

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 714 - Project # PZX-22-00268

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: NMU: Neighborhood Mixed Use

Proposed Zoning: I1: Industrial Light

Property Tax ID # D017360 and D017370 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: Parcels 1 and 2 of COS 1263 located in the northwest one-quarter (NW1/4) Southeast one-quarter (SE1/4) of Section 10 Township 1 South, Range 26 E, Principal Meridian Montana, Yellowstone County, Montana. Document 913878

Address or General Location (If unknown, contact County Public Works): 3250 Hannon Rd. Billings, MT 59101

Size of Parcel (Area & Dimensions): parcels total 6.88acres

Present Land-Use: _____

Proposed Land-Use: HD Asphalt would like to use this as their office location. This will mean that trucks and equipment will be stored here. No asphalt will be made onsite. There will be sales to other contractors in the office.

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.

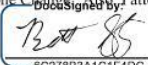
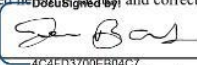
Owner(s): Evergreen Lawn and Landscape Company, a Montana Corporation and HD Asphalt, Buyer under contract

(Recorded Owner)
PO Box 20980, Billings, MT 59104 and PO Box 2535 Billings, MT 59101
(Address) fieldofdreamstreefarm@yahoo.com Jbailey@hardrives-asphalt.com
(Phone Number) (email)

Agent(s): Anna Vickers/IMEG Corp.

(Name)
175 N 27th St. Ste 1312 Billings, MT 59101
(Address) 406-248-9000 anna.m.vickers@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 true and correct.

Signature:   Date: 11/3/2022
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Owner, Ev Buyer under contract,
and Landscape company HD Asphalt
Brett Steinmetz Jim Bailey



Zoning Requirements

Below are the 11 County Zone Change Criteria in **bold** with responses relevant to the rezoning request.

1. **Is the new zoning is designed in accordance with the growth policy;**
The zoning is designed in accordance with the growth policy. The Yellowstone County growth policy promotes retaining and supporting existing businesses that help sustain a healthy economy. The zoning of Industrial Light on a piece of property that is more or less abandoned currently, will allow for a new business to operate in a location that is adjacent to multiple other similarly zoned businesses.
2. **Is the new zoning is designed to secure from fire and other dangers;**
Yes, the new zoning designation will allow for secure protection from fire and other dangers. The property being rezoned to Industrial Light will not affect the ability to provide fire protection to the site. After the preapplication meeting with the neighbors, the applicant decided to no longer bring any manufacturing of top coat to the site. This was done in an effort to be a good neighbor and alleviate any concerns. By the fire department having better access to the site and new building standards being followed at the time of construction fire protection will be better in the area than currently.
3. **Will the new zoning promote public health, public safety and general welfare;**
Yes, the new zoning will promote public health and public safety. Prior to the preapplication meeting with the surrounding property owners IMEG met with HD Asphalt's owner Jim. Jim explained the seal coat that was planned to be manufactured onsite. Essentially the sealcoat is similar to what an individual would buy at Home Depot. HD Asphalt receives the seal coat and mixes in it's own formula of non-flammable, water based, non-toxic materials. This is not done at a cool temperature with no fire or oil. However, an adjacent property owner had called the company and received some incorrect information from the receptionist. This lead to some conflict and confusion during the preapplication meeting. Another preapplication meeting will be held to try and clear up this confusion with the public. After HD asphalt was apprised of the public meeting they decided that the site would only have their construction equipment and no longer be used for sale or manufacturing of the seal coat. The rezoning to I1 is still relevant because HD Asphalt is a light industrial company with light industrial equipment.
4. **Will the new zoning facilitate the adequate provision of transportation water, sewerage, schools, parks and other public requirements;**
All building requirements for water, sewerage, buffering, and public requirements will be met during the building permit process. HD Asphalt is excited to be able to reuse some of the existing trees from the landscaping company in order to offer a natural buffer but also use a privacy fence that is opaque to meet applicable zoning regulations.
5. **Will the new zoning provide adequate light and air;**
Yes, the new zoning and any construction on the site will follow all county building and zoning requirements. This will include the site implementing a natural vegetation buffer to adjacent residential zonings.

- 6. How will the new zoning effect motorized and non-motorized transportation;**
The new zoning will have little to no effect on motorized and non-motorized transportation. HD Asphalt plans to use the east entrance of the property as their main entrance. This will have little effect on the surrounding residential area.
- 7. Will the new zoning be compatible with urban growth in the vicinity of cities or towns;**
Yes, the property is currently adjacent to other industrial uses and zoning.
- 8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses;**
Yes, there are similar businesses in the area.
- 9. Will the new zoning conserve the value of buildings; and**
Yes, the new zoning will be a continuation of similar uses in the area.
- 10. Does the new zoning encourage the most appropriate use of land throughout Yellowstone County; and**
Yes, the property is currently adjacent to other industrial uses and zoning.
- 11. Will the new zoning, as nearly as possible, be compatible with the zoning of nearby cities and towns.**
Yes, the property is currently adjacent to other industrial uses and zoning.