YELLOWSTONE COUNTY ZONING COMMISSION

YELLOWSTONE COUNTY, MONTANA

Monday, January 13, 2014

SUBJECT:	Zone Change #648 – 2087 Hickory Drive and 358 Hemlock Drive
THROUGH:	Candi Millar, AICP, Planning Director
FROM:	Nicole Cromwell, AICP, Zoning Coordinator

REQUEST

The applicant is requesting a zone change from Residential 15,000 (R-150) to Community Commercial (CC) on a 51,480 square foot parcel of land described as Lots 14 and 38 of Hillner Subdivision. The property is generally located at 2087 Hickory Drive and 358 Hemlock Drive in Lockwood. The applicant conducted a pre-application neighborhood meeting on November 25, 2013. The Planning staff is forwarding a recommendation of approval based on the 11 criteria for zone changes.

APPLICATION DATA

OWNER:	Roland Sauter
AGENT:	James P. Healow
LEGAL DESCRIPTION:	Lots 14 and 38, Hillner Subdivision
ADDRESS:	2087 Hickory Drive and 358 Hemlock Drive
SIZE OF PARCEL:	51,480 square feet
EXISTING LAND USE:	Manufactured Home and outbuildings
PROPOSED LAND USE:	Shop buildings with fenced storage yards
EXISTING ZONING:	R-150
PROPOSED ZONING:	CC

APPLICABLE ZONING HISTORY

Subject Property – None

Surrounding Properties – There have been 18 similar zone changes in this area of Lockwood since 1976. All have been approved.

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

NORTH:	Zoning:	HC
	Land Use:	Tour America RV Center
SOUTH:	Zoning:	R-150

	Land Use:	Single family dwellings
EAST:	Zoning:	R-150
	Land Use:	Single family dwellings
WEST:	Zoning:	CC
	Land Use:	Shop buildings

REASONS

The subject property is located south of Tour America RV center and east of several machine and industrial shops on Hickory Drive. The property has 3 street frontages being located at the intersection of Hickory Drive, Clayton Street and Hemlock Drive. All of the adjacent streets are paved and have both residential and commercial traffic. The contract buyer, Roland Sauter, proposes to change the zoning so shops and storage yards can be developed. Mr. Sauter owns property west at 2098 Hickory Drive. This property received a zone change from R-150 to CC in 1975 and the shops were constructed in the early 1980s. The property consists of 2 separate legal lots each 25,740 square feet. There is one drive approach off Hickory Drive and at least one drive approach off Hemlock Drive. There are no current access drives from Clayton Street. New drive approaches may be developed if the zone change is approved.

All the adjacent streets are considered local streets and no traffic counts are available for these streets. The posted speed limit on all these streets is 25 mph. Old Hardin Road to the north is designated a minor arterial street. Any commercial traffic would likely use Old Hardin Road to reach the subject property. Hickory Drive and Hemlock Drive to the south are residential streets and do connect to Highway 87 East through a circuitous route. Old Hardin Road carries about 6,870 vehicle trips per day in this area. The connector road, Hickory Lane, is a stop controlled intersection with Old Hardin Road. Any new commercial development on this small parcel would likely not impact the function of this intersection. The property is not within the 5-year limits of annexation area for the City of Billings, and not within any Long Range Urban Planning Area on the City Limits of Annexation Map. The property is adjacent to single family dwellings to the south and east and commercial and industrial uses to the north and west. The applicant conducted a pre-application meeting and the meeting notes are attached to this report. One surrounding owner voiced a concern the property might turn in to a junk yard. The applicant stated the shop buildings and storage yards would be kept neat. Public sewer and water lines are available in the adjacent streets. Any new connections to the public utilities will be permitted through Lockwood Water and Sewer District.

The County adopted the Lockwood Neighborhood Plan for this area in August 2006. The land use for this area was not predicted to change significantly. There are several commercial businesses in the area already and additional area may catalyze future development. The adjacent HC zone is compatible with the proposed CC zoning. Water and sewer may be available to these lots so uses will not be limited to those not requiring public utilities. The adjacent residential homes to the south and east may be impacted by some uses allowed in the CC zone but adequate screening and buffering from new development are required by the landscaping regulations.

Uses allowed in the CC zone could have an impact on traffic. The Planning staff must consider all potential uses on the subject property including retail, commercial office space, restaurants (with or without alcohol service), and multi-family uses. If the property were developed for multi-family dwellings, then new traffic generated would likely be increased beyond what is anticipated with the proposed shop building development. A 5,000 square foot restaurant would generate approximately 200 new vehicle trips per day. A more intense use under the proposed zoning would require additional analysis of traffic circulation at the intersection of Hickory Lane and Old Hardin Road. The current zoning allows single family dwellings and limited agricultural uses.

A neighborhood meeting was conducted by the applicant on November 25, 2013, at 2098 Hickory Drive. Three surrounding property owners attended the meeting. The meeting notes indicate there were questions regarding the control of junk on the property. The minutes of meeting are included as Attachment B. The Planning Division did not receive any telephone calls or written comments concerning the application.

Planning staff has reviewed this application and is forwarding a recommendation of approval for the proposed zone change based on the 11 criteria for zone changes. The property is located across the street from similar commercial zoning districts and has reasonable access to Old Hardin Road, a minor arterial street. The Lockwood Community Plan did not have a specific plan for this area other than the existing zoning and uses. The 2008 Growth Policy encourages predictable land uses in or near neighborhoods. The uses available in the CC zone are limited without the provision of public water and sewer services. The commercial development standards for landscaping and screening should prevent impacts to the surrounding residences.

RECOMMENDATION
Approval of Zone Change #648 and adoption of the 11 criteria for this zone change.

PROPOSED ZONING COMMISSION DETERMINATIONS
The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County and City of Billings 2008 Growth Policy?*
   The proposed zoning does comply with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

   - Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (Land Use Element, page 6).
     This zone change would allow for additional area for commercial uses in an area with a mix of commercial and industrial uses. This is consistent with the Lockwood Community Plan and the neighborhood character.

- Goal: New developments that sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).
  This property is directly adjacent to commercial uses and has adequate access to Old Hardin Road via Hickory Lane. The lots to the north and west are also zoned and used for commercial uses. The intended uses are compatible with the surrounding uses.

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 nearest fire station is located on Driftwood Lane 1.5 miles to the east. Billings Fire Station #1 is 4.2 miles to the west. Depending on the specific uses, the Lockwood Fire Department may require specific development characteristics to prevent structure fires.

3. *Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?*
   Transportation: The new zoning will increase traffic slightly on Clayton Street, Hickory Lane and Old Hardin Road. The County will require any new development that adds 500 new vehicle trips per day to analyze the impact of the additional traffic. Without a specific use, the traffic impacts cannot be assessed in particular. Any new commercial development will access Old Hardin Road via Hickory Lane. The existing residential use will continue to use the existing drive approach until it is discontinued. Any new drive approaches will need to receive approval from County Public Works.

   Water and Sewerage: The property will be served by public water and sewer systems through permission of Lockwood Water and Sewer District.

   Schools and Parks: The proposed zoning should not impact the student population. Residential uses are not planned for the property.

   Fire and Police: The subject property is serviced by the Lockwood fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan.

4. *Will the new zoning promote health and general welfare?*
   The new zoning will allow development of property that is adjacent to existing commercial uses to the north and west. Commercial development should not have a negative impact on the residential use to the east and south. The proposed CC zoning will allow the owner to use and market the property for commercial uses. The zoning will promote the health and general welfare of the area.

5. *Will the new zoning provide adequate light and air?*
The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. 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 on any of the adjacent streets. Pedestrian traffic in the area is limited due to the lack of sidewalks and trails. Residential development is generally located south of the property. The 2011 Bikeway and Trail Master Plan indicates Old Hardin Road as a potential long–range on-street bike lane The additional traffic generated if the property is developed should not affect any mode of transportation on the adjacent streets.

7. *Will the new zoning be compatible with urban growth in the vicinity?*
The proposed zoning is compatible with nearby urban development. The proposed zoning and development is consistent with the area.

8. *Does the new zoning consider the character of the district and the suitability of the property for particular uses?*
The subject property is in an area that is a mix of residential and commercial. The property is suitable for CC uses and is near the intersection with Old Hardin Road. The property is suitable fro the proposed shop building(s) and storage areas.

9. *Will the new zoning conserve the value of buildings?*
The new zoning will allow the development of new commercial uses adjacent to similarly zoned property and adjacent to a single family home to the east and south. The commercial zoning will not affect the value of the existing buildings on the site and should not have an effect on the surrounding properties.

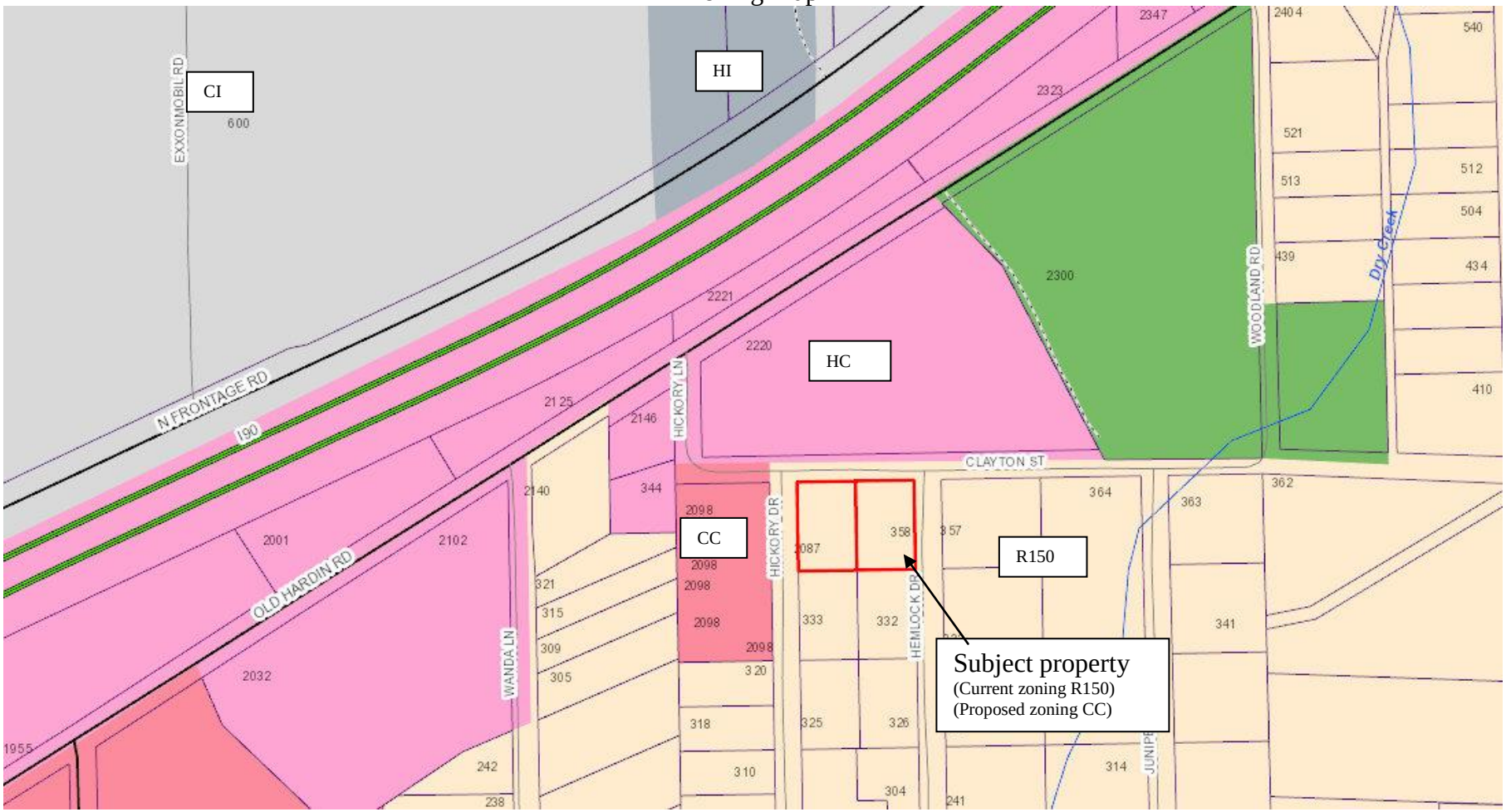
10. *Will the new zoning encourage the most appropriate use of land in Yellowstone County?*
The property is suitable for some of the uses allowed in the CC zoning district. This is the most appropriate use for the land. Certain uses that generate high traffic such as restaurants and retail uses will need to be evaluated for traffic impacts if proposed for this site.

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 of Billings and but is compatible with the typical urban development near arterial intersections.

Attachment A: Zoning Map
Attachment B: Applicant Letter & Pre-application neighborhood meeting minutes
Attachment C: Site Photographs

Attachment A - Zone Change #648

Zoning Map



Attachment B - Zone Change #648

Applicant Letter & Pre-application neighborhood meeting minutes

APPLICATION FORM

COUNTY ZONE CHANGE **ID: County Zone Change #** 648 **- Project #** 13-265

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings-Yellowstone County Unified Zoning Regulations.

Present Zoning: Resdintial 15000

Proposed Zoning: Community Commercial

Tax ID # C04599 & C04633 COUNTY COMMISSIONER DISTRICT # 2

Legal Description of Property: Lots 14 and 38 of the Hillner Subdivision

Address or General Location (If unknown, contact County Public Works): corner lots of Clayton with Hickory Dr. & Hemlock Drive 2087 Hickory / 358 Hemlock

Size of Parcel (Area & Dimensions): 198' x 200', each lot is 25740 square feet, 51480 square feet total

Present Land-Use: mostly vacant lot, with old single-wide trailer, dilapidated barn and shanty outbuildings

Proposed Land-Use: fenced lots around metal shops building, similar to buildings on adjacent properties to east, west and south

Covenants or Deed Restrictions on Property: Yes_____ No no

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): Roland Sauter
(Recorded Owner)
2098 Hickory Drive, Unit E, Billings, MT 59101
(Address)
406-406 672 6325 ronsauter47@yahoo.com
(Phone Number) (email)

Agent(s): James P. Healow
(Name)
526 Highland Park Drive, Billings, MT 59102
(Address) 406-671-4116 jhealow@hotmail.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: Roland Sauter Date: 12/2/2013
(Recorded Owner)

County Zone Change 2013-2014 updated 9/13/13

SAUTER ZONE CHANGE APPLICATION

A. Consistency with goals and policies of Growth Plan

This proposed zone change is a predictable land use adaptation, which is consistent with the neighborhood character. It would not create any incompatible use. It will promote economic development, and provide employment. It will eliminate an eyesore and make the neighborhood more attractive. It will encourage expansion of business in the neighborhood.

B. Need for change.

This zone change is needed in order to eliminate what is now an eyesore and to bring the land use on this property into conformity with the land uses on all four adjoining sides. The new zoning will fit perfectly with surrounding zoning, being identical to that on the west, less permissive than the Highway Commercial to the north, and will result in a building similar to those that already exist to the east and south. The property cannot have the beautification done with its current zoning, because there would be no use for a metal shop building with the existing zoning.

Meeting Minutes

For

Zone Change Application

Meeting Date, Location, and Time: Monday, November 25, 2013, 2098 Hickory Dr., Unit E, 6:00pm

Property Owner: Roland Sauter

Subject Property: LOTS 14 and 38 of the Hillner Subdivision (See attached Letter from James Healow)

Attendees:

1. **Janine K. Allen, 320 Hickory Dr., Billings, MT 59101**
2. **Richard and Geraldine Hoke, 357 Hemlock Dr., Billings, MT 59101**

As stated in the attached letter from Attorney James P. Healow, the above-stated meeting was held to discuss a Zone Change Application as requested by property owner, Roland Sauter. The stated subject property is currently zoned residential and Mr. Sauter is requesting a zone change to Community Commercial.

Mr. Sauter informed attendees of his desire to remove old dilapidated structures and in the future erect a shop surrounded by a fence.

Attendee Ms. Allen shared only one concern that she didn't mind the shop but didn't want to see the property turned into a junkyard. Otherwise, she had no further objections.

Attachment C – Zone Change #648

Site Photographs

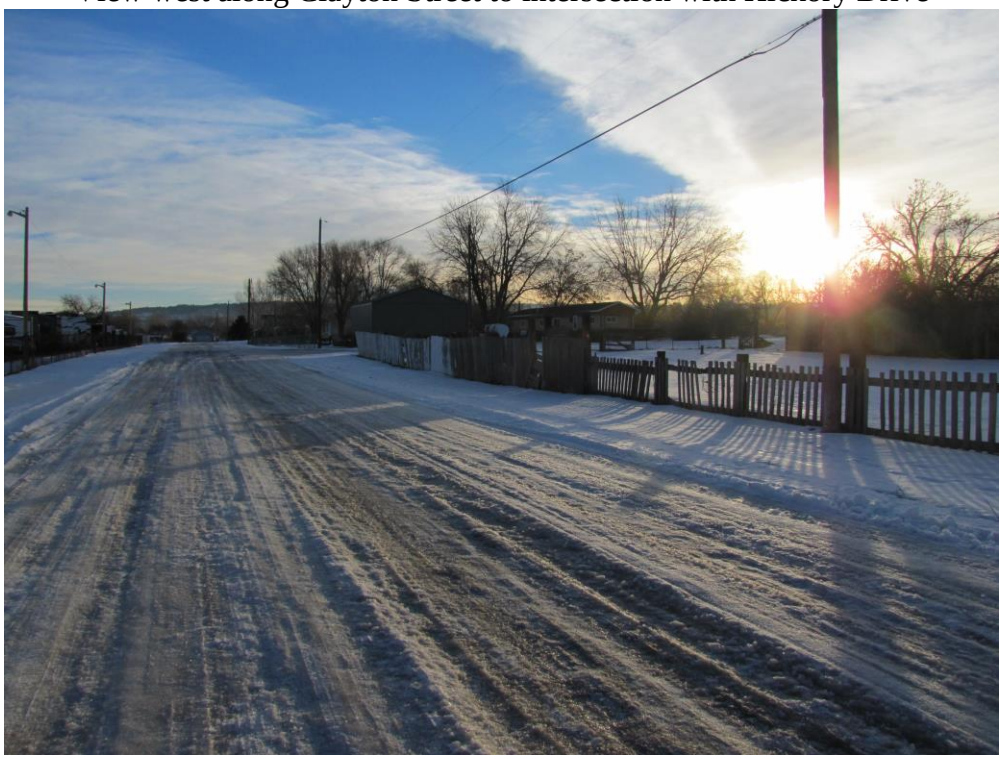
Subject property – view south across Clayton Street

Aerial

Attachment C – Zone Change #648, continued

Site Photographs

View west along Clayton Street to intersection with Hickory Drive



View east along Clayton Street to intersection with Hemlock Drive

Attachment C – Zone Change #648, continued

Site Photographs

View northeast – back of Tour America RV site across Clayton Street

View of subject property from intersection of Clayton Street and Hickory Drive