



YELLOWSTONE COUNTY ZONING COMMISSION
YELLOWSTONE COUNTY, MONTANA
MONDAY, SEPTEMBER 9, 2013

SUBJECT: Zone Change #645 – 4745 Hesper Road
THROUGH: Candi Millar, AICP, Planning Director
FROM: Nicole Cromwell, AICP, Zoning Coordinator

REQUEST

The applicant is requesting a zone change from Agriculture Open-Space (A-1) to Community Commercial (CC) on a 5-acre parcel of land described Tract 2A of C/S 2462M. The property is located on the north east corner of the intersection of Hesper Road and S 48th Street West. The applicant conducted a pre-application neighborhood meeting on July 23, 2013. The Planning staff is forwarding a recommendation of approval based on the 11 criteria for zone changes.

APPLICATION DATA

OWNER: Claudia Melcher
AGENT: Tom Llewellyn
LEGAL DESCRIPTION: Tract 2A, C/S 2462M
ADDRESS: 4745 Hesper Road
SIZE OF PARCEL: 5 acres
EXISTING LAND USE: Single family home and accessory structures
PROPOSED LAND USE: Same with 2 shop buildings and mini-storage units
EXISTING ZONING: A-1
PROPOSED ZONING: CC

APPLICABLE ZONING HISTORY

Subject Property

Zone Change 406 – A zone change from A-1 to A-S was approved on September 11, 1989.

Zone Change 436 – A zone change from A-S to A-1 was approved on March 19, 1993.

Special Review 204 – A special review for gravel extraction was conditionally approved on March 19, 1993.

Zone Change 484 – A zone change from A-1 to CC was denied on November 4, 1997.

Surrounding Properties – There have been 2 similar zone changes in this area of West Billings in the past 7 years. Those 2 zone changes, in the 5200 and 5300 Block of King Avenue West, were submitted and approved for similar developments – mini-storage units.

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

NORTH: Zoning: A-1

SOUTH: Land Use: Agricultural land
Zoning: A-1 & A-S
Land Use: Agricultural land and residential subdivision
EAST: Zoning: A-1
Land Use: Gravel mine
WEST: Zoning: A-1
Land Use: Agricultural land

REASONS

The subject property is located on the northeast corner of the intersection of Hesper Road and S 48th Street West. Both streets are considered principal arterial streets. The city limits are to the north at the intersection of King Avenue West and 48th Street West. The property is ½ mile south of the city limits and is within the Long Range Urban Planning Area for the City of Billings. The property is not within the 5-year limits of annexation area, but is within the Long Range Urban Planning Area on the City Limits of Annexation Map. The property is adjacent to active agricultural lands to the south and west. To the east and north is an idle gravel pit and to the southwest is a small residential subdivision. The current zoning does not allow the intended use of the property for mini-storage warehouses. The proposed CC zone is the least intensive commercial zone where this use is allowed. In 1997, the owner submitted an identical zone change that the County denied. The reasons for denial of the previous zone change included the distance from then city limits and the concern with illegal spot zoning.

The applicant intends to construct 2 shop buildings and several mini-storage units for rent as well as retain the existing home and accessory structures. There are similar developments in the area both inside and outside the County's 4.5-mile zoning jurisdictional boundary around the City. The City and County adopted the West Billings Neighborhood Plan for this area in 2001. The preferred land use for this area was for residential development. Many of the arterial street intersections were preferred for small to medium sized commercial developments that would serve the surrounding residential areas. South 48th Street West and Hesper Road was not identified as one of those commercial nodes, however the area is near existing city limits and may serve as a commercial node in the future. There are significant gravel resources in the area along with agricultural lands. The existing gravel mine to the east is complete and may develop for other uses in the future.

Hesper Road is a principal arterial street that carries approximately 2,580 vehicle trips per day (2013 Traffic Count). The 10-year trend for this section of Hesper Road shows a 50% decrease in average daily traffic likely due to the gravel mine reducing its mining activity. In addition, the reconstruction of Shiloh Road opened a better north/south route than 48th Street West. 48th Street West carries approximately 1,000 vehicle trips per day at this location. The intended use of the property will not have a significant impact on the existing traffic or the function of the intersection of Hesper and 48th Street West. Forty- Eighth Street West is stop controlled at the intersection and the primary entrance to the property is from 48th Street West. A second access may be necessary for emergency purposes. This determination will be made at the time of any development of the property.

Other uses allowed in the CC zone could have a greater 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. Most of these uses would require annexation for provision of public utilities. If the property were developed for multi-family dwellings, then new traffic generated would likely be increased by over 500 trips per day. 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 48th Street West and Hesper Road as well as the location of accesses to the subject property in relation to the intersection. The current zoning allows single family dwellings and agricultural uses.

A neighborhood meeting was conducted by the applicant on July 23, 2013, at the subject property. Sixteen surrounding property owners attended the meeting. The meeting notes indicate there were questions regarding access, the type and uses of the proposed buildings, access to water and sewer services, and the future uses of the Knife River gravel mine to the east. The minutes of meeting are included as Attachment B. 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 located at the intersection of two principal arterial streets within ½-mile of the city limits. The West Billings Neighborhood Plan indicated several specific intersections for commercial node development but these preferred locations were not exclusive of similar arterial intersections. The uses available in the CC zone are limited without the provision of public water and sewer services. If the property were annexed in the future the proposed zoning would be compatible with similar urban intersections.

RECOMMENDATION

Denial of Zone Change #645 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 at the intersection of two principal arterial streets. This is consistent with the West Billings Neighborhood 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 not adjacent to any urban commercial uses but may be in the future. 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 Billings Urban Fire Service Area (BUFSA). The nearest fire station is located on S 24th Street West (Station #5) 4 miles north and east of the subject property. Depending on the specific uses, the Fire Marshal may require on-site water supply for fire protection.

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 on 48th Street West and Hesper Road. The proposed use, two shop buildings and several mini-storage units, will have occasional deliveries and customer traffic on a daily basis. This amount of traffic should not cause traffic congestion on either street.

Water and Sewerage: The property will be served by septic systems and on-site water (cisterns or wells) City of Billings' public utilities are not available and are not intended to be extended to this area for more than 5 years.

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 Billings 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 not near existing commercial uses, but should not have a negative impact on the surrounding uses. The proposed CC zoning will allow the owner to develop mini-storage units. If the property is annexed in the future, the CC zone is compatible with typical urban intersection zoning. 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.

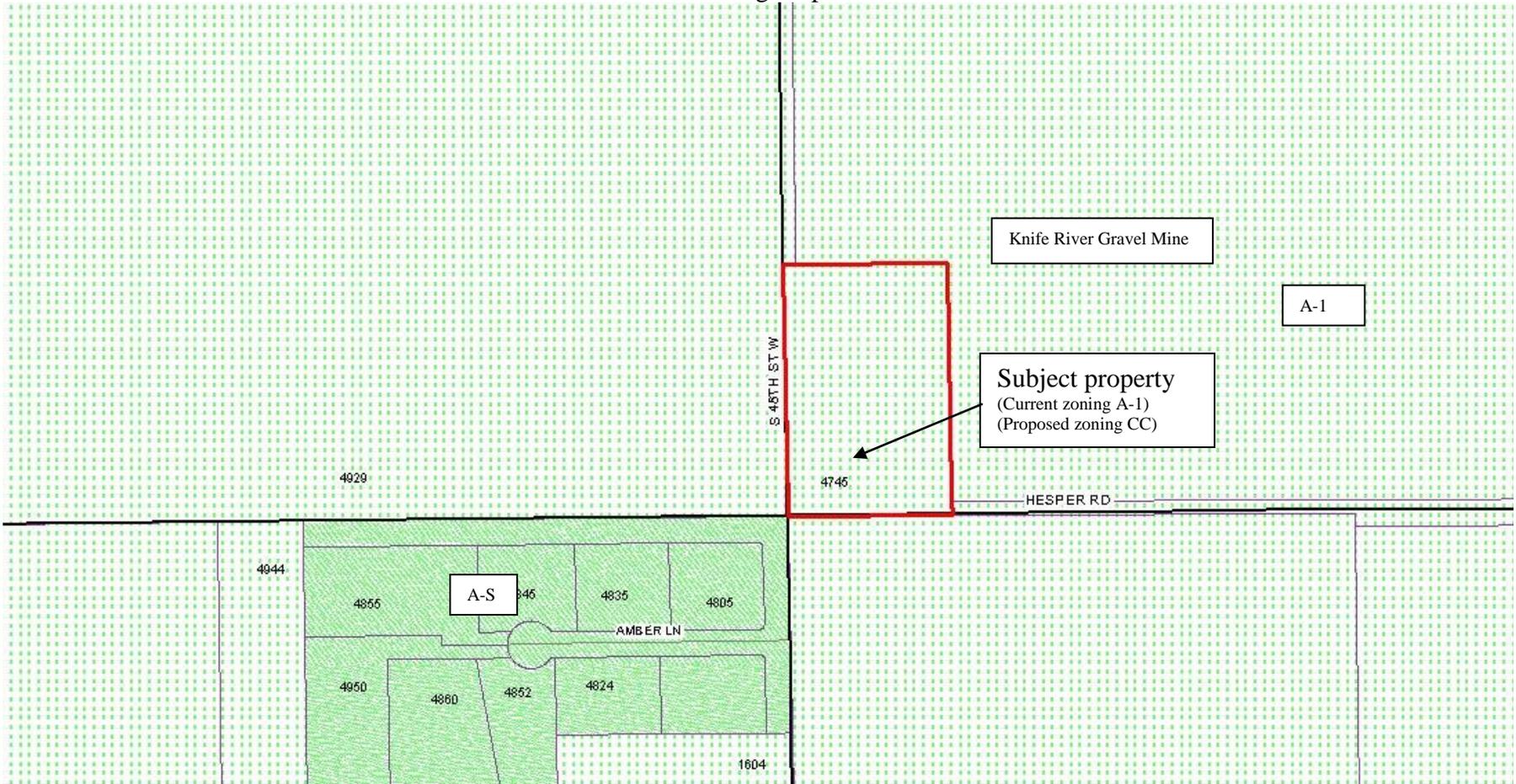
6. *Will the new zoning effect motorized and non-motorized transportation?*

The proposed zoning itself will not generate more traffic on any of the adjacent streets. Pedestrian traffic in the area is limited due to high speed arterials, no pedestrian facilities, and little residential development. The 2011 Bikeway and Trail Master Plan indicates 48th Street West and Hesper Road would be long-range on-street bike lanes. The additional traffic generated if the property is developed for mini-storage use 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 primarily agricultural with a few small residential subdivisions. The property is suitable for CC uses and is at the intersection of 2 arterial streets. It is likely the character of the area will change to commercial uses at this node.
9. Will the new zoning conserve the value of buildings?
The new zoning will allow the development of new commercial uses adjacent to agricultural uses and an idle gravel mine. 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. Without access to public utilities many of the higher intensity uses could not be developed including multi-family apartments and restaurants. This is the most appropriate use for the land. Certain uses that generate high traffic such as restaurants and retail uses are not possible at this location without annexation and the provision of public water and sewer.
11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?
The proposed zoning is close to the City of Billings and is compatible with the typical urban development at arterial intersection.

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

Attachment A - Zone Change #645
Zoning Map



Attachment B - Zone Change #645
Applicant Letter & Pre-application neighborhood meeting minutes

Neighborhood Meeting
July 23, 2013
Melcher Property
4745 Hesper Road

Meeting was called for 7:00pm

Meeting started at 7:11

In attendance were 3 people other than the owner and her son. Attendance sheet signed by the parties is attached.

None of the parties were within the 300 feet but were informed of the meeting and did so. One party was asked by a neighbor to attend since the neighbor would be out of town.

The attached hand out was provided to those in attendance and for others in the neighborhood.

Questions were more connected to the future development:

Exit point from a minor plat: suggested it would be 48th Street West

Fire department may require an emergency exit onto Hesper.

Type of buildings and who would be occupying them: nothing yet but the parties in discussion would have everything inside the building.

Wanted to know about water and sewer: explained must be approved by DEQ

What is going to happen to the gravel pit at Shiloh and Hesper: explained they want a commercial development however the city council turned down their request at this time for being in the red zone for future annexation .

Meeting ended by 7:35pm

ATTENDANCE
NEIGHBORHOOD MEETING
JULY 23, 2013
CLAUDIA MELCHER PROPERTY

Name

Address

Curt Samuelson 4820 Amber Ln

E. Melcher 1218 Longhornway Blvd.

Travis Allen 4860 Amber Ln

Keli Allen (James Wiederholt) 4860 Amber Ln.

CLAUDIA MELCHER 4745 Hesper Rd

APPLICATION FORM

COUNTY ZONE CHANGE

ID: County Zone Change # 645 - Project # (13-183)

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: Agriculture Open

Proposed Zoning: Community Commercial

Tax ID # 000698 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: Tract 2A C/S 2462M

Address or General Location (If unknown, contact County Public Works):

4745 Hesper Road

Size of Parcel (Area & Dimensions): 5 acres - plat attached

Present Land-Use: Agriculture Open - House & Out Buildings

Proposed Land-Use: 2 Shops, mini storage plus existing house and out buildings

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. 13-183

Owner(s): Claudia R Melcher, Trustee

(Recorded Owner)

(Address)

(Phone Number)

(email)

Agent(s): H. Thomas Llewellyn

(Name)

(Address) 1925 Grand #124, Billings MT 59102

(Phone Number) 855-9455

(email) tom@llewellynrealestate.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: Claudia Melcher

(Recorded Owner)

Date: 7-23-13

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Attachment C – Zone Change #645
Site Photographs



Subject property



Aerial

Attachment C – Zone Change #645, continued
Site Photographs



View west along Hesper Road



View south and west across Hesper & S 48th St West intersection

Attachment C – Zone Change #645, continued
Site Photographs



View east along Hesper Road



View south across Hesper Road