

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: Agriculture (A)

Proposed Zoning: Large Lot Suburban Neighborhood Residential (N4)

Property Tax ID # 000D00465B COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: Tract 1B of the Amended Plat of Tract 1 of Certificate of Survey 2713.

Address or General Location (If unknown, contact County Public Works): 5110 Central Avenue

South of Central Avenue between 52nd Street West and Grassland Street.

Size of Parcel (Area & Dimensions): 7.953 acres

Present Land-Use: Agricultural

Proposed Land-Use: Large lot 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): Mason and Jami Shanks

(Recorded Owner) 5110 Central Avenue, Billings, MT 59106

(Address) 406-321-4318 mjshankslc@gmail.com

(Phone Number) (email)

Agent(s): Taylor Kasperick - Performance Engineering

(Name) 608 N. 29th Street, Billings, MT 59101

(Address) 406-384-0080 taylor@performance-ec.com

(Phone Number) (Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: *Mason Shanks* Date: 4-30-2022

(Recorded Owner)



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:** Agriculture
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: Change 7.953 acres property currently zoned as Agriculture (A) to Large Lot Suburban Residential (N4).
3. **Subject Property Map:** please attach to this form Attached with this submittal.
4. **Legal Description of Property:** Tract 1B of the Amended Plat of Tract 1 of Certificate of Survey 2713.
5. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form Included with the submittal documents.
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 25, day of April, 2022
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Mason Shanks Telephone: 406-321-4318
Address: 5110 Central Ave, Billings, MT 59106 Email: M'S Shanks LLC d2 gmail.com

Agent (s): Taylor Kasperick Telephone: 406-384-0080
Address: 608 N. 29th Street, Billings, MT 59101 Email: taylor@performance-ec.com

April 18, 2022

Dear Interested Neighbor,

On behalf of Mason and Jami Shanks, *Performance Engineering, LLC* is writing to inform you of a zone change pre-application neighborhood meeting being held on **Monday, April 25th**, at **6:00 p.m.** Due to the space necessitated for the number of interested parties and potential for inclement weather at the location, **the pre-application neighborhood meeting will be held online via Zoom.**

Please see the following information below for access the Zoom meeting:

Go to the following Website: **zoom.us/join**
Meeting ID: **894-7907-0112**
Password (Case Sensitive): **186409**

The owner is requesting that the property shown on the attached exhibit (Exhibit A) and described below be re-zoned from Agriculture (A) to Large Lot Subdivision Neighborhood (N4) to accommodate future development.

Tract 1B of the Amended Plat of Tract 1 of Certificate of Survey No. 2713, located in Yellowstone County, Montana. The parcel is a total of 7.953 Acres, more or less, located just south of Central Avenue between Grassland Drive and South 52nd Street West.

The intent of the meeting is to make neighboring property owners aware of the proposed zoning change for the subject property, discuss any concerns with the proposed use, and to answer questions about the project. As stated above, the property is currently zoned as A – Agriculture and is proposed to be changed to N4 – Large Lot Subdivision Neighborhood similar to surrounding developments.

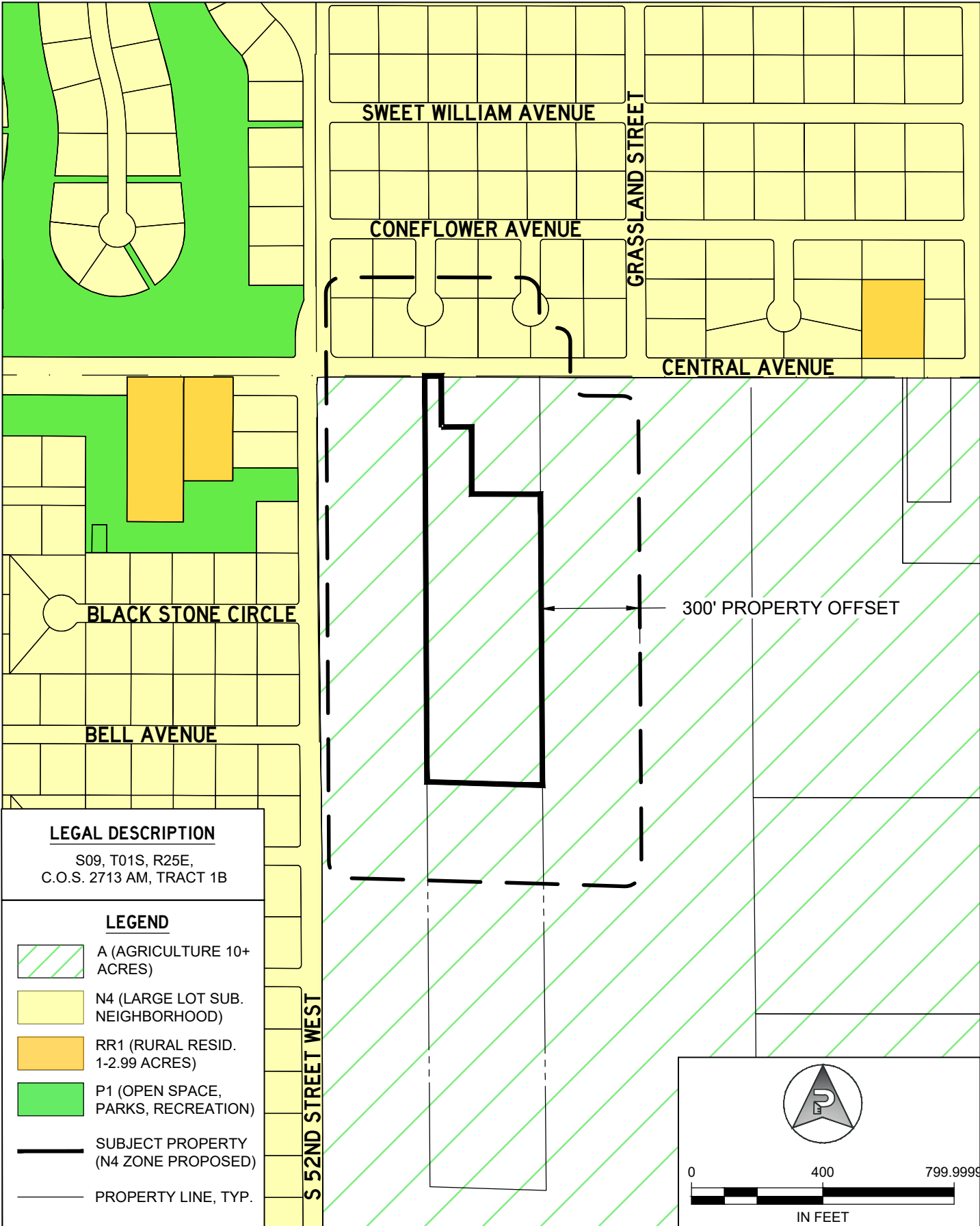
Representatives for *Performance Engineering, LLC* will be on the Zoom meeting to answer questions from those who attend. For those unable to attend the Zoom meeting, written letters can be directed to Performance Engineering at **608 North 29th Street, Billings, MT 59101**, attention Scott Aspenlieder, PE, or emails may be sent to scott@performance-ec.com. We look forward to discussing the proposed special review with you and hope to see you on **April 25th**.

Sincerely,



Taylor Kasperick, PE
Project Manager

C:\Users\tyler\OneDrive\Documents\Performance\Bills\2022\Central Avenue\21238 Central Avenue Zoning\CAD\Drawings\21238 Special Review Zoning Exhibit.dwg
 2/14/2022 2:41 PM
 COLOR TABLE.PE Color.cpl



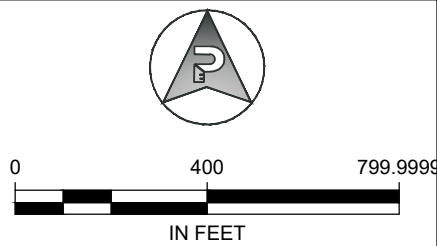
LEGAL DESCRIPTION

S09, T01S, R25E,
C.O.S. 2713 AM, TRACT 1B

LEGEND

- A (AGRICULTURE 10+ ACRES)
- N4 (LARGE LOT SUB. NEIGHBORHOOD)
- RR1 (RURAL RESID. 1-2.99 ACRES)
- P1 (OPEN SPACE, PARKS, RECREATION)
- SUBJECT PROPERTY (N4 ZONE PROPOSED)
- PROPERTY LINE, TYP.

S 52ND STREET WEST



PROJECT TITLE
**5110 CENTAL AVENUE
ZONE CHANGE**

SHEET TITLE
ZONING MAP

DRAWN BY
APN _____

DATE
2/2022

CHECKED BY
TJK _____

CLIENT
MJ SHANKS, LLC

5110 CENTRAL AVENUE
BILLINGS, MONTANA 59106

**PERFORMANCE
ENGINEERING**

608 NORTH 29TH STREET
BILLINGS, MT 59101

(406) 384-0080
www.performance-ec.com

EXHIBIT
EX A

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Pre-Application Neighborhood Meeting Minutes and Roster – Zone Change Application

Property: Tract 1B of the Amended Plat of Tract 1 of Certificate of Survey 2713

Attendees:

Jeff Brent	Valerie Maier and Luke Lackman
8 Mimosa Court	5100 Central Avenue
Billings, MT 59106	Billings, MT 59106

Rachel and Mike Peel	Tom Converse
310 South 52 nd Street W	115 Moonstone Lane
Billings, MT 59106	Billings, MT 59106

Loren and Karen Graf	Taylor Kasperick
5130 Coneflower Avenue,	Performance Engineering
Billings, MT 59106	

Owners: Mason and Jami Shanks

Meeting Notes:

- Valerie Maier requested information on the timeline of development. It was expressed that this is the first step in the process, which would be followed by subdivision and permitting of the public improvements, so the time horizon is likely 6 months.
- Rachel Peel inquired about the planned lot sizes. It was indicated that at this point the exact lot sizes have not been finalized, but that the lots would need to fall within the minimum and maximums listed in the County Zoning Code for N4. Rachel also asked if these would be rental properties or be owned. It was indicated that it would be similar to other properties in N4 zone as single family, but the eventual lot owner would have the opportunity to rent the property so long as it fell in line with zoning requirements.
- Luke Lackman asked about how the property would be planned to be irrigated. At this time, the owners would plan to utilize irrigation wells, however this would need to be submitted and approved of by DNRC.
- Tom Converse expressed that he would like to see the development mimic those around it in lot size and building type. It was indicated the size of the lot would need to fall in line with the proposed zoning N4.
- Additional comments and discussion are included in the video recording of the meeting submitted with this package.

Zone Change Criteria Synopsis – Zone Change Application

Property: Tract 1B of the Amended Plat of Tract 1 of Certificate of Survey 2713

Criteria:

- 1. Is the new zoning is designed in accordance with the growth policy?**
 - a. The proposed zoning falls in line with the planned residential growth in the 1-5 year timeframe as indicated in the growth policy.
- 2. Is the new zoning is designed to secure from fire and other dangers?**
 - a. The proposed zoning and residential development is within ½ road mile of an existing 30,000 gallon dry fire hydrant tank.
- 3. Will the new zoning promote public health, public safety, and general welfare?**
 - a. The new zoning promotes the public health, public safety, and general welfare.
- 4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools parks, and other public improvements?**
 - a. As part of the development process, the land will be further subdivided at which point in time park dedication, public improvements, roads, water and sewerage will be provided for and permitted. The subject property is within current zoning and as such has been accounted for in planning of schools.
- 5. Will the new zoning provide adequate light and air?**
 - a. The proposed zoning will have minimal to no impact on adequate light and air.
- 6. How will the new zoning effect motorized and non-motorized transportation?**
 - a. The proposed zoning will likely increase motorized traffic along Central Avenue; however this increase is projected to be less than the requisite 500 trips per day based on trips per large residential lot and is considered to be minimal.
- 7. Will the new zoning be compatible with urban growth in the vicinity of cities or towns?**
 - a. The proposed zoning is compatible with urban growth.
- 8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?**
 - a. The new zoning is similar to those surrounding developments and is suitable for the property per the growth policy.
- 9. Will the new zoning conserve the value of buildings?**
 - a. The new zoning is of the same district of those adjacent developments and will conserve the value of such buildings based on market comparisons.
- 10. Does the new zoning encourage the most appropriate use of land throughout Yellowstone County?**
 - a. The new zoning encourages appropriate use of land and falls in line with the growth policy.
- 11. Will the new zoning, as nearly as possible, be compatible with the zoning of nearby cities and town?**
 - a. The new zoning is based on Yellowstone County Zoning policy which has been developed to be compatible with the City of Billing's.