



## Yellowstone County Zoning Commission Minutes for the Meeting of Monday, September 14, 2015

**The County Zoning Commission met on Monday, September 14, 2015 in the Miller Building 1<sup>st</sup> floor conference room located at 2825 3<sup>rd</sup> Avenue North.**

At 4:00 p.m., Chairman Cook opened the meeting and introduced the County Zoning Commission members and staff in attendance: Wyeth Friday, Planning Division Manager; Nicole Cromwell, Zoning Coordinator; and Tammy Deines, Planning Clerk

Commissioners and Staff		01/12/201	02/09/201	03/09/201	04/13/201	05/18/201		06/10/201	07/13/201	08/10/201	09/14/201	10/13/201	11/09/201	12/14/201
Dennis Cook	Chairman	1	-	1	-	1		1	-	1	1			
Al Littler	Vice Chairman	1	-	1	-	1		1	-	1	1			
Jerry T. Ray	Commissioner	-	-	-	-	-	-	-	-	1	1			

**Attending:** Denise Thomas, Glenda Anderson, Daniel Anderson, Rebecca Beddes, Matt Beddes, Dax Simek, Gary Splitberger, Mary Garrow, Jerry Morrell, Dean Pehl, Larry Wilken, Teri Stephens, Todd Reichenbach

**Announcements:** • The next County Zoning Commission meeting is scheduled for TUESDAY, October 13, 2015.

### **Public Comment**

Chairman Cook asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public can be heard on any subject that is not on the agenda; the Yellowstone County Zoning Commission will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion.

**Disclosure of Conflict of Interest:** There was no disclosures of conflict of interest.

**Disclosure of Outside Communication:** There was no one on the Commission wishing to disclose any outside communication. Zoning Coordinator Nicole Cromwell noted a letter received by staff from Diane Kostecky for the Degenhart Family Partnership in opposition to County Zone Change #666.

**Approval of the August 10, 2015 Meeting Minutes:** Chairman Cook called for approval of the August 10, 2015 meeting minutes.

### **Motion**

**Al Littler made a motion and Jerry Ray seconded the motion to approve the August 10, 2015 meeting minutes. The motion carried with a unanimous voice vote.**



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### **Item #1. Motion. County Zone Change #665 (Returning from August 10, 2015) Exposition Gateway Overlay District. Consideration of Planning Board's motion to withdraw the initiation of County Zone Change #665. Wyeth Friday, Planning Division Manager**

Wyeth Friday opened this agenda item and stated this Commission is entertaining a withdrawal request from the Yellowstone County Board of Planning. He explained that this item has been through a fairly lengthy process, gave a brief recap of the initial request, and distributed a copy of the letter that was sent to notify property owners of the status of this request to the members of the Commission.

#### **Discussion**

There was no discussion by the Board. Chairman Cook called for a motion.

#### **Motion**

**Commissioner Littler made a motion and it was seconded by Commissioner Ray to concur with the Planning Board's motion to withdraw the initiation of Zone Change #665.**

#### **Discussion**

Commissioner Ray suggested getting some guidance from the governing bodies as to how to move forward in this district, and to have staff conduct some research with major cities that have gone through this situation. He said he feels it would be best for the City and County to purchase the property. Wyeth Friday said this could be considered through Economic Development Agencies or a Tax Increment Finance District, (TIFD).

**The motion carried with a unanimous voice vote.**

#### **Public Hearings**

Chairman Cook reviewed the rules for the procedure by which the public hearings will be conducted. He said the applications heard at this meeting would be forwarded to the Board of County Commissioners on Tuesday, September 29, 2015, in the Board of County Commissioners Board Room 403A in the Yellowstone County Courthouse.

**Item #2 - County Zone Change #666 – 3555 Highway 87 N – A zone change request from Agriculture Open-Space (A-1) and Residential 15,000 (R-150) to Highway Commercial (HC) on a 15-acre portion of the fraction of land east of the highway in the NE1/4 of Section 3, Township 1 North, Range 26 East (less highway and C/S 2579), a 65 acre parcel of land generally located at 3555 Highway 87 North. The applicants conducted a pre-**



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**application neighborhood meeting on July 22, 2015 at the subject property. Tax ID D04970. Nicole Cromwell, Zoning Coordinator**

### **REQUEST**

The applicant is requesting a zone change from Community Commercial (CC) to Highway Commercial (HC) for Tract 1, C/S 1284 a 10.07 acres parcel of land. The property is generally located in the 2000 Block of Old Hardin Road. The applicant conducted a pre-application neighborhood meeting on May 26, 2015 at Bobcat of Big Sky offices at 2125 Old Hardin Road. The Planning staff is forwarding a recommendation of approval based on the 11 criteria for zone changes.

### **RECOMMENDATION**

The Planning staff is recommending approval and adoption of the findings for the 11 criteria for Zone Change #666.

Nicole Cromwell pointed out this is the second submittal of an application and it has been retooled with a new request. She pointed out that the current special review is still in place for this property.

### **Discussion**

Chairman Cook called for discussion. Per request of Commissioner Ray, Nicole Cromwell clarified and stated the southern piece of the designated plat map is zoned R-15,000

### **Applicant**

#### **Dax Simek, Morrison-Maierle, 315 N 25<sup>th</sup> Street, Ste.102, Billings, Montana**

Mr. Simek represents Matt and Rebecca Beddes. He said the Beddes have a vested interest in relocating their business to this property. He said the approach location was found to meet all of MDT's criterion, which addresses the concerns with traffic and the location of the approach. He said this is a good location for the proposed zone change as there is a natural buffer for the property to the east.

### **Public Hearing**

Chairman Cook opened the public hearing at 4:22 p.m. and asked if anyone would like to speak as a proponent of this application. There was none. He called for Opponents to Yellowstone County Zone Change #666.

### **Opponents**

#### **Jerry Morrell, 5864 Sam Snead Trail, Billings, Montana**

Mr. Morrell stated he purchased acreage in this area and is in the process of designing the



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roadways. He said they intend to build nice homes. He stated even though there is a buffer, the view shed of the equipment will be a detriment to his property values.

### **Todd Reichenbach, 1921 Chickadee, Billings, Montana**

Mr. Reichenbach is a managing member of BTR properties. They purchased Section 27 which is located approximately 1 mile up the road from this property. It will be undergoing final plat review next month. He said the County Commissioners wished to control the development in this area. He said he is not against the Beddes' used equipment business as it is serving a need but it is more of an industrial use and is not necessarily appropriate within the neighborhood. He voiced concern with the potential for negative impact on their property.

### **Larry Wilken, 1420 Sagebrush Road, Billings, Montana**

Mr. Wilken represents Dennis Schultz and Dave Geiser, who are opposed to this request as they intend to develop their property as an upper end residential community. Mr. Wilken said the breaker zone does nothing to shield the residential area as it will look directly down on the Beddes' equipment and business. He said this will be detrimental to all of this community as he knows the desire for a nice clean, quiet, residential area.

### **Dennis Pehl, 9230 Lorraine Street, Billings, Montana**

Mr. Pehl is opposed to this request. He said the Beddes conduct their business primarily over the internet and they do not need highway frontage for sales. He said the mining equipment and off road heavy duty equipment on 15 acres will be difficult to cover up.

### **Denise Thomas, 5131 Countryview Drive, Billings, Montana**

Ms. Thomas travels this road several times a day and there is high speed traffic. She said there is not enough stopping range for traffic traveling down the hill and the property's access point. She said this area needs more residential areas, restaurants, and uses that will bring more revenue to the City. She said the proposed housing in the surrounding area will not go through if this application is approved.

### **Daniel Anderson, 4908 Countryview Drive, Billings, Montana**

Mr. Anderson said the only change to this request from the previous one is the parcel size has changed from 65 acres to 15 acres. He said this is a nice countryside area and this business will detract from the residential developments. He commented on safety concerns due to high speed traffic. He has started a petition in protest and will submit it to the County Commissioners.



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### **Glenda Anderson, 4908 Country View Drive, Billings, Montana**

Ms. Anderson pointed out the location of Independent School and voiced concern with potential conflicts between school busses and large equipment.

### **Denise Thomas, 5131 Country View Drive, Billings, Montana**

Ms. Thomas said this is a 2-lane highway traveled by school busses. She noted the safety concerns with the congested traffic during school let out times.

### **Rebuttal**

### **Dax Simek, Morrison-Maierle, 315 N 25<sup>th</sup> Street, Ste.102, Billings, Montana**

Mr. Simek said the majority of the comments tonight are based on the aesthetics and the Zoning Compliance Permit review process will require additional screening. He said his clients have made all of the attempts they can to mitigate concerns. He explained that most of their business is conducted online.

### **Matt Beddes, 4110 Bennett, Billings, Montana**

Mr. Beddes said his business is similar to Yellowstone Valley Parts and Equipment. He said MDT controls the access point; and the bluffs and a steep coulee act as a "natural building". They tear down about 18-24 pieces of equipment annually and use a steel building to break down the equipment and ship it out. Mr. Beddes said outside storage requires fencing and they are trying to place it where the topography will allow for it.

At 4:44 p.m., Chairman Cook asked if anyone else wished to speak in favor or against County Zone Change #666. There was none. Chairman Cook closed the public hearing and called for a motion.

### **Motion**

**Commissioner Ray made a motion and Commissioner Littler seconded the motion to recommend approval and adoption of the findings for the 11 criteria for County Zone Change #666.**

Commissioner Littler noted the minutes from the neighborhood meeting. Nicole Cromwell explained that attendees are not required to sign in. Commissioner Littler spoke to the need to consider the highest and best use for this property and said residents will not be placed along the highway. Commissioner Ray said he does not feel the residential areas will be affected. In response to a question by Commissioner Littler, Nicole Cromwell said the zoning compliance permit review will include landscaping and shielding requirements for any storage located outside the building. Nicole Cromwell explained the code exclusions for merchandize that is



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out on display. Commissioner Ray commented that Western States Machinery and Yellowstone Valley Parts and Equipment are similar businesses and are located near residential areas.

**The motion carried with a unanimous voice vote.**

The Yellowstone County Board of County Commissioners will hear this application on Tuesday, September 29, 9:45 a.m., in the Commissioners' Board Room, Yellowstone County Court House.

### **7. OTHER BUSINESS-**

Announcement: Zoning Coordinator Nicole Cromwell announced the next Yellowstone County Zoning Commission meeting will be held on Tuesday, October 13, 2015 due to the Columbus Day Holiday on Monday, October 12, 2015.

**Adjournment:** The meeting adjourned at 5:45 p.m.

**ATTEST: DRAFT To be approved by a motion on Tuesday, October 13, 2015**

  
Dennis Cook, Chairman, Yellowstone County Zoning Commission

  
Tamara L Deines, Planning Clerk