



COUNTY OF YELLOWSTONE ZONING COMMISSION

AGENDA-Monday, January 11, 2016

YC Board of County Commissioner's Board Room, (403A)
217 North 27th Street,, Billings, Montana

NOTICE TO THE PUBLIC

Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

Call the meeting to order.

Introduction of the Yellowstone County Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of November 9, 2015.

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff
a.The Exparté Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. Item # 1 - **County Zone Change #669 – West of Billings Logan Airport – 2300 Block of Highway 3 North** – A zone change request from Agriculture-Open Space (A-1) to Public (P) on the north 600 feet of Tracts 13 and 14 of C/S 2037 (~18.49 acres), and Controlled Industrial (CI) on the remaining acres of Tract 13 & 14, C/S 2037, a 58.66 acre parcel of land. A pre-application meeting was conducted on November 20, 2015 at the Tolliver Law Firm, 1004 Division Street. Tax IDs: D04575L, D04575M. Presented by: Nicole Cromwell, Zoning Coordinator
- b. Item # 2 - **County Zone Change #670 – 3329 Driftwood Lane – Former Lockwood Fire Station** – A zone change request from Residential 9,600 (R-96) to Community Commercial (CC) on Lot 7, Block 1 of McIntosh Subdivision, a 24,132 square foot parcel of land generally located at 3329 Driftwood Lane. A pre-application neighborhood meeting was held on November 30, 2015 at the new Lockwood Fire Station at 501 Johnson Lane. Tax ID: C08725. Presented by Dave Green, Planner II.

Other Business/Announcements

Adjournment

Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners. The **Board of County Commissioners** public hearing will be held **on Tuesday, January 26, 2016, at 9:45 a.m. in Room 403A, 4th Floor of the Yellowstone County Courthouse.** The Board of County Commissioners will hear all persons wishing to speak relative to the proposed zone changes.

Information on the preceding item may be obtained at the Yellowstone County Planning Department, 2825 3rd Avenue North, 4th Floor or phone 657-8246. Anyone wishing to be heard on this matter may appear at this hearing. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Tammy Deines, Planning Clerk, at 247-8610 or e-mail at deinest@ci.billings.mt.us

County Zoning Commission

Meeting Date: 01/11/2016

Information

Subject

The minutes of the Board meeting of November 9, 2015.

Attachments

YZC_2015_11-09-DRAFT.pdf



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, November 9 2015

The County Zoning Commission met on Monday, November 9, 2015 in the Miller Building 1st floor conference room located at 2825 3rd Avenue North. The Board of County Commissioners public hearing will be held on Tuesday, October 27, 2015, at 9:45 a.m. in Room 403A, 4th Floor of the Yellowstone County Courthouse.

At 4:00 p.m., Chairman Cook opened the meeting and introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Dave Green, Planner II, and Tammy Deines, Planning Clerk

Commissioners and Staff		01/12/2015	02/09/2015	03/09/2015	04/13/2015	05/18/2015		06/10/2015	07/13/2015	08/10/2015	09/14/2015	10/13/2015	11/09/2015	12/14/2015	
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	-			
Troy Boucher	Commissioner	-	-	-	-	-	-	-	-	-	-	-	-		

Attending: Jerry Hanson, Matt Robertson, James Ouren, Ed Melcher, Scott Aspenlieder, Performance Engineering; Blaine Poppler, CBC Montana; Matt and Rebeca Beddes; Dax Simek, Carey Chapman, REMAX, Teri Stephens, Dan Henry, Jerry Morrell

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.

Approval of the September 14, 2015 Meeting Minutes (The October 13, 2015 meeting was canceled). Chairman Cook called for approval of the September 14, 2015 meeting minutes.

Motion

Al Littler made a motion and Jerry Ray seconded the motion to approve the October 13, 2015 meeting minutes. The motion carried with a unanimous voice vote.



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, November 9 2015

Item #1. Motion. County Zone Change #668 – East of Highway 87 N and West of Plateau Road, Dave Green, Planner I– A zone change request from Agriculture-Open Space (A-1) and Residential 15,000 (R-150) to Residential 9,600 (R-96) on Tracts 1A, 2A, 3A, 4A, 5A1, 6A, 7A, 8A, 9, 10A, 10B, 11 and 12B and an unplatted portions of land described as the SW1/4NW1/4 and the NW1/4SW1/4 of Section 2, Township 1 North, Range 26 East, a 222.83 acre parcel of land generally located east of Highway 87 North and west of Plateau Road. The applications conducted a pre-application neighborhood meeting on August 31, 2015, at 1412 Sagebrush Road. Tax IDs: D04919, D04920, D04921, D04922, D04923, D04924, D0425, D04926, D04927, D04928, D04928A, D04929, D04930A & D04943.

Dave Green opened this agenda item and gave the staff report.

REQUEST

The applicant is requesting a zone change request from Agriculture-Open Space (A-1) and Residential 15,000 (R-150) to Residential 9,600 (R-96) on Tracts 1A, 2A, 3A, 4A, 5A1, 6A, 7A, 8A, 9, 10A, 10B, 11 and 12B and unplatted portions of land described as the SW1/4NW1/4 and the NW1/4SW1/4 of Section 2, Township 1 North, Range 26 East, a 222.83 acre parcel of land generally located east of Highway 87 North and west of Plateau Road.

A neighborhood meeting was conducted by the applicant on August 31, 2015, at 1412 Sagebrush Road, which is one of the subject properties of this proposed zone change. Five surrounding property owners attended the meeting. The meeting notes indicate concerns with water and where the water lines would be placed. Another concern was access to the subdivision

RECOMMENDATION

Approval of Zone Change #668 and adoption of the 11 criteria for this zone change. 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 low density residential uses and agricultural uses. It is in line with the existing growth in this area and would be compatible with what is already there. The proposed zoning would bring predictable land use with it so the surrounding neighbors will know that it can only be used for residential uses.

Discussion

Chairman Cook called for discussion. He asked if the water will be brought to this parcel from the Heights Water District. Dave Green responded and said the applicant has stated they will purchase water for the proposed development. Staff pointed out on an aerial picture where an existing water tank is located in relation to the proposed development.

Chairman Cook called for presentation by the applicant.



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, November 9 2015

Scott Aspenlieder, Performance Engineering, 2101 Overland Ave., Billings, MT

Mr. Aspenlieder stated the proposal is for a phased residential development. The agent for the applicant spoke in favor of the proposed zone change. He stated that the proposed Residential 9,600 zoning was consistent with a large amount of the surrounding property and would bring predictability to the area that is developed mostly as residential. He stated the applicant plans to bring Heights Water to the site which will open a water source possibility up to the existing surrounding properties.

In response to a question by Commissioner Ray, Mr. Aspenlieder said this development will comply with the size requirements for a community septic development.

Public Hearing

Chairman Cook opened the public hearing and asked for anyone wishing to speak in favor of Zone Change #668.

Favor

Ed Melcher, 1218 Longhorn Way, Billings, Montana

Mr. Melcher is an adjacent property owner and supports this project as the neighborhood will benefit from the improved water source from Heights Water District. He stated having water in the area would be a great asset to that part of the county. He also stated the required fire hydrants for the subdivision it would make the area safer for those already living in the area. He said this development would allow for RSID's to be put in place on Bitterroot to maintain the roads better than they are currently being maintained. Mr. Melcher asked about snow plowing. He noted a site distance issue at Longhorn and Bitterroot and said additionally the traffic from developments has created more traffic issues. Mr. Melcher would like to see a traffic study conducted out to Highway 87 as there is a school district on Independent Lane. He asked if there is an alternate route for this area to get traffic to the main arterial road and said he wants to ensure these details are taken care of.

Carey Chapman, 1745 Mary Street, Billings, Montana

Ms. Chapman said she is in favor of this development as it will bring opportunities to Heights' residents.

Matt and Rebecca Beddes, 4110 Bennett Ave, Billings, Montana

Mr. Beddes stated he is against this zone change. His primary concern is drainage as storm water from this area tends to drain into their property. He said that although he made attempts, he has had difficulty reaching him. He voiced concern with potentially having a residential development next to a motor sports park as he plans to use their parcel for this use due to the Board of County Commissioners' denial of a recent zone change request. He reported Billings Heights Water was unable to shed light on the cost of the water connection and has only met with the applicant one time. He said he was unsure if Heights Water would extend services to



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, November 9 2015

his property due to costs. Commissioner Ray asked if Heights Water has approved this extension and Mr. Beddes said it is unknown. Commissioner Ray pointed out that storm water regulations will not allow the applicant to run off storm water on neighboring properties. Mr. and Mrs. Beddes do not feel this request should be approved as they didn't get the zone change they applied for on the property to the west along Highway 87.

Rebuttal

Scott Aspenlieder, Performance Engineering, 2101 Overland Ave., Billings, MT

Mr. Aspenlieder stated the zone change would provide predicable land use in a residential area. He also explained that the development is required to retain water on site as approved by the Department of Environmental Quality, so it is likely water drainage will decrease onto the neighboring property. The agent said the development will be phased, beginning on the southern end of the proposed development working north and east. The agent also stated he had spoken with the Heights Water District manager several times and they are currently working on the calculations to determine what size of piping would be required and the type of pumping system would be required.

At 4:37 p.m., Chairman Cook closed the public hearing and asked if anyone else would like to speak in favor or against Yellowstone County Zone Change #668. There was none. Chairman Cook called for discussion.

Discussion

Commissioner Littler directed a question to Mr. Beddes. Mr. Beddes said they went through the process two times to obtain a zone change but the County Commissioners denied it. They will have to revert to A-1 land uses which allows a motorcycle park. Commissioner Littler commented there a lot of questions with the subdivision development during the review. He said he is curious how a motorcycle set up is a better recommendation than the previous zone change request.

Motion

Commissioner Littler made a motion and it was seconded by Commissioner Ray to forward a recommendation to the Board of County Commissioners of approval of Zone Change #668 as presented by staff and adopt the eleven criterion. .

Discussion

Chairman Cook recognized Citizen Jerry Morrell.



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, November 9 2015

Jerry Morrell, jmorrell@productpmconsult16.com

Mr. Morrell said that the Heights Water District's future plan includes the north end of the property as a part of the service area. He pointed out the location of proposed tanks on the posted site plan.

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

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 #667– County Zone Change #667 – 62nd St W & Rimrock Road – A zone change request from Residential 9,600 (R-96) to Community Commercial (CC) on Lot 8 of Sunny Cove Fruit Farms Subdivision, a 9.3 acre parcel of land generally located at the intersection of 62nd St West and Rimrock Road. The applicants conducted a pre-application neighborhood meeting on August 6, 2015 at the Yellowstone Country Club, 3200 Paul Allen Way. Tax ID D04654

REQUEST

The applicant is requesting a zone change from Residential 9,600 (R-96) to Community Commercial (CC) on Lot 8 of Sunny Cove Fruit Farms Subdivision, a 9.3 acre parcel of land generally located at the intersection of 62nd St West and Rimrock Road.

RECOMMENDATION

The Planning staff is forwarding a recommendation of denial based on the 11 criteria for zone changes. Part of the property may be appropriate for CC zoning, or the proposed use on the northern half may be appropriate but there is no proposed buffer zoning between commercial uses and low density housing zoning. There is also no guarantee that the development will proceed as planned with this developer. The property could be rezoned with this proposal and then sold to a different developer with a different idea for use. The property is in the county and would need to provide septic and water for the proposed uses. This development would also require them to provide an area for an alternate septic should the first one fail limiting usable space on the lot. Also when a parcel of land is near city services MDEQ may not approve a septic system but require them to hook up to the city water and sewer. This would require annexation of the land and building to city standards. A 4 to 5 lot subdivision in the County would also require them to provide fire suppression which would require the installation of a



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, November 9 2015

10,000 gallon dry hydrant system. There is CC zoning on the parcel to the North West that is vacant and ready to be developed that already meets all the needs of a commercial development. The proposed zoning is incompatible with the existing adjacent uses to the south east and west. The CC zone could allow the construction of other uses that may also have a detrimental effect on traffic and the adjacent residential uses.

The Planning Division forwarded a recommendation of denial to the Zoning Commission based on its proposed findings of the 11 criteria for zone changes. The Zoning Commission did not concur with this recommendation. The Zoning Commission found the site made sense as a commercial node at an intersection. The Zoning Commission determined the proposed zone change and the uses proposed by the developer would be compatible with the surrounding residential zoning and residential and agricultural uses. The Zoning Commission found the proposed zoning and use is in conformance with the 2008 Growth Policy that encourages commercial nodes as well as coordinated economic development that targets a diverse range of business ventures and services. The Zoning Commission found the proposed development will spur commercial development in this area of the County and provide neighborhood conveniences. The proposed use of the property will not generate additional or unusual types of traffic in the area on adjacent streets, according to the Zoning Commission findings.

Discussion

Chairman Cook asked if the roundabout will have an impact on this parcel. Staff explained the right-of-way would be obtained and the proposal for a roundabout is not within the City's five year plan. Commissioner Ray asked if there is an issue with annexation and staff noted that this parcel is in the annexation area. Commissioner Ray commented he feels this parcel should be zoned the same as the parcel across the street, Community Commercial, (CC)

Applicant

Matt Robertson, 3312 4th Ave North, Billings, Montana

Mr. Robertson represents the clients that are currently under contract for this parcel. They are considering a mid-size grocery store and providing storage. He explained the proposal is for a high end condo project with each unit individually owned to provide a place for high end motor coach storage. The applicant has offered an automatic buffering zone to adjacent property owners. With the project pending, they are working through the zoning and annexation process in order to be a community partner for the area. Their goal is to create a mix of uses to service the growing population and growth in this area which has outpaced the market. They feel that activity located on the corner will create traffic calming and perpetuate development on the opposite corner. His clients have made a commitment to the community to provide a buffer between the community commercial development and the residential uses. The project will be aesthetically pleasing and fit well within a high end residential community. This property was



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, November 9 2015

re-zoned in 2005 with no development and it has been marketed last five years. They are looking at something smaller to service the community in the next few years.

Favor

Chairman Cook asked if there is anyone wanting to speak in favor of Yellowstone County Zone Change #667.

James Ouren, 590 Garden Avenue, Billings, Montana

Mr. Ouren asked why the City would prohibit him from selling his land. The proposal is not to bring more people in but to service the existing community. He said they are in consensus that this is the area for community commercial development. He purchased the land as investment.

Against

Chairman Cook asked if there is anyone wanting to speak in against of Yellowstone County Zone Change #667.

Ron Henry, 4215 Sapphire Drive, Billings, Montana

Mr. Henry commended Mr. Robertson on his presentation. He has a contract to purchase the property to the northwest of the subject property and spoke against the zone change because he believed that the market for service businesses in the area was too small to have more land zoned for commercial purposes and such an action would just stop commercial development from happening.

Blaine Poppler, 5403 King Ave West, Billings, Montana

Mr. Poppler stated there isn't enough interest in the area for more commercial property and he also felt there was no separation of uses between the proposal and the adjacent residential and agricultural uses. He stated that there should be zoning buffers between commercial uses and low density residential zoning that surrounds the property. Mr. Poppler is the listing agent on the northwest parcel. He agrees with the staff recommendation and said the evidence presented today is not reason enough to override the staff recommendation.

Rebuttal

Matt Robertson, 3312 4th Ave North, Billings, Montana

Mr. Robertson said his clients have done due diligence and are ready to move forward. The development and infrastructure will be completed before they sell lots. He restated that there are Covenants and Restrictions in place to provide for higher end development. He presented the Commission with a copy of the Protective Covenants for Sunny Cove Properties, a partnership between Thomas E. Romina and Herb W. Caraway. He also stated that he had talked with the neighbors and explained to them their plans and they were not opposed. He commented development usually spurs development so if they build commercial uses on this property then



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, November 9 2015

most likely the property on the northwest corner will develop. He stressed his clients are not looking for a “giant development” but wish to service this community.

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

Discussion

Al Littler said he has difficulty recommending denial but once the zone change is approved there is no guarantee the development will be created as proposed. He asked for clarification on the City, County, and MDT jurisdictions and it was given by Dave Green who pointed out this is not part of the criterion for approval. Commissioner Littler commented on the Growth Plan and the West End plan recommendations for commercial nodes and noted there are commercial nodes at the intersection of 54th Street West and Grand.

Motion

Commissioner Littler made a motion and it was seconded by Commissioner Ray to recommend to BOCC approval and adoption of the findings of the 11 criteria for Zone Change #667.

Discussion

Commissioner Littler spoke on compliance with the Growth Policy and west end commercial nodes. Commissioner Ray said he is in favor with developing more stores in the area, and the competition across the street will help the property owners. Commissioner Ray feels that all three corner properties should be zoned for commercial uses as this area is growing.

7. OTHER BUSINESS-

a. Application for membership on the Yellowstone County Zoning Commission.

Nicole Cromwell noted the application submitted by Mr. Troy Boucher.

Motion

Commissioner Ray made a motion and it was seconded by Commissioner Littler to recommend Mr. Troy Boucher for the Yellowstone County Zoning Commission.

The motion carried with a unanimous voice vote.



**Yellowstone County Zoning Commission
Minutes for the Meeting of Monday, November 9 2015**

b. Announcement: Zoning Coordinator Nicole Cromwell announced the next Yellowstone County Zoning Commission meeting will be held on Tuesday, January 11, 2016 as there are no applications to review for December.

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

ATTEST: DRAFT to be approved by a motion on Tuesday, January 11, 2016



County Zoning Commission

Meeting Date: 01/11/2016

SUBJECT: Zone Change 669 - West of Billings Logan Airport - Highway 3

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Item # 1 - **County Zone Change #669 – West of Billings Logan Airport – 2300 Block of Highway 3 North – A** zone change request from Agriculture-Open Space (A-1) to Public (P) on the north 600 feet of Tracts 13 and 14 of C/S 2037 (~18.49 acres), and Controlled Industrial (CI) on the remaining acres of Tract 13 & 14, C/S 2037, a 58.66 acre parcel of land. A pre-application meeting was conducted on November 20, 2015 at the Tolliver Law Firm, 1004 Division Street. Tax IDs: D04575L, D04575M. Presented by: Nicole Cromwell, Zoning Coordinator

RECOMMENDATION

The Planning Division recommends denial based on the proposed findings of the 11 criteria for Zone Change 669.

APPLICATION DATA

OWNER: Bruce Crippen; Frederick, Cameron & Lynn Longan; Richard & Ellen Rozehnal; Almon Blain (contract buyer)

AGENT: Barb Potzman and Ken Tolliver

LEGAL DESCRIPTION: Tracts 13 & 14, C/S 2037

ADDRESS: None yet assigned - 2300 Block of Highway 3

CURRENT ZONING: A-1

EXISTING LAND USE: Grazing

PROPOSED USE: Heliport and ancillary businesses

SIZE OF PARCEL: 58.66 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

The subject property is in the original zoning designated by the County in 1973 - Agriculture-Open Space (A-1). There have been no applications to change the zoning on the subject property. West of the subject property on Tract 2 of C/S 1889, an application to change zoning from A-1 to Highway Commercial (HC) was denied by the County Commissioners in 1985. Other zone changes in the area were from A-1 to Agriculture Suburban (AS) or Residential 15,000 (R-150) and these have been approved. The Public zone is a zone described as "*intended to reserve land exclusively for public or semi-public uses in order to preserve and provide adequate land for a variety of community facilities which serve the public health, safety and general welfare.*"

SURROUNDING LAND USE & ZONING

NORTH: Zoning: A-1
Land Use: Grazing land and vacant

SOUTH:	Zoning: R-70 and R-96 (city) Land Use: Single family dwellings
EAST:	Zoning: Public (city) Land Use: Billings Logan Airport property
WEST:	Zoning: A-1 Land Use: Agricultural land

BACKGROUND

This is an application to change zoning on 2 parcels of land directly west of the Billings Logan Airport to allow the contract buyer to construct a heliport and to allow development of ancillary or related businesses. The proposed zoning would be split between Public for the north 600 feet (about 18 acres) and Controlled Industrial (CI) for the remaining 40 acres south to Highway 3. The Public zone is the only zoning district that currently allows the development of a heliport except for the Medical Corridor (without fueling or maintenance) and certain Planned Development zones. Prior to 1997, the city and the county maintained separate zoning codes. The county code prior to 1997 allowed heliports by special review approval in 4 zoning districts (HC, CI, HI and Public) and allowed airports only in the Public zone. The city zoning code, prior to code unification in 1997, had been changed to only allow airports and heliports in the Public zoning district or heliports without fueling and maintenance facilities in the Medical Corridor. When the codes were unified, the city and county agreed to the move forward with the city's adopted code for many of the commercial and industrial zones. Special review is no longer possible for heliports. The change in the zoning code through the unification of the regulations was not intended to preclude the development of private aviation facilities but it now requires these facilities to be located in a Public zoning district.

The proposed Public zone is adjacent to Public zoning for the Billings Logan Airport property directly to the east. The proposed use and development for Billings Flying Service has been reviewed by the airport staff and they have not forwarded any concerns with the proposal. There are 13 private heliports in Montana with 20 additional heliports associated with health care facilities or state facilities. Many of these private facilities are near tourist areas or serve ranches. Development of the heliport will need to be approved by the FAA and other aviation authorities due to its proximity to the public airport. The property is within the adopted Airport Influence Zone for the Billings airport. The height and use of any new structures on the property will be restricted through the adopted regulations (Chapter 5 of the Billings, MT City Code (BMCC)). The adopted influence zone is shown on the attached Zoning Map. The Airport Influence area regulations apply regardless of the underlying zoning district.

The proposed 40 acres of CI zoning is not similar to the surrounding zoning. The surrounding zoning is residential (city) and agricultural (county). The CI zone is a zone *"to accommodate a variety of business, warehouse and light industrial uses related to wholesale plus other business and light industries not compatible with other commercial zones, but which need not be restricted in industrial or general commercial zones, and to provide locations directly accessible to arterial and other transportation systems where they can conveniently serve the business and industrial centers of the city and county."* On parcels outside the city limits the CI zone supports businesses ranging from petroleum supply, personal storage warehousing and industrial service providers. The CI zone also allows intense commercial development such large retailers and building supply businesses. While some of these uses may be compatible or benign in their affect to adjacent uses, many would not be compatible or desirable along a gateway area to the city or near residential neighborhoods. Where this situation currently exists, unavoidable conflicts between uses arise such as on Orchard Lane (Highland Industries), Hannon Road, Elysian Road and Story Lane.

The Planning Division recently completed a Highway 3 Corridor study to identify safety improvements for motorized and nonmotorized traffic in the area. South of Highway 3, the City and County own and manage park land atop the rims. Safe access to these parklands is a concern. In addition, control and management of storm water runoff from paved and unpaved areas is also a concern. The study concluded there are several needed safety improvements along this section of Highway 3, including traffic roundabouts at Zimmerman Trail and Rod & Gun Club Road intersections, and center turn lanes or raised medians to better control left turn movements. The study indicated Highway 3 has enough road capacity at least through 2035 for increasing levels of traffic including residential or commercial traffic. The 2015 traffic count for this section of Highway 3 averages about 9,600 vehicles per day. This is not a high volume for a principal arterial street but steady 3 to 4 percent increases in traffic volume have been noted in the past 5 years. The proposed zoning will have a measurable effect on traffic generation. The property currently has 2 access points. The primary access is a shared access along the east property

line of Tract 14. There is a subsequent access easement granted along the south and westerly property lines to benefit Tracts 9, 10 and 12 to the north and west. There is a gated access from Highway 3 onto to Tract 14 that appears to be little used. A new or improved state-approved access will be needed to provide safe access to the proposed development for Billings Flying Service. The current use of the property – occasional grazing of livestock – generates little or no traffic on a daily basis. The types of traffic generated from Public and CI zoning are different than current traffic patterns in the area. MDT may require some traffic analysis dependent on the type and volume of traffic generated from specific developments on the property. If the property is annexed and developed, the City Traffic Engineer may require a traffic impact analysis to determine the appropriate mitigation or street development to accommodate the new uses.

The proposed Public zoning is within the character of the adjacent airport property but the proposed CI zoning is not in character with the adjacent zoning. The allowed uses within the CI zone range from small warehouses and mini storage to manufacturing. It is likely the development on the property without public services for the proposed 40 acres of CI zoning will become repair shops, contractor storage and offices and personal storage warehouses. This would be similar to recent developments on the east side of Sugar Avenue or on Cerise Road in Lockwood. The property is not suitable for CI uses given the character and expected future development of the area.

The Planning Division has reviewed the application and the 11 criteria for all County zone changes. The proposal for the Public zoning has some merit given its location to the north end of the property and its shared property line with the existing Public zoning for the city airport. The proposal also seeks 40 acres of Controlled Industrial (CI) zoning for the remaining area of the property south to Highway 3. This proposed zoning is not compatible with the adjacent zoning in the city or county and is not a predictable land use given the adopted Growth Policy and the existing zoning in the area. The requested zoning must be reviewed in its entirety including both the Public zoning and the CI zoning.

The property is not within the short-term limits of annexation area on the City of Billings' Limits of Annexation Map. It is within the Long Range Urban Planning Area of the City's Limits of Annexation Map. While the property could not be annexed immediately under the City's Annexation Policy, the owner could request the City review including the property in the Red Area of the map in the future, so that annexation might be possible. One of the current challenges to urban development in this area in the City is limitations on current water and sewer infrastructure and access to other City services.

Developments in similar CI zones in Yellowstone County include machine shops, personal warehouse storage, contractor storage yards and small manufacturing plants. Some of these developments might be appropriate in this area but many would not be compatible with adjacent neighbors or uses.

RECOMMENDATION

The Planning Division recommends denial based on the proposed findings of the 11 review criteria for Zone Change 669.

Attachments

Zoning Map

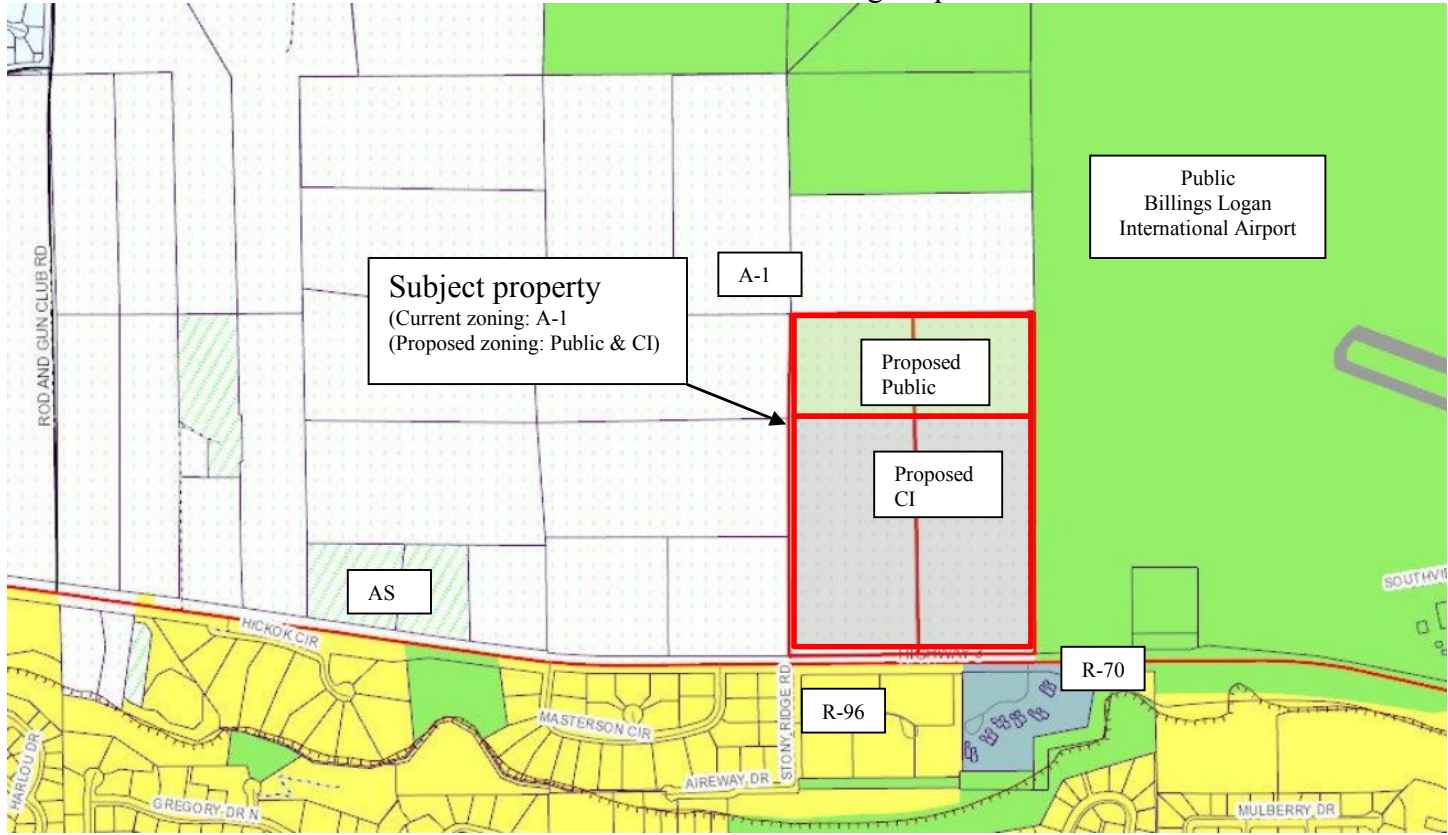
Findings to the Review Criteria

Site photos

Applicant Letter and pre application materials

Potential Similar developments in County CI zones

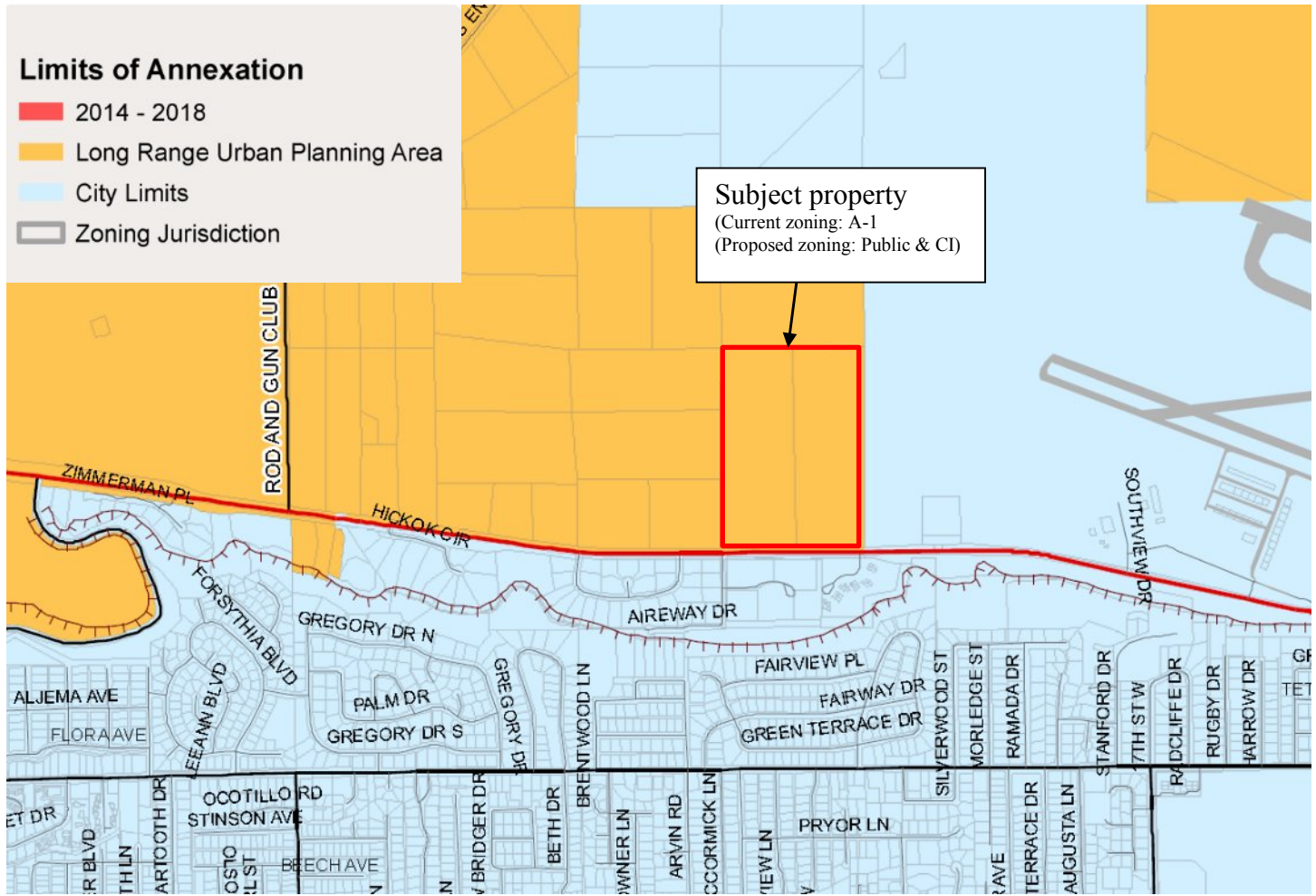
Zone Change #669
Zoning Map

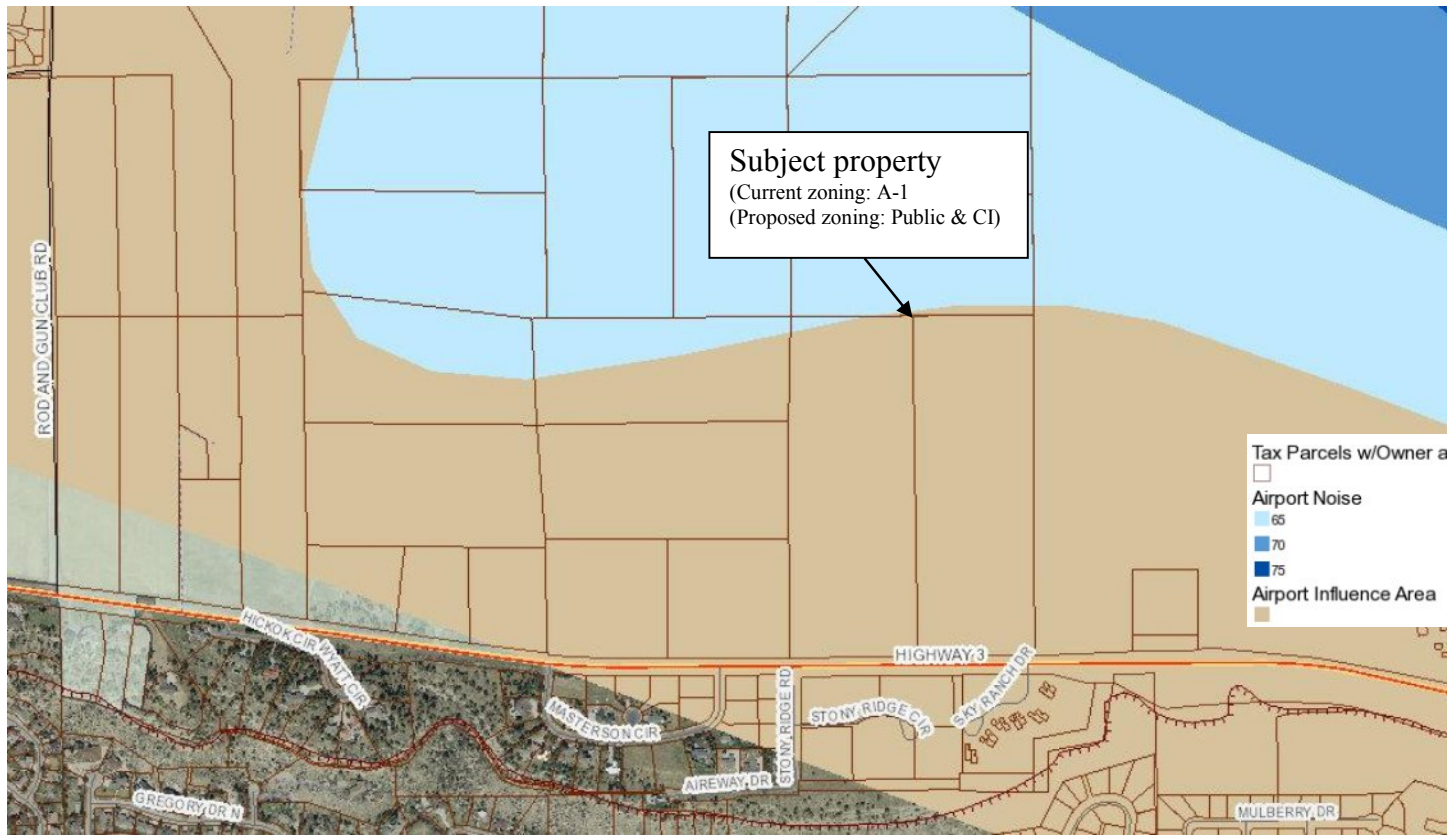


Limits of Annexation

- 2014 - 2018
- Long Range Urban Planning Area
- City Limits
- Zoning Jurisdiction

Subject property
(Current zoning: A-1
(Proposed zoning: Public & CI)





REVIEW CRITERIA

Zone Change 669 – 2300 Block Highway 3 – Billings Flying Service

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 not comply with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in the growth policy. (Land Use Element, page 6).
Zoning this property to Public and CI zoning would not be consistent with the neighborhood character and land use patterns in the area. This area of the County west of the airport is primarily grazing and ranch land with some low density residential uses. The airport influence zone will preclude any taller structures that would otherwise be allowed in the proposed zoning districts. The 2008 Growth Policy indicated this area would continue in the same development pattern of low density residential uses and agricultural uses. South of the subject property are residential subdivisions within the city limits. The proposed Public zoning on the north 600 feet of the subject parcels may have some consistency with the adjacent airport Public zoning district. The proposed CI zoning for the remaining 40 acres and along the frontage of Highway 3 is not consistent with the adjacent uses or neighborhoods to the south. CI zoning allows more intense uses than is allowed in any of the zoning districts adjacent to the subject property. There is a great potential for conflict between existing uses and future uses.
- Goal: New developments that are sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).
This property is adjacent to airport property and state Highway 3. The development of a heliport is compatible with the adjacent airport to the east but is not compatible with the city residential subdivisions to the south. The proposed Public zone for the heliport development is more than ¼ mile north of the closest residential home south of Highway 3. The proposed CI zone for the remaining 40 acres of the property has a greater potential to develop uses that are not sensitive to or compatible with these nearby residential development. The potential for manufacturing in the proposed CI zone is not compatible with these uses. The CI zone allows a large number of intense commercial, retail and industrial uses with the potential to impact adjacent development.
- Goal: Coordinated economic development efforts (Economic Development Element, page 7)
The proposed use of the property in the Public zone is to locate a private heliport for the Billings Flying Service. Billings Flying Service is currently located at 6309 Jellison Road, south of the Yellowstone River and west of the Billings Regional Landfill. 6309 Jellison Road is in an Agriculture-Open Space (A-1) zone. Heliports and flying service repair shops are not allowed uses in this zoning

district. The City of Billings airport is zoned Public and has space available for lease to private aircraft and flying service companies for their needs including helicopters and general aviation. The subject property will not have access to the city services provided at the airport such as public water, sewer, fire suppression and other public safety services. The property is not within the limits of annexation to the City during the next five years. The owner has not requested an amendment to the limits of annexation map. The proposed development of this facility has not been coordinate with the City's airport facility and business recruitment planning.

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 and pays a small assessment based on the structure (and livestock shelter) currently on the property. Any new structures would trigger additional fees to the fire service district but would not guarantee the availability of specialized fire suppression equipment for aircraft or aviation fuel accidents or fires. The Billings Airport Aircraft Rescue and Firefighting division is a specialized suppression and response unit that is not part of the BUFSA district services. The closest fire station is Fire Station 1 in North Park about 3.5 miles south and east of this location. The Fire Department or BUFSA may require special construction or site protection measures depending on the specific uses in any development. The existing and proposed zoning requires building separations, setbacks and height limits that should provide security from fire or other public safety emergencies except for aircraft rescue and firefighting activities. The fire department may call on the Airport Aircraft Rescue and Firefighting services for these specialized services.

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

Transportation: The proposed zoning will have a measurable effect on traffic generation. The property currently has 2 access points. The primary access is a shared access along the east property line of Tract 14. There is a subsequent access easement granted along the south and westerly property lines to benefit Tracts 9, 10 and 12 to the north and west. There is a gated access from Highway 3 onto to Tract 14 that appears to be little used. A new or improved state-approved access will be needed to provide safe access to the proposed development for Billings Flying Service. The current use of the property – occasional grazing of livestock – generates little or no traffic on a daily basis.

The City and County recently completed a Highway 3 Corridor transportation study in partnership with the Montana Department of Transportation (MDT). The study has several recommendations for improving traffic safety, pedestrian access and storm water management. The study included traffic volume projections out to 2035. It appears Highway 3, with a few minor improvements, may handle any additional traffic. Upgrades to the intersections with Rod & Gun Club Road and to Zimmerman Trail are also recommended. The types of traffic generated from Public and CI zoning are different than current traffic patterns in the area. MDT may require some traffic analysis depending on the type and volume of traffic generated from specific developments on the property. If the property is annexed and developed, the City Traffic Engineer may require

a traffic impact analysis to determine the appropriate mitigation or street development to accommodate the new uses.

Water and Sewerage: The property will not be served by public water and sewer systems unless it is annexed to the City. The property is not yet within the limits of annexation for the City for annexation in the next five years.

Schools and Parks: The proposed zoning should not impact the student population. The proposed zoning does not allow residential uses by right.

Fire and Police: The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of any development of the site. If the property is annexed to the city, public safety services will be provided by the City Police Department and the Fire Department. As noted in criteria #2, specialized fire suppression services may be necessary.

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

The proposed zoning may not promote the health and general welfare. Noise generation from a heliport is not predicted by the applicant to have any substantial or sustained impact on the adjacent residential uses south of Highway 3. The Airport Influence Zone includes an area around the existing runways to the east that estimates noise levels based on aircraft take-offs and landings. The subject property is not within these noise overlay zones but is within the influence area for limitations on building height. The applicant proposes to place the Public zone on the north 18+ acres where noise generation will have the least amount of impact on nearby residential neighbors. Noise from airport or heliport operations does have an impact on the general health and welfare of nearby residents. It is not known what decibel level the helicopters will generate off-site or on-site without a specific noise level study. The applicant has presented some generalized statements on how frequently helicopters will take off or land at the facility and the type of helicopters to be used. Other uses allowed in the CI zone may have more of a noise impact than the heliport depending on the type of use. Manufacturing uses may generate more noise than retail or service businesses. Uses allowed in the CI zone are also more likely to generate noise outside of normal business hours and have more impact on the health and general welfare of the residential neighborhoods south of Highway 3.

5. *Will the new zoning provide adequate light and air?*

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. The Airport Influence zone will also limit some uses and building heights. 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 or highways. Pedestrian traffic in the area is limited due to the lack of sidewalks and trails. The Highway 3 Corridor Study identified the need for a multi-use trail on the north side of Highway 3 at this location and tunnel connections to the south side of Highway 3 to

access the public park area along the rims. Residential development is generally located south of the property and the main motorized access to the rim top parks are along the south side of Highway 3.

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

The proposed zoning is not compatible with the adjacent zoning to the south and west. Property west of the subject parcels is zoned A-1 and used for occasional grazing and very low density residential purposes. Property to the south is zoned for higher density residential neighborhoods within the city limits. There is no current plan for urban growth to the north and west. This area is within the Long Range Urban Planning Area of the City's Limits of Annexation Map but outside the short term limits of annexation area for immediate annexation. The property to the north may be acquired by the airport for runway improvements and the property to the east is already owned by the airport for security purposes and general aviation businesses.

8. *Does the new zoning consider the character of the district and the suitability of the property for particular uses?*

The proposed Public zoning is within the character of the adjacent airport property but the proposed CI zoning is not in character with the adjacent zoning. The allowed uses within the CI zone range from small warehouses and mini storage to manufacturing. It is likely the development on the property without public services for the proposed 40 acres of CI zoning will become repair shops, contractor storage and offices and personal storage warehouses. This would be similar to recent developments on the east side of Sugar Avenue or on Cerise Road in Lockwood. The property is not suitable for CI uses given the character and future development of the area. The proposed area for the Public zoning may be suitable for the proposed use and compatible with the adjacent airport development.

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

The new zoning is not expected to alter the value of the existing agricultural buildings in the area. It is not known if its proximity to residential property in the area may affect the value of residential buildings.

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

The proposed zoning does not encourage the most appropriate use of land in this area of the County. All the surrounding property is zoned A-1 or for residential dwellings with the exception of the airport property to the east.

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

The 2 proposed zoning districts – Public and CI are zoning districts that are also present in the City of Billings. The Public zoning is adjacent to Public zoning in the City but the proposed CI is not compatible with the adjacent residential or agricultural zoning. CI zoning could allow more intense uses than currently allowed in adjacent zoning districts.

Zone Change #669
Site Photographs



Subject property – Highway 3



View west and north along Highway 3

Zone Change #669, continued
Site Photographs



View south and east across Highway 3



View west across Highway 3

Zone Change #669, continued

Site Photographs



6309 Jellison Road – existing location of Billings Flying Service



Aerial view of subject property

Zone Change #669
Applicant Letter & Pre-application neighborhood meeting minutes

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 669 - Project # PZ-15-00217

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 Space (A-1)

Proposed Zoning: Controlled Industrial (CI): Public (P) as to Helipad North 600 feet

Tax ID # D04575L & D04575M Remaining acres COUNTY COMMISSIONER DISTRICT # 2

Legal Description of Property: Tracts 13 & 14 C of S 2037 Yellowstone County

Address or General Location (If unknown, contact County Public Works): West of Airport & North of Highway 3

Size of Parcel (Area & Dimensions): 58.66 acres; 1912' N/S & 1343' E/W

Present Land-Use: Grazing

Proposed Land-Use: Aircraft office; shop; parts; heliport - likely located N/W of corner of tract

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.

Owner(s): See Attached Sheet
(Recorded Owner)

(Address)

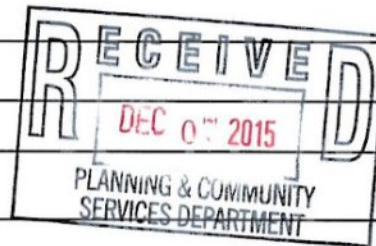
(Phone Number) (email)

Agent(s): Barb Potzman
(Name)

41 Stone Henge Road Columbus, MT 59019
(Address)

(406) 698-5914 barb@potzman.com

(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: See Attached Signature Page Date: _____

(Recorded Owner)

County Zone Change Application (Continued)

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

The proposed zone change compliments and contributes to Yellowstone County and the City of Billings' growth policy. In 2008, Yellowstone County, in partnership with the City of Billings, issued its Yellowstone County and City of Billings 2008 growth Policy Update. The policy update analyzed and characterized how Yellowstone County's communities had changed and what tools were needed to improve the area's communities. After the work was done, the completed report identified numerous issues, goals, and objectives. This proposed zone change addresses several of the report's stated issues and will assist Yellowstone County and the City of Billings in meeting its goals and objectives.

The primary impetus for this zone change is, if rezoned, the contract buyer, Almon Blain, would like to construct a helipad and expand the services and facilities of his company Billings Flying Service. Billings Flying Service's needs have outgrown its current facility.

Regarding economic development, the Yellowstone County and City of Billings 2008 Growth Policy calls for a cohesive focus in economic development. Specifically, the plan aspires for: "Coordinated economic development efforts that target business recruitment, retention, and expansion."

Currently, the property is underused. Rezoning will allow for effective economic use. Billings Flying Service maintains and refurbishes helicopters for re-sale, industrial work, and fire suppression. This work requires the continuing services of numerous highly qualified and well compensated employees. Billings Flying Service's personnel needs include aircraft pilots and mechanics.

Most importantly, Billings Flying Service showcases the economic potential of Yellowstone County and the City of Billings' commercial pursuits. Billings Flying Service's aircraft are currently at work around the globe. Operations extend domestically and to countries such as Indonesia, Israel, and the United Kingdom. The continued growth and expansion of Billings Flying Service and the requested rezoning conforms perfectly with Yellowstone County and City of Billings 2008 Growth Policy's goals.

2. 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.

Concerning proper land use, the Yellowstone County and City of Billings 2008 growth Policy Update sets two relevant goals:

- a. Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans; and
- b. New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites.

Future development of the property is barred by current zoning. The property is currently zoned as Agricultural-Open Space (A-1). This classification is designated to "protect and preserve agricultural lands for the performance of a wide range of agricultural functions. The intent is to limit the scattered intrusion of uses not compatible with an agricultural environment; to encourage agricultural pursuits and protect environmental concerns." Due to its location adjacent to the Billings Logan International Airport and increased development atop the Billings Rimrocks the property serves little agricultural utility. Currently, the property is used for limited grazing. In short, the property is being held in storage awaiting productive use.

As confirmed by airport authorities, the planned development complements and is compatible with airport operations. Due to noise and vertical limitations, an airport's presence

diminishes the effective use and value of surrounding property. Yellowstone County and the City of Billings have the rare opportunity to put airport area property to full and effective use. Billings Flying Service benefits from proximity to the airport. Building near the airport provides better access to Billings Flying Services fixed wing aircraft which are used to fly parts and mechanics to helicopters in the field. Billings Flying Service can be a good airport neighbor in the way only an air service can be. Further, planned development is consistent with the activities conducted as the Montana Department of Transportation's nearby maintenance facility.

Nearby residential neighborhoods may be impacted by the requested zone change. In anticipation of this application, testing has been done to assess the potential impact. Results have been positive. Residential neighborhoods lie south of Highway 3. Billings Flying Service conducted sound tests along Highway 3. The company measured the sound of Chinooks, their largest aircraft, on approach and departure. The highest decibel readings were 55 decibels. Approach and departures take approximately 60 seconds. It is anticipated during the summer months there would be approximately six arrivals and departures per month. Operations wind down by winter. In comparison, highway noise reached 100 decibels. The planned rezoning and development protects area neighborhoods while promoting efficient land use.

Future development in the area is inevitable. Current plans for rezoning and development fit consistently with the existing zoning and land uses of the immediate area.

Conclusion

Considering Yellowstone County and the City of Billings' economic and land use interests, this proposed zoning change is perfectly timed and conceived. Accordingly, the property should be rezoned from Agricultural Open (A-1) to dual Controlled Industrial (CI) and Public (P) designations.

Zone Change Application Meeting Synopsis

The Pre-Application Neighborhood Meeting was held at Tolliver Law Firm, 1004 Division St., Billings, Montana, on Friday November 20, 2015 at 4:00 p.m. Approximately forty community members attended.

Ken Tolliver and Almon Blain presented. Both discussed at length the current operations of Billings Flying Service and the proposed plan for rezoning. Discussion was aided by a handout detailing Billings Flying Service's operation, as well as a map and picture of the proposed zoning site. Al Blain also noted he had conducted sound testing from Highway 3, and based on his tests highway noise was louder than the noise emanating from Billings Flying Service's helicopters flying, landing, and departing in the area of the anticipated helipad.

Throughout the meeting, a number of attendees raised concerns about the proposed rezoning. Some of the concerns raised are listed as follows:

- Many are residents expressed concern over increased noise. Some residents discussed current noise levels caused by air travel over their homes;
- A representative for one property owner raised concerns about dust;
- Nearby property owners were concerned about the potential impact rezoning could have on their property values;
- Concerns were raised about increased traffic on Highway 3;
- Attendees were curious and concerned about whether and how the airport would maintain tower control over Billings Flying Service's helicopters;
- Some attendees asked why the proposed helipad had to be placed on the property;
- Concerns were raised about the aesthetic impact of the proposed and possible future development; and

- Area residents were concerned about the impact of development, in addition to the helipad, on the site.

Almon Blain and Ken Tolliver responded to the concerns raised by attendees.

Area residents indicated they generally preferred that the property remain zoned for agriculture or possibly used for residential development. Ken Tolliver responded that residences could not be built so close to the airport. In addition, area residents discussed the possibility of a setback or conservation easement along Highway 3. Kevin Ploehn, Director of Aviation at Billings Logan International Airport, attended the meeting on the behalf of the airport and answered questions when posed by community members.

Several attendees indicated that they believed some kind of the development on the site was inevitable. As opposed to an out of state company, many individuals stated they liked the fact that a local company with a long history in the area was interested in developing the site. One individual stated he thought the proposed development was logical and it made sense to have business development on the proposed site.

A copy of the pre-application neighborhood meeting's audio recording is included in this application.



Billings Flying Service Zone Change Application

BFS will be applying for a zone change for the land shown on the attached map.

Land: Tracts 13 and 14 C/S 2037; about 58 acres; 1311 feet highway 3 frontage; 1921 feet deep running north from highway.

Planned use: Billings Flying Service office, shop, warehouse, and heliport facilities.

Nature of Business: BFS maintains and refurbishes helicopters for re-sale, industrial and fire suppression work. Ordinarily, the helicopters do not operate within the county. Most of the industrial work is mountain power line work. Most of the fire suppression work is also mountain work and out of state. So, when the helicopters are in Billings they spend most days in storage or in the shop for inspections. After inspection, each helicopter will take off and land for test flight.

During the winter few flight operations occur. The machines are gone through and then stored until the next seasons operations.

More flight operations occur in the spring, and then our equipment is often out of state until fall.

Why here:

BFS needs to build a new facility to replace its existing facility located on the family farm south of Billings. Our existing facility is in a rural neighborhood on the farm where both owners grew up. Over the years the neighborhood has developed with homes. We have good relationships with our neighbors at the existing facility. Our reason for building near the airport is to provide better access to our fixed wing aircraft that are airport based that fly parts and mechanics to the helicopters in the field where they are working during the summer months.

This site allows approaches and departures to occur over runway areas and under tower control.

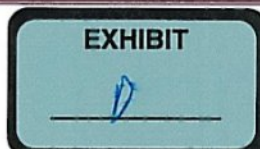
Our impact on you:

The primary impact will be helicopter noise during departure and approach. Our largest helicopters are Chinooks. We have measured their sound upon departure and approach at distances close to their distance from highway 3 during planned operations. The decibel readings were 55 decibels. A departure takes about 60 seconds, as does an approach. The highway noise next to the highway is about 100 decibels, reducing at greater distance from the highway.

You can expect about 6 operations per month on average over the year.

We have been good neighbors in our current location and intend to be good neighbors in our new location.

Billings Flying Service Inc.
6309 Jellison Road
Billings, MT 59101



Phone: (406) 252-6937
Fax: (406) 259-4166
billingsflying serv@usadig.com



Questions from you:

County rules require a neighborhood meeting where you can ask questions. Or, you can call Al Blain at 698-4419 to visit about this project.

Billings Flying Service Inc.
6309 Jellison Road
Billings, MT 59101

Phone: (406) 252-6937
Fax: (406) 259-4166
billingsflyingserv@usadig.com

ZONE CHANGE MEETING ATTENDANCE SIGN - IN SHEET

Date: November 20, 2015

Project:

Time: 4:00 p.m.

Project No.:

Meeting Location:
Tolliver Law Firm, PC
1004 Division Street
Billings, MT 59101

Name (Please Print)	Property Address	Phone Number	E-Mail Address
Walter Kordambak	4513 Rowles	406 676-7462	wkordambak@bellsouth.net
YVES M. EGAN	2690 SOUTH RIDGE	406 855-0008	yves@bellsouth.com
Kyle Gaborian	3142 Zimmerman Place	406-357-1833	kgaborian@bresnan.net
Leatrice Mosser	237 Quiet Water Ave.	406-534-1447	lmosser@m-w.net
Richard Dowlin	218 LAWYER CLOUD CIRCLE	406-835-6788	RDOWLIN@MNSA.COM
Dave Kinnard	106 Sky Ranch Dr.	245-2844	kinnard@bresnan.net
EDWARD M. SMITH	3005 SUMMERWOOD	855-449	edward@bellsouth.com
Gene Dwyer Jr. Esq.	303 N. Strawberry	406 657-2489	gdwyer@bellsouth.com
Ken Sathar See Sule	2501 Montana Ave #202	406-294-1700	ksathar@bellsouth.com
Jim Staff	2244 Shady Ridge Rd	406-245-2606	jsathar@bellsouth.com
Anna Staff	104 Sky Ranch	855-4976	astaff@bellsouth.com
PRYMA MCKENNA	"	241 7250	pryma@bellsouth.com
WYNNE KENNY	3441 Western Circle	406-670-7750	wynne@bellsouth.com
Lenny & Kristi Budic	Northwest of air port	406-690-6028	lenny@bellsouth.com
Tim & Kerry Vincent	3450 MASTERSON DR	406 697-1726	tim@bellsouth.com
STEVE & KATHY STANFORD	3342 King Kelly Rd	406 656-4838	stanford@bellsouth.com
Sam & Barb Smith	2835 Hwy 3	406 252-9364	smith@bellsouth.com
Michael Tiers	2930 Hwy 3	406 252-0417	mtiers@bellsouth.com
David Burg	320 Green Tower	406-259-5804	dburg@bellsouth.com
Shane Hogan	3120 Moon Terrace Dr	406-259-5804	shane@bellsouth.com



ZONE CHANGE MEETING ATTENDANCE SIGN - IN SHEET

Date: November 20, 2015

Project:

Meeting Location:

Tolliver Law Firm, PC
1004 Division Street
Billings, MT 59101

Time: 4:00 p.m.

Project No.:

Name <i>(Please Print)</i>	Property Address	Phone Number	E-Mail Address
O'Rourke, Carla			
O'Rourke, James			
Pekovich, Becky			
Pekovich, Greg			
Peterson, Julie			
Peterson, Garde			
Peterson, Sharon			
Robert H Sukin Trust			
Rutz, Jennifer	3440 Madison Dr	406-781-5712	jenniferutz101@gmail.com
Rutz, Lucas	3440 Madison Cir	406-781-7027	lutz@overlandwest.com
Skyline Partnership			
Anthony Ridge Development			
Vincent, James			
Vincent, Kerry			
Johnson, Steve	108 Sky Road	406-252-6085	stevejohnson@overlandwest.com
Kim O'Brien	2112 FAIRVIEW DR	406-672-9554	MON TANA OZ @ AOL.COM
MARC OSBORN	4150 Night Hawk Rd	406-698-3787	troutman@me.com
Tacy Troutman	2207 Trails End Rd. 59106		

ZONE CHANGE MEETING ATTENDANCE SIGN - IN SHEET

Date: November 20, 2015

Project:

Time: 4:00 p.m.

Project No.:

Meeting Location:
Tolliver Law Firm, PC
1004 Division Street
Billings, MT 59101

Name <i>(Please Print)</i>	Property Address	Phone Number	E-Mail Address
Beley, Beckie	3382 Stoney Ridge Rd	406-248-4467	beckie@paal.com
Beley, James	"	"	jammerjim114@gmail.com
Boyd, Joe			
Boyd, Sharon			
Crippen, Bruce			
Dossert, Brenda	3420 Madison Circle	406-534-1255	courange2e@vcv.com
Dossert, Robert	"	"	courange@vcv.com
Gudger, Anne			
Gudger, Scot			
Helus, James	3362 Stoney Ridge Rd	406-245-6320	thelus@charter.net
Helus, Theresa	"	"	
Jack D Sulkin Revocable Trust			
Kinnard, David			
Kinnard, Elaine			
Lahren, Alice			
Longan, Cameron			
Longan, Lynn			
Longan, Frederick			
McKamy, Donna			
McKamy, RW			
Gwenn C Meyers Trust			
Moyer, Leslie			
Moyer, William			

**Potential Similar Developments in County CI zones
Zone Change 669**



Tanks at Highland Projects – 301 Orchard Lane





301 Orchard Lane – CI zone

Google Maps 664 King Ave E



CI zone – King Avenue East

Google Maps 791 Cerise Rd



CI zone – Cerise Rd – Lockwood

Google Maps 819 Cerise Rd



CI zone – Cerise Rd – Lockwood

Google Maps 945 Cole St



ELI zone – Cole St – Lockwood

Google Maps Sugar Ave



CI zone – Sugar Avenue



County Zoning Commission

Meeting Date: 01/11/2016

SUBJECT: Zone Change #670 – 3329 Driftwood Lane – Former Lockwood Fire Station

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: David Green

Information

REQUEST

Item # 2 - **County Zone Change #670 – 3329 Driftwood Lane – Former Lockwood Fire Station** – A zone change request from Residential 9,600 (R-96) to Community Commercial (CC) on Lot 7, Block 1 of McIntosh Subdivision, a 24,132 square foot parcel of land generally located at 3329 Driftwood Lane. A pre-application neighborhood meeting was held on November 30, 2015 at the new Lockwood Fire Station at 501 Johnson Lane. Tax ID: C08725. Presented by Dave Green, Planner II.

RECOMMENDATION

The Planning staff is forwarding a recommendation of Approval based on the 11 criteria for zone changes.

APPLICATION DATA

OWNER: Lockwood Fire District #8

AGENT: Chuck Platt

LEGAL DESCRIPTION: Lot 7, Block 1, McIntosh Subdivision

ADDRESS: 3329 Driftwood Lane

CURRENT ZONING: Residential 9600 (R-96)

EXISTING LAND USE: Former Lockwood Fire Station

PROPOSED USE: Commercial

SIZE OF PARCEL: 24,132 square feet

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

Subject Property

None

Surrounding Properties – There have been 6 similar zone change requests in this area of Yellowstone County. One of these applications was denied and 5 were approved. Three of the zone changes were from one residential zoning to another. The other 3 were from residential zoning to commercial zoning. The one that was denied was from residential to commercial.

There was also one variance request in the area that was granted for setbacks and lot coverage.

SURROUNDING LAND USE & ZONING

NORTH:	Zoning: R-96/Residential Manufactured Home (RMH)/Ag-Open Land Use: Residential / Commercial
SOUTH:	Zoning: R-96 Land Use: Single Family Homes
EAST:	Zoning: R-96 Land Use: Single Family Homes
WEST:	Zoning: Residential 6000 (R-60) Land Use: Multifamily and a Church

BACKGROUND

The subject property is addressed off of Driftwood Lane but the lot actually has three street frontages on Driftwood Lane, McIntosh Drive and Old Hardin Road. The surrounding properties are zoned residential and farther to the west property has Entryway zoning. Just north and west of this property is a parcel zoned Ag-Open Space and it currently has a business operating on it. The multifamily buildings to the west of the subject property are on very large lots. At the time they were constructed, they would have had to utilize septic systems which required a large lot for multifamily buildings. With the new sewer system in Lockwood, these lots could possibly develop further with more multifamily buildings. As stated in the letter from the applicant, the fire department built in this location in 1980 and just recently relocated to its new location on Johnson Lane.

In The Lockwood Community Plan adopted in August of 2006, this area of Lockwood is identified as a mixed use area based on current uses that include multifamily housing, a church and the fire station. At the time of the development of the Community Plan in 2006, the construction of a new fire station in a more central part of Lockwood had not been contemplated in detail. In the draft Lockwood Proposed Land Use Map being prepared as part of the 2016 Growth Policy, the subject property is outside commercial areas to the west and north and is in a high-density residential area.

This lot is currently zoned Residential 9600 (R-96) and has a fire station built on the site. R-96 zoning only allows for a single family residence on it. There is enough square footage on this lot to build two single family residences. This would require the demolition of the existing building and construction of the two single family homes. One would have three frontages on it which makes meeting setback requirements and clear vision zones very difficult. Unless the lot was resubdivided, the two residences that could be developed would have to be done as a condominium development. Use of the lot as zoned would result in two residential units on 24,000 square feet of property with frontage on a minor arterial.

Many newer neighborhoods are beginning to propose neighborhood convenience stores close to residential housing that allows people to walk to them instead of driving for simple convenience purchases. This corner would be a good location for such a development at the entrance of a large tract of residential housing.

A neighborhood meeting was conducted by the applicant on Monday, November 30, 2015, at 501 Johnson Lane, which is the location of the new fire station in Lockwood. Two property owners attended the meeting. The meeting notes indicate questions from the attending property owners and that they were answered by the agent and applicant. The minutes of the meeting are included as Attachment B. The Planning Division has not received any comments from surrounding property owners at this time.

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 on a parcel of land that is best suited for commercial uses and not residential uses. It is in line with the existing growth in this area and could be a positive addition. The proposed zoning would bring predictable land use with it so the surrounding neighbors will know there are limits to what type of commercial development can be place on the site.

RECOMMENDATION

Approval of Zone Change #670 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:

- Goal: Contiguous development focused in and around existing population centers separated by open space.

This zone change would allow development in an area that is already built out and possibly provide a local service for the neighborhood.

- Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.

This zone change would allow for continued commercial use on a minor arterial street on a three frontage lot that is not suitable for residential development.

- Goal: More housing and business choices within each neighborhood.

This zone change will allow for another business choice within this neighborhood.

2. *Is the new zoning designed to secure from fire and other danger?* The subject property is currently served by the Lockwood Fire Department. The nearest fire station is located at 501 Johnson Lane, approximately 1.1 miles west and south of the subject property. Zoning and Commercial State Building codes will also provide some safeguards from fire and other dangers.

3. *Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?* *Transportation:* The new zoning may increase traffic on Driftwood Lane and McIntosh Drive just off Old Hardin Road. The proposed use, commercial development, may require County Public Works to re-evaluate the access points to ensure safe ingress and egress, and to limit traffic access into the residential neighborhood to the south of the subject property.

Water and Sewerage: The property would be served by the Lockwood Water and Sewer District. There is currently water in the area and the letter from the applicant states that sewer lines are scheduled to be installed in 2016. This would provide more options for redevelopment of the property.

Schools and Parks: The proposed zoning would not have a negative impact on schools because it is commercial zoning and is only one lot.

Fire and Police: The subject property is serviced by the Lockwood Fire Department and the Yellowstone County Sheriff's Department.

4. *Will the new zoning promote health and general welfare?* The new zoning could allow development of the property into a local service for the neighborhood that could make the area a more walkable neighborhood. There is currently a business across the street and a little east, and a new Bretz RV location is being built to the north and west of this property. This could promote the health and general welfare of the area by developing into a commercial site. Community Commercial uses may be more intense than neighborhood service uses. Community Commercial uses may include convenience store with fuel services, restaurants, auto sales, and building contractors.

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 would not generate more traffic on adjacent streets. However, commercial development on the lot would increase traffic to the specific lot. Traffic along Old Hardin Road would most likely not be impacted by commercial development on this lot but it may impact Driftwood Lane. There are no pedestrian facilities in the area but there are future plans to provide walking paths and sidewalks along Old Hardin Road. The commercial development may also participate in the installation of sidewalks in the area.

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

The proposed zoning is compatible with adjacent residential development in that it has been used as a commercial site since 1980 when the fire department was constructed. Continued commercial use may intensify traffic to the site.

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 low density residential development to the south, higher density development to the north and west and some ag zoned land to the north east with commercial uses on it. The property is suitable for CC uses to provide local services to the existing surrounding residential uses. The character of the area may change with a more intense commercial use on the subject property than the current fire station.

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

The new zoning will allow commercial development of a more intense nature than the current use of a fire department building but it would continue as a commercial use. A neighborhood commercial convenience may increase values if it is seen as an asset and as a walkable neighborhood use. The new commercial use may result in market values for adjacent residential properties to remain stable or possibly increasing with new interest in living in the area.

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

The property is suitable for the proposed commercial development and is not the most desirable lot configuration for residential use. This is the most appropriate use of this parcel of land in the Lockwood area along a minor arterial road.

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

The proposed zoning will not have a negative effect on Billings because of its distance from the Billings city limits.

RECOMMENDATION

Staff recommends Approval

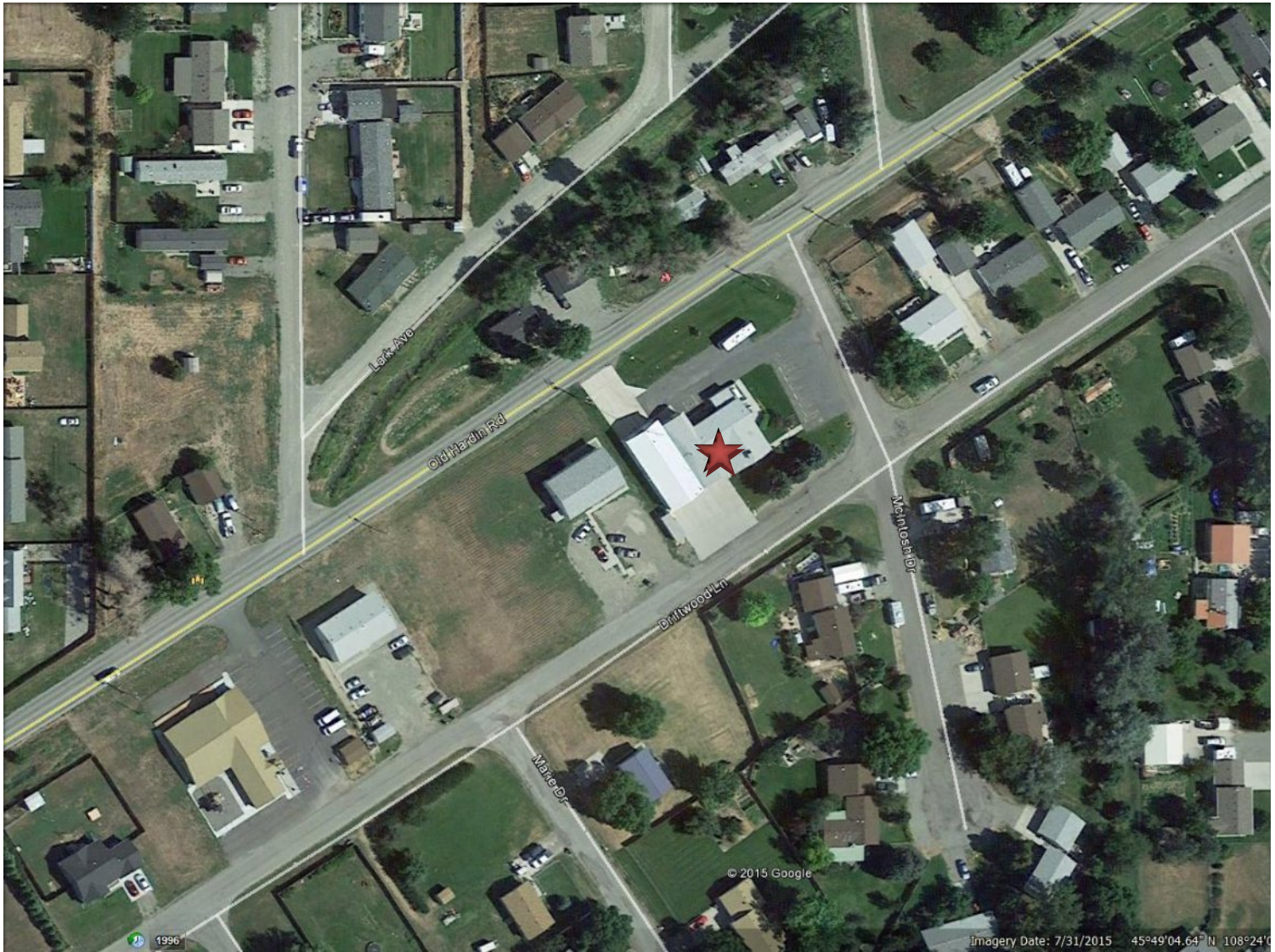
Attachments

Attachments

**Attachment A
Zoning Map**



Subject property is outlined in red



Subject Property



Attachment B
Applicant Letter & Pre-application neighborhood meeting minutes

Zone Change Application
R-9600 to Community Commercial
3329 Driftwood Ln.

Lockwood Rural Fire District #8 (Owner)

We believe that this zone change request is consistent with the Primary Goals and Objectives of the 2008 Growth Policy in the following ways:

Land Use Element – Issues 1, 2 & 6

This property is located on a lot that was subdivided in 1977. The building was built in 1980 and was used for the main Lockwood Fire Department until the new facility was occupied in 2015. It was built at this location because it was centrally accessible to the Lockwood community.

The neighborhood is changing along with the surrounding area. The second phase of the sanitary sewer extension is planned for the area and recent commercial development in the area, specifically Bretz RV Center is having a big impact on the character of the community.

This particular building and its configuration is not suitable or easily reconfigured for a residential development either single family or multi-family. It is basically a commercial building in good condition located on a residential lot. In order to provide the highest and best use for this property at this location, we believe that Community Commercial zoning provides a mixed-use solution for the property that allows for prospective buyers be able to operate a variety of businesses without allowing industrial type businesses which would be allowed under Controlled Industrial or Highway Commercial zoning. A lower zoning such as Neighborhood Commercial allows for mixed-use, but has limitations regarding the uses specifically the uses for this building which is best suited for a business utilizing the warehouse space of the property.

Economic Development Element – Issues 1, 7 & 11

This is an excellent piece of property that when rezoned will strengthen the economy by adding a building to the market with zoning matching the potential of the building to enable a use that will not detract from the neighborhood, but will strengthen the area economy.

This zone change will both preserve and sustain the rural culture of the area and promote options for businesses at the location which will help maintain the rural culture and at the same time, avoid dependence on travel to other areas of Billings.

Changing the zone will help strengthen the neighborhoods character and stability, as well as helping preserve the quality of life for the area.

Aesthetics Element – Issue 1

In order to avoid the possibility of the neighborhood becoming unattractive and in order for a new owner to keep the property visually appealing, the Community Commercial Zoning provides the great flexibility for a variety of business uses.

Natural Resources Element – Issue 6

The property is currently connected to Lockwood Water and will be in the 2nd phase of the Lockwood Sewer development which is scheduled for 2016. Being able to offer public water and sewer to prospective buyers as an amenity to the building and the community. Being able to connect to the sanitary sewer is an enhancement to the building, to the area, and when connected will help with groundwater issues in the Community of Lockwood.

Transportation Element - Issue 9

The Lockwood Pedestrian Safety District was formed in 2014. Voters approved a 10-mill levy, which will raise approximately \$213,000 per year to improve community safety. The first project of several will provide safe routes to schools for neighboring students, by connecting other sidewalks in the area, according to Nic Talmark, LPSD Chairman. The priorities include sidewalks on Becraft and Old Hardin Road (location of the subject property) in two to three years.

Public Facilities and Services Element – Issue 2 & 7

Both issues involve dilapidated, unsafe and vacant properties that could be reused. The old Lockwood Fire Department building was a special-use building located in a mixed-use area on a lot located in an R-9600 residential subdivision. This property requires a zone change to make the building usable for anything.

One of the reasons for requesting the Community Commercial zoning was to allow for the highest and best use for the building, in order to keep it a viable property in the neighborhood and the community. Although there are industrial properties in the area, we felt that Community Commercial is more appropriate for the lot and will allow for a better fit with the neighborhood than an industrial zone. At the same time, the zoning offers prospective buyers reasonable flexibility for uses allowed under Community Commercial zoning.

LOCKWOOD RURAL FIRE DISTRICT #8

501 JOHNSON LANE, BILLINGS, MONTANA 59101
PHONE 406-252-1460 FAX 406-256-8237

FIRE CHIEF • John Staley

Invitation Neighborhood Meeting Pre-application County Zone Change Request

When: Monday, November 30, 2015

Where: New Lockwood Fire Station
501 Johnson Ln.

Time: 6:00 pm

Subject Property: Old Lockwood Fire Station
3329 Driftwood Ln.

Legal Description: Lot 7, Block 1, McIntosh Subdivision

Current Zoning: R-9600 (Residential)

Requested Zoning: Community Commercial

Description:

This is the site of the Lockwood Rural Fire District Station that was built in 1980. It is a 4,679 sq. ft. building on a 24,132 sq. ft. lot (.55 acres). The building is no longer being used, but has value as a business property. The property is currently unusable for a business under the current zoning. In order to offer the property for sale and at the same time offer prospective buyers a zoning that would accommodate many uses, without going industrial, we felt Community Commercial was the best zoning alternative.

Property Owners: Lockwood Rural Fire District 8
501 Johnson Ln.
Billings, MT 59101
John Staley, Fire Chief

Agent: Chuck Platt
Diamond Real Estate

BOARD OF TRUSTEES • KZLMAR ANDERSON • FROSTY ERBEN • CLIFF MAHONEY • ROBERT GUENTHER • ROBERT BELL

4/30/15

PLEASE SIGN IN

Pre App
Meeting
McIntosh

Brenda Robison

Bliondi Johnson

**Zone Change Application
R-9600 to Community Commercial
3329 Driftwood Ln.**

Lockwood Rural Fire District #8 (Owner)

Pre-Application Meeting

The Pre-Application neighborhood meeting was held Monday, December 7, 2015 at 6:00 pm at the new Lockwood Fire Station located at 501 Johnson Ln.

The meeting was attended by Chief John Staley, representing the Lockwood Fire District and Chuck Platt, Diamond Real Estate, the agent working with the Fire District on the sale of the property.

The meeting was attended by two neighbors, Brenda Robison and Rhonda Johnson. They came to find what was going on and what a zone change meant to them and how it would impact their properties.

The discussion was informal and seemed to answer the questions that they had at the time.

Chuck Platt

Attachment C



Subject property from McIntosh Drive



Subject property From Driftwood Lane

Attachment C



View west along Driftwood Lane from subject property



View east along Driftwood Lane from subject property

Attachment C



View east from subject property across McIntosh Drive



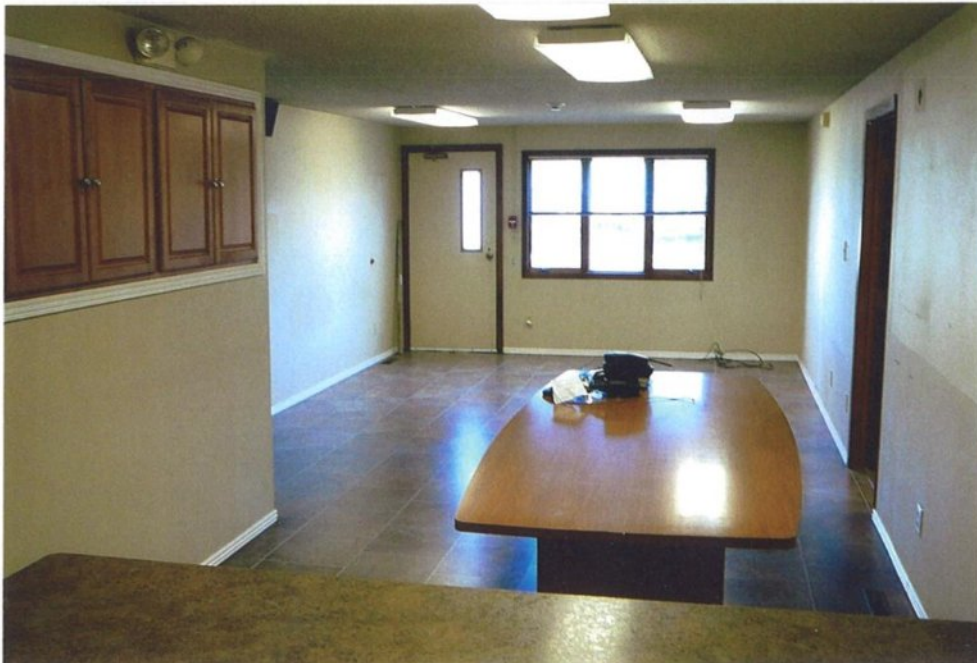
View north west across subject property to Old Hardin Road

**Old Lockwood Fire Station
3329 Driftwood Ln.**



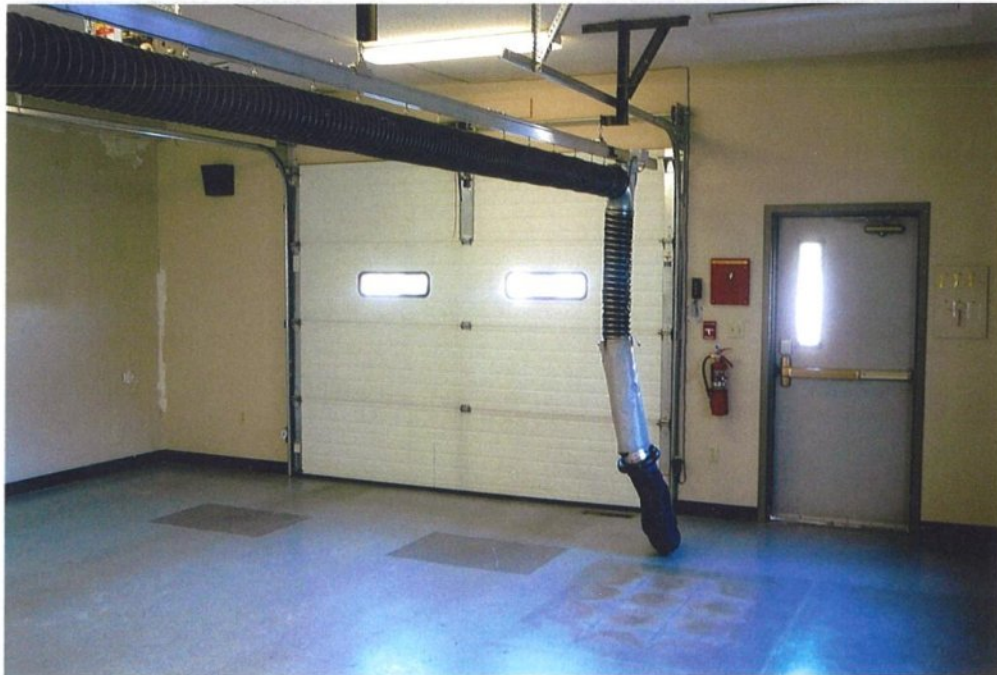
Pictures provided by applicant

Old Lockwood Fire Station
3329 Driftwood Ln.



Pictures provided by applicant

**Old Lockwood Fire Station
3329 Driftwood Ln.**



Pictures provided by applicant