

KENNETH D. PETERSON

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4 February 2013

**MEMBERS OF THE ZONING COMMISSION and
CITY COUNTY STAFF**

In re: Proposed Zone Change 907

Dear Commission and Staff:

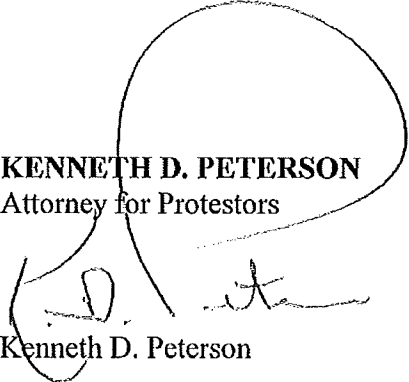
Enclosed herewith is the original of a protest to the above Zone Change. We request that the staff prior to the Commission hearing distribute to each commissioner the protest document which includes a discussion of the ten(10) statutory points to be considered in each zone change.

We believe that the protest is sufficient to trigger the requirement that the City Council in considering the proposed zone change must approve it by 2/3rds vote of all Council members present and voting.

Also, please provide the original of the protest to the City Council together with individual copies to each Councilmember and the Mayor.

Thank you.

KENNETH D. PETERSON
Attorney for Protestors




Kenneth D. Peterson

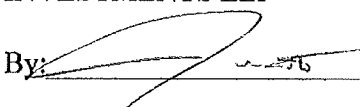
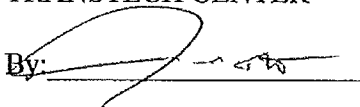
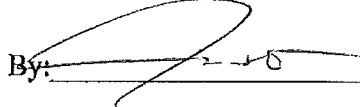
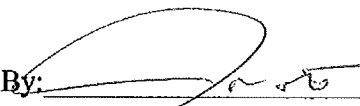
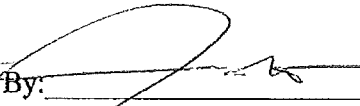
KDP/nc

- - - PROTEST - - -

**PROPOSED ZONE CHANGE 907 FOR THE FED EX REGIONAL
GROUND FACILITY
COS 2587 and COS 3329**

This document is a protest against zone change 907 as proposed to the City of Billings. All properties, lots and units, within 150 feet of the exterior boundary of the property proposed to be zoned are identified below. Those owners protesting pursuant to MCA § 76-2-305 have signed this protest. Attached to this protest document is a document detailing, discussing and critiquing the 10 criteria that must be addressed in every zoning proposal. The criteria are addressed 1 thorough 10. A close analysis and critique of the 10 criteria demonstrates clearly that this proposed zone change is not appropriate for the proposed use or in the best interest of the City of Billings and the established owners in the protest area and beyond.

<p>C.O.S. 2560, Parcel 3</p> <p>LONG FAMILY LIMITED PARTNERSHIP</p> <p>By: _____ David Orbe 730 Bluegrass Pl Billings, MT 59106-4533</p>	<p>Shiloh Crossing Sub Amd, Block 1, Lot 3A</p> <p>SCHEELS ALL SPORTS, INC.</p> <p>By: _____ 4550 15th Ave. So Fargo, ND 58103-8959</p>	<p>S14, T01, R25E, C.O.S. 866, 17.697 Acres (02)</p> <p>SHILOH POND, LLC.</p> <p>By: _____ 2280 Grant Rd Billings, MT 59102-6696</p>
<p>C.O.S. 3329 Parcel 6, (08)</p> <p>BILLINGS BENCH WATER ASS'N</p> <p>By: _____ P.O. Box 50150 Billings, MT 59105-0150</p>	<p>Tr 1 C.O.S. 762 Amend</p> <p>_____</p> <p>Edwin N. Dinkle</p> <p>_____</p> <p>Ronald P. Dinkle 2520 Magnolia Pl Billings, MT 59102-1611</p>	<p>TRANSTECH CENTER, UNIT 16, 2.19% COMMON AREA INTEREST, LOC @ LT 1 BLK 1 TRANSTECH CTR SUB ACE TRANSTECH LLC</p> <p>By:  _____ P.O. Box 20039 Billings, MT 59104</p>

<p>TRANSTECH CENTER, UNIT 17, 8.72% COMMON AREA INTEREST, LOC @ LT 1 BLK 1 TRANSTECH CTR SUB BOTTRELL FAMILY INVESTMENTS LLP</p> <p>By: </p> <p>P. O. Box 80284 Billings, MT 59108-0284</p>	<p>TRANSTECH CENTER, MASTER CARD , LOC @ LT 1 BLK 1 TRANSTECH CTR SUB BOTTRELL FAMILY INVESTMENTS LLP TRANSTECH CENTER</p> <p>By: </p> <p>P. O. Box 80284 Billings, MT 59108-0284</p>	<p>GABEL SUBD 2ND FILING AMD. BLOCK 1, LOT 11A1</p> <p>BOTTRELL FAMILY INVESTMENTS LLP</p> <p>By: </p> <p>P. O. Box 80284 Billings, MT 59108-0284</p>
<p>GABEL SUBD 2ND FILING AMD. BLOCK 1, LOT 1A1</p> <p>BOTTRELL FAMILY INVESTMENTS LLP</p> <p>By: </p> <p>P. O. Box 80284 Billings, MT 59108-0284</p>	<p>GABEL SUBD 2ND FILING AMD. BLOCK 1, LOT 2A</p> <p>BOTTRELL FAMILY INVESTMENTS LLP</p> <p>By: </p> <p>P. O. Box 80284 Billings, MT 59108-0284</p>	<p>BROSO VALLEY PARK SUB, BLOCK 2 LOT 7</p> <p>SHILOH ENTERPRISES LLC</p> <p>By: </p> <p>3028 US Highway 3 Billings, MT 59106-9643</p>
<p>C.O.S. 3077, PARCEL 1B1B1, AMD</p> <p>JAMES R. REGER & DEBORAH C (2/3)</p> <hr/> <p>James R. Reger</p> <hr/> <p>Deborah C. Reger</p> <p>REGER, JAMES W. TRUST (1/3)</p> <p>By: _____</p> <p>P.O. box 1782 Billings, MT 59103-1782</p>	<p>C.O.S. 3077, PARCEL 1A1A1, AMD</p> <p>JAMES R. REGER & DEBORAH C</p> <hr/> <p>James R. Reger</p> <hr/> <p>Deborah C. Reger</p> <p>P.O. box 1782 Billings, MT 59103-1782</p>	<p>WALTER DAN ACRES, BLOCK 1, LOT 6</p> <hr/> <p>Kevin Unruh</p> <hr/> <p>Debbie Unruh</p> <p>3929 Hesper Rd Billings, MT 59102-6713</p>

<p>C.O.S. 3329, Parcel 2, Less 9505' For Hwy</p> <p>YELLOWSTONE BAPTIST COLLEGE, INC.</p> <p>By: _____</p> <p>1515 S Shiloh Rd Billings, MT 59106-3303</p>	<p>C.O.S. 640, Amnd (Less Temple Estates & Tr 2, Less 4628' For Hwy</p> <p>YELLOWSTONE BAPTIST COLLEGE, INC.</p> <p>By: _____</p> <p>1515 S Shiloh Rd Billings, MT 59106-3303</p>	<p>TEMPLE ESTATES SUBD, BLOCK 1, LOT 6</p> <hr/> <p>Debra J. Hardy</p> <p>3903 Temple Pl Billings, MT 59102-7306</p>
<p>TEMPLE ESTATES SUBD, BLOCK 1, LOT 5</p> <hr/> <p>Ross R. Racine</p> <hr/> <p>Joyce Racine</p> <p>3909 Temple Pl Billings, MT 59102-7306</p>	<p>TEMPLE ESTATES SUBD, BLOCK 1, LOT 4</p> <hr/> <p>Roy E. Merriman</p> <p>3917 Temple Pl Billings, MT 59102-7309</p>	<p>TEMPLE ESTATES SUBD, BLOCK 1, LOT 3</p> <hr/> <p>Thomas W. Bell</p> <hr/> <p>Pamela J. Bell</p> <p>3925 Temple Pl Billings, MT 59102-7306</p>
<p>TEMPLE ESTATES SUBD, BLOCK 1, LOT 2B</p> <hr/> <p><i>Dorothy Barth</i> Dorothy Barth</p> <p>2212 Dallas Dr Billings, MT 59102-5726</p>	<p>TEMPLE ESTATES SUBD, BLOCK 1, LOT 2A</p> <hr/> <p><i>Harold M. Barth</i> Harold M. Barth</p> <hr/> <p><i>Debra A. Barth</i> Debra A. Barth</p> <p>3945 Estate Pl Billings, MT 59102-7304</p>	<p>TEMPLE ESTATES SUBD, BLOCK 1, LOT 1D1</p> <hr/> <p>Kevin L. Ring</p> <p>3949 Estate Pl Billings, MT 59102-7304</p>

S14, T01 S, R25E, C.O.S.
3329, Parcel 3

MONTANA
DEPARTMENT OF
TRANSPORTATION

By: _____

P. O. Box 201001
Helena, MT 59620

ZONE CHANGE FOR PROPOSED FEDEX PROJECT

DETAILS OF THE STATUTORY 10-POINTS FOR ZONING CONSIDERATION:

1. **WHETHER THE NEW ZONING IS DESIGNED IN ACCORDANCE
WITH THE GROWTH POLICY:**

a. Land Use Element

- i. Not consistent with neighborhood character. The character of the neighborhood was made possible by SID 1360 and by private contract to meet the substantial development requirements imposed by the City. Without the SID and private contacts the proposed new development is not possible. The City owes great consideration and deference to the concerns of the existing neighborhoods whose efforts now make development of adjacent lands possible.
- ii. Incompatible use with Transtech Center and Broso Valley Park Subdivision.
- iii. Not sensitive to character of adjacent neighborhoods.
- iv. Does not reduce conflicts with neighbors.
- v. Transtech Center Subdivision, Gabel Subdivision Second Filing, Shiloh Crossing Subdivision, and Broso Valley Park Subdivision are all Controlled Industrial Zone. They have created their high level neighborhoods within the zone classification by adding well thought out covenants and restrictions governing the lot development. These restrictions cover land use, building design, site design, lighting, landscaping, signage and other items specific to their particular vision for their project. Subsequently, substantial value has been added to the properties that are following these design guidelines.
- vi. The South Shiloh Corridor Overlay District was created to provide

standards for development along Shiloh Road as called for in the West Billings Plan. This overlay boundary is 500 feet from the centerline either side of Shiloh Road, or, if the parcel falls within the boundaries of the district, then the entire parcel will be subject to the regulations.

- vii. The project should not be allowed to finesse the boundaries to avoid the Ordinance imposing the Shiloh overlay requirements. The proposed project is totally inconsistent with the purpose of the Shiloh overlay as described in City Code 27-1428.
- b. Economic Development Element
 - i. Quality of neighborhoods should be preserved
 - ii. Preserve neighborhood character, amenities and aesthetics.
- c. Transportation Element – This element has been almost totally missed.
 - i. Traffic control stretched now – not adequate to handle added employee and truck traffic
 - ii. Need substantial upgrades to Hesper Road, Gabel Road, and Zoo Drive up to and including Shiloh Interchange lanes to accommodate newly added truck traffic. Intersections at Gabel and Hesper, and Gabel and Zoo need upgrades.
 - iii. A realistic traffic study with recommendations to minimize impacts of this facility is necessary with realistic dollars to provide for upgrades.
 - iv. Existing owners and developers have spent considerable dollars constructing the water, sewer, storm drain, and streets that exist in the area today. The new development needs to pay the costs to upgrade the infrastructure to mitigate their impacts. The subject property has not participated in any of the improvement costs to date.
 - v. The new project needs to remove or minimize any impediments to traffic flow caused by the added traffic.
- d. Public Facilities and Services Element
 - i. Any proposed new project must bear the cost to maintain acceptable levels of service in existing City neighborhoods.

- ii. Existing streets are not functioning adequately with current traffic. Gabel Road needs to be widened to full width between Hesper Road and Zoo Drive and will need at least two left turn lanes to access the interchange.
- iii. New Developers need to pay their fair share of costs to take infrastructure to the next, higher level of service. Existing neighbors have paid substantial costs to get water, sewer, storm drain, and streets to where they are today to even allow this new development to occur.
- e. Community Health Element
 - i. Need roadways designed to accommodate vehicles, bicycles, and pedestrians. Trucking terminal traffic not compatible with multi-use path now in place along Gabel Road and planned to be extended on to the Zoo.
 - ii. With Southwest prevailing winds need to reduce vehicle carbon emissions which will be difficult with large truck parking and transfer facility as proposed alongside the existing multi-use path.

2. **WHETHER THE NEW ZONING IS DESIGNED TO SECURE FROM FIRE AND OTHER DANGERS:**

- a. Will be served by City services.

3. **WHETHER THE NEW ZONING WILL PROMOTE PUBLIC HEALTH, PUBLIC SAFETY, AND GENERAL WELFARE:**

- a. Air quality concerns
- b. Adequacy of streets for additional truck traffic is a concern.
- c. Inconsistent with Shiloh overlay purposes.

4. **WHETHER THE NEW ZONING WILL FACILITATE THE ADEQUATE PROVISION OF TRANSPORTATION, WATER, SEWAGE, SCHOOLS, PARKS, AND OTHER PUBLIC REQUIREMENTS:**

- a. Will be on City services
- b. Streets and intersections are already at a poor level of service at peak hours.
- c. New impacts will cause upgrades to be necessary. These costs should be

the responsibility of the new developer since this property hasn't paid any part of the substantial investment the neighbors have made installing the existing improvements.

5. **WHETHER THE NEW ZONING WILL PROVIDE ADEQUATE LIGHT AND AIR:**

- a. Concern is for air quality degradation with the prevailing southwest winds and the proximity of the office buildings and the Advanced Care Hospital.

6. **WHETHER THE NEW ZONING WILL EFFECT MOTORIZED AND NON-MOTORIZED TRANSPORTATION:**

- a. Traffic on Gabel Road and Zoo Drive has steadily increased over the years. The intersections of Gabel and Hesper, and Gabel and Zoo both operate poorly now at peak hours.
- b. The subdivision traffic studies for Gabel Subdivision, Second Filing and Broso Valley Park Subdivision both identify the future need for a signal at the intersection of Gabel and Hesper. The added truck traffic to and from the new terminal will require this signal to be installed.
- c. Lack of new traffic control at this intersection will disrupt normal flow of traffic for a wide area of existing commercial businesses and other southwest Billings traffic that uses Gabel Road to access the Shiloh Interchange.
- d. The existing traffic studies project dual left hand turn lanes for southbound Gabel Road traffic turning left onto Zoo Drive. At peak hours with the current level of development, traffic backs up on Gabel Road from Zoo Drive all the way north to Hesper Road while waiting for several signal cycles. To install dual left turn lanes, Gabel Road should be widened to fit its full design width from Hesper to Zoo Drive. This wasn't done in SID 1360 since the adjacent property owner refused to participate in the cost of the project. On Zoo Drive, the current lane configuration cannot receive two lanes of traffic turning left from Gabel Road. The lanes on Zoo Drive up and over the Shiloh Interchange will need to be redesigned and constructed to receive the additional traffic. The existing signals at Zoo Drive and Gabel Road will also need to be

upgraded to fit the new lanes.

- e. The Heritage Trail Plan for the City shows the multiuse path running through Transtech Center along Gabel Road south to Zoo Drive, across Zoo Drive, then west to the zoo. Transtech Center built the path from South 32nd Street West, through the subdivision along the Hogan Slough, then South to Hesper Road along the west side of Gabel Road. Concern exists that the proximity of this trail to the proposed truck terminal will compromise the purpose and use of the trail by the public.

7. **WHETHER THE NEW ZONING WILL PROMOTE COMPATIBLE URBAN GROWTH:**

- a. From a Community Planning perspective, this truck terminal is proposed in the wrong place. This type of use is best located along the South Frontage Road south of I90. It is known that the developer looked at locating the project in that area. The project needs City water and sewer and no property of an adequate size in that area is currently served by City services. The reason the project is targeting the current location is simply because the parcel is of adequate size and can be annexed and served by City services. This is not a good reason or basis on which to determine appropriate land use.
- b. Effort should be made by the City and local economic development advocates to explore funding alternatives to extend City services into the South Frontage Road area and encourage those types of heavier commercial uses to locate there.

8. **WHETHER THE NEW ZONING CONSIDERS THE CHARACTER OF THE DISTRICT AND THE PECULIAR SUITABILITY OF THE PROPERTY FOR PARTICULAR USES:**

- a. The neighboring properties of Transtech Center, Shiloh Crossing, and Broso Valley Park are in Controlled Industrial zone classification but are all subject to comprehensive building guidelines through the covenants and restrictions filed on each development. The result is a higher level of development with special attention to restricted uses, building design, materials, colors, lighting, landscaping, signage, etc. This has established a “character” for this area that needs to be preserved.

- b. The proposed project is not an attractive land use and it not subject to any equivalent design guidelines. There also appears to be a property line adjustment proposed that would allow the project to avoid the Shiloh Overlay District requirements.
- c. Again, this project should be in a more appropriate alternate location such as along the South Frontage Road.

9. **WHETHER THE NEW ZONING WILL CONSERVE THE VALUE OF BUILDINGS:**

- a. Since the site and buildings are not subject to any design guidelines or restrictions, the value of construction will not be equivalent to the neighboring developments. This will result in an overall impact on the relative values in the area.
- b. There is a stark difference in the purpose of the buildings serving a trucking terminal versus professional office buildings. This vast difference in use across a contiguous property line will also have an impact on neighborhood values and will affect future lot sales.

10. **WHETHER THE NEW ZONING WILL ENCOURAGE THE MOST APPROPRIATE USE OF LAND THROUGHOUT THE CITY OF BILLINGS**

- a. Controlled Industrial zoning can be used to locate and develop quality projects in Billings. Transtech Center, Shiloh Crossing, and Broso Valley Park are prime examples of this. What is needed to do this are restricted uses and comprehensive covenants and design guidelines. This project doesn't fit these guidelines and the use is not appropriate for the neighborhood.
- b. There are properties in Billings where this project could be located. Effort should be coordinated among all parties to find a more suitable site for this development.

- - - PROTEST - - -

**PROPOSED ZONE CHANGE 907 FOR THE FED EX REGIONAL
GROUND FACILITY
COS 2587 and COS 3329**

The undersigned protest proposed zone change 907 as proposed to the City of Billings. They are persons or businesses that will be adversely affected by the building and operating the FED EX Regional ground facility on the real property proposed to be annexed and zoned. The document attached hereto is a document detailing, discussing and critiquing the 10 criteria that must be addressed in every zoning proposal. The criteria are addressed 1 thorough 10. A close analysis and critique of the 10 criteria demonstrates clearly that this proposed zone change is not appropriate for the proposed use or in the best interest of the City of Billings and those persons and businesses that will be affected by the operation of the facility.

<i>Richard McComish</i> <i>Richard McComish</i>	<i>3521 Gabel Road</i>	<i>Electrical Consultants, Inc.</i>
Name	Address	Representing
<i>Chris Jeanner</i>	<i>3553 Gabel Rd.</i>	<i>Bobcat Land Holdings, LLC</i>
Name	Address	Representing
<i>Brian Fennem</i>	<i>3533 Gabel Rd</i>	<i>Bobcat Land Holdings, LLC</i>
Name	Address	Representing
<i>Angie Athinson</i>	<i>3533 Gabel Rd</i>	<i>Bobcat Land Holdings</i>
Name	Address	Representing
<i>Paul Athinson</i>	<i>3533 Gabel Rd</i>	<i>Bobcat Land Holdings</i>
Name	Address	Representing
<i>Dave</i>	<i>1345 Discovery Dr.</i>	<i>Wyo-Ben, Inc.</i>
Name	Address	Representing
<i>Ar Range</i>	<i>3470 GABEL</i>	<i>PARSEC DATA MGMT</i>
Name	Address	Representing
<i>Therese</i>	<i>1321 Discovery Dr.</i>	<i>Stillwater Mining</i>
Name	Address	Representing
<i>John F. Decker</i>	<i>3545 Hesper Rd.</i>	<i>Briggs Dist. Company, Inc.</i>
Name	Address	Representing
Name	Address	Representing

Petition to Protest

Owner: Shiloh Enterprises llc, Principals (Matt Brosovich, Jake Brosovich, Carol Brosovich, Brittainy Doucette). Owner of Bighorn Resort and Conference Center

Legal Address: Block 2 Lots 7 & 8 of Broso Valley Park. Tax ID A30704 & A30705.
Owner of Broso Valley Park Subdivision.

This letter is being submitted as a formal document of protest to the potential development of a Federal Express distribution facility located at the northwest corner of Hesper and Gabel Road. In reviewing the zoning policies we a number of the criteria were not met adequately to consider the annexation and construction of this facility. Those criteria and our corresponding disputes are laid out in as followed.

1. Whether the new zoning will promote public health, public safety and general welfare;

It is our belief that this facility would have noticeable impact on the air quality of the area. It is also relevant to add that 4 hotels (2 constructed 2 under construction), a restaurant, an assisted living facility, and outpatient surgical center and U.S. VA medical and outpatient facility, and a soon to be built office building would have their air quality significantly impacted. They all lie within a south easterly direction of this facility. By our count this facility is capable of handling in excess of 150 short and long haul trucks and trailers. This would be especially apparent in the winter months where temperature inversions would keep the air low to the ground. That kind of concentration of exhaust gasses would no doubt have a questionable if not negative impact on public health and general welfare.

2. Whether the new zoning will effect motorized and non-motorized transportation;

Hesper road is not designed to handle this sort of heavy traffic. The transportation plan for this development relies on Gabel Road, Zoo Drive and Shiloh Road. The owner of the large tracts of land north of Gabel Road refused to participate in SID 1360. As part of the original transportation plan, Gabel Road was designed to be five lanes (4 driving lanes plus 1 turn lane). The aforementioned owner's portion of Gabel is not currently constructed to the capacity that it was originally designed. In order to properly to handle this sort of heavy traffic the owner would have to construct the remaining two lanes in its entirety. The Gabel Road and Zoo Drive intersection has heavy traffic congestion in the morning and afternoon. In addition the Gabel Road and Zoo Drive intersection continue to have a high accident rates many of which are associated with deaths. Increasing this current bottleneck with numerous short and long haul tractor trailers will no doubt increase the already dangerous situation that exists currently. Gabel road would have to be improved to a minimum of the original engineering design of SID 1360 before this transportation corridor would meet these type of traffic standards.

3. Whether the new zoning will promote compatible urban growth.

We were approached by city officials back in approximately 2004. The goal was to develop an overlay district for the Shiloh Interchange. The goal was to protect the interchange and corresponding arterial corridors from heavy industrial development and metal structures. A super majority of the land owners agreed and adopted these detailed construction and landscaping design criteria. That became commonly known as the South Shiloh Overlay District. The goal was to make for an attractive entryway corridor. That original overlay district corridor protects the 300 feet adjacent to Shiloh Road and Zoo Drive. However that basic design criteria was adopted by the surrounding commercial developers. As a result numerous office, medical and hospitality groups have located to these developments. They were confident that the attractiveness of these developments were secured. This Fed Ex distribution center slams directly in the face of everyone who has been involved. There is little argument that the compatibility with surrounding development and proposed development is non-existent.

4. Whether the new zoning consider the character of the district and the peculiar suitability of the property for particular uses;

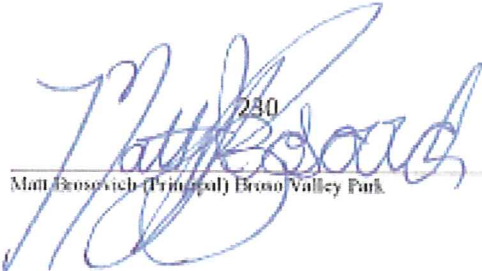
This is perhaps the most contentious issue on this zone change / annexation. The building and type of development being considered is the exact opposite of the type of new development surrounding this property. On the North of the property you have perhaps the largest retail project in the state of Montana. To the west you have an exquisitely designed and developed office technology development complex. There is one distribution facility. However, the construction and landscaping appearance of Briggs Distributing was done in a way as to hide the moderate truck traffic. To the south you have an office entryway and hospitality development. By 2013 there will be four hotels. They were attracted to this location because of its surrounding development and progress. This project makes absolutely no sense. There was little consideration for this project in this location.

5. Whether the new zoning will conserve the value of buildings.

There is little doubt developers and land purchasers, especially the hotels, located here because of the access to the interstate and the corresponding covenant controlled development on the surrounding properties. For that reason we secured hospitality groups from the three most prominent flags (International Hospitality Group, HILTON and Choice Hotels). In addition, two large medical facilities, a memory care clinic and office buildings. None of these owners would have considered these locations if they were aware of an industrial project of this size adjacent to their operations. The air quality, line of sight, the traffic and the overall industrial feel of this project stands opposite to a location that people seek out for entertainment and treatment. Obviously the look and feel of the properties would be hurt and no doubt detrimental to their business.

6. Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

We would argue to the end that the City of Billings came to us to implement a South Shiloh Overlay district in order to fend off development like this project in this entryway corridor. Not only do we believe there was a certain development focus in this area but so did the bureaucracy at one point. In fact the engineer for HKM representing Fed Ex on this project was also involved in that overlay district on behalf of the city. Obviously, putting this project in place sets up compatibility with other industrial development and ruins what we believe was the original purpose. The purpose was to encourage office, technology hospitality and retail development. The majority of the recent development has followed that chord. To change that focus now would open up the city up to what we would believe are legal challenges.

230
 12/18/2012
Matt Brusovich (Principal) Brown Valley Park

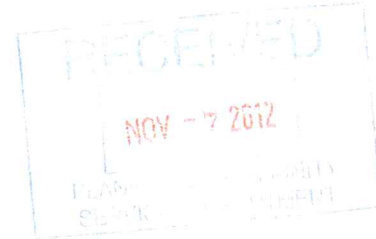


MONTANA'S MOST ADVANCED HIGH TECH BUSINESS PARK

P.O. Box 80743
Billings, Montana 59108
Phone (406) 652-7603
Cell (406) 698-2808
Fax (406) 652-8320
Email: jerry@transtechcenter.com

November 1, 2012

Nicole Cromwell
Zoning Coordinator
City of Billings
510 N. Broadway
Billings, MT 59101



Re: Position on proposals to re-zone Tracts 1 of C/S 3329 and C/S 2587

Dear Nicole.

The Owners Association of the Transtech Center Subdivision and Gabel Subdivision, Second Filing, have recently become aware, via a letter from Rick Selensky, DOWL HKM that proposals are being made to re-zone Tracts 1 of C/S 3329 and C/S 2587. These tracts of land are located immediately west of the Transtech Center.

In conjunction with the letter, we understand developers are proposing to build a large, forty acre, regional truck service facility for FedEx. We feel a development of this nature will bring extensive trucking activity into an area of Billings that has been developed primarily for retail and office uses.

We want to go on record as strenuously opposing the planned usage in this area of Billings. The Transtech Center owners association and many businesses located here have made considerable investments in establishing the Transtech Center as a high quality, high tech business park in a campus setting, a quality development that is second to none in a multi-state area. It is because of this type of development many very successful businesses have located here. In complementing this development, the Big Sky Economic Development Authority made significant efforts to locate General Electric and the Advanced Care Hospital of Montana in the Transtech Center, adding hundreds of quality jobs to the Billings economy.

Please note we are not opposed to FedEx locating this activity in the Billings area as we feel it will greatly benefit the local economy. We are also not opposed to the noted site being annexed into the City or, to the site being properly re-zoned from its current open agriculture status. We do feel however, that proper planning would not place a very large trucking maintenance facility immediately adjacent to a High Tech Business Park.

We request the City of Billings and the Planning and Community Services Department to take the appropriate steps necessary to discourage the development of such non-compatible uses within the area described above.

Sincerely

A handwritten signature in black ink, appearing to read "Jerry S. Thomas". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jerry S. Thomas
Chair, Transtech Center Owners Association

Cc: Greg MacDonald, Land Owners Managing Partner
Rick Selensky, P.E., DOWL HKM