

Application & Applicant letter

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 720 - Project # PZX-23-00143

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 10 acres and over

Proposed Zoning: N4-Large Lot Suburban Neighborhood (70.63 Ac) & C3-General Commercial (31.15 Ac)

Property Tax ID # D00908 COUNTY COMMISSIONER DISTRICT #

Legal Description of Property: That portion of the NE 1/4 of S. 28, Township 1 South Range 25 East, South & East of BBWA Canal, less C.O.S. 1590.

Address or General Location (If unknown, contact County Public Works): 2424 S 48TH ST W

Size of Parcel (Area & Dimensions): 101.78 Acres (see map for dimensions)

Present Land-Use: Agriculture and one single family residence

Proposed Land-Use: 70.63 acres of residential and 31.15 acres of commercial use

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): James D. Wang 4804 Verde Ln. (Recorded Owner) Rosemary 3371 Pipestone Dr

(Address) (406) 855-7349 (406) 591-1850 (Phone Number) (email)

Agent(s): Scott Worthington, P.E. w/ In Site Engineering, P.C. (Name) 4231 Creekwood Dr, Billings, MT 59106 (Address) (406) 591-4355 siteproscott@gmail.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: 7/27/23

(Recorded Owner)



**County Zone Change Application  
101.78 Acres  
LOCATED IN THE  
NE 1/4 OF SECTION 28, T1S, R25E, PMM,  
YELLOWSTONE COUNTY, MONTANA**

Prepared for:

**LORENZ CONSTRUCTION, LLC &  
MARSICH INVESTMENTS, INC.**

Prepared by:

**Scott Worthington, P.E.  
In Site Engineering, Inc.  
4231 Creekwood Dr  
Billings, MT 59106**

**July 21, 2023**

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### **A. Legal Description**

A zone change is requested by this application for land Located in the NE 1/4 of Section 28, T1S, R25E, P.M.M., Yellowstone County, Montana, which is more particularly described as follows:

A tract of land being that portion of the Northeast Quarter of Section 28, Township 01 South, Range 25 East, P.M.M. that is situated South and East of the B L & I Canal (a.k.a. B.B.W.A. canal) less and excepting Certificate of Survey 1590 in Yellowstone County, Montana. Said tract contains 101.78 acres ±.

The proposed zoning of the land described above is as shown on the map exhibit in Section B.

### **B. Zone Change Map Exhibit**

A map of the proposed zone change areas is attached showing the dimensions, acreage, and location of each newly proposed zoning district as well as the zoning and land uses of all adjacent tracts.

### **C. Present and Proposed Zoning Classifications**

The present zoning of all the land for which a zone change is requested is A - Agriculture 10+ Acres. The proposed zoning is as shown on the map exhibit referred to in Section B, which include the following zoning districts:

N4 – Large Lot Suburban Neighborhood (70.63 Acres)

C3 – General Commercial (31.15 Acres)

### **D. Certified List of Property Owners within 300' of the Zone Change Boundary**

A list, certified by the Yellowstone County Clerk and Recorder, of names, addresses, and legal descriptions of the owners of property within a radius of 300 feet of the exterior boundary of the proposed zone change, is attached.

### **E. Gummed Mailing Labels**

Gummed mailing labels with names and mailing addresses of all of the property owners indicated on the certified list referenced in Section D, above, are attached to this application.

### **F. Name and Address of Land Owner & Agent**

The owners of the land for which the zone change is requested are:

LORENZ CONSTRUCTION, LLC &

MARSICH INVESTMENTS, INC.

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The owner's Agent is:

In Site Engineering, P.C.  
c/o Scott Worthington, PE, President  
4231 Creekwood Dr.  
Billings, MT 59106

**G. Payment of all applicable fees**

A payment of applicable fees will be done in the Citizen Access online system.

**H. Signed Statement**

A signed statement is included in the cover of this report affirming the pre-application neighborhood meeting was conducted as required, and the zone change application is based on material presented at the meeting. A copy of the meeting notice, materials provided to the surrounding property owners, a brief synopsis of the meeting results, a roster of the persons attending the meeting, and written minutes of the meeting are included with the signed statement.

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### **Explanation of Proposed Zone Change's Consistency with Yellowstone County's Growth Policy, Zone Change Criteria, and Compatibility with Existing or Planned Developments in the Area**

The proposed zoning of this application is consistent with the primary goals and objectives of the Yellowstone County Growth Policy Statement and Growth Guidelines because it promotes orderly growth and is consistent with adjacent land uses.

Nearly 70% of the land will be zoned N4 – Large Lot Suburban Neighborhood, which is the same as the land on the other side of the BBWA canal. This land is well-suited to support residential use on large lots with individual wells and septic systems. Storm water can also be handled with a proposed storm drain and detention system that can be accommodated on the Applicant's land. This zone change will provide housing in a variety of options to fill the current demand and will enable the development of an attractive, livable community. Parkland will be provided that will meet the residents' needs for open air and recreation. Sidewalks will be installed on both sides of all new streets. All of these improvements will be installed to Yellowstone County standards, secured by the Applicants, and the zoning will allow such to move forward. The land is within 5 miles of Fire Station 7 on 54<sup>th</sup> Street West, so emergency services are readily available. It is within Canyon Creek School District 4 for Elementary and Middle School (Canyon Creek Elementary, Canyon Creek Middle School) and School District 2 for High School (West High School) which has planned for growth.

The other 30% of the land is adjacent to the BBWA canal and an excavated land drain, and the water table is high enough in these areas that residential use is not supported. However, this land is suitable for general commercial purposes. The Applicants are in contact with the owner of a local landscaping business wanting to buy land in the proposed commercial zone which is well suited for that purpose. For example, the land in which there is a high water table, which cannot support septic systems, can still support certain aspects of a landscape business such as a commercial greenhouse or a yard in which to maintain nursery stock. The area on which general commercial zoning is proposed is also well suited for such because of its connection to two intersecting principal arterial streets: South 48<sup>th</sup> Street West and Neibauer road, which serve as a commercial node. The proposed commercial use is also compatible with other existing commercial uses in close proximity, such as the existing storage units on 48<sup>th</sup> Street West just a few hundred feet from the southeast corner of the proposed zone change. It should also be noted that an industrial use, Simplot Grower Solutions, also exists on Danford Road near its intersection with S. 48<sup>th</sup> Street West, not far from this tract.

In conclusion, this zone change will provide for a new orderly development that is compatible with existing area neighborhoods and land uses. It will provide new streets for safe and effective traffic circulation, not only for cars, school buses, and emergency vehicles, but also for

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pedestrians and other non-motorized traffic with sidewalks throughout to encourage walking and recreation. The parkland will also provide open space.

The construction of the infrastructure for the development subsequent to this zone change will bolster the local economy by providing engineering, architectural, landscaping, and construction jobs. The neighborhood will attract individuals and families who are a part of the local work force and enhance the socio-economic fabric and stability to the community. The new land uses will also increase the County's tax base and would be expected to conserve and enhance the value of adjacent properties.