land-Use: Paul is looking to purchase the 3.56 acre property and rezone to Mixed Residential zoning to allow an apartment complex to be constructed.

Covenants or Deed Restrictions on Property: Yes _____ 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): Paul Jessop

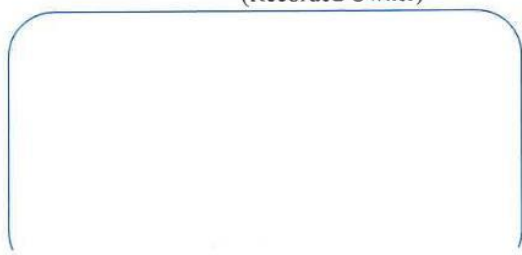
(Recorded Owner)
998 US Highway 93 N, Victor, MT 59875
(Address)
406-360-8825 pjmt1@gmail.com
(Phone Number) (email)

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 factual and correct.

Signature: [Signature] For PAUL JESSOP Date: 6/7/21
(Recorded Owner) **AUTHORIZED AGENT**



Applicant Letter



June 7, 2021

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

RE: County Zone Change Application – Lot 5, Block 1 1 of Keller Place Subdivision, Section 30,
Township 1 North, Range 27 East, P.M.M. 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 Corridor Mixed-Use & Commercial Centers (CMU) zoning and is proposed to be rezoned to Mixed Residential (NX3) 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 tract 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?

The proposed area is near the "Lockwood Town Center" and would develop an anchor development in that area and bring more housing to that area allowing for additional businesses to potentially be attracted to the "Town Center." Lockwood has also identified that it needs additional housing type beyond single family and mobile home that currently exist, and this would provide a large number of additional housing units to the area.

- 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 of CMU will allow for Multi-Family at the desired density however it would also require first story commercial to be developed. The current Lockwood area already has an abundance of available commercial space and in today's economic and social climate with more people working from home and commercial space becoming less of a necessity it has been determined the better use of this square footage will be the creation of additional housing units and providing additional housing choice to the Lockwood Area.

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

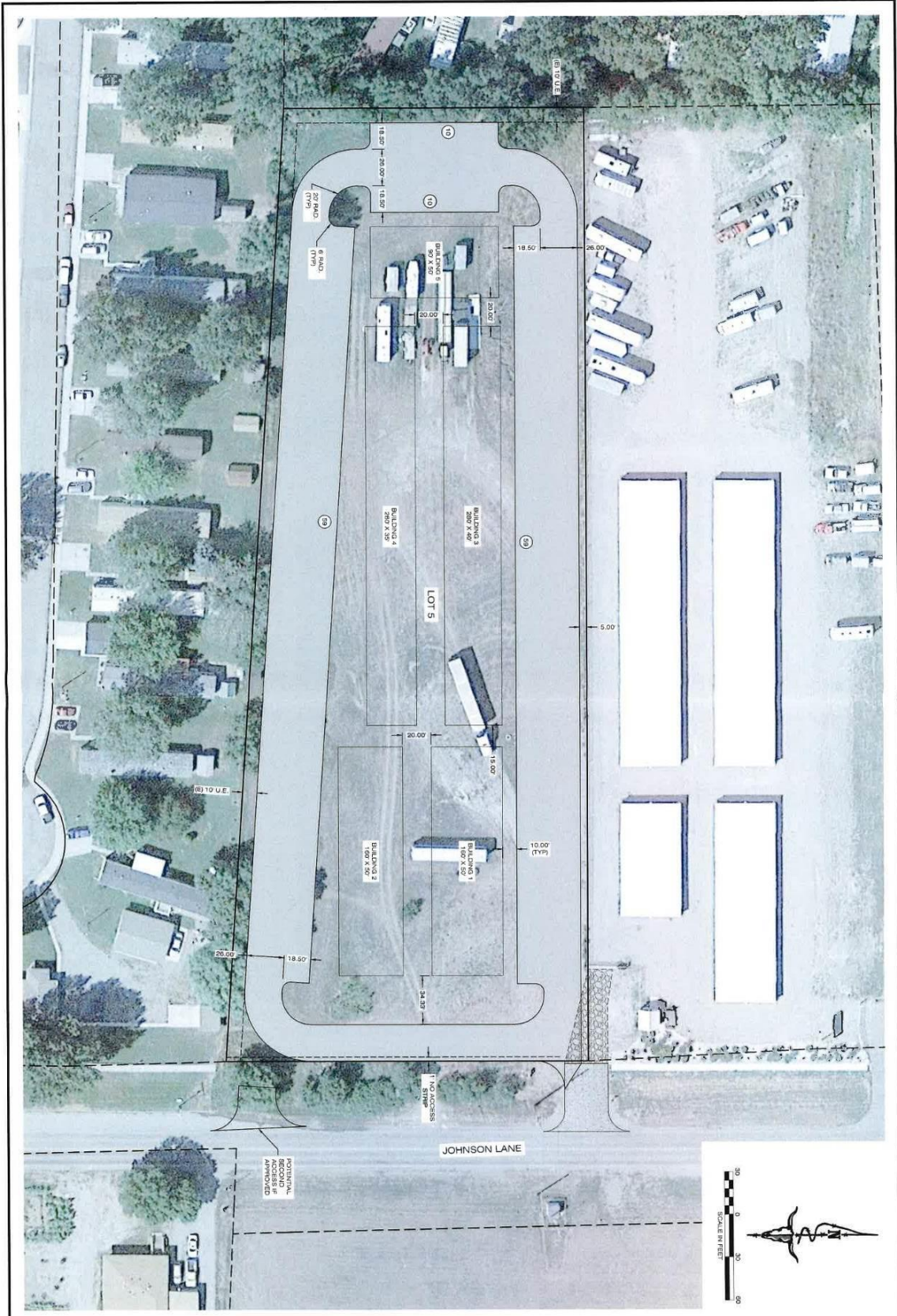


Mailing Labels based on Certified List
Review Fee (uploaded to portal)

C. File & Scan (with attachments)

C:\Users\Kolten.L.Knatterud\Desktop\05-28-2021.YCPD.Rezone Application.docx





PRELIMINARY

PROJECT NO: 21002373	PROJECT NAME: JOHNSON LANE REZONE
SHEET: 1 OF 1	SHEET TITLE: SITE LAYOUT OPTION 1

LOCATION: LOT 5 OF KELLER PLACE SUBDIVISION SECTION 30, T.01N., R.27E., P.M.M. BILLINGS MONTANA YELLOWSTONE COUNTY	PREPARED FOR: PAUL JESSOP
--	------------------------------

DESIGNED BY: CHECKED BY: DATE: 08/12/21	REVISIONS:	DATE:

IMEG
 1817 SOUTH AVE. W. STE. A. PH: 406.721.0142
 MISSOULA, MT. FAX: 406.721.0224
 59801 www.imegcorp.com

Pre-Application Minutes

IMEG
(406) 248-9000

175 N 27th St #1312
Billings, MT 59101

Pre-Application Neighborhood Meeting Minutes 626 Johnson Lane Zone Change Request Thursday – May 27, 2021 5:00 p.m.

Location: Lockwood Fire Station Community Room, 501 Johnson Ln, Billings, MT 59101

ATTENDEES:

- A Sign-in Sheet is attached. One person attended and signed the attendance sheet. Kolten Knatterud (IMEG) attended the meeting and signed the attendance sheet as well.

ITEMS:

➤ Topic: Introduction

- Kolten Knatterud (IMEG) presented the overall project and discussed how Paul Jessop, member of Lockwood, LLC., purchased Lot 5, Block 1, Keller Place Subdivision, located at 626 Johnson Lane and is now pursuing a rezone. The rezone is requesting to change the parcel from Corridor Mixed-Use & Commercial Centers (CMU2) to a Mixed Residential (NX3).
- A copy of the lot layout was present at the meeting.

➤ Topic: General Information

- The general information on the Zone Change Request was discussed at the meeting.
- Questions were asked by the attendees as follows:
 - What will the buildings look like?
 - A response was provided that at this time the project is very preliminary, and it is not finalized what the buildings will look like.
 - Will the apartment complex have a playground?
 - A response was provided that at this time a playground is not proposed but there will be common green space between the buildings.
 - Concerns were raised about the existing irrigation ditch along Johnson Lane and how it has backed up in the past.
 - Concerns were raised about the additional traffic that will be generated by the apartment complex.
 - Johnson Lane widening as part of a bypass was discussed and how it related to this project.
 - A response was provided that the layout is preliminary, and it is unknown at this time if any changes to Johnson Lane from the bypass will affect this project.

Attachments:

- Sign-in Sheet for Neighborhood Meeting

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Grummon Sub.lt6	297	11/5/80	Chg to HC	N	
2602 Rockwood	60	9/30/75	R150 to RMO	Y	
610 Mauser	568	12/23/03	R96 to EGC	N	
2816 Old Hardin	152	10/25/77	R96 & NC to CC	Y	
2813 Old Hardin	359	5/29/84	CC to HC	N	
2748 Old Hardin	457	9/28/95	R150 to EGC	Y	
420 Cole	649	7/29/14	EGC to ELI	Y	

□

County Zoning Commission

Meeting Date: 07/12/2021

SUBJECT: County Zone Change 705- Grand & 62nd St.

THROUGH: Monica Plecker

PRESENTED BY: Karen Husman

Information

REQUEST

County Zone Change 705 -- NE side of Grand at 62nd St W -- from RR1 to C3 & N4 - A zone change request from Rural Residential (RR1) to General Commercial (C3) and Large Lot Residential (N4), on Lot 104A, Sunny Cove Fruit Farm, a 17.55 acre parcel of land. A pre-application neighborhood meeting was held on May 28, 2021, at 1411 Chy Way. Tax ID: D04691. Presented by: Karen Husman, Planner I.

RECOMMENDATION

Planning Division recommends approval of Zone Change 705 and adoption of the 11 criteria detailed in the summary section of this memo.

APPLICATION DATA

OWNER: John Poukish

LEGAL DESCRIPTION: Lot, 104A of Sunny Cove Fruit Farms

ADDRESS: Intersection of Grand Ave. and 62nd St.

SIZE OF PARCEL: 17.55 Acres

EXISTING LAND USE: Agricultural

PROPOSED LAND USE: Residential, Ag. & Commercial

EXISTING ZONING: RR1

PROPOSED ZONING: C3 & N4

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

SURROUNDING LAND USE & ZONING

NORTH: Zoning: N4

Land Use: Residential/Agricultural

SOUTH: Zoning: RR3

Land Use: Residential/Agricultural

EAST: Zoning: C3 & RR3

Land Use: Residential/Agricultural

WEST: Zoning: RR3

Land Use: Residential/Agricultural

BACKGROUND

The subject property is located at Grand Ave and 62nd Street West. The property was recently approved for Zone Change 700 in May of 2020 for a zone change request from Agricultural Open Space (A-1) to Agricultural Suburban (A-S) and Community Commercial (CC), on Lots 89, 104 and 121 of Sunny Cove Fruit Farms, a combined 28.6 acre parcel of land. The applicant was also granted approval in 2020 for an exempt plat application to realign the southern parcel to create a triangular lot for the proposed CC zoning. The ditch provided a buffer between the proposed commercial lot and the proposed A-1 parcels.

After Project Re-Code was approved, the A-1 parcels became Rural Residential 1 (RR1) and the CC became General Commercial (C3). This request will extend the area of C3 to the east of the ditch, and the northern portion will become N4 allowing large lot residential. The current zoning of RR allows one residential dwelling unit per 1-3 acres. The majority of this property was previously used for agriculture purposes. The property has been sold and the new owner does not intend to use the land for agricultural purposes. The portion of about 5 acres is proposed for commercial use adjacent to Grand Avenue and the remaining will be developed with housing up to one acre per lot. Due to groundwater issues, there are limitations for allowed septic systems, the DEQ and Health Department will make determinations for allowance of permitted systems on the property.

SUMMARY

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. Is the new zoning designed in accordance with the Yellowstone County 2008 Growth Policy?

The proposed zoning does comply with the following goals of the Yellowstone County 2008 Growth Policy and area plans:

Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.

This zone change would allow for additional area for commercial uses at the intersection of two principal arterial streets.

Goal: New developments that are sensitive to and compatible with the character of adjacent development.

This property is adjacent to agricultural and residential uses. The intended uses are compatible surrounding uses. There are commercial uses and zoning nearby at 54th and Grand Ave.

2. Is the new zoning designed to secure from fire and other danger?

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The nearest fire station is located on at 54th Street West and Grand Avenue (Station #7) less than one mile north and east of the subject property. Future subdivision of land the Fire Marshal may require additional on-site water supply for fire protection.

3. Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?

Transportation: Development under the new zoning will increase traffic on 62nd Street and Grand Avenue. The level of traffic increase will be dependent on the development of the proposed C3 zoned parcel.

Water and Sewerage: The property will be served by septic systems and on-site water (cisterns or wells) City of Billings' public utilities are not available and are not intended to be extended to this area for more than 5 years.

Schools and Parks: The proposed zoning would impact two schools as it develops, Elder Grove Elementary and Middle school and West High School.

Fire and Police: The subject property is serviced by the Billings Fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan.

4. Will the new zoning promote health and general welfare?

The new zoning will allow development of property that is adjacent to an existing commercial use and at the intersection of two arterial streets in the County. There is planned to be commercial and residential development on the property, which is not expected to have a negative impact on the surrounding uses. The zoning is not expected to have a negative effect on the health and general welfare of the area.

5. Will the new zoning provide adequate light and air?

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

6. Will the new zoning effect motorized and non-motorized transportation?

The proposed zoning is compatible with nearby urban zoning and development. However, lack of water and sewer infrastructure is likely to limit the types of development that may be supported on the property in the C3 zoning district. The proposed zoning and development is consistent with the area. Pedestrian traffic in the area is limited due to high speed arterials, no pedestrian facilities, and large-lot residential development.

7. Will the new zoning be compatible with urban growth in the vicinity?

The proposed zoning is compatible with nearby urban zoning and development. However, lack of water and sewer infrastructure is likely to limit the types of development that may be supported on the property in the C3 zoning district. The proposed zoning and development is consistent with the area.

8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?

The subject property is in an area that is primarily agricultural with a few small residential subdivisions and a mini-storage on the adjacent property. The property is suitable for C3 uses at the intersection of two arterial streets. It is likely the character of the area will change to commercial uses at this node, which follow the goals and policies of the Growth Policy for Yellowstone County.

9. Will the new zoning conserve the value of buildings?

The new zoning will allow the development of new commercial and residential uses adjacent to agricultural, residential and commercial uses. The new residential and commercial uses should have a limited effect on the surrounding properties.

10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?

The property is suitable for some of the uses allowed in the C3 zoning district. Without access to public utilities, many of the higher intensity uses could not be developed including multi-family apartments and restaurants. The C3 zoning at the corner of the two arterials is an appropriate use for the land. Certain uses that generate high traffic such as restaurants and retail uses are not possible at this location without annexation and the provision of public water and sewer. The property is suitable for the proposed residential development. This is an appropriate use of land in this area of the County and will encourage similar development to what is already in this part of the County.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?

The proposed zoning is close to the City of Billings and is compatible with the typical urban development at arterial intersection.

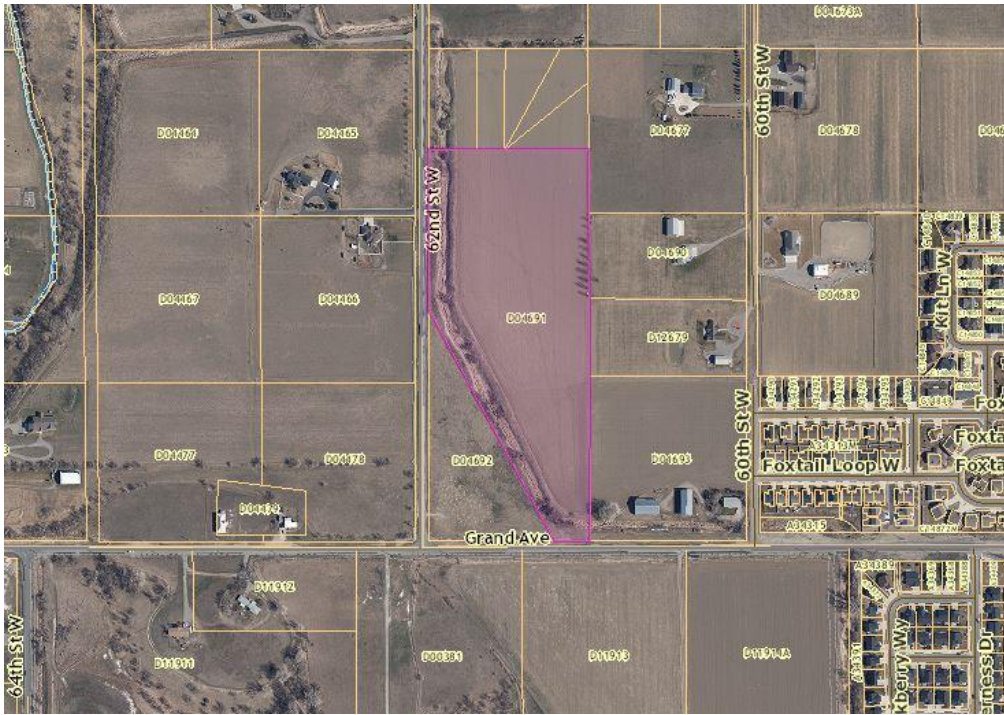
RECOMMENDATION

Planning Division recommends approval of Zone Change 705 and adoption of the 11 criteria.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Preapplication Meeting Info.
Zoning History
Site Plan

Site Photos



Subject Property



East



Southwest



South



North

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

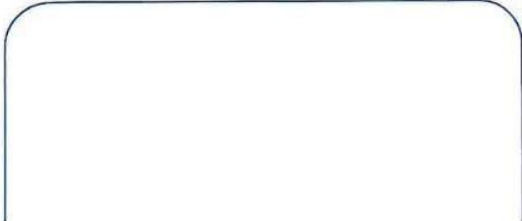
*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

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.

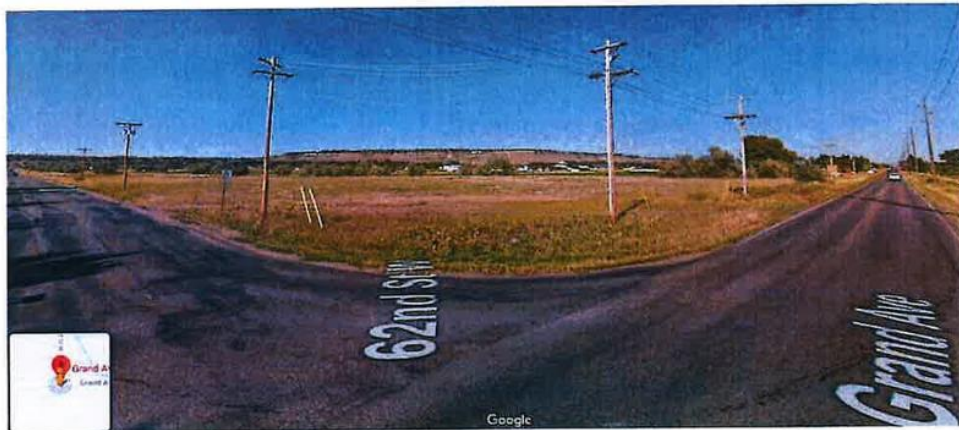
The properties are currently zoned with Rural Residential Zoning, which allows a residential land use of one dwelling unit per 1-3 acres. The majority of this property was previously used for agriculture purposes. However, the property has since been sold and the owner does not intend to use it for agricultural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

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



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:** RR1- Rural Residential Zoning _____
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: +/- 17.55 acres are proposed to change to C3-General Commercial Zoning and N4-Large Lot Subdivision Residential Zoning. _____
3. **Subject Property Map:** please attach to this form _____
4. **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 _____
5. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form _____
6. **A copy of the meeting notice.** please attach to this form _____
7. **A brief synopsis of the meeting results.** please attach to this form _____
8. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 28th, day of May, 2021.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): John Poukish Telephone: 970-390-1898

Address: 306 Eby Creek Road Eagle, CO 81631 Email: jpoukish@jjpcompanies.com

Agent (s): IMEG c/o Kolten Knatterud Telephone: 406-248-9000

Address: 175 N 27th St. #1312 Billings, Mt 59101 Email: Kolten.L.Knatterud@IMEGcorp.com

[Handwritten signature] for JOHN POUKISH

[Handwritten signature]
AUTHORIZED AGENT



June 7, 2021

Yellowstone County Planning Division
2825 3rd Avenue North
4th Floor
Billings, MT 59101

RE: Pre-Application Neighborhood Meeting – County Zoning Change on property located at Grand Avenue and 62nd Street West

To Whom It May Concern:

The purpose of this notification is to inform you of a Pre-Application Neighborhood Meeting on Friday, May 28th, 2021 at 5:00 p.m. The meeting will be held at The Den, which is located at 1411 Chy Way, Billings, MT 59106.

This meeting will address questions and comments regarding a proposed zoning change for the property located at the intersection of Grand Avenue and 62nd Street West, which encompass a total of 17.55 acres. The legal description of this property is Lots 104A Sunny Cove Fruit Farms, located in Section 31, Township 1 North, Range 25 East, Principal Meridian Montana, Yellowstone County, Montana. An exhibit has been included with this letter, which depicts the zoning change of the lot. The property owner of the subject properties is John Poukish, 306 Eby Creek Road, Eagle, CO 81631.

The lots are currently zoned with Agriculture Open zoning. This zoning change proposes changing the zoning of a portion of the lot to N4 – large lot subdivision residential and a portion of the lot to be zoned C3 - general commercial.

We look forward to seeing you at the meeting. If you are unable to attend, please feel free to send your questions and/or comments to neil.r.thompson@imegcorp.com or mail them to the address found at the bottom of this page.

Sincerely,
IMEG

Neil Thompson, Staff Engineer

Enclosures: As noted in text above.

CC: File

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APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Lt 104A Sc FF	700	5/2020	A-1 to A-s & CC	y	
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
4745 Hesper	406	9/11/89	A-1 to A-S	Y	
4745 Hesper	436	3/19/93	A-S to A-1	Y	
4745 Hesper	484	11/4/97	A-1 to CC	N	
4745 Hesper	645	9/9/13	A-1 to CC	Y	
48 th & Hesper	684	2/5/18	A-1 to CC & A-S	Y	
SunnyCove Fruit Farm (SCFF) Lot 59	487	2/3/98	R-150 to A-1	Y	NE corner of Colton & 60th
2530 66 th St. W	499	7/7/98	R-150 to A-1	Y	
SCFF Lot 103	542	5/29/01	A-1 to R-150	Y	
SCFF Lot 124	709	1/27/03	Ag to R-150	Annexation Denied by CC	No action taken on ZC

Site Plan

