



COUNTY OF YELLOWSTONE ZONING COMMISSION AGENDA

Monday, July 10, 2023

4:00 PM

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

NOTICE TO THE PUBLIC

****ATTENTION****

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://tinyurl.com/yckr478k>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
- Email: deinest@billingsmt.gov

- Call in during the Public Comment periods as indicated on the agenda:

- Citizens may call in during specific Public Comment periods at **406.237.6165**.

All callers will be placed 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 limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

Please direct questions to Planning Clerk Tammy Deines at deinest@billingsmt.gov or 406-247-8610. Thank you!

Call the meeting to order.

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

Public Comment

Approval of Minutes:

Motion. The minutes of the Board meeting of May 8, 2023

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. **County Zone Change 717** is a zone change request from Corridor Mixed Use 1 (CMU1) on Lots 4A and 5A to Heavy Commercial (CX) and from Rural Residential 1 (RR1 - Lot 3) and Large Lot Suburban Neighborhood Residential (N4 - Lots 1 & 2) have portions of these lots changed to CX as shown on the proposed amended subdivision for the Fly In Subdivision, generally located at 705 Johnson Lane. The properties are generally located south of the intersection of Old Hardin Rd and Johnson Lane between Johnson Lane and Mauser Street to the east. The applicant proposes to reduce the width of Lots 1 and 2 from 150 feet to 90 feet (east to west) and add this area to proposed Lot 5A-1. The applicant also proposes to have a small northwest corner of Lot 3 (59' X 65'), currently zoned RR1, also be included in the new Lot 5A-1.
- b. **County Zone Change 718** is a request to change the zoning on Lots 17 & 18 (Mixed Residential 1 - NX1) and Lot 19 (Large Lot Neighborhood Residential- N4) in the Meadowbrook Subdivision to General Commercial (C3). The total area of all three lots is 1.9 acres and is located on the east side of the intersection of Old Hardin Road and Woodland Road across the street from the Little League ball fields. The property currently has at least three residential homes and one commercial shop building. The intent of the zone change is to allow the owner to plan for future commercial development on the property.
- c. **County Zone Change 719** is a zone change request from Agriculture (A) to General Commercial (C3) and Mixed

Residential 1 (NX1) for property located at 547 Johnson Lane, legally described as C/S 1901, Parcel A1 and 12.77 acre parcel of land. The land is owned by the Lockwood Fire District, and Andrew Miller of Clock Tower Hospitality and Anna Vickers of IMEG Corporation are the agents for the zone change. A pre application meeting was held on May 25, 2023, at the Lockwood High School Commons.

Other Business/Announcements

Adjournment

The County Zoning Commission will hold its public hearing on July 10, 2023, starting at 4:00 pm 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://tinyurl.com/yckr478k>
A public comment phone line is available for on-line viewers to provide testimony during the Public Hearing at 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 July 10, 2023. All written correspondence and emails (cromwelln@billingsmt.gov or bernsb@billingsmt.gov) received prior to this time will become part of the record for the public hearing.

The **Board of County Commissioners** public hearing for these applications will be held **on July 25, 2023, at 9:30 a.m. at 316 N 26th Street -- 3rd Floor, Commissioner's Board Room.** The Board of County Commissioners will hear all persons wishing to speak relative to the proposed **Zone Changes**.

County Zoning Commission

Meeting Date: 07/10/2023

Information

Subject

Motion. The minutes of the Board meeting of May 8, 2023

Attachments

YZC_2023_05_08_DRAFT.pdf



**Yellowstone County Zoning Commission
DRAFT Minutes
Monday May 8, 2023**

The County Zoning Commission met at 4:00 p.m. in the Miller Building 1st Floor Conference Room, 2825 3rd Ave. North.

		01/09/2023	02/13/2023	03/13/2023	04/10/2023	05/08/2023	06/12/2023	07/10/2023	08/14/2023	09/11/2023	10/09/2023	11/13/2023	12/11/2023
Blaine Poppler	Commissioner	x	-	-	-	1							
Melissa Ray Gentry	Commissioner	x	-	-	-	1							
Tyler Bush	Commissioner Chairman	x	-	-	-	1							
Todd Hewitt	Commissioner	x	-	-	-	1							
Open	Commissioner	-	-	-	--	1							

Commissioner Poppler opened the meeting and introduced the County Zoning Commission members and Planning Division staff. Commissioner Bush is participating virtually.

Staff Present: Zoning Coordinator Nicole Cromwell, Tammy Deines, Planning Clerk

Other Participants: Travis West, Engineering West; Kevin Katzeberger; Joy & Kevin Koerber, Chuck Platt, Diamond Real Estate

Public Comment

Commissioner Poppler 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 three minutes of testimony as is customary. There were no public comments.

Exparte Email Communications: No emails were received regarding this application.

Motion. Approval of Minutes: January 9, 2023 (The February 13, 2023, March 13, 2023 and April 10, 2023 meetings were cancelled due to a lack of applications).

Motion

It was moved by Commissioner Hewitt and seconded by Commissioner Gentry to approve the January 9, 2023 meeting minutes as submitted. The motion carried with a unanimous voice vote.



Yellowstone County Zoning Commission
DRAFT Minutes
Monday May 8, 2023

No ex parte communications or conflicts of interest were announced by the Commissioners. No one wished to comment regarding items not on the agenda.

Zoning Coordinator Nicole Cromwell read aloud the procedures for a public hearing.

Item #1. County Zone Change 715 **County Zone Change 715 – 8522 S Frontage Rd – A to II** – A zone change request from Agriculture (A) to Light Industrial (II), on C/S 1281, Tract 1 and portions of adjacent unplatted land in Section 27, Township 1 South, Range 25 East: NWSE SWSW N2SW (LESS SURVEYS RY & HWY) and SESW&SWSE. The total area for re-zoning is approximately 125.89 acres of land as shown on the application exhibit. A pre-application neighborhood meeting was held on March 23, 2023 at the subject property. Tax IDs D00904, D00905 and D00907

REQUEST

County Zone Change 715 -- 8522 S Frontage Rd -- A to II

This is a zone change request for property located on the southwest boundary of the County's 4.5-mile jurisdictional zoning generally located at 8522 S Frontage Road. The existing zoning and use is Agriculture and the proposed zoning for a portion of the property is Light Industrial to accommodate users that need large storage facilities and lay down yards. The zone change is for about 126 acres of a total of 196.6 acres of land held in three tax parcels with 1/2-mile of frontage on S Frontage Road, about 800 feet of frontage on Duck Creek Road (west property line) and about 600 feet of frontage on Danford Avenue (south property line). The 70 acres not included in the zone change will remain in the Agriculture zone. This area to remain in the Agriculture zone is adjacent to similar uses, including low density residential uses and Canyon Creek School. The zoning map and site photos shows the exact zone boundary for the zone change.

RECOMMENDATION

Planning staff is recommending approval and adoption of the findings for the 11 criteria for Zone Change 715.

- Meets the goals of the Growth Policy & the 11 review criteria
- Compatible to this area adjacent to S Frontage Road and I-90
- Agriculture zoning left in place within 300-350 feet of boundary where adjacent to residential/school uses

Ms. Cromwell gave a brief overview of the parcel which is located in the BUFSA and said more than likely a dry hydrant will be required. She pointed out the portion of designated flood plain area on this parcel and explained the ground water requirements for detention and retention. The traffic will be regulated by the Department of Transportation in coordination with the Yellowstone County Public Works Department and it is likely that only one point of access will be allowed from South Frontage Road to the parcel.



Yellowstone County Zoning Commission
DRAFT Minutes
Monday May 8, 2023

Discussion

Commissioner Poppler called for discussion from the Commissioners. In response to question by Commissioner Gentry, Zoning Coordinator Nicole Cromwell stated the primary access from this parcel will be off of the Frontage Road and decisions regarding roadways will be made during the subdivision review process.

Public Hearing

Commissioner Poppler opened the public hearing and asked if there is anyone wishing to speak regarding County Zone Change #715.

In Favor

Travis West, Engineering West, (no address given), Columbus MT

Mr. West represents applicant, Sam Sparks, SAMM, LLC 2225 S 54th St West, Billings, Montana. He offered to answer questions related to this application.

Chuck Plat, Diamond Real Estate, 1228 Mullooney Lane, Billings, MT

Mr. Plat said he is working with the property owner and this is an ideal property due to the interstate exposure. The applicant is sensitive to the need for a buffer zone for the neighbors and the school property. He said this zone change request is for Light Industrial zoning so impacts will not be as great.

In Opposition

Kevin Koerber, 3230 Brenda Street, Billings, MT

Mr. Koerber voiced concern that the applicant constructed an entryway into the parcel without obtaining MDT approval. He said there is setting groundwater on the southeast of the corner of the property there is setting groundwater. Commissioner Gentry asked where the current entrance is located and Mr. Koerber said it is off of the Frontage Road.

Joy Koerber, 3239 Brenda Street, Billings, MT

Ms. Koerber feels the proposed commercial development is unattractive and will invite more crime into this area. She doesn't feel the Light Industrial zoning will help school attendance which currently too low. She asked what will happen to their wells. Commissioner Poppler pointed out that water and well reviews are related to subdivision review and that this meeting is to for consideration of the zoning for the property. She said the proposed detention pond will set close to a live stream currently used for irrigation and watering cattle. She voiced concern with the existing traffic high speeds on Frontage Road. She said the noise levels generated from the businesses could be bothersome to the cattle on their adjacent parcel.

Rebuttal

Travis West, Engineering West, (no address given), Columbus MT

Mr. West represents applicant, Sam Sparks, SAMM, LLC 2225 S 54th St West, Billings, Montana.



Yellowstone County Zoning Commission
DRAFT Minutes
Monday May 8, 2023

He stated the applicant has obtained an MDT approach permit. When the subdivision review process is entered, a traffic study may be required along with recommended mitigations. The subdivision is not under design but an approved storm water drainage plan and consideration for wells will be required by DEQ. Mr. West said this request is for a zone change and if approved, a subdivision concept plan will be submitted to City/County Planning and DEQ for consideration. DNRC will be involved for the water rights review. Commissioner Poppler asked Mr. West asked if this proposal as doable. Mr. West said this area has a high yielding aquifer and all of the required studies will be completed.

Discussion

Commissioner Poppler closed the public hearing and called for discussion. Commissioner Gentry stated that the water concerns will be addressed by DEQ. She feels the buffer zone for the school provided by the applicant is needed. Commissioner Hewett concurred and said DEQ and experts at DNRC will conduct a thorough review. Commissioner Poppler pointed out that the zoning has to happen prior to the subdivision review process. Commissioner Bush said his opinion is consistent with the 11 findings of the staff. Commissioner Poppler noted that both the staff and the applicant provided detailed information with the findings and said he is included to recommend approval.

Motion

Commissioner Bush made a motion recommending approval and adoption of the findings for the 11 criteria for Zone Change #715. Commissioner Hewett seconded the motion.

Discussion: There was no further discussion on the motion. **The motion carried 4-0, with a unanimous voice vote. Zone Change #715 is approved.** The Board of County Commissioners public hearing for these applications will be held on May 23, 2023 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.

OTHER BUSINESS

a. Announcements

- There is one vacancy on the County Zoning Commission.
- The June 12, 2023 Yellowstone County Zoning Commission meeting is canceled due to a lack of agenda items.

Adjournment 4:43 PM

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

--Tamara L. Deines, Planning Clerk

County Zoning Commission

Meeting Date: 07/10/2023

SUBJECT: County Zone Change 717 - 705 Johnson Lane - CMU1, RR1 and N4 to CX

THROUGH: Monica Plecker

PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Zone Change 717 is a zone change request from Corridor Mixed Use 1 (CMU1) on Lots 4A and 5A to Heavy Commercial (CX) and from Rural Residential 1 (RR1 - Lot 3) and Large Lot Suburban Neighborhood Residential (N4 - Lots 1 & 2) have portions of these lots changed to CX as shown on the proposed amended subdivision for the Fly In Subdivision, generally located at 705 Johnson Lane. The properties are generally located south of the intersection of Old Hardin Rd and Johnson Lane between Johnson Lane and Mauser Street to the east. The applicant proposes to reduce the width of Lots 1 and 2 from 150 feet to 90 feet (east to west) and add this area to proposed Lot 5A-1. The applicant also proposes to have a small northwest corner of Lot 3 (59' X 65'), currently zoned RR1, also be included in the new Lot 5A-1.

RECOMMENDATION

Planning staff recommends approval of Zone Change 717 and adoption of the findings of the 11 criteria.

APPLICATION DATA

OWNER: R L Dunker and Sons, Inc

AGENT: John Halverson, Sanderson Stewart

LEGAL DESCRIPTION: Portions of Lots 1, 2 & 3, and all of Lots 4A and 5A, Block 1 Fly In Subdivision

SIZE OF PARCEL: Area of zone change = 9.81 acres

EXISTING LAND USE: Fly In Truck Service, self service car wash

PROPOSED LAND USE: Same with slightly more area for existing heavy commercial activity

EXISTING ZONING: CMU1, RR1 and N4

PROPOSED ZONING: CX

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

See attached Chart of Zoning History

SURROUNDING LAND USE & ZONING

NORTH: Zoning: CMU1

Land Use: Vacant and Casey's Corner Exxon Gas Station and convenience store

SOUTH: Zoning: Agriculture

Land Use: Vacant land

EAST: Zoning: Suburban Neighborhood Residential (N3)

Land Use: Residential neighborhood east of Mauser St

WEST: Zoning: Mixed Residential 3 (NX3) and Corridor Mixed Use 2 (CMU2)

Land Use: vacant land, personal storage warehouses, Lockwood Ace Hardware, and Verizon store

BACKGROUND

The subject property is located at 705 Johnson Lane and is developed with a heavy truck service business, a self-service car wash and a tractor truck and trailer wash. This zone change request from Corridor Mixed Use (CMU1) to Heavy Commercial (CX) will allow the existing uses for heavy truck repair and a tractor trailer wash to be conforming to the zoning. The original zoning of the property in 1973 was Agriculture and has been changed at least 3 times in the past. The first zone change in 1975 to Community Commercial (CC) was denied by the County Commissioners due to the adjacent and growing neighborhood and the I-90 interchange was not yet constructed or anticipated. In 1977, a subsequent zone change application adjusted the zoning boundary, so it was 150 feet west of the property line on Mauser Street. This zone change was from residential to CC zoning and included the land to the north in Cole Acreage Subdivision, and parcels on the north side of Old Hardin Road on both sides of Johnson Lane. This parcel was developed for the Fly In truck services, truck and car wash in 1993 and 1994, while the property to the north was developed for a gas station and convenience store in 1998.

The Johnson Lane Master Plan was created in 1994 by the County Commissioners to anticipate the further development of the land surrounding the new interchange with I-90. A Commissioner-initiated zone change in 1995 updated the zoning for

this parcel from CC to Entryway General Commercial (EGC). This zone district created some nonconforming issues with the newly built truck services center. This was not an allowed use in the EGC zone district. The Lockwood Growth Policy was adopted by the County Commissioners in 2017 and this area of Johnson Lane was shown as a "general commercial area with an entryway overlay" on the preferred land use map. The 2020 update to the zoning code retired the entryway zoning district but incorporated many of those site development standards into the new code sections for landscaping, signage and mixed use zone districts. The 2020 update to the County zoning regulations and map updated these parcels on the east side of Johnson Lane to CMU1 due to its previous zoning history and proximity to the residential neighborhood to the east.

The proposed Heavy Commercial (CX) zone district is a district that is similar to the previous Highway Commercial (HC) zone and the CC zone district. The zone district has basic setbacks, lot coverage, building height as well as site standards for off-street parking. The largest difference between the prior code and the new code is where adjacent property requires a buffer yard and screen between planned or existing uses. For example, any development of the 60-foot area on Lots 1 and 2 to be zoned CX will require a full buffer yard that includes a site-obscuring fence and a densely planted vegetative buffer including evergreen trees. The previous zone district of EGC also required this type of buffer yard, but the trigger for installation was never met over the last nearly 30 years. The visual impact of the existing uses from Mauser St has remained the same since the business was created in 1994. The expansion of the area zoned for commercial development has the potential to trigger the installation of the required buffer yard if the additional area is developed.

The applicant held a pre-application meeting and answered questions and concerns from the neighboring property owners. The meeting was attended by 4 of the 34 surrounding property owners. There were concerns about additional uses allowed in the CX zone such as bars and taverns, the potential for new commercial uses to access Mauser Street, potential marijuana uses, and general concerns with other uses such as adult entertainment. The applicant's agent John Halverson of Sanderson Stewart stated the owner desires to make his existing uses conforming to zoning and there is no intention to build a bar, tavern, adult use or marijuana business. Mr. Halverson stated no commercial access would be on to Mauser Street and the existing residential zoning on Lots 1 and 2 would remain in place for the frontage on Mauser Street and most of Lot 3 would remain RR1.

The traffic on Johnson Lane and Old Hardin Road is tracked by the Planning Division's Transportation Planning staff. The most recent traffic information for Johnson Lane shows about 3,500 vehicle trips per day on this principal arterial street south of Old Hardin Rd. This is a 3-year rolling average. Old Hardin Road has a much higher average daily traffic as well as Johnson Lane north of Old Hardin Rd. The completion of the new bridge at the north end of Johnson Lane over the Yellowstone River and the future connection to Highway 312 and Main Street will increase traffic in and around the Johnson Lane interchange. A complete reconstruction of the interchange is proposed as a \$45 million federal/state and local project in 2028 as part of the Long Range Transportation Plan for the metropolitan planning area for Yellowstone County. This area of Lockwood is poised to have additional traffic and demand for urban-level services in the next 10 years.

Planning staff has reviewed the application, the zoning history of the surrounding area, the Lockwood Growth Policy and transportation improvements planned for this area and is recommending approval of the zone change. The primary purpose of the request is to bring the existing uses into conformance with zoning. The owner has previously placed the property on the market for sale, but buyers are concerned with the zoning conformance. A legal nonconforming use was established prior to any of the previous or current zoning districts. The use may legally continue until a new use is proposed, or the existing use is destroyed or abandoned. An abandoned or destroyed nonconforming use cannot be re-established. This makes it difficult to insure or sell a property. Uses that may be established under the proposed CX zoning that are not allowed in the CMU1 zone district include large indoor or outdoor entertainment venues (trampoline parks, wedding venues etc.), adult entertainment that is more than 1,000 feet to a residential, neighborhood or mixed use zone as well as parks, playgrounds, day cares, schools and churches (these parcels would not meet these restrictions), animal shelters, campgrounds, testing laboratories, parking as a primary use, agricultural retail, large format retail (>50K GFA), vehicle sales and service, general contractor yards, industrial sales and service, truck sales and service, truck washes, limited and general manufacturing, warehousing (not chemical or petroleum products), utility substations, livestock auctions or feedlots, saw milling and commercial horse stables. Some of these uses include the existing uses on the property. Other uses, if or when developed on the property, would require compliance with the site development standards for those uses and with the required landscaping buffering, off-street parking and sign code requirements. A bar, tavern or casino is allowed by special review approval in the existing and proposed zone district. The special review requires a separation of at least 600 feet from a church, school, or park with a playground. In addition, the code requires a separation of 350 feet to a residential zone district. The measurement is from the exterior of the bar or casino to the closest property line of the protected use. The Commissioners may waive the separation requirement where the applicant demonstrates the use will have a physical and visual barrier between the uses. Restaurants that serve alcohol are not required to go through this special review so long as the location sells more food than alcohol. Restaurants that also have a casino are required to go through special review and apply the separation distances.

Planning staff received a call from Jacquelin Robinson of 707 Mauser, located at the intersection of Mauser St and Weaver Avenue. She was concerned about the area of Lots 1, 2 and 3 that are proposed to be change to the CX zone district. Planning staff clarified where the proposed zoning boundary will be located. Mrs Robinson stated she would be gathering

petition signatures against the proposed zone change. As of the writing of this report, staff has not received any written comments from the surrounding owners.

SUMMARY

PROPOSED DETERMINATIONS

County Zone Change 717

The Yellowstone County Zoning Commission, prior to making a recommendation to the County Commissioners, 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 consistent with the existing uses and should allow future uses to be more compatible with the developed neighborhood to the east. The existing zoning district is intended to allow a mix of commercial and residential land uses on smaller lots that are adjacent to or across an alley from neighborhoods. The existing CMU1 zone district is not entirely consistent with the uses on the property and is larger than most other CMU1 zone districts. The CX zone is meant to allow heavy commercial, wholesale, warehouse-distribution facilities, and contractor commercial uses. This district allows outdoor storage and accommodates truck traffic. This district is intended to be located along corridors where proximity to residential and walkable mixed-use development is limited. Typically, CX zone districts are located some distance from neighborhoods, but do exist throughout the county in smaller pockets of development. There is a large area of CX zoning around the Zoo Drive interchange, south of the King Ave W interchange, on S Frontage Road east of the Agri-Center Subdivision, and individual parcels along Main Street and Old Hardin Rd. Many of these smaller parcels have some proximity to neighborhoods. The subject property and the CX zoning boundary will still be separated from the existing neighborhood on the east side of Mauser Street by at least 150 feet.

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 has access from Johnson Lane, a principal arterial street. Mauser St is a residential street developed for the residential subdivision, Pat Dahl Subdivision. It is the general policy of the county to not allow commercial traffic on local residential subdivision roads. Construction standards for commercial traffic are much different than residential streets. The property is accessed from Johnson lane and has an existing access and approach that handles semi traffic, so there are no known issues related to Fire Department Access or other emergency services. 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 any new 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 may increase traffic on Johnson Lane, a principal arterial street. The level of traffic increase will be dependent on the type of new use or uses proposed. Any new use that will generate 500 or more trips per day will be required to prepare a traffic impact study. Johnson Lane may need improvements to accommodate additional traffic. Johnson Lane carries about 3,500 vehicle trips per day south of Old Hardin Road. Ten years ago, the same section of Johnson Lane carried 2,500 vehicle trips per day. Most of this increase occurred between 2020 and 2021.

Water and Sewerage: The property is within the Lockwood Water and Sewer District. Water and Sewer needs will be evaluated at the time of any new development. The type of development may be limited to the capacity the Lockwood Water & Sewer district can provide.

Schools and Parks: The proposed zoning would likely have no impact for Lockwood Schools. The zoning does not allow residential uses.

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 any new development.

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

The new zoning will allow the existing development to be conforming to the zoning. Nonconforming uses on property tend to lead to disinvestment in property, leading to poor property maintenance over time. Conforming properties do not have the same risk as a nonconforming property. The development for the truck services and repair has been in place for nearly 30 years (1994). The potential for new development will require the screening and buffering of this property from the neighborhood to the east to be installed. In 1994 there was no requirement for a landscaped buffer between these uses. Moving the zoning boundary for proposed Lot 5A-1 60 feet to the east will promote health and general welfare by encouraging new development under the 2020 County zoning regulations that requires landscape buffering. Further, the new zoning, like all zones regulates setbacks, height and other site and building characteristics in order to ensure the safe and orderly development. This is not unique to the CX zone, but instead is promoted by all districts.

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

The proposed zoning will require minimum setbacks, maximum building heights and maximum lot coverage. These requirements allow adequate light and air to reach the subject property and adjacent properties. Similar to criteria four, The CX zone regulates site and building characteristics to ensure safe and orderly development.

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

The proposed zoning itself will not generate more traffic. Any new use on the property may generate additional traffic on Johnson Lane. The impact of the new traffic will be evaluated at the time of development. Johnson Lane is slated to have a pedestrian facilities as part of the Long Range Transportation Plan for the planning area. Any new development may require contributions to the development of pedestrian facilities. 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 CMU2 zoning on the west side of Johnson Lane and will be compatible with the proposed zoning for property at 547 Johnson Lane (County ZC 719). The residential zoning that is adjacent to the east will require the most effective buffer yard between any new commercial development. This buffer yard has a minimum width of 10 feet on each side of the property line. Each parcel is responsible for their own buffer yard installation at the time of development. This results in a total buffer of at least 20 feet with trees, shrubs and other living plant material on both side of a 6 ft minimum height sight-obscuring fence or wall.

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

The subject property has been developed for the Fly In Lube and truck wash for about 30 years. Residential development exists to the east and commercial development is west across Johnson Lane. Johnson Lane and Old Hardin Road are the two primary commercial corridors in Lockwood. The land is suitable for the uses within the CX zone district and the current uses are conforming to the district. The character of the area is primarily commercial along both sides of Johnson Lane south of Old Hardin Road. The Lockwood Growth Policy stated this area should continue to provide commercial development potentially and areas further south should become the "Lockwood Town Center" where mixed uses and civic buildings will be encouraged.

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

The new zoning will allow the existing development to become conforming to the zoning district. The current development does not conform to the CMU1 zoning. The properties on Mauser Street will retain their residential zoning designation and no commercial traffic will have access to Mauser Street. This should encourage the value of buildings on the property and surrounding 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 CX zoning district. This is an appropriate use of land in this area of the County and will encourage future investment in this property. The Lockwood Growth Policy calls out this area for commercial uses.

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 development in this area of Lockwood.

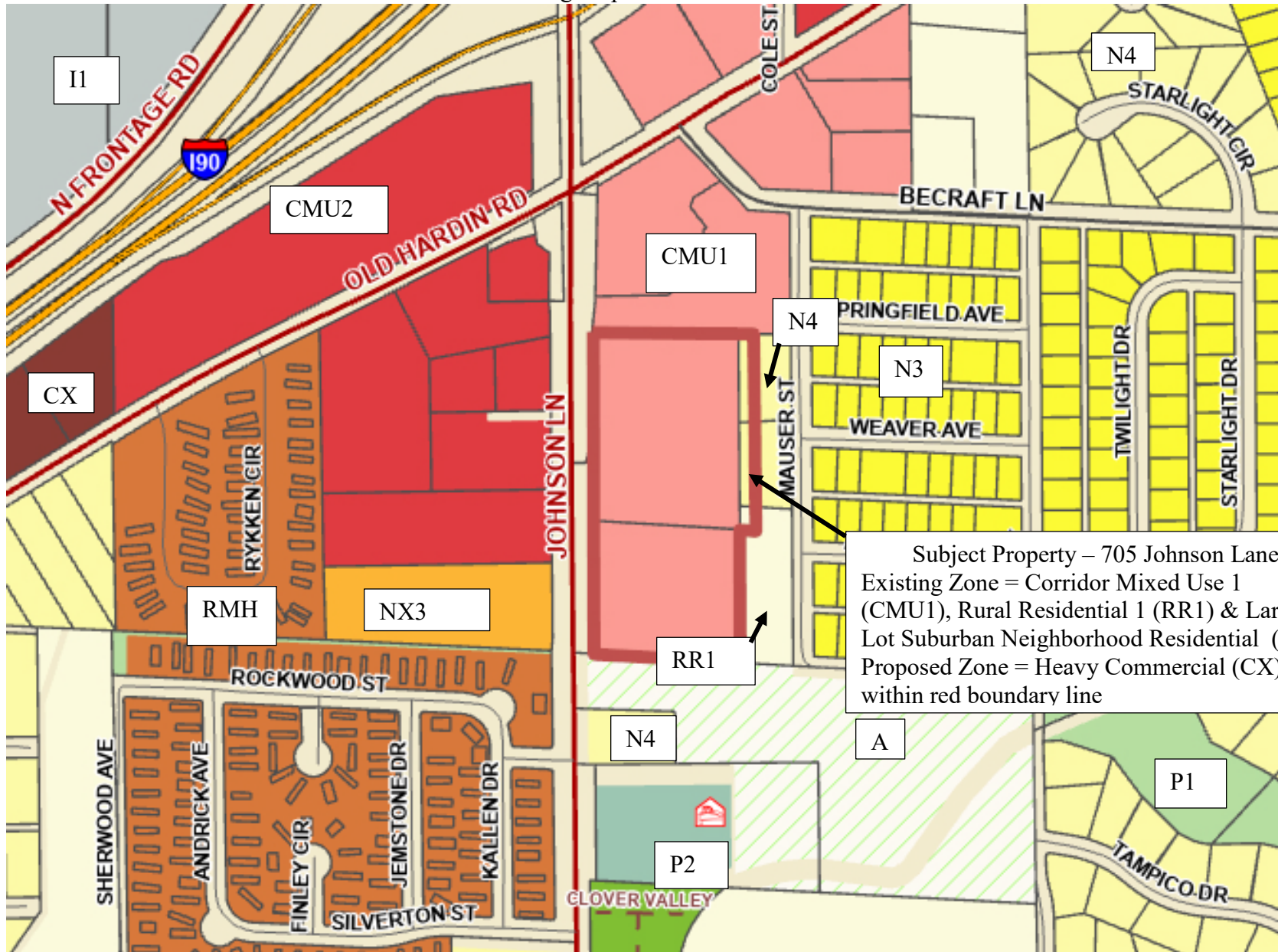
RECOMMENDATION

Planning staff recommends approval of Zone Change 717 and adoption of the proposed findings of the 11 criteria.

Attachments

Zoning Map and Site Photos
Chart of Zoning History
Application and Letter
Applicant's Maps and Exhibits
Pre app meeting notes

Zone Change 717 – 705 Johnson lane
Zoning Map and Site Photos



Subject Property – 705 Johnson Lane
Existing Zone = Corridor Mixed Use 1 (CMU1), Rural Residential 1 (RR1) & Large Lot Suburban Neighborhood Residential (N4)
Proposed Zone = Heavy Commercial (CX) within red boundary line



Furniture Row

N FRONTAGE RD
190

OLD HARDIN RD

JOHNSON LN

COLE ST

AIRCRAFT LN

STARLIGHT CIR

SPRINGFIELD AVE

WEAVER AVE

ALASKAN AVE

UNERTAL AVE

MAUSER ST

TWILIGHT DR

STARLIGHT DR

RYKKEN CIR

ROCKWOOD ST

SHERWOOD AVE

ANDRICK AVE

FINLEY CIR

JEMSTONE DR

KALLEN DR

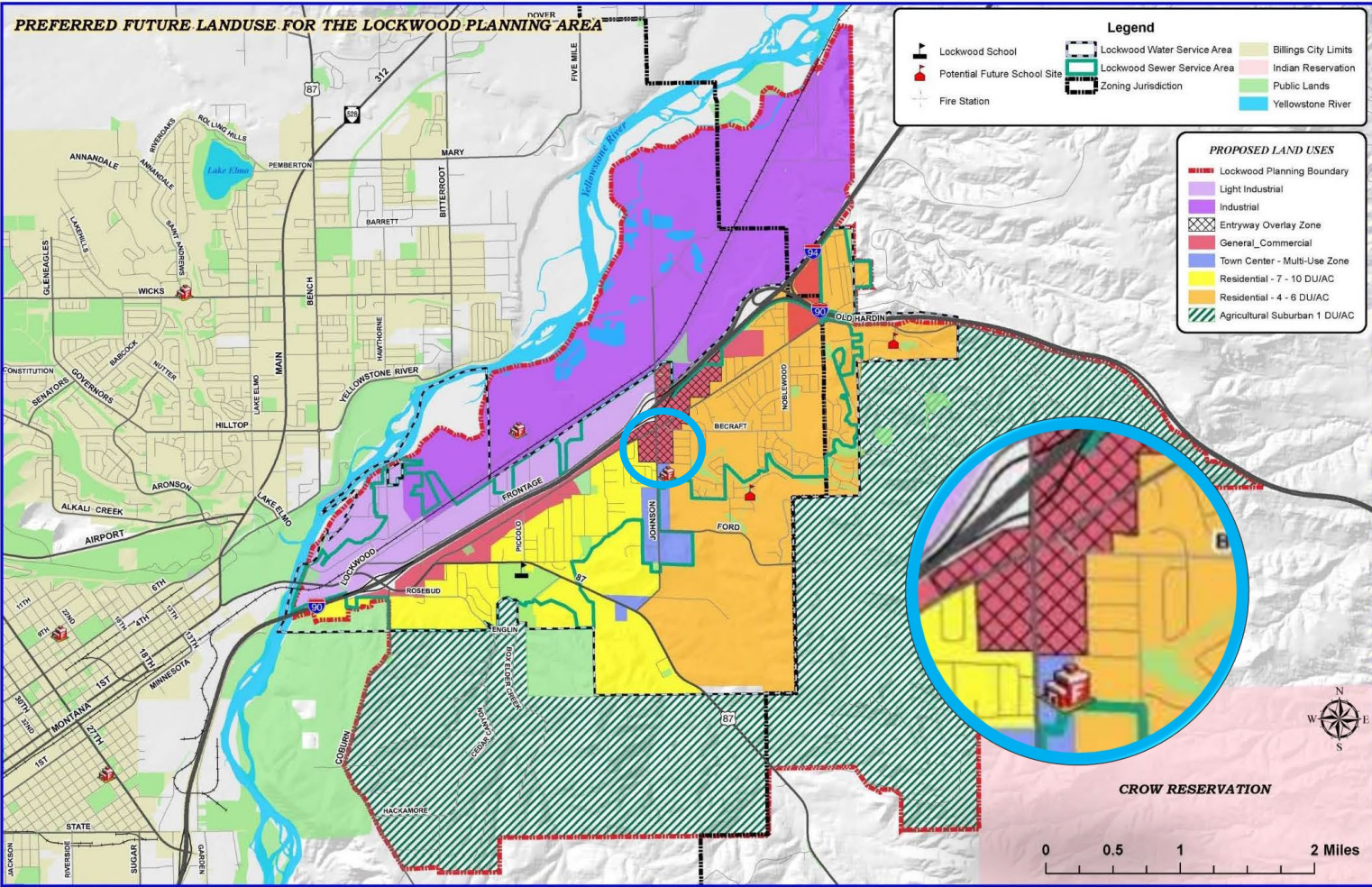
SILVERTON ST

ENFIELD ST

TAMPICO DR

GLOVER VALLEY







Subject Property view from Johnson Lane



View south and west from Johnson lane



View south along Johnson Lane



View north along Johnson Lane



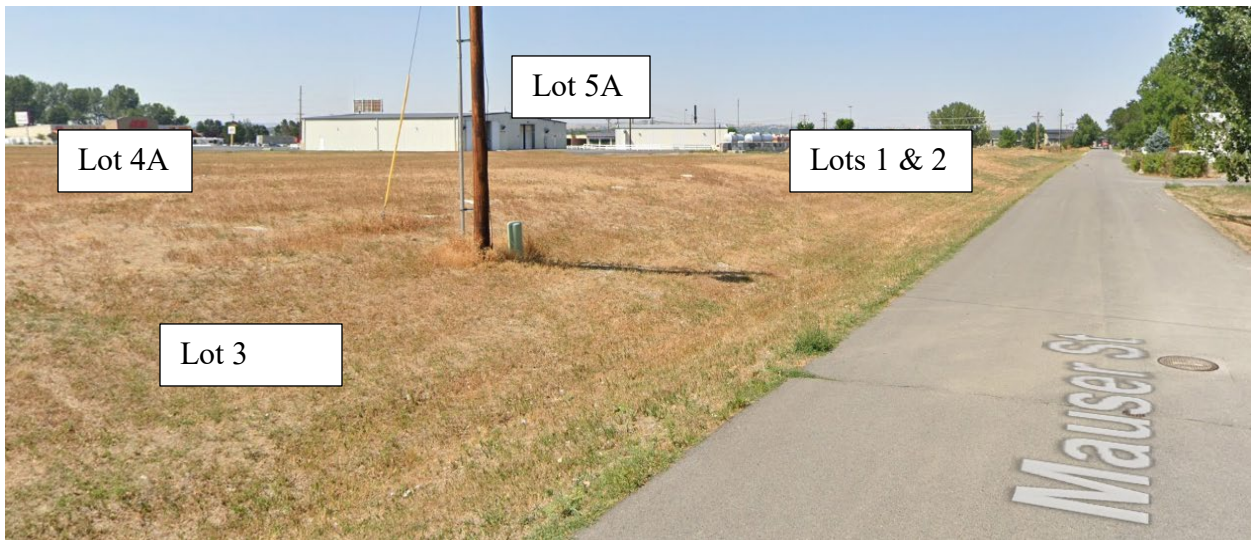
View north west across Johnson Lane



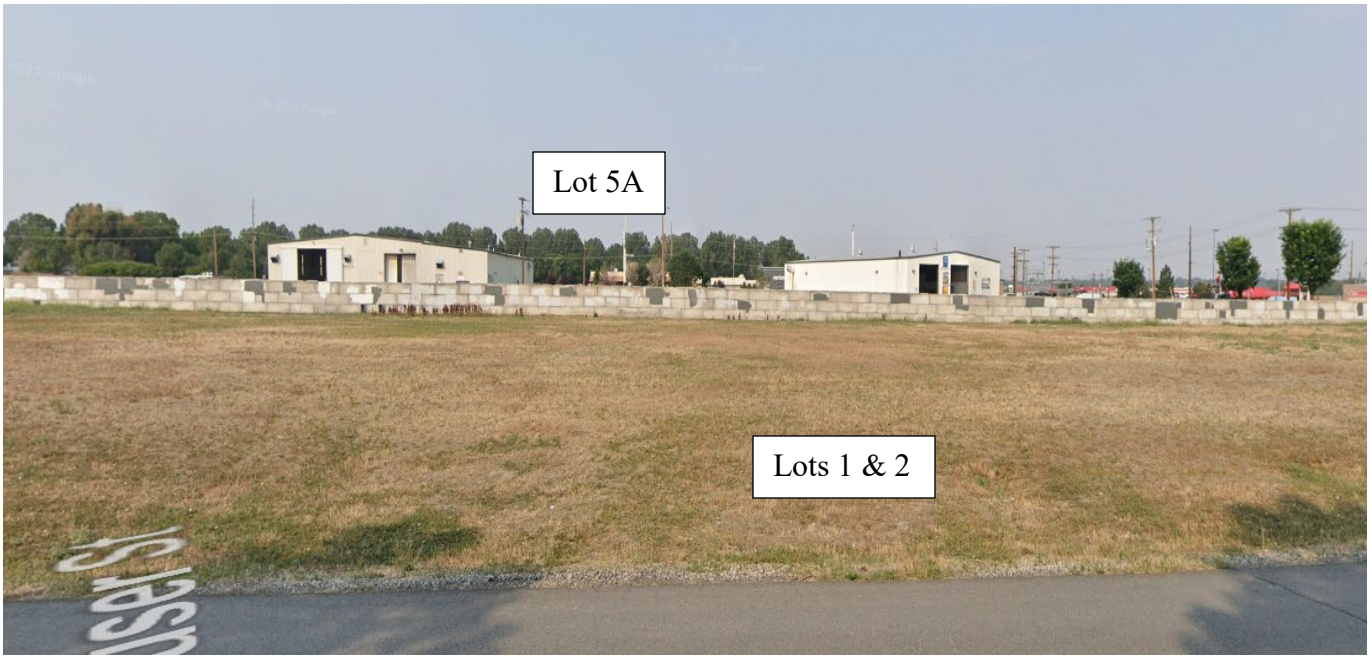
View south and west across Johnson Lane



610 Mauser Street – dwelling on the south end of Lot 3



View north on Mauser Street to Lots 1 and 2



View west from the intersection of Mauser St and Weaver Avenue



View south and west from intersection of Springfield Ave and Mauser St to 705 Johnson Lane

APPLICABLE ZONING HISTORY
Zone Change 717 – 705 Johnson Lane

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
705 Johnson Lane	457	9/28/85	CC to EGC Lots 4 & 5	Yes	Zone Change for Johnson Ln Master Plan 2020 Update to CMU1
	568	12/23/2003	R-96 to EGC	No	Request denied proximity to residential zone 2020 Update to N4 and RR1
COUNTY DISTRICTS	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
East side of Johnson Ln	152	10/25/1977	R-96 to CC	Yes	ZC 457 updated to EGC 2020 Update to CMU1 and CMU2
NE side of Old Hardin Rd & Johnson Lane	359	5/29/1984	CC to HC	No	ZC 457 update to EGC 2020 Update to CMU1
420 Cole St	649	7/29/2014	EGC to ELI	Yes	For personal storage warehouses 2020 Update to CMU1
2919 Old Hardin Rd	706	11/23/2021	CMU1 to CMU2	Yes	For expansion of Bretz RV
2850 Old Hardin Rd	525	3/28/2000	ELC to EGC	Yes	For drive through bank 2020 Update to CMU1
SE corner of Old Hardin Rd & Johnson Lane	396	11/26/1986	R-96 to CC	No	2020 Update to CMU1
SE corner of Old Hardin Rd & Johnson Lane	400	7/9/1991	R-96 to CC	No	2020 Update to CMU1
SE corner of Old Hardin Rd & Johnson Lane	424	10/3/1991	R-96 to PD	Yes	Subsequent ZC 457 update to ELC 2020 Update to CMU1
North half of Copper Valley Estates	504	10/2/1998	R-96 to R-150	Yes	2020 Update to N4 for all of Copper Valley Estates
710 Johnson Lane	653	11/25/2014	EGC to ELI	Yes	For personal storage units
626 Johnson Lane	704	5/27/2021	CMU2 to NX3	Yes	Potential multifamily development
2775 Old Hardin Rd	413	2/8/1990	NC to CC	Yes	Flying J Truck Stop 2020 update to CMU2
2775 Old Hardin Rd	457	9/28/1995	CC to EGC	Yes	Zone Change for Johnson Lane Master Plan

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: _____

Date: 5-24-23

(Recorded Owner)

RECEIVED
MAY 24 2023

Sanderson Stewart

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.

Exhibit A

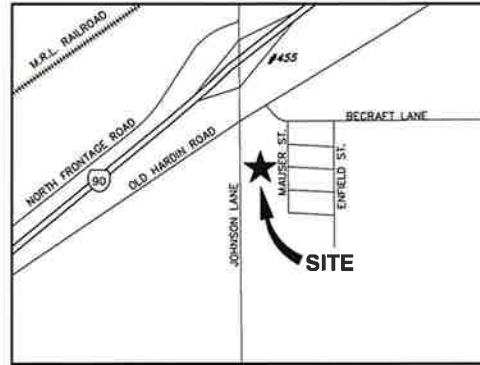
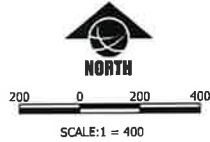
ZONING EXHIBIT

LAND USE DETAILS
FLY IN SUBDIVISION BLOCK 1, LOTS 4A AND 5A

PREPARED FOR : ROBERT AND EDNA DUNKER

PREPARED BY : **SANDERSON STEWART** 

BILLINGS, MONTANA NOVEMBER, 2022



VICINITY MAP

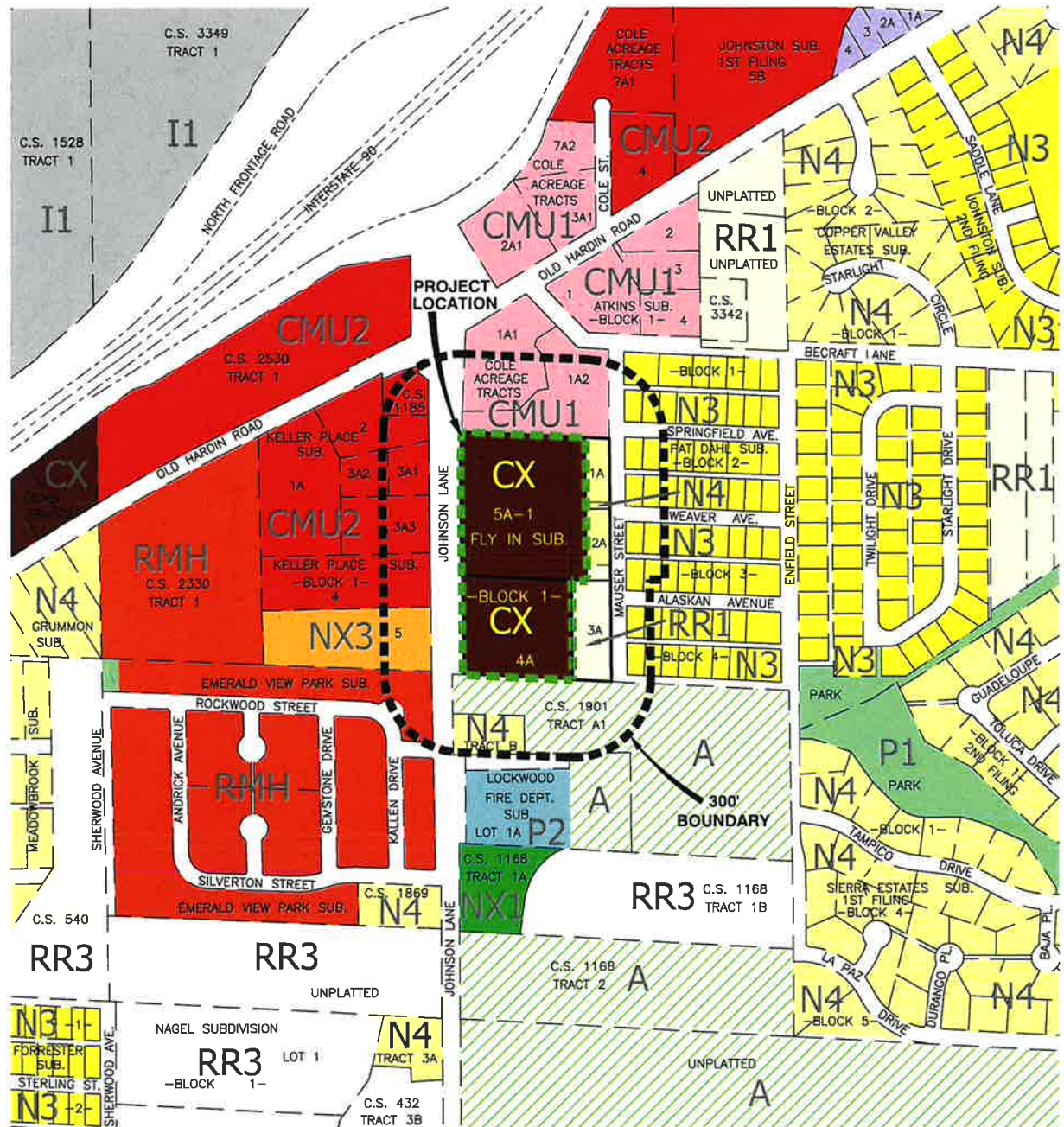


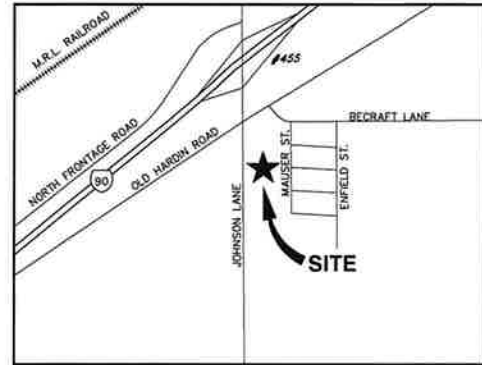
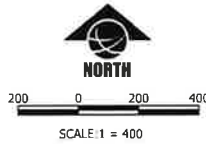
Exhibit B

EXISTING ZONING EXHIBIT
LAND USE DETAILS
FLY IN SUBDIVISION BLOCK 1, LOTS 4A AND 5A

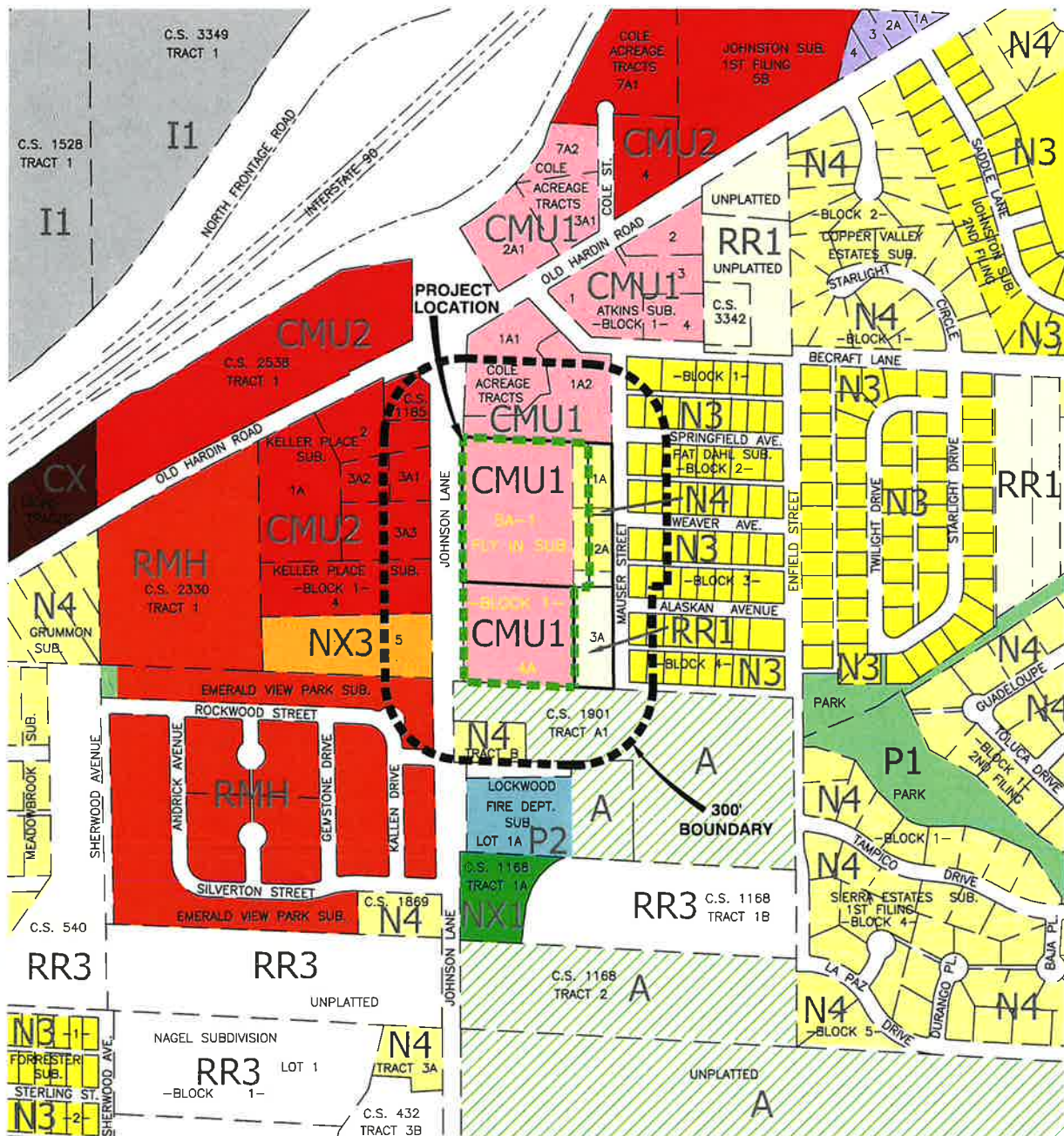
PREPARED FOR : ROBERT AND EDNA DUNKER

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA NOVEMBER, 2022



VICINITY MAP



AMENDED PLAT OF LOTS 1, 2, 3, & 5A, BLOCK 1 OF

FLY IN SUBDIVISION

SITUATED IN THE NE1/4 OF SECTION 30, T. 1 N., R. 27 E., P.M.M.,
YELLOWSTONE COUNTY, MONTANA

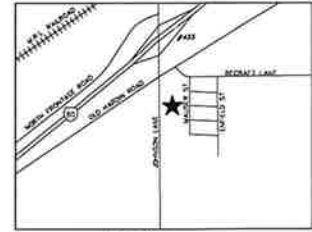
PREPARED FOR : ROBERT & EDNA DUNKER

APRIL, 2023

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

DRAFT



VICINITY MAP



SCALE 1" = 30'

BASIS OF BEARING:
THE BASIS OF BEARINGS FOR THIS SURVEY HAS BEEN DERIVED FROM GPS OBSERVATIONS AND IS BASED ON A NAD 83, LAMBERT CONFORMAL CONIC, SINGLE PARALLEL, LOW DISTORTION PROJECTION FOR THE CITY OF BILLINGS, HAVING A POINT OF ORIGIN AT 45°47'00" LATITUDE AND 108°25'00" LONGITUDE WITH A SCALE FACTOR OF 1.0001515. THE GRID TO GROUND CORRECTION SCALE FACTOR AT NW CORNER OF LOT 4A, BLOCK 1 OF FLY IN SUB AN ALUM. CAP. IS 1.000028349. THE CONVERGENCE ANGLE IS 0.0008". DISTANCES ARE INTERNATIONAL FEET. FOR THIS SURVEY, GRID DISTANCE IS ESSENTIALLY EQUAL TO GROUND DISTANCE.

- FOUND SURVEY MONUMENT, REBAR WITH ALUM CAP MARKED "LUNSBURY & ASSOC. 141845", OR AS NOTED
- SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED

LANDOWNERS STATEMENT: RELOCATION OF LOT LINES

The undersigned hereby certify that the purpose of this survey is to relocate the common boundary lines between adjacent properties within a platted subdivision, five (5) or fewer lots are being affected and no additional lots are being created. Therefore this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)(c), M.C.A.

Pursuant to ARM 24183-1104(1)(d)(i)(C), the area that is being removed from one tract of record and joined with another tract of record is not itself a tract of record. Said area shall not be available as a reference legal description in any subsequent real property transfer after the initial transfer associated with the amended plat on which said area is described, unless said area is included with or excluded from adjoining tracts of record.

This Survey is not subject to review by the Department of Environmental Quality pursuant to ARM 17.36.605(2)(b)(i) & (i) for "a project that has a previous approval issued under Title 76, Chapter 4, Part 1, M.C.A."

Owner: Lots 1, 2, & 3, Block 1, Fly In Subdivision

Robert L Dunker

Edna M Dunker

Owner: Lot 5A, Block 1, Fly In Subdivision

R.L. Dunker & Sons, Inc

By: _____
Title: _____

STATE OF MONTANA }
County of Yellowstone }

On this _____ day of _____, 20____, before me, the undersigned Notary Public for the State of Montana, personally appeared Robert L. Dunker and Edna M. Dunker, known to me to be the persons who signed the foregoing instrument and who acknowledged to me that they executed the same. Witness my hand and seal the day and year herein above written.

Notary Public in and for the State of Montana

STATE OF MONTANA }
County of Yellowstone }

On this _____ day of _____, 20____, before me, the undersigned Notary Public for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument as _____ of R.L. Dunker & Sons, Inc, and who acknowledged to me that said corporation executed the same. Witness my hand and seal the day and year herein above written.

Notary Public in and for the State of Montana

CERTIFICATE OF SURVEYOR

STATE OF MONTANA }
County of Yellowstone }

The undersigned, a Land Surveyor licensed in the State of Montana, states that during the month of March, 2023, a survey was performed under his supervision on a tract of land situated in the NE 1/4 of Section 30, T. 1 N., R. 27 E., P.M.M., in Yellowstone County, said tract being more particularly described as follows, to wit:

Lots 1, 2, & 3, Block 1, of Fly In Subdivision, according to the official plat on file in the office of the clerk and recorder of Yellowstone County, Montana, under document No. 1913805,

and

Lot 5A of the Plat of Amended Lot 4, Block 1 & Amended Lot 5, Block 1, of the Plat of Fly In Subdivision, according to the official plat on file in the office of the clerk and recorder of Yellowstone County, Montana, under document No. 3756636.

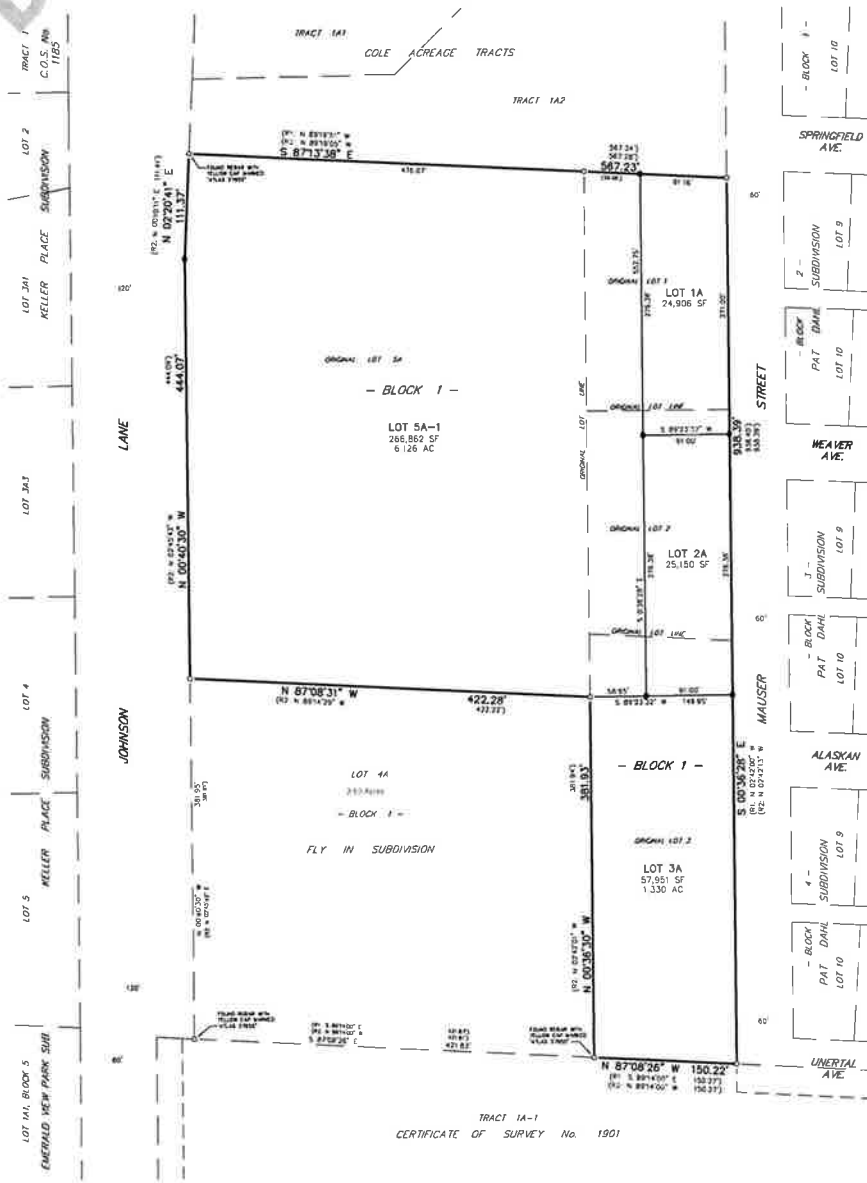
That the monuments found and set are of the character and occupy the positions shown herein and that the gross area and the net area is 8.605 acres.

SANDERSON STEWART

By: _____

Montana License No. _____

Date: _____



CERTIFICATE OF COUNTY ATTORNEY

This document has been reviewed by the County Attorney's office and is acceptable as to form.

Date: _____

Reviewed by: _____

CERTIFICATE OF CITY/COUNTY HEALTH DEPARTMENT

This Subdivision Plat has been reviewed and approved by Riverstone Health and the State Department of Environmental Quality.

Yellowstone City/County Health Department
do Riverstone Health

CERTIFICATE OF COUNTY TREASURER

I hereby certify that all real property taxes and special assessments have been paid per 76-3-811(i)(b) / 76-3-207(3), M.C.A.

Date: _____

Yellowstone County Treasurer

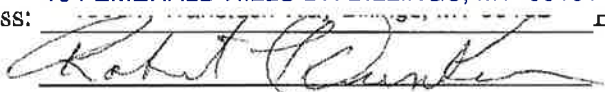
By: _____


Deputy

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:** CMU1, N4, RR1
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: Existing CMU1 (Corridor Mixed Use 1), N4 (Large Lot Suburban Neighborhood Residential) and RR1 (Rural Residential 1) to be changed to CX (Heavy Commercial)
3. **Subject Property Map:** please attach to this form Proposed Zoning: **Exhibit A** Existing Zoning: **Exhibit B**
4. **Legal Description of Property:** FLY IN SUBD, S30, T01 N, R27 E, BLOCK 1, Lot 5A, AMD (16)
--and-- FLY IN SUBD, S30, T01 N, R27 E, BLOCK 1, Lot 4A, AMD (16)
5. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form **Exhibit C**
6. **A copy of the meeting notice.** please attach to this form **Exhibit D**
7. **A brief synopsis of the meeting results.** please attach to this form **Exhibit E**
8. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 11, day of May, 2023.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): R L DUNKER & SONS INC Telephone: (406) ~~869-3317~~ **672 0317**
Address: 194 EMERALD HILLS DR BILLINGS, MT 59101 Email: rod8827@gmail.com


Agent (s): John Halverson Telephone: (406) 869-3311
Address: 1300 N Transtech Way Billings, MT 59102 Email: jhalverson@sandersonstewart.com


MEETING MINUTES

PROJECT: Fly In Subdivision Zone Change			
Project No: 23017			
Meeting Location: Lockwood Highschool 2016 Old US 87, Billings, MT 59101		Meeting Date: 05/11/23 5:30 PM	
Meeting Subject: Zone Change Neighborhood Pre-Application Meeting		Prepared by: John Halverson	
Attending:	(See attached sign-in sheet)		
Sanderson	John Halverson		
Stewart:			
Date of Issue: 05/18/2023			

Minutes:

- Randall and Jaquelin Robinson arrived at 5:25 PM. Mr. Halverson began the meeting at that time with basic information about the purpose of the zone change; the owner’s desire to bring the current use into conformance, and the uses allowed within the proposed zone.
- Jaquelin Robinson expressed concerns regarding the reduction of the distance between her property fronting Mauser Street and concerns about uses allowed in the proposed CX zone like bars and taverns. She expressed opposition to inclusion of those uses.
- Jaquelin Robinson stated that there were conflicting events scheduled at the time of the neighborhood meeting which accounted for the low attendance at the meeting. She also noted that no signs had been posted on the subject parcels.
- Randal Robinson recounted a history of the subject parcel and a previous effort to rezone all parcels in the subdivision.
- Mr. Halverson explained that the lot line adjustment and zone change processes were separate, and that a sign would be posted once the application is filed with the County.

Exhibit E Cont'd

- Ms. Robinson reiterated her opposition to the reduction of the depth of the lots on Mauser St. And stated that the parcels were used as landfills for building materials by the previous owner. She expressed concern that the Trucking use on Johnson Lane would access onto Mauser St.
- Mr. Halverson stated that access to the Fly In Lube and Wash would remain on Johnson Lane and that it would not have any access to Mauser St.
- Danielle Jordan requested that Mr. Halverson send her a list of special review uses allowed in the proposed CX zone and what the special review entailed.
- Mr. Halverson agreed to send that information to Ms. Jordan.
- Randall Robinson expressed a dislike for the City of Billings' decision not to allow marijuana dispensaries in city limits, thus pushing marijuana dispensaries into the county and Lockwood.
- Jaquelin Robinson expressed concern that the use change would reduce her property value.
- Mr. Halverson stated that property values throughout the state have risen rapidly in recent years.
- Danielle Jordan expressed concerns about adult entertainment uses on the subject parcel.
- Mr. Halverson stated that the owner has no plans to include such uses on the site and that such a use would require special review.
- Mr. Jordan expressed support for the zone change. Stated "It's his land." And expressed general support for the land owner's desire to bring the existing use into conformance, but also expressed his dislike for the lot line adjustment.
- Mr. Randal Robinson stated that the Fly In Subdivision lots on Mauser St. were used by the previous owner as an informal landfill for building materials.
- Mrs. Jaquelin Robinson expressed frustration at the applicant attempting another zone change in reference to a 2003 effort to rezone the entire subdivision. She stated a preference that the N4 and RR1 lots on Mauser St. remain single-dwelling residential uses. She also expressed concerns about the effect of the proposed zone change on her property values and expressed general concerns about existing traffic safety issues on Mauser St.
- Mr. Halverson closed the meeting at 6:45 PM

County Zoning Commission

Meeting Date: 07/10/2023

SUBJECT: County Zone Change 718 - 541 Woodland Rd and 2422 Old Hardin Rd - NX1 and N4 to C3

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Zone Change 718 is a request to change the zoning on Lots 17 & 18 (Mixed Residential 1 - NX1) and Lot 19 (Large Lot Neighborhood Residential- N4) in the Meadowbrook Subdivision to General Commercial (C3). The total area of all three lots is 1.9 acres and is located on the east side of the intersection of Old Hardin Road and Woodland Road across the street from the Little League ball fields. The property currently has at least three residential homes and one commercial shop building. The intent of the zone change is to allow the owner to plan for future commercial development on the property.

RECOMMENDATION

Planning staff is recommending approval of Zone Change 718 and adoption of the proposed findings of the 11 review criteria.

APPLICATION DATA

OWNER: Superior Construction Properties, Chris Vlahos

AGENT: Aaron Redland, WWC Engineering

LEGAL DESCRIPTION: Lots 17, 18 and 19 of Meadowbrook Subdivision

ADDRESS: 541 Woodland Road and 2422 Old Hardin Road

CURRENT ZONING: N4 and NX1

EXISTING LAND USE: Residential homes and one commercial shop building

PROPOSED USE: Same with future commercial development

SIZE OF PARCEL: 1.9 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

See attached Chart of Zoning History

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Heavy Commercial (CX)
Land Use: Rental Shop spaces and former Big Sky Flea Market

SOUTH: Zoning: N4
Land Use: Single family homes

EAST: Zoning: N4
Land Use: Single family homes

WEST: Zoning: Public 1 (P1) Parks and open space
Land Use: Lockwood Little League ball fields (County parkland)

BACKGROUND

This is a zone change for property located in Lockwood at 2422 Old Hardin Road and 541 Woodland Road. The owner applied for and received a zone change for Lot 17 and 18 from R-96 to RMF-R in 2020. The owner intended to build multifamily dwellings on the property. Lot 19 at 2422 Old Hardin Road was zoned Residential 15,000 (R-150) prior to the County update of all zone districts in 2020 (Project ReCode). The update placed Lot 19 in the N4 zone district and Lots 17 and 18 in the Mixed Residential 1 (NX1) zone district. The owner encountered difficulty with siting buildings on Lots 17 and 18 including geotechnical issues and the adjacent flood plain for Dry Creek that runs through the east side of all these lots. (see attachments). Addresses for the proposed multifamily units were issued by the county, but no structures have been built.

Earlier this year, the owner began setting up RV spaces and renting spaces on Lots 17 and 18. Lot 19 had a previous RV hookup that has been used off and on by the residents. It appears to be rented now to another family. Setting up rental spaces for RVs and hookups for those spaces normally requires the approval of a subdivision application to create a

campground. Campgrounds are also licensed by the state through Riverstone Health. A complaint was registered with the County about the potential illegal use for an RV campground. As a result of enforcement action by the County, the owner has submitted this zone change application. The proposed General Commercial (C3), zone district could allow a subdivision application for a campground, but would not make the existing campground activity legal. A subsequent subdivision approval and state license would be needed to legalize a campground at this location. The C3 zone also allows other uses such as retail, personal and business services, day care centers, health care facilities, restaurants, banks, short term rentals, hotels, offices, vehicle sales and service, RV sales and service, general contractor offices and yards, and personal storage warehousing. Residential uses are generally not allowed except for short term rentals and guest lodging. The existing residential uses - dwellings at 2404 and 2422 Old Hardin Road, would be considered legally non-conforming if the proposed zoning is approved. This does not apply to the RVs or the rental of the garage (2410 Old Hardin Road) for commercial purposes.

Intersections of local streets and arterial streets can be a location for commercial businesses that support local neighborhoods and businesses. For example, the intersection of Becraft Road and Old Hardin Rd is an intersection that supports neighborhood service businesses including First Interstate Bank, health services and a coffee shop. The zoning for these parcels in Corridor Mixed Use 1 (CMU1). The Lockwood IGA at Piccolo Lane and Old Hardin Road is another example of a commercial development at the intersection of a local street and an arterial street. The daycare center and intersection of Old Hardin Rd and Palomino Place is another example where commercial zoning on the corner allows for needed neighborhood services. The subject property is east of the Lockwood Little League fields (10 acre park) on Woodland Road. During the baseball season beginning in April each year, these fields support a lot of activity for children and their families. The property is owned by the County and the Little League organization works in partnership with the County to offer these sporting activities. Many Lockwood businesses sponsor the Little League fields and teams. Commercial uses that are compatible with the sports activity would be beneficial such as restaurants, day care or retail services for families with children.

This section of Old Hardin Road handles about 5,000 vehicle trips per day. This amount of traffic has held steady for the past decade while other sections of Old Hardin Road have increased traffic activity especially closer to the Johnson Lane interchange. This volume of traffic is easily managed with the current construction of the road. Addition traffic from new development may require upgrades to the intersection of Woodland and Old Hardin Road. This would depend on the amount and type of traffic anticipated for development. A traffic impact study might be required if the new development would generate more than 500 new trips per day. Many businesses do not generate new trips to a particular location but instead rely on capturing existing drive-by traffic to support a business. Many times it is combination of existing traffic and new traffic that supports a new business. A traffic analysis based on a specific business type is needed to determine the potential for traffic mitigation and right of way improvements. At this point, a traffic analysis is not warranted since there is no proposed development plan.

Planning staff has reviewed the application, the zoning history of the property and surrounding parcels and studied the existing uses along the Old Hardin Rd commercial corridor. Staff is recommending approval of the zone change based on the proposed findings of the 11 review criteria for this request. The growth policy for Lockwood does not include this corner in the preferred land use map for "general commercial" uses. However, the general commercial preferred areas shown on the map to the west of the ball fields already exist. Some of those locations do provide neighborhood services including S Bar S Building Center, Lockwood IGA and Lockwood Mini Storage. The Lockwood Growth Policy also allows any location to be considered for potential general commercial purposes "along principal and minor arterials in addition to areas designated for commercial land uses" on the preferred land use map. The proposed zoning allows a wide variety of commercial uses from service businesses, to retail and lodging uses. Any new development on the property would have to meet the new zoning code requirements for landscaping, off-street parking, buffering adjacent uses and zones, and sign limitations. A change to the C3 zone would not allow marijuana business due to the proximity to the park and to adjacent residential zones. Similarly, adult oriented uses such as bars and casino would also not be allowed by right due to the same proximity to the park and neighborhood. There is an increased demand for temporary lodging and housing in Yellowstone County primarily due to the lack of attainable permanent housing. The increase in market price for both home purchase or rental has put pressure on families to find housing that is affordable. The rent protection in place during the pandemic has expired, and many families are facing housing insecurity. In addition, supply has not kept pace with demand. Temporary workers for seasonal business activity including refinery turnarounds are also experiencing the effect of the housing market pressures. The proposed zoning could allow the owner to fully develop an RV campground through subdivision and licensing. The zoning code also has use standards for campgrounds that include buffering adjacent uses and minimum spacing of RVs and requiring a caretaker for the park to manage the guests and grounds.

SUMMARY

PROPOSED DETERMINATIONS County Zone Change 718

The Yellowstone County Zoning Commission, prior to making a recommendation to the County Commissioners, 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. Commercial retail and services may be considered appropriate in areas along principal and minor arterials in addition to areas designated for commercial land uses.*

This zone change would allow commercial services at the intersection of Old Hardin Road, a principal arterial street, and Woodland Road, a local street. The existing zoning allows low and moderate density residential uses. The original plan for development of multifamily units on Lots 17 and 18 did not come to fruition due to site development difficulties. The Lockwood Growth Policy preferred land use map does not show this area as a "general commercial" district, however the policy is not regulatory and allows the County to consider other locations for commercial land uses along principal arterial corridors. The land designated for general commercial on Old Hardin Road is generally west of the Little League fields on Woodland Road. This area is mostly already developed for commercial uses with a few of those businesses offering local services such as S Bar S Building Center, Lockwood IGA and Lockwood Mini Storage. Other businesses offer specialized services such as truck services, and heavy equipment sales and services. A zone change from residential to commercial at this corner may provide opportunity for more neighborhood services and for short term housing that appears to be in short supply.

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 has one access from Woodland Road and two accesses from Old Hardin Road, a principal arterial street. Woodland Road is a local street that provides access to primarily residential uses as well as the Little League fields to the west. Woodland Road dead ends about 800 feet to the south at the intersection with Clayton Street. Clayton provides a connection to Wanda Lane that goes back north to Old Hardin Road. 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 any new 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 may increase traffic on Old Hardin Road, a principal arterial street, and at the intersection with Woodland Road. The level of traffic increase will be dependent on the type of new use or uses proposed. Any new use that will generate 500 or more trips per day will be required to prepare a traffic impact study. Old Hardin Road or the intersection may need improvements to accommodate additional traffic. Old Hardin Road carries about 5,000 vehicle trips per day, a volume that has remained steady for a decade.

Water and Sewerage: The property is within the Lockwood Water and Sewer District. Water and Sewer needs will be evaluated at the time of any new development. The type of development may be limited to the capacity the Lockwood Water & Sewer district can provide.

Schools and Parks: The proposed zoning would likely have a minimal impact on schools since the proposed use as a campground would offer short term housing.

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 any new development.

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

The new zoning will allow the owner to pursue new uses for the property. The existing residential uses will become legally nonconforming to the new zoning. These use may continue but may not be re-constructed if damaged or destroyed in the future. The County may change the allowance for re-construction of legally nonconforming residential uses in commercial and mixed use zones in the near future but this topic has not been discussed with the County Zoning Commission or the Board of County Commissioners. Alternatively, after initiation from the City Council, The City is considering this amendment in July. Without any local approval from zoning, subdivision or RiverStone Health, The owner had started to place RV hookups on the property and renting space to RVs. This is not conforming to the current zoning or to subdivision regulations that require approval for RV campgrounds. A resulting Code Enforcement case spurred the owner to pursue a zone change. General Commercial (C3) zoning allows campgrounds along with other uses. Any final approval solely related to zoning of a new campground would require conformance with the use standards for a campground that has minimum spacing, buffering of adjacent uses and the appointment of a caretaker to manage the guests and the grounds. Any new commercial development would require similar buffering of adjacent parcels. These improvements should promote the health and general welfare of the area.

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

The proposed zoning will require minimum setbacks, maximum building heights and maximum lot coverage if the property is developed with permanent facilities. Specific to a campground, there are additional use standards that would apply to ensure minimum spacing between units. This would need to work in coordination with subdivision for rent or least regulations. 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. Any new use on the property may generate additional traffic on Old Hardin Road at the intersection with Woodland Road. The impact of the new traffic will be evaluated at the time of development. Old Hardin Road is recommended for pedestrian facilities as part of the Long Range Transportation Plan for the planning area. Any new development may require contributions to the development of pedestrian facilities. Pedestrian traffic in the area is limited due to the lack of 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 Old Hardin Road.

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 CX zoning on the north side of Old Hardin Road and will be compatible with the existing zoning and development to the east, south and west when new development is approved. The residential zoning that is adjacent to the east and south will require the most effective buffer yard between any new commercial development. This buffer yard has a minimum width of 10 feet along the property line. A campground use requires a minimum height screening fence at the property boundary in addition to the buffer yard required in the landscaping code section (27-1200).

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

The subject property has been developed for two residential buildings and a shop building that is also rented. There is a manufactured home at 2422 Old Hardin Road (Lot 19), that was recently moved on to the property after a previous manufactured home was removed. Another manufactured was also removed from Lot 19 but has not been replaced. This second home cannot be replaced with another manufactured home since it was removed from the property more than 1 year ago. It appears an RV has been placed on the property in place of the second manufactured home. Lots 17 and 18 are developed with a single family residence and a 1,500 sf shop that is rented separately from the residence. In addition, it appears there are at least three RVs on this property in use for temporary living space. To the south and east are single family homes on large lots of 1/2 to 1 acre in area. The character of the area is a mixture of single family homes, manufactured homes, commercial uses and park land. The corner location makes this property appropriate for the particular uses allowed in the C3 zone district.

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

The new zoning will allow the owner to pursue a potential campground approval for the property. The existing residential homes on the subject property will become legal nonconforming uses of land which can create issues with financing and reinvestment into the property. These homes may continue until they are abandoned, or damaged or destroyed by more than 50% of the replacement value. The County may change the allowance for re-construction of legally nonconforming residential uses in commercial and mixed use zones in the near future, but this topic has not been discussed with the County Zoning Commission or the Board of County Commissioners. Alternatively, after initiation from the City Council, The City is considering this amendment in July.

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

The property is suitable for some uses allowed in the C3 zoning district. This zone change will likely allow for reinvestment in the future for a variety of commercial type services similar to what is located on the north of Old Hardin Road. The Lockwood Growth Policy allows for additional general commercial uses along arterial corridors, however the land use map did not identify this type of use for this location.

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 is recommending approval of Zone Change 718 and adoption of the proposed findings of the 11 review criteria.

Attachments

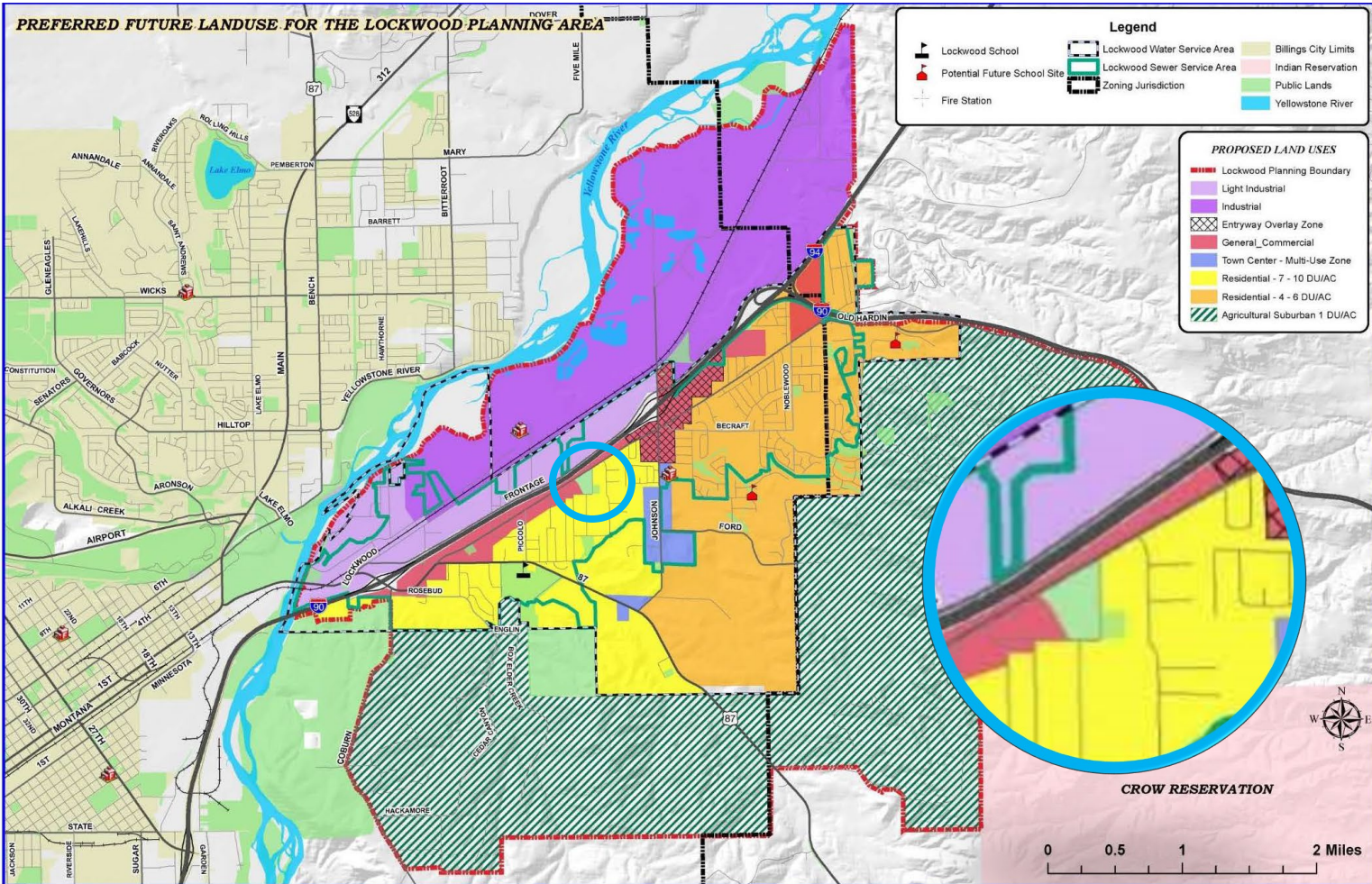
Zoning Map and Site Photos
Flood Plain Map
Chart of Zoning History
Application and Letter
Pre application and meeting notes

Zone Change 718 – 541 Woodland Rd and 2422 Old Hardin Rd
Zoning Map and Site Photos











Subject Property view from Woodland Road – 541 Woodland Rd Lots 17 & 18



View east/north east from Woodland Road



View east/south east from Woodland Rd – RV camping



View east/south east inside fence along Woodland Rd – RV camping



View north west across Woodland Rd



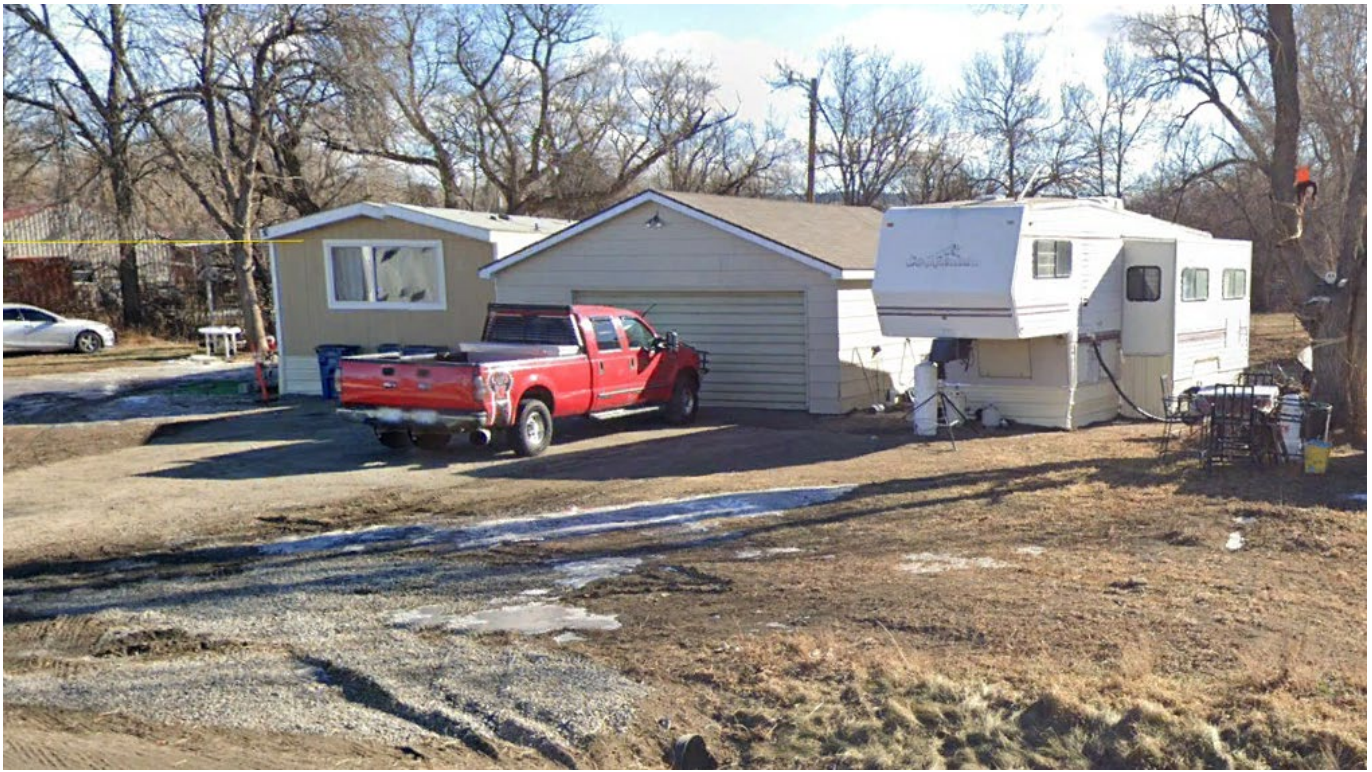
View north to intersection of Woodland Rd and Old Hardin Rd



View south down Woodland Rd



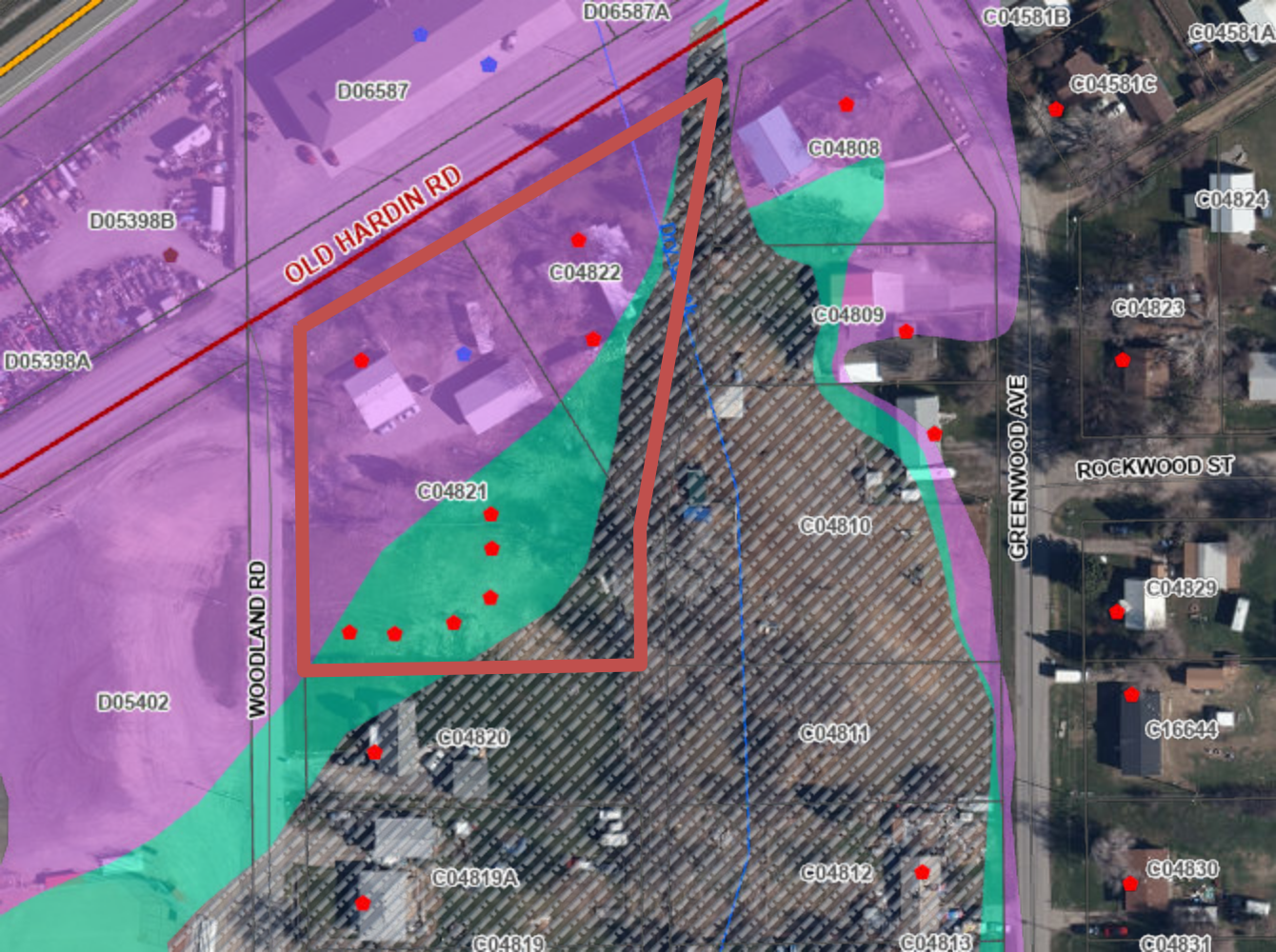
View south/south east across Woodland Rd from ball fields



2422 Old Hardin Rd - view south/south east January 2022



2404 and 2410 Old Hardin Rd – view south from Old Hardin Rd



APPLICABLE ZONING HISTORY
Zone Change 718 – 541 Woodland and 2422 Old Hardin Rd

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2404/2422 Old Hardin Rd	701	5/26/2020	R-150 to RMF-R	Yes	Plan to build multifamily 2020 update to NX1
COUNTY DISTRICTS	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2347 and 2359 Old Hardin Rd	514	4/27/1999	CC to HC	Yes	For Manufactured Home Sales Lot Now Big Sky Flea Market 2020 Update to CX
2775 Old Hardin Rd	457	9/28/1985	RMH to EGC	Yes	Zone Change for Johnson Lane Master Plan Pineview Ct MHP 2020 Update to RMH
2220 Old Hardin Rd	155	10/25/1977	R-150 to HC	Yes	Ditch Witch West 2020 Update to CX
North side of Old Hardin Rd	153	10/25/1977	CC to HC	Yes	Multiple commercial uses 2020 Update to CX
2098 Hickory Dr	65	9/30/1975	R-150 to CC	Yes	Cory's Auto Repair, Yellowstone Truck Service 2020 Update to CX
341 Hickory Dr	648	1/28/2014	R-150 to CC	Yes	Hot Rod Garage 2020 Update to CX
2146 Old Hardin Rd & 344 Clayton	416	9/4/1990	R-150 to HC	Yes	Shop buildings 2020 Update to CX
2102 Old Hardin Rd	154	10/25/1977	CC to HC	Yes	S Bar S Supply 2020 Update to CX

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 718 - Project # P2X-23-00101

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: Lots 17-18; NX-1 and Lot 19; R4

Proposed Zoning: C3, General Commerical

Property Tax ID # C048210/C048220 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: Lots 17-19 of Meadowbrook Subdivision

Address or General Location (If unknown, contact County Public Works): 541 Woodland Road and 2422 Old Hardin Road

Size of Parcel (Area & Dimensions): 1.32 acres/0.58 acres

Present Land-Use: Residential

Proposed 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): Superior Construction Properties, LLC/Chris Vlahos

832 Granite Estates Lane, Billings, MT 59101

406-672-3661 superbuilds@gmail.com

Agent(s): WWC Engineering; Aaron Redland

550 S. 24th Street W, Ste 201, Billings, MT 59102

406-671-5606 aredland@wwcengineering.com

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: Chris Vlahos Date: 05/24/23

(Recorded Owner)



(1) Whether the new zoning is designed in accordance with the growth policy;

The 2016 Lockwood Growth Policy, states that the 'residents and business owners anticipate Lockwood evolving into a self-sustaining community with a recognizable town center, a thriving business corridor and industrial area, and sufficient housing options to accommodate a local workforce.' The proposed zone change would provide additional housing options for residents and temporary workers that are needed in the medical and refinery industry. In the future, the property could be developed to further the business center of Old Hardin Road to follow the trend of commercial businesses along that frontage roadway.

(2) Whether the new zoning is designed to secure from fire and other dangers;

The change of NX-1, Mixed Residential and N4, Large Lot Suburban Neighborhood to C3, General Commercial zoning would not create any dangers within the neighborhood. With the zone change, the developer intends to continue to use the properties for residential use. In the future, there may be a commercial building constructed which would follow the zoning and building code requirements at the time of construction. There is an existing fire hydrant located at the intersection of Woodland Road and Old Hardin Road, therefore there are no anticipated dangers of fire protection with the development.

(3) Whether the new zoning will promote public health, public safety and general welfare;

The proposed zone change from NX-1 and N4 to C3 would allow for the developer to expand existing residential development within the area. The infrastructure for the existing development, such as water and sewer, were previously installed and approved. The stormwater of the existing site is following historical drainage patterns. If there is development of a commercial building in the future, stormwater management will be required to be addressed at the time.

(4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

The proposed zone change from NX-1 and N4 to C3 could positively impact transportation surrounding the property. If, in the future, a commercial business is constructed, it will require improvements to the southerly portion of Old Hardin Road along the developer's property.

Lockwood Water and Sewer District are currently providing water and sewer service to the development.

Since the current use of the development is residential, the neighborhood schools and parks may be impacted by this zone change. This will depend on the types of individuals that become residents on the property within the development.

(5) Whether the new zoning will provide adequate light and air;

C3 development is to be for commercial development. If there is further development of the area, it would be required to include an area for stormwater to be ponded as open space. As such, the development could have an increase of structures with the open space, resulting in an increase in the impacts to light and air.

(6) Whether the new zoning will effect motorized and nonmotorized transportation;

The proposed zoning will not have a negative effect on motorized and nonmotorized transportation. The motorized transportation is entering the property from either Woodland Road or from Old Hardin Road at existing approaches.

(7) Whether the new zoning will promote compatible urban growth in the vicinity of cities and towns;

The proposed zoning allows the developer to keep the residential use of the property. The current use provides housing for local and temporary workforce within the community.

(8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;

The character of the district surrounding the subject property, is a mix of residential, commercial, and county park. The proposed zone change from NX-1 and N4 to C3 would allow the property to stay consistent with the adjacent properties along Old Hardin Road frontage which is also zoned for CX. The current use of the development is for residential which is consistent with the properties to the south and east.

(9) Whether the new zoning will conserve the value of buildings;

Immediately adjacent to the proposed development is NX-1 zoning. Although this development would be changing the type of residential development that exists within the neighborhood, it will be fitting to the commercial developments that follow Old Hardin Road frontage. The current use of the property is providing residential use for long and mid-term workforce tenants.

(10) Whether the new zoning will encourage the most appropriate use of land throughout Yellowstone County;

Given the demand of residential development within Billings, this proposed zone would allow the developer to provide additional residential property. Historically, commercial development has been following Old Hardin Road frontage and this zone change would continue that trend.

(11) Whether the new zoning, as nearly as possible, be compatible with the zoning of nearby cities and towns;

The proposed zoning will provide residential opportunities utilizing previously developed property with existing services provided by the Lockwood Water and Sewer District. With the current demand for workforce housing, this zoning is providing an opportunity to meet the needs of the community. As Lockwood continues to grow, this property could be developed to prime location for local businesses.

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:** Lots 17-18 NX-1 Mixed Residential/Lot 19 N4, Large Lot Suburban Neighborhood
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: the owner is requesting zone change of the 1.9 acres to conform to the existing use of the property
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** Lots 17-19 of Meadowbrook Subdivision
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 18, day of May, 2023.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Chris Vlahos

Telephone: 406-672-3661

Address: 832 Granite Estates Lane, Billings, 59101

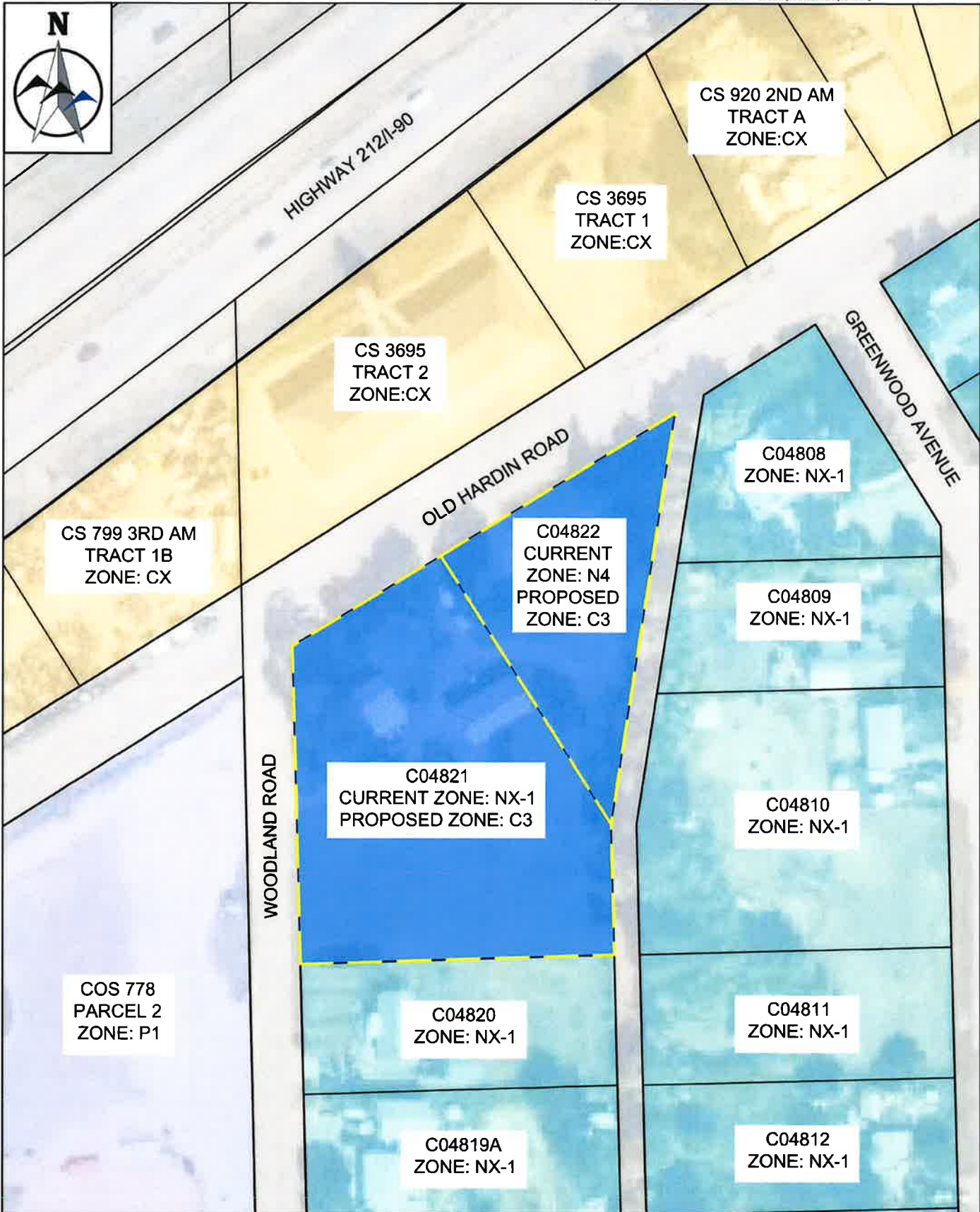
Email: superbuilds@gmail.com

Agent (s): WWC Engineering; Aaron Redland

Telephone: 406-671-5606

Address: 550 S. 24th Street W, Ste 201, Billings, 59102

Email: aredland@wwcengineering.com



Zone Change - Lots 17-19 Meadowbrook Subdivision Proposed Zoning YELLOWSTONE COUNTY, MT	PREPARED FOR CHRIS VLAHOS	SUPERIOR CONSTRUCTION PROPERTIES, LLC 832 GRANITE ESTATES LN BILLINGS, MT 59101-6888	DESIGNED BY: <u>BSR</u> DRAWN BY: <u>BSR</u> CHECKED BY: <u>GTR</u> DATE: <u>3/10/2023</u>
	PREPARED BY WWC ENGINEERING	550 S. 24TH ST. W., SUITE 201 BILLINGS, MT 59102 (406) 894-2210 www.wwcengineering.com	SHEET 1

 Pre-Application Neighborhood Zone Change Meeting - Superior Construction/Vlahos
May 18, 2023 at 6:30pm

	<u>Name</u>	<u>Address</u>	<u>Phone no.</u>
1	Paula Harris	548 Greenwood	259-1692
2	Lisa Duzts	540 Greenwood AVE	406-672-1776
3	Paul Sunderland	1511 Old Hardin Rd.	406-708-0436
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

Superior Construction/Vlahos Zone Change Pre-Application Neighborhood Meeting Minutes

May 22, 2023, at 6:30pm

Attendance:

Greg Reid – WWC Engineering

Aaron Redland – WWC Engineering

See attached sign-in sheet and email received

The meeting was opened by WWC Engineering (WWC) giving a description of the current zoning and the proposed zoning. WWC also explained the zone change process along with the Zoning and Commissioner meetings that are required for the zone change to be completed.

The area residents were then asked to provide comments or concerns regarding the zone change. There were not any specific comments on the zone change, they were mainly curious about what the owner's plans were for the future development of the property. The neighbors had questions about future fences or required improvements adjacent to their properties if the zoning is changed.

Aaron Redland

From: Aaron Redland
Sent: Thursday, May 18, 2023 11:43 AM
To: 4068609030@mms.att.net
Subject: RE:

Received. I will include this comment response section of the application packet.

Aaron Redland | Project Manager
550 S 24th St. W. Ste.201 | Billings, MT 59102
406-894-2210 | Cell 406-671-5606
www.wwcengineering.com

-----Original Message-----

From: 4068609030@mms.att.net <4068609030@mms.att.net>
Sent: Monday, May 15, 2023 12:12 PM
To: Aaron Redland <aredland@wwcengineering.com>
Subject:

WARNING: This email originated from an external sender. Please use caution when clicking links or opening attachments.

I see our money hungry pos neighbor is at it again. Glad he couldn't get his 4 or 8 plex housing project. And now he wants to rezone commercial so he can do just about anything. His motor home and trailer project is an eyesore. I don't know how he ever got that approved if he did ????? My vote is NO. I don't want him putting up an adult porn store or whatever. What the he'll does he want t o do besides ruin our neighborhood and make money. Kent.kreiter@yahoo.com
439 woodland rd.

County Zoning Commission

Meeting Date: 07/10/2023

SUBJECT: County Zone Change 719 - 547 Johnson Lane - A to NX1 and C3

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Zone Change 719 is a zone change request from Agriculture (A) to General Commercial (C3) and Mixed Residential 1 (NX1) for property located at 547 Johnson Lane, legally described as C/S 1901, Parcel A1 and 12.77 acre parcel of land. The land is owned by the Lockwood Fire District, and Andrew Miller of Clock Tower Hospitality and Anna Vickers of IMEG Corporation are the agents for the zone change. A pre application meeting was held on May 25, 2023, at the Lockwood High School Commons.

RECOMMENDATION

Planning staff is recommending approval of Zone Change 719 and adoption of the findings of the 11 review criteria.

APPLICATION DATA

OWNER: Lockwood Fire District No. 8, John Staley, Chief

AGENT: Clock Tower Hospitality, Andrew Miller and IMEG Corp. Anna Vickers

LEGAL DESCRIPTION: Parcel A1 of C/S 1901

ADDRESS: 547 Johnson Lane

CURRENT ZONING: Agriculture (A)

EXISTING LAND USE: vacant single family residence and open field

PROPOSED USE: Commercial and residential development

SIZE OF PARCEL: 12.77 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

See attached Chart of Zoning History

SURROUNDING LAND USE & ZONING

NORTH: Zoning: CMU1, RR1 and N3

Land Use: Single family residence at 610 Mauser Street in RR1, vacant field in CMU1 and single family residential homes on north side of Unertal Avenue in N3

SOUTH: Zoning: N4, Public 2 (P2), RR3

Land Use: Single family residence at 535 Johnson Lane in N4, Lockwood Fire Station at 501 Johnson Lane in P2, and vacant field in RR3

EAST: Zoning: N4 and P1

Land Use: Residential Neighborhood in N4 and County park in P1

WEST: Zoning: RMH

Land Use: Emerald View Manufactured Home Park

BACKGROUND

This is a zone change request to change the zoning on a parcel of land currently owned by the Lockwood Fire District No. 8. The property was purchased in 2021 to add approximately 5 acres to the east of the existing Lockwood Fire Station property at 501 Johnson Lane. The subsequent amendment to the survey left about 13 acres of excess land. The trustees of the fire district voted to sell the land for private development. The 5 acres added to the fire station parcel is to ensure future land for any necessary expansion or training facilities. The prospective owner, Clock Tower Hospitality, is the owner of the Clock Tower Inn in downtown Billings. The proposed zoning for the west 4 acres (approximate) is General Commercial (C3) while the remaining 9 acres is proposed for Mixed Residential 1 (NX1). The C3 zone would allow construction of all types of lodging facilities as well as retail, business and personal services, offices, medical facilities and other commercial uses. The NX1 zone would allow single family, two family and up to 4 unit buildings on lots with at least 50 feet of street frontage. The current plan is to subdivide the parcel at the zoning boundary, so each parcel could be developed by separate owners.

The 2017 Lockwood Growth Policy indicated this area of Johnson Lane should contribute to the proposed Lockwood Town

Center development and include general commercial and mixed use development as well as some moderate density housing development. The proposed zone change meets these requirements. The prospective buyer is the owner of a well known hotel in downtown Billings and while the future plans for the C3 portion of the property are not known at this time, it will likely be a hotel or lodging facility of some type. The NX1 zone proposed for the eastern 9 acres of the site has the flexibility to allow 1-4 unit structures. The area that faces the homes to the north and east would likely develop with new 1 or 2 family dwellings to be compatible with the existing neighborhood patterns. While this area would be a higher density than the adjacent neighborhoods, the zone district requirements will make the new homes fit in with the existing neighborhood.

The Lockwood Irrigation Lift Canal crosses the property from the south-west to the north-east (see aerial map). This lift canal is within a 70-ft wide easement (35 ft on either side of the center of the canal). Any development of the property will need to accommodate the canal in its current location. In some places the canal has been piped underground, but it is primarily an open canal for its entire length. The property is within the Lockwood Water and Sewer District boundaries and both water and sewer os available for development. The surrounding streets are all paved and any new streets, driveway and parking areas will also be paved and properly drained.

The traffic on Johnson Lane and Old Hardin Road is tracked by the Planning Division's Transportation Planning staff. The most recent traffic information for Johnson Lane shows about 3,500 vehicle trips per day on this principal arterial street south of Old Hardin Rd. This is a 3-year rolling average. Old Hardin Road has a much higher average daily traffic as well as Johnson Lane north of Old Hardin Rd. The completion of the new bridge at the north end of Johnson Lane over the Yellowstone River and the future connection to Highway 312 and Main Street will increase traffic in and around the Johnson Lane interchange. A complete reconstruction of the interchange is proposed as a \$45 million federal/state and local project in 2028 as part of the Long Range Transportation Plan for the metropolitan planning area for Yellowstone County. This area of Lockwood is poised to have additional traffic and demand for urban-level services in the next 10 years.

Planning staff has reviewed the application, the zoning history of the surrounding area, the Lockwood Growth Policy and transportation improvements planned for this area and is recommending approval of the zone change. A subsequent subdivision of the property will occur to facility both types of development - commercial and residential. The development will be a significant investment in the Johnson Lane area and will contribute to the finalization of the Lockwood Town Center planning that is occurring on property to the south of the subject property. The primary concern of the surrounding owners at the pre-application meeting concerned the type of housing to be constructed and the impact of traffic on the adjoining neighborhoods. The amount of traffic generated from a new neighborhood would require the developer - at the time of subdivision or master site plan - to provide a full traffic impact analysis. There may be traffic management or mitigation measures required. Any development of 48 or more dwelling units would trigger the requirement for a traffic analysis (500 or more trips per day - trips per day per household is 8 to 13 depending on development type). There were also questions about the process and timing of Commissioners meetings.

SUMMARY

PROPOSED DETERMINATIONS

County Zone Change 719

The Yellowstone County Zoning Commission, prior to making a recommendation to the County Commissioners, 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. Commercial retail and services may be considered appropriate in areas along principal and minor arterials in addition to areas designated for commercial land uses.*

This zone change would allow for an overall zoning plan that is consistent with the Preferred Land Use Map in the Lockwood Growth Policy. The future uses on the western 4 acres will be compatible with the development to the north and the proposed Lockwood Town Center to the south of the subject property. The neighborhoods to the north and east will have compatible residential development on the eastern 9 acres of the site. The C3 zone is meant to allow a variety of commercial uses including all types of lodging, restaurants, retail, business and personal services, medical offices, banks and other professional offices. This C3 is compatible with the proposed NX1 district to the east. Development in the C3 will be buffered from the residential development through application of the County's landscaping code requirements.

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 has access from Johnson Lane, a principal arterial street. Mauser St is a residential street developed for the residential subdivision, Pat Dahl Subdivision. It is the general policy of the county to not allow commercial traffic on local residential subdivision roads. The new residential development will have access to Mauser Street, Unertal Avenue and Enfield Street. Any new commercial development will have access to Johnson Lane as a primary

access. 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 any new 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. Additionally, the proposed zoning designations of NX1 and C3 regulate site and structure requirements ensuring minimum separation distances to ensure provide security from fire and other dangers.

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

Transportation: Development under the new zoning may increase traffic on Johnson Lane, a principal arterial street. Development of the proposed residential neighborhood will have an impact of the neighborhood streets to the north and east. The level of traffic increase will be dependent on the type of new use or uses proposed. Any new use that will generate 500 or more trips per day will be required to prepare a traffic impact study. Johnson Lane may need improvements to accommodate additional commercial traffic. Johnson Lane carries about 3,500 vehicle trips per day south of Old Hardin Road. Ten years ago, the same section of Johnson Lane carried 2,500 vehicle trips per day. Most of this increase occurred between 2020 and 2021. Impacts to the neighborhood streets will be determined at the time of the subdivision or master site plan application. Impacts will be mitigated.

Water and Sewerage: The property is within the Lockwood Water and Sewer District. Water and Sewer needs will be evaluated at the time of any new development. The type of development may be limited to the capacity the Lockwood Water & Sewer district can provide.

Schools and Parks: The proposed zoning of C3 would likely have no impact for Lockwood Schools. The zoning does not allow residential uses. The NX1 zoning does allow residential uses. It is not known how many units the 9 acre eastern portion could support. A general estimate based on the zoning would be about seven unit per acre or about 60-65 new dwellings. Lockwood Schools now has over 1,300 students in kindergarten through high school.

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 any new development.

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

The new zoning will allow new development in an area identified 7 years ago as part of the new Lockwood Town Center area that will include commercial and mixed uses and a variety of housing choices for existing and new Lockwood residents. The potential for new development will require subdivision and site planning of the property to ensure the new development fits in with the existing neighborhood and any impacts from storm water, traffic are mitigated. This should promote the health and general welfare of the area.

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

The proposed zoning districts of NX1 and C3 will require minimum setbacks, maximum building heights and maximum lot coverage. These requirements 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. Any new use on the property may generate additional traffic on Johnson Lane. The impact of the new traffic will be evaluated at the time of development. Johnson Lane is slated to have pedestrian facilities as part of the Long Range Transportation Plan for the planning area. Any new development may require contributions to the development of pedestrian facilities. 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 C3 zoning is compatible with the CMU2 and RMH zoning on the west side of Johnson Lane and will be compatible with the proposed zoning for property at 705 Johnson Lane (County ZC 717). The residential zoning that is adjacent to the east and north will be compatible with the proposed NX1 zoning. There will be required buffering between any development in commercial zone and the residential zone.

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

The subject property has been identified in the 2016 Lockwood Growth Policy as an area for commercial and mixed use development in addition to moderate density housing. The character of the area is primarily commercial along both sides of Johnson Lane south of Old Hardin Road. The Lockwood Growth Policy stated this area should continue to provide commercial development and further south should become the "Lockwood Town Center" where mixed uses and civic buildings will be encouraged. The proposed zoning and uses are suitability for the potential uses.

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

The new zoning will allow new development. The existing single family residence will become a nonconforming use. New development generally improves property value in the area. This should encourage the increased value of surrounding

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 C3 and NX1 zoning districts. These are appropriate uses of land in this area of the County and will encourage future investment in this property. The Lockwood Growth Policy calls out this area for commercial uses, mixed uses and moderate density 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 is recommending approval of Zone Change 719 and adoption of the proposed findings of the 11 review criteria.

Attachments

Zoning Map and Site Photos

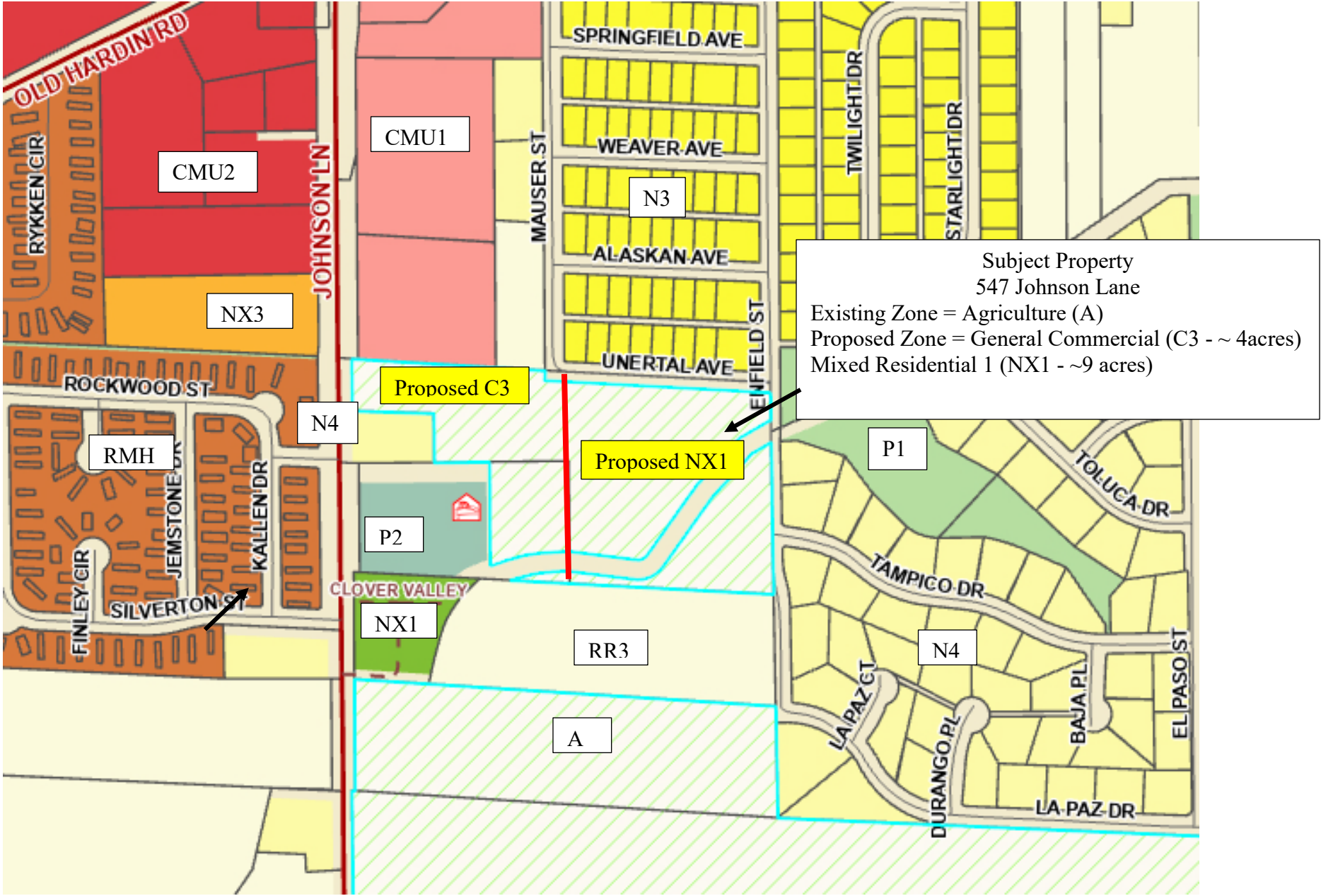
Chart of Zoning History

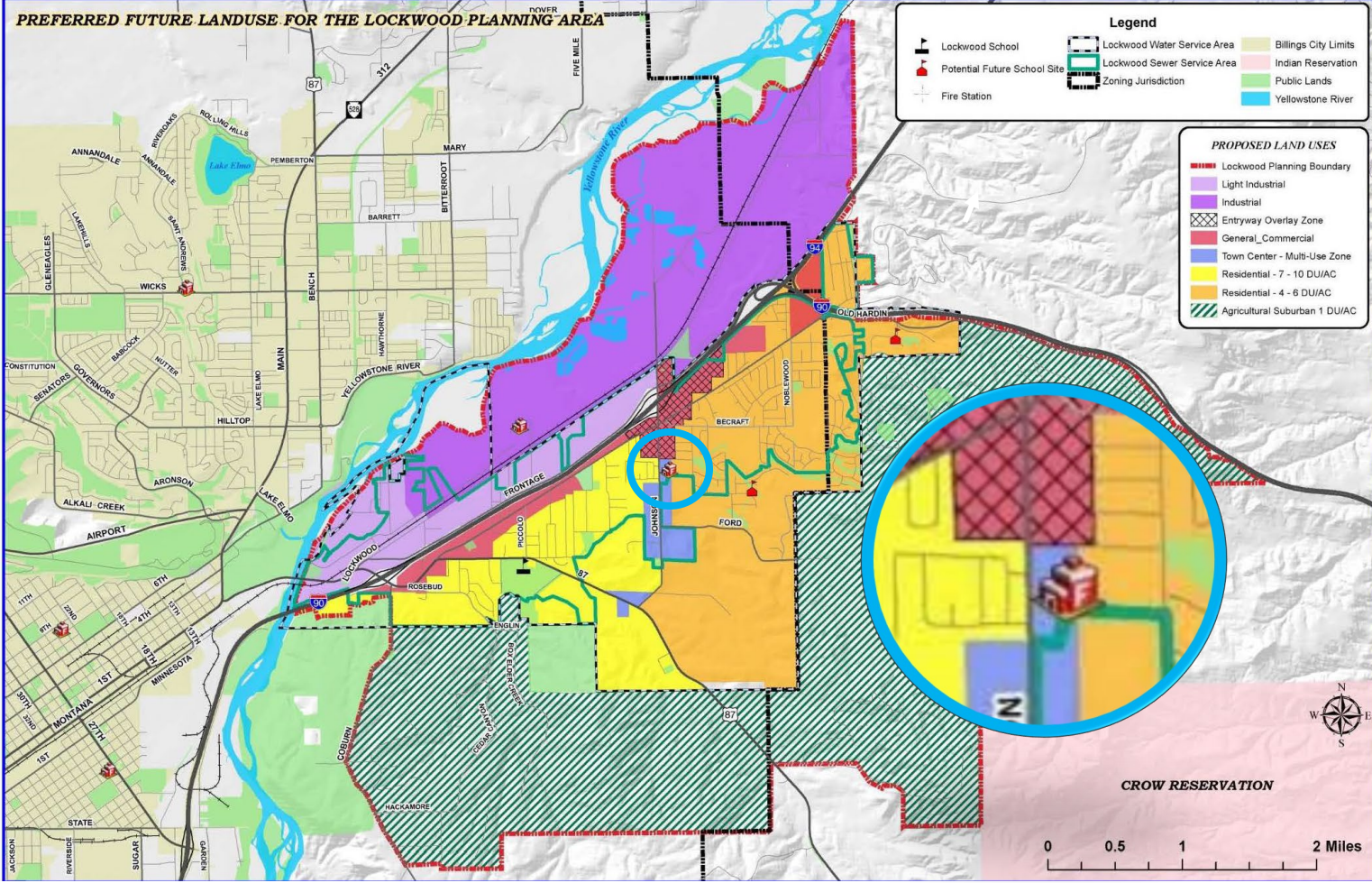
Application

Pre application and meeting notes

Application Letter

Zone Change 719 – 547 Johnson Lane
Zoning Map and Site Photos











Subject Property view from Johnson Lane



View south along Johnson Lane



View south west along Johnson Lane



View north on Johnson Lane



View east to the south end of Mauser Street



View from Enfield and Tampico Drive – west across property



View from the north east corner of the subject property to the west



View south and west from the corner of Mauser St and Unertal Ave

APPLICABLE ZONING HISTORY
Zone Change 719 – 547 Johnson Lane

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
547 Johnson Lane	NA				Previous zone was R-96 Updated zone is Agriculture (A)
COUNTY DISTRICTS	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
501 Johnson Lane	None				Previous zone was R-96 Updated zone is Public 2 and A
425 Johnson Lane	638	9/28/2012	R-96 to R-50	Yes	Zone Change for Twonhome development 2020 Update to NX1
SE corner of Old Hardin Rd & Johnson Lane	396	11/26/1986	R-96 to CC	No	2020 Update to CMU1
SE corner of Old Hardin Rd & Johnson Lane	400	7/9/1991	R-96 to CC	No	2020 Update to CMU1
SE corner of Old Hardin Rd & Johnson Lane	424	10/3/1991	R-96 to PD	Yes	Subsequent ZC 457 update to ELC 2020 Update to CMU1
North half of Copper Valley Estates	504	10/2/1998	R-96 to R-150	Yes	2020 Update to N4 for all of Copper Valley Estates
710 Johnson Lane	653	11/25/2014	EGC to ELI	Yes	For personal storage units
626 Johnson Lane	704	5/27/2021	CMU2 to NX3	Yes	Potential multifamily development

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change #_719_ - Project : PZ-23-00112

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: A- Agriculture

Proposed Zoning: C3 & NX1 (General Commercial & Mixed Residential)

Property Tax ID # D06575 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: S30, T01 N, R27 E, C.O.S. 1901, PARCEL A1, AMD (23)

Address or General Location (If unknown, contact County Public Works): 547 JOHNSON LN
BILLINGS, MONTANA 59101

Size of Parcel (Area & Dimensions): 12.771 ACRES

Present Land-Use: Vacant

Proposed Land-Use: Commercial and 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): Andrew Miller, Clock Tower Hospitality and Management LLC (Applicant); John Staley, Lockwood Fire District Fire Chief (Owner)

(Recorded Owner)
2511 1st Ave North, Billings, MT 59101; 501 Johnson Lane, Billings, MT 59101
(Address)

(Phone Number) (email)

Agent(s): IMEG Corp - Anna Vickers

(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. I attest that all the information presented is factual and correct.

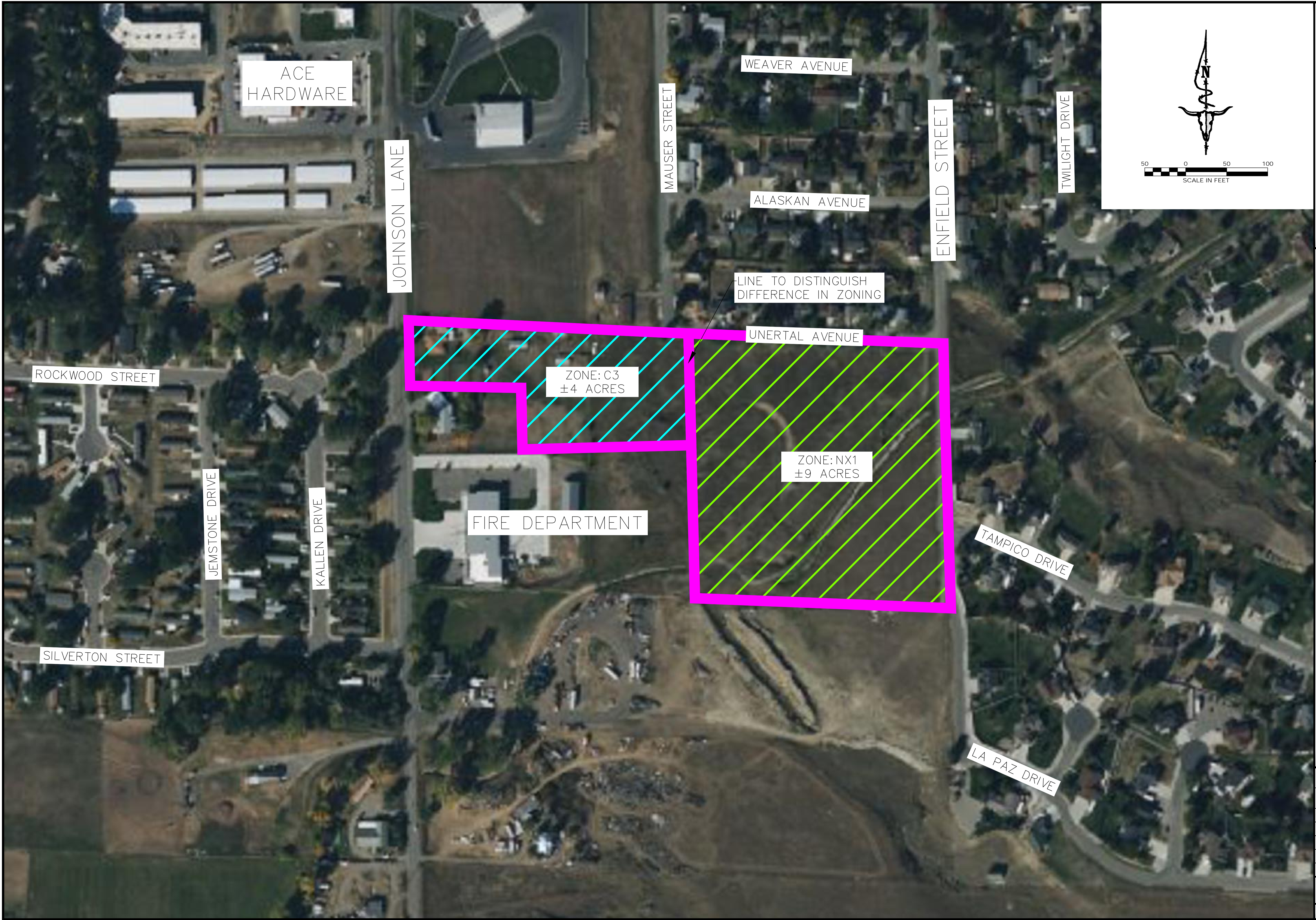
Signature: Andrew Miller John Staley Date: _____
1F818D2CC5074F1... CA95E54E96224F2...

(Recorded Owner)



Date Stamp

Tuesday, May 23, 2023, 3:26:00 PM
 C:\2023\23002482\DESIGN\CIVIL\CONCEPT\JOHNSON LANE DEVELOPMENT.DWG



NO.	REVISIONS DESCRIPTION	DATE

137 N. 27TH STREET
 SUITE 1312
 BILLINGS, MT 59101
 PH: 406.266.1441
 WWW.IMEGPP.COM

547 JOHNSON LANE SITE LAYOUT

SITE LAYOUT

IMEG Project No:
23002482

File Name:
Johnson Lane Development.dwg

© COPYRIGHT 2023
ALL RIGHTS RESERVED

Field Book No: N/A

Drawn By: NBI

Checked By: SMT

Date: 05/23/2023

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:** Argiculture
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: The existing zoning is 12.77 acres of agriculture land and currently sits vacant. The proposed new zoning would split the property into two parcels: C3 Commercial ± 4 acres and NX1 Residential ± 9 acres.
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** S30, T01 N, R27 E, C.O.S. 1901, Parcel A1, AMD (23)
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 25, day of May, 2023.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Clock Tower Hospitality and Management LLC Telephone: _____

Address: 2511 1st Ave North Email: _____
Billings, MT 59101

Agent (s): IMEG Corp - Anna Vickers Telephone: 406-248-9000

Address: 175 N 27th St. Ste 1312, Billings, MT 59101 Email: anna.m.vickers@imegcorp.com



MEETING NOTES

Date	May 25, 2023
Project	Johnson Lane Clocktower Zone Change
Project Number	23002482.00
IMEG Attendees	Anna Vickers, Renae Heisler
Public Attendees	Peck Family, Jacquelin Robinson, Ken Kunz, Frosty Erben

IMEG Started Presentation

I'm Anna Vickers I'm here with IMEG and this is Renae Heisler my colleague. We are here to discuss a proposed rezoning. The intent of today's meeting is to receive your input, comments, concerns of the area or even any ideas for the property. The zone change on the parcel located at 547 Johnson Lane. We are requesting C3, General Commercial on roughly 4 acres adjacent to Johnson Lane. We are requesting NX1, mixed residential on roughly 9 acres that front Enfield Street. When looking at the plus or minus you see on the exhibit here, I would like to emphasize that these are approximate sizing. At this point, we do not know exactly how much of each zoning will be on the property. We have someone that's interested in buying the property from the Fire Department and these are the two zonings that interest them. When you are looking at a rezoning it's important to realize that once that occurs all uses within said zoning are allowed to be used. I can make you promises about what our interested party is looking to do but overall the zoning, determines all uses.

Public Question: Would it affect our property value?

IMEG: I am not a tax assessor, I cannot answer any affects on property value.

Public Question: My question is, in talking to the people to the north of the property who did not receive a notice, will the property be apartments?

IMEG: We notify parties that are within the list provided to us by County Zoning. We then take that list to the Department of Revenue and pay a fee to receive the list of properties we notify. We also have to certify the mailing was sent to people on that list by having the post office sign off on receiving the notification letter. NX1 allows for single family, duplexes, three and four-plexes. These are not large-scale apartment buildings. The goal of the interested party is to do single family, maybe duplexes, patio homes or row homes not apartments.

Public Question: Would the zoning allow for mobile/manufactured homes?

IMEG: No, the zoning does not allow for mobile homes. The zoning allows for manufactured homes as a special review application. A special review application is similar to a rezoning, in that the adjacent property owners must be notified, there is a hearing by the board of adjustments.

PLEASE NOTE: MANUFACTURED HOMES ARE NOT ALLOWED.

Public Question: What happens when someone does not follow the special review process? Because I don't want manufactured homes.

IMEG: You would have to complain to the County regarding a home being built without undergoing zoning compliance or in compliance with zoning.

Public Question: What kind of development would be in the commercial zone? It is not going to be a storage unit facility right?

IMEG: Right now I am not sure, there has been talk about a restaurant, office space, or a hotel. But I am not completely sure at this time.

Public Question: All the people to the North are worried about the traffic on Mauser street, because there are people that go flying down that street and don't pay attention what so ever.

IMEG: This is meeting is for a rezone, and if the client were to buy the property, they would have to go through the subdivision process dependent on the development. As part of the subdivision process there are rules associated with traffic impact studies. A traffic impact study could be required by the County. At that point the County will work with us to dictate what intersections and streets we need to study. We then produce a report and contribute or improve based on our impacts.

Public Question: Would IMEG design everything?

IMEG: Right now, we are working with clients who are interested in buying the property, but they want to hear from the community and their thoughts before buying the property. The sale is contingent on how the rezoning process goes. If they proceed with the property we could very well design the property but we are not under contract for those services at this time. We are strictly vetting zoning.

Public Question: So you are working with people who are interested in buying the property, they have not actually bought the property?

IMEG: Correct, we only have a contract with our clients for the rezoning process. This process will help them determine whether to move forward with the property.

Public Question: We have kids and when people come down these street they are going so fast and we are worried about having our kids at the bus stops.

IMEG: I can understand the concern for children safety, it would be mine as well. Unfortunately, we cannot address bus stops or speeding during zoning. However, we can note this on the project, so that if we go forward, we are aware of these concerns.

Public Question: It looks like there are a few people here that weren't on the mailing list, I just think that 300 feet is frustrating and the whole neighborhood should be invited to these.

IMEG: I can understand that it's frustrating for whole neighborhoods to not get invitations. We follow County regulations regarding who we notify. The only advice I can give you, is that in areas where there are a neighborhood task force, we have to notify a neighborhood task force. At that point, the neighborhood task force can notify whoever they would like to notify. So you could try forming a neighborhood task force.



Q: What time is the city commissioners meeting?

IMEG: A commissioners meeting has not yet been scheduled as we will be submitting our application for rezoning on June 1st. There's typically a process where the County Planning staff will be reviewing our application and then we go before a zoning commission and then the County Commissioners.

Public Question: So you haven't even put in the application yet.

IMEG: That is correct, this is part of the application process and all your comments, questions and concerns will be submitted with the application as part of public comment for the record and review of Commissioners, staff, and zoning commission.

Public Question: The other meeting that I attended already had a date for a commissioners meeting.

IMEG: Well, I'm sure it's easy to project what day you'll be in these hearings based on the schedule. I'm just not aware and hesitate to do so in case we decide to delay a hearing or submittal.

Public Question: When is the next neighborhood meet for this project.

IMEG: The next neighborhood meeting would be when you receive notification from the County for the Zoning Commission Meeting and the Board of County Commissioners meeting.

Public Question: I thought that 2020 Recode was supposed to make it easier to understandable, but in reality it is still just as confusing.

IMEG: I can understand that it's a large code but believe it or not it is easier than the old code.

Anna: Well if no one else has any other questions, thank you for coming and if you do have questions or know someone that couldn't make it tonight that does, my contact information is at the bottom of the letter you received.

Public Question: Can you send us an email so that we have your contact information if we didn't receive a letter?

IMEG: Yes, we have your emails from the sign in sheet and I will send out an email to you guys so that you have my contact information. Thank you for attending.



Anna Vickers

From: Anna Vickers
Sent: Thursday, May 25, 2023 2:01 PM
To: Jacquelin Robinson
Subject: RE: 547 Johnson Lane

Hi Jacquelin,

I appreciate hearing your perspective regarding Project RE:Code and find it disappointing on your behalf. These emails become part of the public record for County Commissioner Review.

It's always hard to pick a time within the hour limitations set by the regulations. I'll continue to be reachable at the information below, for those with questions. Please encourage them to reach out to me. I do the best I can to give honest information, as I live within the County too.

Kindly,

Anna M. Vickers

IMEG | Billings Lead Land Use Planner



175 N 27th Street | Suite 1312 | Billings, MT 59101

(406) 248-9000 | phone
(406) 532-0263 | single reach

anna.m.vickers@imegcorp.com

[website](#) | [vCard](#) | [map](#) | [regional news](#)   

[Learn more](#) about us and the IMEG story!

This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.

From: Jacquelin Robinson <robinj50@hotmail.com>
Sent: Thursday, May 25, 2023 1:50 PM
To: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Subject: RE: 547 Johnson Lane

External Email: Treat links and attachments with caution.

Thank you for your responses. No one is home that I wanted to contact. Community input tonight could be very limited with the 300 feet notice. Many people are not home from work at 5:30. I understand you are just doing your job. Just please consider people who own homes and possible affects. If community preferences were a consideration by the county, then it should have been part of the process of Project RE: Code to involve homeowners close to zoning changes. People I have spoken to in this neighborhood have never heard of it.

Jacquelin Robinson

Sent from [Mail](#) for Windows

From: [Anna Vickers](#)
Sent: Thursday, May 25, 2023 12:10 PM

To: [Jacquelin Robinson](#)
Subject: RE: 547 Johnson Lane

Hi Jacquelin,
The rezoning request is for NX1 and C3. The C3 would be adjacent to Johnson, amongst the other commercial uses. Adjacent to your neighborhood would be NX1. This being said, the full plans for the property are largely unknown with the intent of tonight's meeting to get community input regarding concerns and even preferences for the property. I can understand your frustration and have not/do not dispute them. I can only act within the limitations of my role within this process.

Anna M. Vickers
IMEG | Billings Lead Land Use Planner



175 N 27th Street | Suite 1312 | Billings, MT 59101

(406) 248-9000 | phone
(406) 532-0263 | single reach

anna.m.vickers@imegcorp.com

[website](#) | [vCard](#) | [map](#) | [regional news](#)   

[Learn more](#) about us and the IMEG story!

This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.

From: Jacquelin Robinson <robinj50@hotmail.com>
Sent: Thursday, May 25, 2023 12:55 PM
To: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Subject: RE: 547 Johnson Lane

External Email: Treat links and attachments with caution.

I am going to try to come to the meeting, but uncertain. If I am unable to attend I will request a meeting with you. This will affect traffic on Mauser and a huge decrease in property value and ability to sell our home that we have lived in for 40 plus years. Yes people are frustrated, you would be too. The saying is true that you can't fight city hall.
Jacquelin

Sent from [Mail](#) for Windows

From: [Anna Vickers](#)
Sent: Thursday, May 25, 2023 11:28 AM
To: [Jacquelin Robinson](#)
Cc: [Cromwell, Nicole](#); [Husman, Karen](#)
Subject: RE: 547 Johnson Lane

Hi Jacquelin,
Tonight's meeting will proceed as scheduled, due to the given public notice for those that can make it. There will be future County meetings held regarding the zoning request. Additionally, if you know of people that cannot make it tonight, please provide them my contact information, I'm happy to discuss all information given tonight with them.

Unfortunately, I cannot change the zoning regulations or the requirements therewithin, only follow them. I have CC'd Nicole Cromwell and Karen Husman with Yellowstone County Planning Department, Zoning Coordination. I encourage you to correspond with the County and your representative for less frustrations in the future.

If you have specific questions regarding the zoning change, or are unable to make it, I'm happy to setup a time for us to meet.

Kindly,

Anna M. Vickers

IMEG | Billings Lead Land Use Planner



175 N 27th Street | Suite 1312 | Billings, MT 59101

(406) 248-9000 | phone

(406) 532-0263 | single reach

anna.m.vickers@imegcorp.com

[website](#) | [vCard](#) | [map](#) | [regional news](#)   

[Learn more](#) about us and the IMEG story!

This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.

From: Jacquelin Robinson <robinj50@hotmail.com>

Sent: Thursday, May 25, 2023 12:12 PM

To: Anna Vickers <Anna.M.Vickers@imegcorp.com>

Subject: RE: 547 Johnson Lane

External Email: Treat links and attachments with caution.

If invites need to be done by the affected homeowners, then this is quite a job and more time is requested. You personally might not be "sneaky", but the new 300 feet rule by the county is sneaky. Please request more time as the neighborhood is already facing another zone change request right across the street from Mauser.

Jacquelin Robinson

Sent from [Mail](#) for Windows

From: [Anna Vickers](#)

Sent: Thursday, May 25, 2023 10:54 AM

To: [Jacquelin Robinson](#)

Subject: RE: 547 Johnson Lane

Hi Jacquelin,

We send notifications to owners using the County's provided list per Yellowstone County statute. There is not an intent to be sneaky, I apologize if it comes across this way. Please feel free to invite whoever has interest.

Anna M. Vickers

IMEG | Billings Lead Land Use Planner



175 N 27th Street | Suite 1312 | Billings, MT 59101

(406) 248-9000 | phone

(406) 532-0263 | single reach

anna.m.vickers@imegcorp.com

[website](#) | [vCard](#) | [map](#) | [regional news](#)   

[Learn more](#) about us and the IMEG story!

This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.

From: Jacquelin Robinson <robinj50@hotmail.com>

Sent: Thursday, May 25, 2023 11:51 AM

To: Anna Vickers <Anna.M.Vickers@imegcorp.com>

Subject: 547 Johnson Lane

External Email: Treat links and attachments with caution.

The information about this zone change needs to be sent out to all the residences affected . I live on Mauser St. and did not receive this information. This is being sneaky and will not be tolerated by the homeowners in this area. Our neighbors request all of Pat Dahl subdivision, Bel Air subdivision facing Enfield and the subdivision off Tampico drive be informed of this request.

Sent from [Mail](#) for WindowsT

Thank you.

Jacquelin and Randy Robinson

707 Mauser St.

Billings Mt.

Anna Vickers

From: Anna Vickers
Sent: Friday, May 26, 2023 7:51 AM
To: 'Danielle Milliken'
Subject: RE: Pre-application neighborhood meeting 547 in Johnson Lane

Hi Danielle,

I'm sorry that we missed you at last night's meeting. NX1 is similar to your zoning. The only difference is the allowance for three and four plexes, which would allow for patio homes or row homes. These would not be apartment complexes as the building height limit is 27 feet. Your zoning district allows for 34 feet in height. I will add your comment to the public record. I hope you have a nice Memorial Day.

Kindly,

Anna M. Vickers

IMEG | Billings Lead Land Use Planner



175 N 27th Street | Suite 1312 | Billings, MT 59101

(406) 248-9000 | phone

(406) 532-0263 | single reach

anna.m.vickers@imegcorp.com

[website](#) | [vCard](#) | [map](#) | [regional news](#)   

[Learn more](#) about us and the IMEG story!

This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.

From: Danielle Milliken <gdmilliken@gmail.com>
Sent: Thursday, May 25, 2023 5:03 PM
To: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Subject: Pre-application neighborhood meeting 547 in Johnson Lane

External Email: Treat links and attachments with caution.

Good afternoon Anna,

This is Danielle Jordan. I live at 2913 Unertal Ave, right across the new zoning that you guys plan. I am unable to make the 5:30 pm meeting tonight.

I just wanted to let you know that I object to the multi residential zoning.

I would be open to the same residential zoning as the rest of our neighborhood.

Thank you,
Danielle Jordan

--

Danielle Jordan

doTERRA & Norwex Wellness Advocate

Cell: (406) 672-3575

Email: gdmilliken@gmail.com

County Zone Change Application Packet
Clock Tower Johnson Lane

Summary:

The applicant is requesting a rezoning for the property located at 547 Johnson Lane. The property is currently zoned Agriculture. The proposed zoning is C3, General Commercial on the portion of the property adjacent to Johnson Lane. We are proposing the zoning of NX1, Mixed Residential 1, on the rest of the property. We have the C3 zoning indicated as plus or minus 4 acres, and the NX1 as plus or minus 9 acres. We want to emphasize that this could increase or decrease for both zonings. Right now, the rezoning is the first step in development. The goal for the C3 is to align with the future subdivision lot that will be used for commercial.

11 Statutory Zone Change Criteria:

Below is a list of the 11 Statutory Zone Change requirements in *italics*. Responses to each criteria is provided below.

1. Is the new zoning is designed in accordance with the growth policy?

The site is designated as Town Center - Multi-Use Zone and Residential - 4-6 dwelling units per acre within the 2016 Lockwood Growth Policy. The proposed new zonings are C3, General Commercial and NX1, Mixed Residential. Both zonings comply and designed in accordance with the growth policy designations.

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

Yes, the new zoning is designed to secure from fire and other damages. The zoning has been designed with setbacks, access requirements, build-to zones, maximum building coverage, etc. These regulations of building design ensure that the zoning is secure from fire and other damages.

3. Will the new zoning promote public health, public safety and general welfare?

The proposed new zonings for the site are selected in correlation with the area's growth policy. The selection of C3 for the portion of the property that is adjacent to Johnson Lane aligns with the existing zonings of CMU1 and CMU2 on Johnson Lane. When comparing the allowable uses between the three districts there are more similarities than differences. Additionally, the selection of NX1 for the portion of the property that is adjacent to Enfield Street is similar to N3 zoning to the north. NX1 allows for duplexes, three and four-plexes which facilitates patio homes and row homes. N3 only allows for single family homes. NX1 will allow for variations of housing to address the County's "missing middle". The property is within Lockwood Water and Sewer District with mains located within Johnson Lane, Mauser Street, and Enfield Street. The proximity to existing infrastructure further encourages the use of zoning that allows duplexes, three and four-plexes. Additionally, NX1 has a height restriction of 27' while neighboring residential of N3, N4, and RR3 have height restrictions of 34'. Zoning Regulations and Growth Policies are written to promote public health, safety, and general welfare. The proposed zoning of C3 and NX1 will be followed by a subdivision, if approved. Addressing public health, safety and general welfare will continue to be a forefront of the development and provide better insight to the site use as the subdivision regulations are followed.

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

The property is currently within the Lockwood Water and Sewer District. Water and Sewer mains exist within Johnson Lane, Mauser Street, and Enfield Street. The mains within Enfield Street end at the intersection of Enfield Street and Alaskan Avenue. Johnson Lane, Mauser Street, and Enfield Street are all County roads that about the property. The property is within the Lockwood School District. There are bus stops for the school district for the neighboring subdivisions. The proposed zoning facilitates adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. If the proposed zoning is approved the property will undergo subdivision. The subdivision process will further address, transportation, water and sewer design, schools, parks, etc. The proximity of the property to the existing infrastructure encourages infill development as opposed to sprawl into rural areas. The division of the proposed zoning of C3 and NX1 by use of Mauser Street also encourages separation of commercial and residential development. Additionally, the zoning regulations address landscaping and buffering when residential and commercial are adjacent.

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

Yes, the new zoning is designed to provide adequate light and air. The zoning has been designed with setbacks, access requirements, build-to zones, maximum building coverage, etc. These regulations of building design ensure that the zoning provides adequate light and air. The zoning regulations are designed to require landscaping, buffering to promote adequate light and air.

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

Any development has an affect on transportation when the lot was vacant in prior. The zoning selection of C3 and NX1 allows for uses that will have an effect on motorized and non-motorized transportation. The developer's goal is to undergo subdivision which will further address the impacts on transportation. Additionally, the creation of NX1, even if only rentals would ultimately undergo the review process of buildings for lease or rent when three buildings are placed on the property. (Please note, buildings for lease or rent are not the current developer's plans, a subdivision is planned as stated.)

7. Will the new zoning be compatible with urban growth in the vicinity of cities or towns?

Yes, the new zoning is compatible with urban growth in the vicinity of cities or towns. The new zoning has many similarities to adjacent existing zoning in the area. It also further promotes infill development. The allowance of duplexes, three and four-plexes within NX1 is compatible with urban growth but is not large-scale apartments as would be done in an urban development.

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

The selection of C3 for the portion of the property that is adjacent to Johnson Lane aligns with the existing zonings of CMU1 and CMU2 on Johnson Lane. Additionally, the selection of NX1 for the portion of the property that is adjacent to Enfield Street is similar to N3 zoning to the north. These align with the character of the district. Additionally, the property's proximity to infrastructure substantiates the suitability of the property for the proposed zonings.

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

The new zonings alignment with adjacent uses should continue to conserve the value of buildings in proximity. The full design of the subdivision remains unknown and the value of the buildings in proximity are also largely unknown.

10. Does the new zoning encourage the most appropriate use of land throughout Yellowstone County?

The new zoning does encourage the most appropriate use of the land due to the proximity to existing infrastructure. When a development can tie into a municipal water or sewer this encourages the use of land that is already within a developed area to avoid impact to large scale agriculture or open space land further in the County. The requested zonings similarity to adjacent uses and alignment with the growth policy also encourages these proposed zonings for appropriate use.

11. Will the new zoning, as nearly as possible, be compatible with the zoning of nearby cities and town?

Yes, the new zoning is compatible, as nearly as possible, with zonings of nearby cities and towns. The new zoning has many similarities to adjacent existing zoning in the area, as mentioned in prior. It also encourages infill and growth to accommodate missing middle, and development in proximity to infrastructure.