



Yellowstone County Zoning Commission Minutes for the Meeting of Wednesday, August 10, 2015

The County Zoning Commission met on Wednesday, August 10, 2015 in the Miller Building 1st floor conference room located at 2825 3rd 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; Lora Mattox, Transportation Planner, 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				
Al Littler	Vice Chairman	1	-	1	-	1		1	-	1				
Jerry T. Ray	Commissioner	-	-	-	-	-	-	-	-	1				

Attending: Dennis Randall, Sanderson Stewart; Tisha Hague representing Mike Tvetene; Forrest Mandeville, Engineering West; Kelsy Barnes; Judy Barnes; Gary Donovan; Kelly Donovan; Scott R. Grosskopf; Ken Walter; Debra Schmidt; Kirk Brumfield; Sundra Matthews; Hailey Matthews; Mike Kautzman; Clint Hull; Jeffrey Isom; Cindy Taul; Larry Vaira, Terry Rice, chis Wong, Ronda Fox, Darlene Fox, Catherine Grott, Ken Walter

Announcements: • The next County Zoning Commission meeting is scheduled for Monday September 14, 2015.

Approval of the Agenda: Planning Division Manager Wyeth Friday request a change in the agenda order to hear Zone Change #665 as the first item on the agenda to allow Staff to update the Commissioners on the recent City Zoning Recommendation on this zone change and allow time at the beginning of this meeting for those in attendance to participate in the public hearing.

Motion

Al Littler made a motion and it was seconded by Jerry Ray to reorder the agenda to hear Zone Change #665 as the first item on the agenda.

The motion carried with a unanimous voice vote.

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.



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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.

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

Motion

Al Littler made a motion and Jerry Ray seconded the motion to approve the June 10, 2015 meeting minutes. 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, May 26, 2015, in the Board of County Commissioners Board Room 403A in the Yellowstone County Courthouse.

Item #1 County Zone Change #665 – Exposition Gateway Overlay District – An amendment to the Unified Zoning Regulations pertaining to the development of land within the Exposition Gateway Area of the East Billings Urban Renewal area generally located east of N 10th Street to Exposition Drive and from 6th Avenue North to 1st Avenue North. The district overlay will not change the underlying zoning but will provide for enhanced site development requirements and restrict some industrial uses. The Yellowstone County Board of Planning initiated the amendment on June 23, 2015.

RECOMMENDATION

The Planning Division recommends a 30-day delay in action on this item.

Planning Division Manager Wyeth Friday explained that the City Zoning Commission held a public hearing on Tuesday, August 4, 2015, on this application. At this hearing about 25 concerned citizens attended with 14 speaking against the proposed language as drafted. Based on this input, the City Zoning Commission made a recommendation to the City Council to deny the request. Staff is recommending to this Board to hold and continue the public hearing and delay action on this item for 30-days in order for the Planning Board to conduct their meeting on Tuesday August 11, and consider withdrawal of their ionization of the amendment

Discussion

Chairman Cook called for discussion. Per request of Al Littler, Wyeth Friday explained that if this Commission votes to delay action and the Planning Board votes to withdraw the amendment, this item will return to this Board at the September 14, 2015 meeting for consideration.



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Motion

Jerry Ray made a motion and it was seconded by Al Littler to continue with the public hearing and follow with a decision.

The motion carried with a unanimous voice vote.

Public Hearing

At 4:12 p.m., Chairman Cook opened the public hearing and asked if there was anyone wishing to speak in favor of County Zone Change #665. There was none. Chairman Cook opened the public hearing and asked if there was anyone wishing to speak in opposition of County Zone Change #665

Mike Kautzmann, 813 3rd Ave N, Billings, Montana

Mr. Kautzmann said he has a petition signed by property owners with 90% being in opposition to the proposed amendment language as they feel it is too restrictive as it prohibits many of the manufacturing, transportation, wholesale uses that are currently in place. He said there was very poor notice of this request, and one City Zoning Commission at the hearing called this request “un-American”. Mr. Kautzmann said he understands the desire to create a hospitality corridor but this will happen naturally without the zoning. He voiced concern with job displacement if this amendment takes place.

Dave Doll, 710 Tepee Trail, Billings, Montana

Mr. Doll stated he has been a property owner in this area for over 50 years and he concurs with Mr. Kautzmann’s testimony. He said with this zone change their property is worth pennies on the dollar.

Kirk Brumfield, 719 4th Avenue North, Billings, Montana

Mr. Brumfield stated he is against this zone change proposal.

Terry Rice, 811 2nd Avenue North, Billings, Montana

Mr. Rice stated he is in opposition to this zone change. He owns a wholesale business that has been in his family since 1974 and is part of his folk’s estate. He closed the business in May. He voiced concern that if this is approved, he will be unable to rent the building for its current use and said it is detrimental to his property value. He said the property owners should be approached to consider what they are doing now instead of a Commission or EBIRD pushing this through. He said according to the rules he cannot rent the business is the use is not exactly the same.



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Sandra Matthews, 913 3rd Avenue North, Billings, Montana

Ms. Matthews owns a mini storage business and with the zone change she is unable to change the use. She said there will be no legacy for her children due to the loss of the use of her business value. She asked the Commission to move forward with an action and not delay the decision.

Don Stanaway, 900 1st Avenue North, Billings, Montana

Mr. Stanaway stated he was a charter member of the original BIRD Board and the vision is the opposite of what this zone change is trying to do. He voiced concern that this zone change has the potential to put them out of business as they cannot expand, and the building and land is not worth as much as the operating business, (A & I Distributing). He asked that the Commission deny this request.

Catherine Grott, 813 3rd Avenue North, Billings, Montana

Ms. Grott operates Billings Overhead Door Company with her husband Mike Grott. She stated this zone change conflicts with the 11 criterion for review of the zone change and the guiding principles of the EBURD Master Plan. She commented on Guiding Principle #4 which speaks to ensuring industrial uses to continue to operate as desired. She pointed out that their property is in the County and they were not invited to participate but should have been included in the planning.

Bob Young, 720 1st Avenue North, Billings, Montana

Mr. Young is in opposition to this zone change. He operates Billings Yellow Cab and Auto Magic Auto Sales. He said he agrees with the testimony this afternoon. He said the zone change will deny the uses his property has been used for as they would not be allowed.

Clint Hull, 808 4th Avenue North, Billings, Montana

Mr. Hull said that although his property does fit the criterion the zone change would limit his options in the future. He said there seems to be “a lot of stick and not enough carrot” and he is opposed to the zone change.

Dave Doll, 710 Tepee Trail, Billings, Montana

Mr. Doll said he was one of the original members of the BIRD. He commented that the Gazette has stated this is a “blighted” area and he disagrees as it does not fit the definition. He asked why they are not taxed as blighted property.



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Gary Donovan, 2580 Patricia Lane, Billings, Montana

Mr. Donovan stated he is in opposition to this zone change.

Chairman Cook closed the public hearing at 4:30 p.m., and called for rebuttal and discussion.

Rebuttal/ Discussion

Wyeth Friday, Planning Division Manager

Wyeth Friday stated this request comes from the Exposition Gateway Master Plan that was adopted in 2013 by the City and the County. Staff is working towards implementation of the plan. There has been public participation with these plans since 2006. Al Littler asked if there has been any changes since that time that would cause these issues with land use and property owners. Wyeth Friday stated this is specific to zoning. This is the first proposal for a change since the 2013 plan. He said when staff was working with the BIRD board staff was under the understanding that the BIRD was holding discussions with these landowners after adoption of the 2013 plan, which apparently didn't happen. Al Littler said he has the sense that between the 2013 and today there should be more public hearings. Wyeth Friday said the adopted 2013 concept plan hasn't changed as it states this should be a hospitality area. He added there is some confusion as the EBURD master plan discusses preservation of industrial uses but it is for the EBURD and not this area. The Exposition Gateway Master Plan talks about hospitality plan. In response to a question by Al Littler, Wyeth Friday explained the process that will take place if the Commission votes to delay action. He said staff is unable to ask Planning Board to withdraw the zone change until the meeting tomorrow evening. Jerry Ray asked what will happen if the Commission votes for denial. Wyeth Friday said the recommendation will be forwarded to the Board of County Commissioners. Nicole Cromwell gave further clarification on the withdrawal process. Al Littler said if it is withdrawn it is obvious that more community input will be needed to bring it back. The staff recommendation to the Planning Board is to withdraw the initiation of the zone change.

Motion

Commissioner Littler made a motion to forward a recommendation to delay action on County Zone Change #665 as recommended by staff.

The motion dies for lack of a second.

Motion

Commissioner Ray made a motion to forward a recommendation to deny County Zone Change #665.

The motion dies for lack of a second.



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Chairman Cook called for discussion on the motion. Commissioner Littler said a recommendation of denial is academic at this point as the Planning Board will most likely withdraw the initiation of the zone change. Commissioner Ray commended the citizens in attendance for their participation this evening.

Motion

Commissioner Littler made a motion and it was seconded by Commissioner Ray to forward a recommendation to delay action on County Zone Change #665 as recommended by staff.

The motion carried with a unanimous voice vote.

Wyeth Friday stated there will be a mailing to update and notify property owners of the Planning Board action.

Transportation Planner Lora Mattox introduce Item #1, Special Review #328.

Item #1. Special Review #328 A special review request to expand an existing campground, Yellowstone River Campground RV Park, on a 5.96 acre parcel of land, Lots 39A & 39B, Barnes Acres, in an Agriculture Suburban (AS) zone. The property owner is Douglas Barnes, and the agent is Travis West, P.E. Engineering West. Planning Staff is forwarding a recommendation of conditional approval

RECOMMENDATION

The Planning Division recommends conditional approval.

Planning Division is recommending the following conditions:

1. The approval shall be limited to Lots 39A & 39B, Barnes Subdivision generally located south of 309 Garden Avenue.
2. This special review approval is for an expansion of 36 additional sites in an existing campground as described in the applicant's letter. No other special review use is intended or implied by this approval.
3. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
4. Failure to comply with these conditions of approval of the special review use shall be deemed a violation of the zoning regulations. Enforcement of the regulations and conditions shall be as set forth in Section 27-1601 et seq. of the Unified Zoning Regulations.

Discussion

Chairman Cook called for discussion. There was none.



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Public Hearing

At 5:00 p.m., Chairman Cook opened the public hearing and asked if there was anyone wishing to speak in favor of County Special Review #328.

Forest Mandeville, Engineering West, Billings, Montana

Mr. Mandeville is the agent for property owner Douglas Barnes. He thanked the staff and Commissioners for their time. They are planning an expansion of an existing park and this is not a new use. This parcel is going through the subdivision review process. They will have to obtain DEQ approval. They are in agreement with the staff recommendation and conditions of approval.

Chairman Cook asked if there was anyone wishing to speak in favor or opposition of County Special Review #328.

Darlene Fox, 683 Garden Avenue, Billings, Montana

Ms. Fox said her daughter lives directly across from this property. She asked how the drain field will affect the well for her daughter's house which is used for the residence.

Darlene Fox, 450 Garden Avenue, Billings, Montana

Ms. Fox said that over time she will not be able to get water to her house. She asked for clarification on the property location and it was given by Nicole Cromwell.

Chairman Cook closed the public hearing and called for rebuttal.

Rebuttal

Forest Mandeville, Engineering West, Billings, Montana

Mr. Mandeville said they are required to go through the State Department of Environmental Quality to ensure that nothing is damaged in this area. He said he is not a hydrologist but the wells should not be in the groundwater plume. He pointed out the Barnes also have wells and are sensitive to this issue and do not wish to damage the water quality. The water line is owned by the City of Billings and they have been in contact with the City Engineering Department.

Chairman Cook closed the public hearing.

Motion

Commissioner Littler made a motion and it Commissioner Ray seconded the motion to forward a recommendation of conditional approval of Special Review# 928 as presented by staff and the Findings of Fact.

Chairman Cook called for discussion on the motion.



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Discussion

There was none.

The motion carried with a unanimous voice vote, 3-0.

Transportation Planner Lora Mattox introduced County Zone Change #662.

Item #2. County Zone Change #662 – 2000 Old Hardin Rd – Bobcat of Big Sky – A zone change request 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 on the south side of Old Hardin in the 2000 block. The applicant conducted a pre-application neighborhood meeting on May 26, 2015 at Bobcat of Big Sky offices at 2125 Old Hardin Road.

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.

Discussion

Chairman Cook called for discussion. There was none.

Public Hearing

At 4:12 p.m., Chairman Cook opened the public hearing and asked if there was anyone wishing to speak in favor of County Zone Change #662.

Quentin Eggart, Eggart Engineering., Billings, Montana

Mr. Eggart is the agent for property owners Raymond & Charlotte Corcoran. He thanked Lora Mattox for her presentation. He said the applicants are requesting this zone change to allow parking of new fleet equipment that is for sale outside.

Al Koelzer, 2828 Westwood, Billings, Montana

Mr. Koelzer is the agent for the seller. He said there is a shortage of commercial sites in Billings. He distributed a list of 21 sites in Billings to the Commissioner members and asked them to take this into account.



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Scott R. Grosskopf, 925 Grand Avenue, Suite 147, Billings, Montana

Mr. Grosskopf represents Big Sky Bobcat Landmark in Billings. He concurred with Mr. Koelzer's comments. He said they need Highway Commercial zoning for their large construction equipment outside of the structure.

Opposition

Chairman Cook asked if there was anyone wishing to speak in favor or in opposition of County Zone Change #662. There was none.

Motion

Commissioner Ray made a motion and it Commissioner Littler seconded the motion to forward a recommendation of approval of County Zone Change #662 as presented by staff.

Discussion

Chairman Cook called for discussion on the motion. Al Littler asked if the southern property owner has a buffer. Quentin Eggart said that currently there is a buffer with the Russian olive trees

The motion carried with a unanimous voice vote, 3-0.

Zoning Coordinator Nicole Cromwell introduced Item #3, County Zone Change #663.

Item #3. County Zone Change #663 – 1011 Brandywine – A zone change request from Residential 9,600 (R-96) to Agriculture Suburban (AS) on Tracts 1A & 1B, C/S 3240, a 6.2 acre parcel of land. The property is generally located at 1011 Brandywine Lane. The applicants conducted a pre-application neighborhood meeting on June 6, 2015, at the subject property. Tax IDs D05023 and D05023A

RECOMMENDATION

The Planning Division is recommending approval based on the findings of the 11 criteria for Zone Change 663.

Discussion

Chairman Cook called for discussion. Jerry Ray asked if there are any objections to this request and Nicole Cromwell replied she did not receive any objections.

Public Hearing

Chairman Cook opened the public hearing and asked if there was anyone wishing to speak in favor or against County Zone Change #663.

Jeffery Isom, 2821 Saratoga, Billings, Montana

Mr. Isom is the property owner. He said the 9600 zoning renders the property useless. He has



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no intension of building a house and wishes to build a shop instead. There was no opposition from the neighbors. This request was a condition of approval from their variance request.

Larry Vaira, 2822 Saratoga Trail, Billings, Montana

Mr. Vaira is the property owner. He said the previous owner had excavated for a house at one point. He said they would like to build a house in the future as they have family in the neighborhood.

Chairman Cook closed the public hearing and called for a motion...

Motion

Commissioner Ray made a motion and it Commissioner Ray seconded the motion to forward a recommendation of approval of County Zone Change #663 as presented by staff.

Chairman Cook called for discussion on the motion. There was none.

The motion carried with a unanimous voice vote, 3-0.

Zoning Coordinator Nicole Cromwell introduced Item #4, County Zone Change #664

Item #4 County Zone Change #664 – 5840 Titan Ave – A zone change request from Highway Commercial (HC) to Controlled Industrial (CI) on Lot 2, Block 1, Titan Subdivision, a 1.319 acre parcel of land generally located at 5840 Titan Avenue. The applicants conducted a pre-application neighborhood meeting on June 29, 2015, at Tvetene Turf, 6844 S. Frontage Road. Tax ID C13279

RECOMMENDATION The Planning Division recommends denial and adoption of the findings of the 11 criteria for Zone Change 664.

The proposed CI in a subdivision primarily zoned HC, and in an area of the County with A-1, NC, RMF-R, and CC zoning. The CI zoning does not fit with the character of this area of the County and does not support the most appropriate use of the land in this area of the County. This area of the County is in transition from County to City, with the area all now included in the City's Limits of Annexation Map for annexation in the short term. Existing property in the area is zoned for commercial and residential uses, not industrial uses. The character of this area is moving toward commercial service and retail uses along with a range of residential uses from single family to fairly high density multi-family development. The proposed immediate use of the property is allowed in the HC zone and the potential future use for farm machinery manufacturing is not allowed. The proposed zone change is to accommodate this potential future use. The Planning Division and the Zoning Commission must consider all potential future uses and determine the compatibility of these uses with existing uses in the HC zoning and the surrounding area. These potential future uses may not be compatible with the existing uses and with the planned commercial and residential



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neighborhood to the south and the existing residential and light commercial uses to the east and west.

Discussion

Chairman Cook called for discussion. Jerry Ray commented that Trebo Manufacturing is very successful and it seems this business would fit in the area. They are probably wanting to manufacture sod cutting machinery. Nicole Cromwell explained a machine repair and welding shop is allowed but not manufacturing from the “ground up.

Public Hearing

At 4:12 p.m., Chairman Cook opened the public hearing and asked if there was anyone wishing to speak in favor of County Zone Change #664.

Dennis Randall, Sanderson Stewart, 1300 North Transtech Way, Billings, Montana

Mr. Randall represents property owner, Mike Tvetne, Tvetne Turf. He introduced Tisha Hague, Office Manager, Tvetne Turf and distributed copies of the site plan to the Commission members. He said Mike Tvetne is partners with Tvetne turf, and is involved in the research and development of the turf harvesting equipment. Mr. Tvetne wishes to open a welding and machine shop and adding to the facility to do machining and welding. He is considering doing some research and development and eventually going to market. The zone change is needed to allow manufacturing and marketing. The neighborhood has viable thriving businesses, Billings Precast, Western Municipal Corporation; Magic City Granite; Strong Crane Service; FM Fork Lift Sales and Service. Mr. Randall said he feels Mr. Tvetne’s intended use is compatible and finding another CI site in Billings is difficult. He asked for the Commission’s support.

Chairman Cook asked if there was anyone wishing to speak in favor or opposition of County Zone Change #664. There was none.

Motion

Commissioner Ray made a motion and it Commissioner Littler seconded the motion to forward a recommendation of approval of County Zone Change #664 as presented by staff.

Chairman Cook called for discussion on the motion.

Discussion

Jerry Ray stated this business is needed in the City of Billings, and there are no protests to this request. Al Littler asked about Mark Johnson’s response to this request and Dennis Sanderson said Mr. Johnson is not opposed to the zone change. Al Littler defended the staff recommendation due to the scope of the zoning and future development. He is in voting in favor of the zone change due to the specificity of this request.



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The motion carried with a unanimous voice vote, 3-0.

7. OTHER BUSINESS-

--Zoning Coordinator Nicole Cromwell announce the next meeting on Monday, September 14, 2015.

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

ATTEST: DRAFT To be approved by a motion on Monday, September 14, 2015

Dennis Cook, Chairman, Yellowstone County Zoning Commission

Tamara L. Deines, Planning Clerk