



YELLOWSTONE COUNTY ZONING COMMISSION
YELLOWSTONE COUNTY, MONTANA
MONDAY, JUNE 10, 2013

SUBJECT: Zone Change #642 – 5050 Jellison Road
THROUGH: Candi Beaudry, AICP, Planning Director
FROM: Nicole Cromwell, AICP, Zoning Coordinator, Planner II

REQUEST

The applicant is requesting a zone change from Agriculture-Open Space (A-1) to Controlled Industrial (CI), a proposed 1.478 acre parcel of land generally located at 5050 Jellison Road. The proposed tract will be a parcel in a preliminary subdivision of Tract 2 of C/S 1788, a 13.292 acre parcel. The owner is Steven Clark and the agent is Dennis Soelter of Soelter Surveying. Planning staff is forwarding a recommendation of approval.

APPLICATION DATA

OWNER: Steven Clark
AGENT: Dennis Soelter, Soelter Surveying
LEGAL DESCRIPTION: C/S 1788, Tract 2 – a 1.478 acre portion
ADDRESS: 5050 Jellison Road
SIZE OF PARCEL: 13.292 total acres – zone change on 1.478 acres
EXISTING LAND USE: Residential Dwelling at 4925 Bollinger Lane and vacant land
PROPOSED LAND USE: same with possible sale of 1.478 acres for use in CI zone
EXISTING ZONING: A-1
PROPOSED ZONING: CI

APPLICABLE ZONING HISTORY

Subject Property

County Zone Change #307 - A zone change from A-1 to CI on Tract 1 of C/S 1788 (5056 Jellison Road) was approved June 23, 1981.

Surrounding Properties

3 Surrounding Properties approved for zone changes from A-1 to CI from 1977 to 2002.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: CI
Land Use: Truck maintenance businesses and small industrial shops
SOUTH: Zoning: Public
Land Use: City of Billings Landfill
EAST: Zoning: A-1 & R-150
Land Use: Single family homes & auto wrecking yard (nonconforming use)
WEST: Zoning: CI
Land Use: Small industrial shops

REASONS

The subject property is located on the south side of Jellison Road just east of the entrance to the City of Billings Landfill. Several small industrial shops are directly adjacent to the west and on the north side of Jellison Road. The owner has proposed to subdivide the parcel to create a 1.478 acre parcel adjacent to these industrial uses and 1 parcel of at least 10 acres for an existing home that has access off Bollinger Lane. The property has a significant slope that essentially divides the home site from the parcel accessible from Jellison Road. The parcel to be created on Jellison Road will likely be sold to adjacent owners for expansion of the existing industrial businesses.

Jellison Road is a minor arterial street. Traffic counts from 2013 indicate approximately 2,800 vehicle trips per day. The posted speed limit of this section of the road is 35 mph. This is the only vehicle access to the City of Billings Landfill so the traffic in this area is a mixture of heavy truck traffic, residential, and commercial vehicles. There is no proposed on-street or off-street bike path or pedestrian path proposed for this area. The subject property is bordered on the south by a significant up-slope and the property above this slope is only accessible from Bollinger Lane. The subject property is not within the limits of annexation for the City of Billings.

A neighborhood meeting was conducted by the applicant on April 29, 2013, at 5056 Jellison Road. The minutes of the meeting are included as Attachment B. The applicant indicates there were no concerns with the proposed zone change. The Planning Division did not receive any telephone 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 adjacent to an arterial street and is in an area south of the city limits and is not anticipated to be annexed. All new drain fields and zoning compliance will be assured prior to any new construction on the site. There are adjacent commercial and industrial uses to the north and west. The proposed zoning will be identical to the adjacent zoning to the north and west.

RECOMMENDATION

Approval of Zone Change #642 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 complies with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- Goal: 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 small commercial and industrial uses along Jellison Road adjacent to the City of Billings Landfill on an arterial street. This will be similar to the surrounding development in the area.

- Goal: New development that is sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).
This property is adjacent to similar industrial uses on lots of about 1 acre.

2. *Is the new zoning designed to secure from fire and other danger?*

The subject property is currently served by BUFSA and the Yellowstone County Sherriff. The nearest fire station is Fire Station #4 at Terry Park or Station #5 on 24th St West. Both stations are approximately 4 miles north of the subject property. Development of the property for a new structure will be reviewed by County agencies.

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

Transportation: The new zoning could increase traffic on Jellison Road, a minor arterial street. The current average daily traffic is 2,800 vehicle trips per day. The site could allow 1 or 2 additional commercial or industrial buildings. The added traffic from the businesses would not warrant a traffic study.

Water and Sewerage: The property will be served by on site water and waste water systems. RiverStone Health and the MT DEQ will ensure all new systems are installed and constructed to protect the public health and local ground water.

Schools and Parks: The property is within the Blue Creek School District. Blue Creek School is a K-6 school district. The new zoning should have no effect on the school enrollment.

Fire and Police: The subject property is serviced by the Billings Urban Fire Service Area (BUFSA). Fire protection will be evaluated at the time of development. The3 property is already served by the Yellowstone County Sheriff's Department.

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

The new zoning will allow added commercial development in the area dominated by similar development. Property improvements will require approval of all new water and waste water systems that will ensure public health.

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 Jellison Road. The posted speed limit is 35 mph and traffic entering or stopped to turn on to adjacent property can

cause traffic congestion. The street does not have sidewalks and there are no plans to develop any pedestrian paths or bike paths on this arterial street.

7. Will the new zoning be compatible with urban growth in the vicinity?

The proposed zoning is compatible with nearby developments. The closest urban development is ½ mile to east on Blue Creek Road. The proposed zoning is compatible with the urban growth in the vicinity.

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 has an older manufactured home park and several acres of small to medium sized commercial and industrial businesses. The property is suitable for commercial and industrial uses.

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

The new zoning allows commercial and industrial uses similar to adjacent uses. There are no buildings on the property but the zoning should conserve the value of adjacent buildings with similar zoning and development.

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

The property is suitable for commercial and industrial development.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?

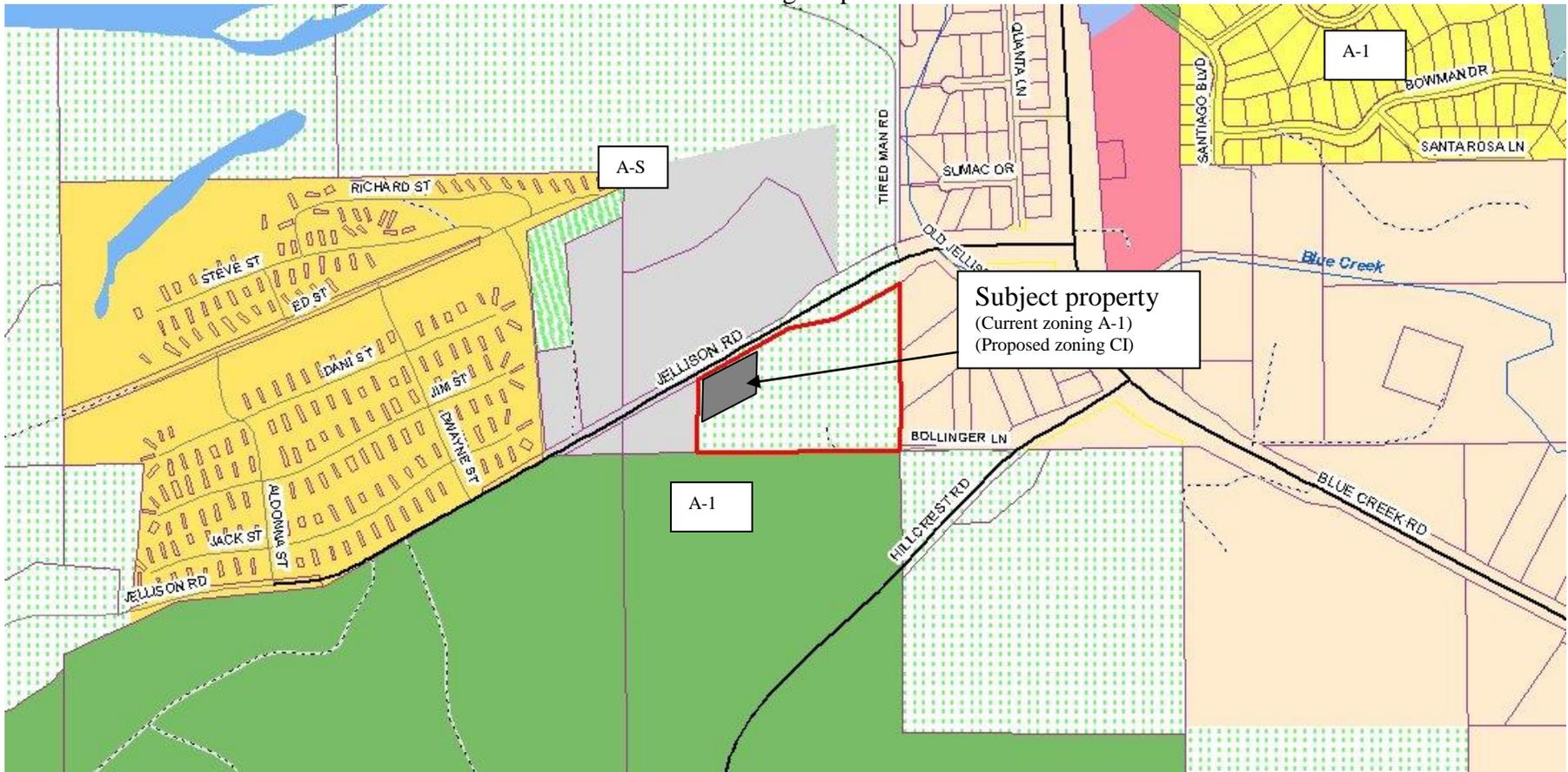
The proposed zoning is not adjacent to the City of Billings.

Attachment A: Zoning Map

Attachment B: Applicant Letter & Pre-application neighborhood meeting minutes

Attachment C: Site Photographs

Attachment A - Zone Change #642
Zoning Map



Attachment B - Zone Change #642
Applicant Letter & Pre-application neighborhood meeting minutes

APPLICATION FORM

COUNTY ZONE CHANGE ID: County Zone Change # 642 - Project # C13-111

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: Agricultural Open

Proposed Zoning: Commercial Industrial

Tax ID # D 01940 COUNTY COMMISSIONER DISTRICT # _____

Legal Description of Property: Proposed Lot 1 of BobCat Sub (proposed)
(w 300' of N. 250'-150' of Tract 2, c/s 1788)

Address or General Location (If unknown, contact County Public Works): _____
5050 Tellison Rd Billings, Mt. 59101

Size of Parcel (Area & Dimensions): 1.478 Acres
300' X 250'-150'

Present Land-Use: Vacant

Proposed Land-Use: Commercial - Storage / Rental Business



Covenants or Deed Restrictions on Property: Yes _____ 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): Steven Clark
(Recorded Owner)
4925 Bollinger Lane, Billings Mt. 59101
(Address)

(Phone Number) (email)

Agent(s): Dennis Soelter - Soelter Survey
(Name)
P.O. Box 20916 Billings Mt. 59104
(Address)
248.8543 ZSSURVEY @ Montana.Net
(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: 05-05-13
(Recorded Owner)

YELLOWSTONE COUNTY ZONE CHANGE APPLICATION

Planning & Community Services Department
4th Floor, Parnly Library
510 North Broadway
Phone: 657-8246 Fax (406) 657-8327
Website: www.co.yellowstone.mt.gov

NOTICE TO PETITIONER

The Zoning Coordinator will check the application for completeness after the deadline date. If the application is unacceptable, you will be notified as to what changes need to be made. Incomplete and/or unacceptable applications may delay the review process by four weeks or longer. Make sure your application is totally complete or your request will be delayed.

INSTRUCTIONS

Yellowstone County requires a pre-application neighborhood meeting for each zone change request. The Planning Division will provide a list and mailing labels of property owners within 300 feet of the exterior boundary of a proposed zone change. This list of owners is based on best available information but is not certified by the Clerk & Recorder of Yellowstone County. A certified list of surrounding property owners is still required at the time a zone change application is submitted to the Planning Division.

The surrounding property owners within 300 feet and the Planning Division must be notified by mail at least seven (7) calendar days in advance of the required pre-application neighborhood meeting.

The pre-application neighborhood meeting must be conducted at least seven (7) calendar days prior to submitting a zone change application.

All applications shall be submitted to the Planning & Community Services Department, 4th floor of the Parnly Library, 510 North Broadway. The filing fee must accompany the application in order for it to be accepted.

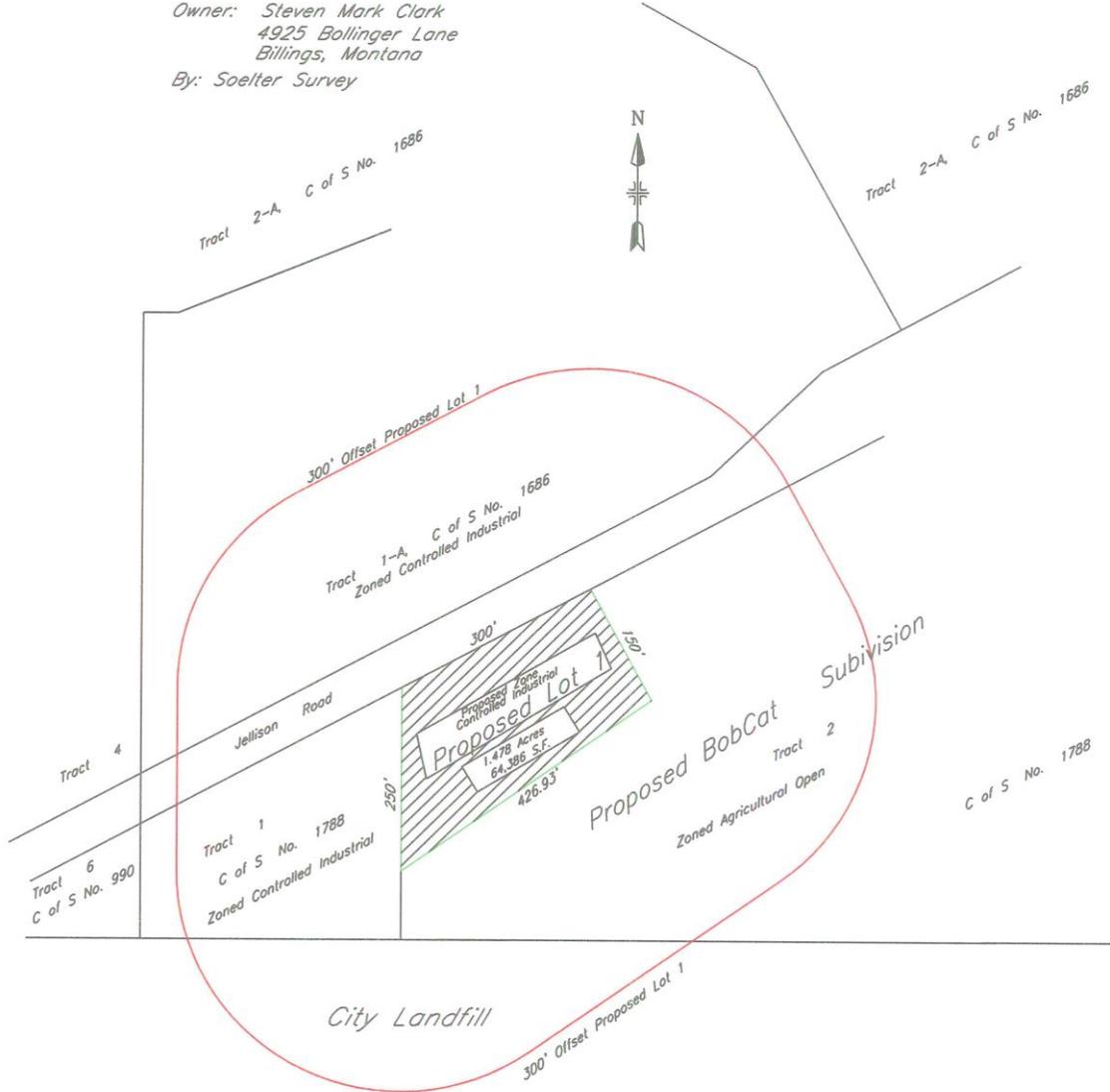
All questions must be answered fully. Please type or print. You may attach further pages if additional space is needed. All plans and other exhibits submitted with this application will be retained as a part of the permanent record.

1. Answer the following questions:
 - A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy? *This would match adjacent zoning & land use.*
 - B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area. *The proposed Lot 1 would not be of suitable size for the existing zoning (Ag. Open). and the proposed zoning and land use would match the adjacent properties current zoning and uses.*

*Proposed Zone Change For
Proposed Lot 1*

*Owner: Steven Mark Clark
4925 Bollinger Lane
Billings, Montana*

By: Soelter Survey



SOELTER SURVEYING

Professional Land Surveyors

P.O. Box 20916
Billings, Montana 59104

Telephone 406-248-8543
Fax 406-248-8128

May 6, 2013

Pre-Application Neighborhood Meeting
Clark Proposed Zone Change
Monday 29th April, 2013
6:00 P.M.
5056 Jellison Road

Persons attended:

Steve Clark, landowner, Tract 2 C/S 1788
Grant Fagg, proposed buyer
Al Blain, adjacent land owner, Tract 1-A Amd. C/S 1686
contract purchaser of Tract 1 C/S 1788
Dennis D. Soelter, contracted landsurveyor and representative
for the owner & proposed land purchasers.

NOTE: Vetter Williams, operating manager of adjacent City Landfill was contacted and stated he had no objections to the proposed Zone Change, but would not be able to attend the meeting.

Please note all attendees of the meeting have a direct interest in the proposed Zone Change, as they are either a seller or buyer of the property requiring the Zone Change.

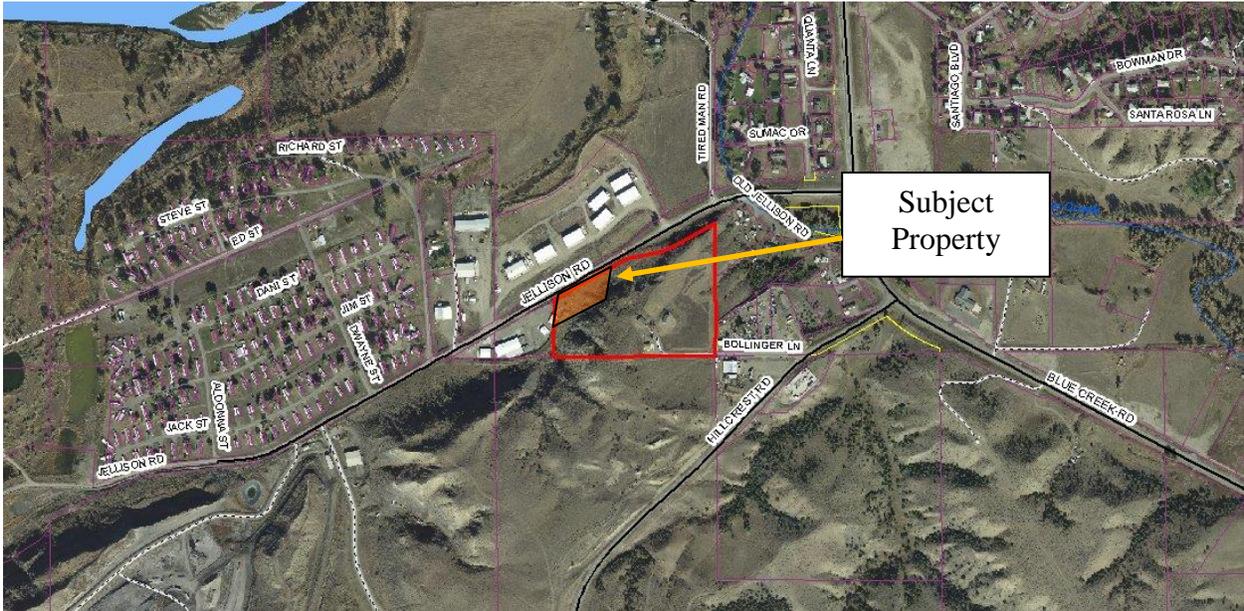
Meeting was held at the site of the proposed Zone Change and was in conformance with the requirements of Section 27-1508 (b) 3

Respectfully Submitted



Dennis D. Soelter, PLS

Attachment C – Zone Change #642
Site Photographs



Subject Property



Subject Property view east on Jellison Road

Attachment C – Zone Change #642, continued
Site Photographs



Subject Property – view south (upslope from Jellison Road)



View south and west at existing business on adjacent lots

Attachment C – Zone Change #642, continued
Site Photographs



View west on Jellison Road



View north across Jellison Road