

APPLICATION FORM

COUNTY ZONE CHANGE

County Zone Change # 717

P2X - Project # 23-00107

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: CMU1, N4, RR1

Proposed Zoning: CX

Property Tax ID # C12464, C12463 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: FLY IN SUBD, S30, T01 N, R27 E, BLOCK 1, Lot 5A, AMD (16)
FLY IN SUBD, S30, T01 N, R27 E, BLOCK 1, Lot 4A, AMD (16)

Address or General Location (If unknown, contact County Public Works): 705 JOHNSON LN, Billings, MT 59101

Size of Parcel (Area & Dimensions): Exhibit A: Lots 5A-1 and 4A

Present Land-Use: Truck Service/ Wash

Proposed Land-Use: Truck Service/ Wash

Covenants or Deed Restrictions on Property: Yes No X

If yes, please attach to application

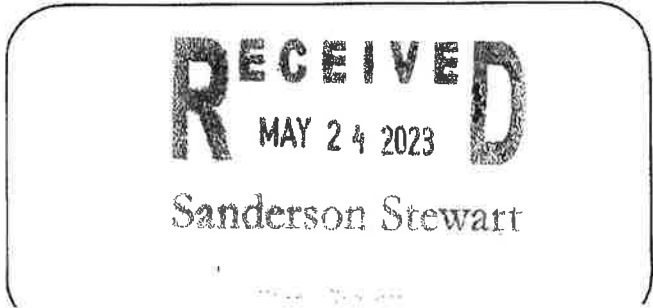
\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): R L DUNKER & SONS INC
(Recorded Owner) 194 EMERALD HILLS DR BILLINGS, MT 59101-7229
(Address) (406) 252-8334 rod8827@gmail.com
(Phone Number) (email)

Agent(s): John Halverson
(Name) 1300 N Transtech Way Billings, MT 59102
(Address) (406) 869-3311 jhalverson@sandersonstewart.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: [Handwritten Signature] Date: 5-24-23
(Recorded Owner)



## **Fly In Subdivision Block I lots 5A and 4A.**

Zone Change Request from Corridor Mixed Use I, Large Lot Suburban Neighborhood Residential, and Rural Residential I to Heavy Commercial

### **Statement of Proposal**

R L Dunker & Sons Inc. is seeking to rezone lots 5A and 4A of Block I of the Fly In Subdivision. The intent of the requested zoning will bring the existing use into conformance with the Yellowstone County zoning code.

Lot 4A (3.69 Acres) is proposed to change the entirety of its area, which is currently zoned CMUI, to CX.

Because of a recent lot line adjustment, lot 5A (6.126 Acres) contains three zones; CMUI, N4, and RRI. Most of the lot 5A (5.38 Acres) is currently zoned CMUI. The easternmost 60 feet (0.66 Acres) of lot 5A is currently zoned N4, with the remaining southeastern corner of Lot 5A (0.08 Acres) currently zoned RRI. The applicant proposes to change the entirety of lot 5A to CX. Exhibits depicting current and proposed zoning are included with this application.

### **Responses to Questions in Zoning Application**

- a. **Prepare a statement explaining how the proposed zone change is consistent with the adopted Growth Policy, Neighborhood Plans, and other applicable County development policies**

#### **The 2016 Lockwood Growth Policy states:**

**Lockwood is a community that will evolve with a Main Street-style TOWN CENTER surrounded by a range of housing options that support and sustain, both fiscally and socially, the community investments in schools, public water and sewer, transportation, recreation, and public safety while providing economic opportunities in general commercial and light and heavy industry businesses in areas shown on the preferred land use map.**

The requested zoning is compliant with the preferred future land use map, which specifies General Commercial and Entryway Overlay Zone on the subject parcels.

- ***Commercial retail and services may be considered appropriate in areas designated for industrial land uses along principal and minor arterials in addition to areas designated for commercial land uses.***

The Fly In Lube and Wash, located on lot 5A of the Fly In Subdivision, fronts onto and accesses from Johnson Lane, which is designated as a Principal Arterial in the 2016 Lockwood Growth Policy Functional Road Classification map.

- **Consider constructing private and public improvements to higher design standards in the more densely developed area.**

Yes. Any re-development or addition to the existing structures on the subject parcels which adds 10% or more to the existing gross floor area will trigger the proportionate compliance provisions of BMCC 27-1100.

The II Zone Change Criteria:

- **Is the new zoning designed in accordance with the Growth Policy;**

Yes, the proposed zoning on lots 5A and 4A of Block I of the Fly In Subdivision complies with the 2016 Lockwood Growth Policy statement and guidelines on previous pages. The proposed zoning will bring the current use on the parcels into compliance with relevant zoning code.

- **Is the new zoning is designed to secure from fire and other dangers;**

Yes. The subject parcels will be serviced by the Lockwood Fire District and the Yellowstone County Sheriff's Office and will be designed in accordance with Yellowstone County rules and regulations thus assuring protection from common dangers.

- **Will the new zoning promote public health, public safety and general welfare;**

Yes. Any future development on lots 5A and 4A of Block I of the Fly In Subdivision will be designed under the County Zoning code which will regulate use, building location and landscaping on the lots. All commercial uses will be subject to relevant building codes, and the utility and surface infrastructure will be constructed in accordance with Yellowstone County rules and regulations assuring compliance to this criterion.

- **Will the new zoning facilitate the adequate provision of transportation, water sewerage, schools, parks and other public requirements;**

Yes, the proposed CX zoning will allow the current use to continue or be expanded in the future. The subject parcels are within a quarter mile of the I-90 corridor and the Johnson Lane Interchange where MDT plans to begin construction in 2024. That interchange is planned to handle high traffic and truck volumes. It is likely that nearly all of the customers for the commercial use on the subject parcels will access the site via that interchange and, which is adequate to handle the trips generated by the Fly In Lube and Wash.

All access to the subject parcels is from Johnson Lane, which is designated as a Principal Arterial and will be adequate to handle all trips generated by the existing use.

The subject parcels are currently served by the Lockwood Water and Sewer District. The proposed zone change will not affect the current use's water or sewer demand.

The continuation of the subject parcel's current use under conforming zoning will not affect the use's demand on schools, parks, or other public requirements. If anything, the potential expansion of the current use would generate greater revenue for local taxing districts.

- ***Will the new zoning provide adequate light and air;***

Yes. The existing use was developed in accordance with relevant Yellowstone County rules and regulations and therefore meets this requirement.

- ***How will the new zoning affect motorized and nonmotorized transportation;***

The proposed CX zoning will allow the current use to continue or be expanded in the future. The subject parcels are within a quarter mile of the I-90 corridor and the Johnson Lane Interchange where MDT plans to begin construction in 2024. That interchange is planned to handle high traffic and truck volumes. It is likely that nearly all of the customers for the commercial use on the subject parcels will access the site via that interchange, which is adequate to handle the trips generated by the Fly In Lube and Wash.

All access to the subject parcels is from Johnson Lane, which is designated as a Principal Arterial and will be adequate to handle all trips generated by the existing use.

Any significant expansion of the current use at the subject parcels will trigger proportionate compliance with county zoning regulations, including site development and landscaping standards which will create a comfortable experience for any sidewalk users on Johnson Lane.

- ***Will the new zoning be compatible with urban growth in the vicinity of cities or towns;***

Yes, the proposed CX Heavy Commercial zoning is compatible with existing and planned uses in the vicinity of the subject parcels. The area to the north and west across Johnson Lane from the subject parcels is planned for commercial use, which is compatible with the heavy commercial use existing on the subject parcels.

To the east of the subject parcels the applicant owns two vacant parcels fronting onto Mauser St. which are zoned N4 and RR1. The transition from the Heavy Commercial zone to the residential-use parcels to the east will include a landscaping buffer and occurs mid-block, as the code suggests it should.

- ***Does the new zoning consider the character of the district and the peculiar suitability of the property for the particular use;***

Yes. The property is located just south of the Johnson Lane interchange, where MDT plans for construction of the new “diverging diamond” interchange to begin in 2024. This new interchange will handle high volumes of motor vehicle and truck traffic which the existing use on the subject parcels will serve.

The CX Heavy Commercial zoning proposed for the site will be compatible with existing CMU Corridor Commercial uses and zones to the north and west of the site.

- ***Whether the new zoning will conserve the value of buildings;***

Neutral. The existing use of the subject parcels as a truck lube and wash commercial business was established many years ago. Therefore, continuation of that use is unlikely to have any affect on surrounding property values under a code compliant, CX zoning designation.

The combined effect of the recently completed lot line adjustment and zone change will bring the CX-zoned land approximately 60 feet closer to existing residential uses on the east side of Mauser St. The vacant parcels zoned N4 on the east side of Mauser will remain zoned N4 with a depth of approximately 90 feet, where before the lot line adjustment those lots were approximately 150 feet measured east to west.

In recent years, residential property values and property taxes have risen significantly, and it is unlikely that the proposed CX zoning will affect that trend for parcels in the vicinity.

- ***Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings;***

Yes. The current use of the subject parcels as a truck wash and lube is appropriate, given its proximity to I-90, frontage on a designated Principal Arterial, and location within an existing commercial node.