



COUNTY OF YELLOWSTONE ZONING COMMISSION
AGENDA-Monday, June 13, 2016-4:00 PM
BILLINGS PUBLIC LIBRARY COMMUNITY MEETING ROOM
510 N Broadway, 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

Motion. Approval of Minutes: April 11, 2016

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. **County Zone Change 674 – Alexander Road** – A zone change request from Agriculture-Open Space (A-1) to Agriculture Suburban (A-S) on lots 1 through 8 of Spring Hill Acreage Tracts, Tracts 1 & 2 of C/S 1245, and Tracts 1 and 2 of C/S 1411, a total area of 27.626 acres of land. A pre-application neighborhood meeting was held on April 23, 2016, at 2717 Alexander Road. Tax IDs: D04993, D04994, D04995, C05516 & C05517. Presented by Nicole Cromwell, Zoning Coordinator.

- b. **County Zone Change 675 – 3415 Grand Avenue** – A zone change request from Agriculture-Open Space (A-1) to Community Commercial (CC), Neighborhood Commercial (NC), Residential Professional (RP), Public (P), Residential Multi-family-Restricted (RMF-R), Residential 5,000 (R-50), Residential 7,000 (R-70) and Residential 9,600 (R-96) on Tract 1A of C/S 3364, amended, a +/- 95 acre parcel of land. A pre-application neighborhood meeting was held on April 25, 2016 at Shiloh United Methodist Church, 1810 Shiloh Road. Tax ID: D04784. Presented by Nicole Cromwell, Zoning Coordinator

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, June 28, 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 change.

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: 06/13/2016

Information

Subject

Motion. Approval of Minutes: April 11, 2016

Attachments

YZC_2016_04_11_Minutes_DRAFT



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, April 11, 2016**

The County Zoning Commission met on Monday, April 11, 2016 in the Billings Library Community Room located at 510 North Broadway at 3:30 pm. The Board of County Commissioners public hearing will be held on Tuesday, April 26, 2016, at 9:45 a.m. in Room 403A, 4th Floor of the Yellowstone County Courthouse.

At 3:30 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; Tammy Deines, Planning Clerk

Commissioners and Staff		01-11-2016	02-08-2016	02-12-2016	03-14-2016	04-11-2016								
Dennis Cook	Chairman	-	1	1	-	1								
Al Littler	Vice Chairman	-	1	1	-	1								
Jerry T. Ray	Commissioner	-	1	1	-	1								
Troy Boucher	Commissioner	-	1	1	-	1								
Ryan Wittman	Commissioner		1	1	-	1								

Attending: Laren E Pluhar, Don Hohrenz, Bob Murry, Lindsay McGimpsey, Desiree Nyre, Trysten White, Jason Lillie, Karmen Higginbotham, Chad E. Morrison, Charles J. Felton, Tom Zurbuchen, Tom Llewellyn, Don DeTonanean, Virgil Middendorf, Larry Trettenbach, Dan Sloan, Linda Trettenbach, Tracy Marsh, Carey Chapman, Jason McGimpsey, Rhonda Ioane/Kas, Mike Ferguson, Juanita McIntire, Aaron Higginbotham, Terry Odegard, Mary Horvath

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 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. There was none.

Disclosure of Conflict of Interest or exparte communication: There was none.

Disclosure of Outside Communication: 3/8/16 letter, from Larry and Linda Trettenbach, 1608 Blarney Street, Billings, Montana in opposition to YZC #673. 4/6/16 letter, from Steve and Danielle Begger, 1606 Shannon Street, Billings, Montana in opposition to YZC #673. Email recounting a phone call received from Florence Muessig, 1910 Overlook Drive, Billings, Montana in favor of YZC #673. 4/4/16 Letter from Jason S. Anthony, 1680 Riverview Drive, Billings, Montana in opposition to YZC #673. 4/4/16 letter received from Billings Heights Task Force, Jason Lillie, Chairman, 234 Sharron Lane, Billings, Montana in opposition to YZC #673. 3/16/16 letter from Mary and Angie Horvath, 1630 Moose Hollow Lane, Billings, Montana in opposition to YZC #673. 2/26/16 letter from Craig Dalton, P.E., Performance Engineering &



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Consulting, regarding neighborhood meeting conducted on February 18, 2016 for YZC #673. 3/7/16 letter from G. Renee McFarren, in opposition to YZC #673. 3/15/16 letter from Jason McGimpsey, 1327 Bitterroot Drive, Billings, Montana in opposition to YZC #673. 4/4/16 letter from Lindsay McGimpsey, 1327 Bitterroot Drive, Billings, Montana in opposition to YZC #673. 4/3/16 letter from "Concerned Community Member" regarding YZC #673. 4/1/16 letter from Aaron Higginbotham in opposition to YZC #673. 3/23/16 letter from Angie L. Lynch in opposition to YZC #673. 3/23/16 letter from Darren C. Lynch, 1427 Anchor Ave, Billings, Montana in opposition to YZC #673. 4/5/16 letter from Tracy Marsh, 1808 Janie Street, Billings, Montana in opposition to YZC #673. 4/3/16 Letter from Terry and Susan Schleining, 1420 Anchor Ave, Billings, Montana in opposition to YZC #673. 3/21/16 letter from Karmen Higginbotham, 1315 Bitterroot Drive, Billings, Montana in opposition to YZC# 673.

Approval of Minutes: February 8, 2016; February 12, 2016. There was no meeting on March 14, 2016.

Motion

Commissioner Boucher made a motion and it was seconded by Commissioner Ray to approve the February 8, 2016 and February 12, 2016 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Public Hearings:

REQUEST

Item #1-County Zone Change 672 – Colton Blvd & 60th St West – A zone change request from Agriculture-Open Space (A-1) to Agriculture Suburban (AS) on Lot 71 of Sunny Cove Fruit Farms, a 10 acre parcel of land. The applicant and agents conducted a pre-application neighborhood meeting on February 24, 2016 at 3555 Racquet Drive. Presented by Nicole Cromwell, Zoning Coordinator.

RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 11 review criteria for Zone Change 672.

Discussion

Commissioner Ray asked about the access from this subdivision. Nicole Cromwell replied the access is along Colton Boulevard from 62nd Street West. An emergency access will not be required at this time.

Chairman Cook called for presentation by the applicant. The applicant is not available.

Chairman Cook opened the public hearing at 3:43 p.m. and called for proponents or opponents of Yellowstone County Zone Change #672.

Opponents

Dan Slone, 1805 60th Street West, Billings, Montana

Mr. Slone stated there is a 70-acre Covenant & Restriction that affects this lot. He is not



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opposed to the zone change but is opposed to the fact the request does not divide the parcel according to the recorded Covenants. Mr. Slone stated Mr. Llewellyn is aware of the Covenants and should have covered this issue. This is a one-time split of the 10-acre parcel. The 2001 amendment to the covenants allowed for a split with 1 of the lots at 5 acres or more. Commissioner Ray asked for clarification on the Covenants & Restrictions and Mr. Slone provided the Commissioners with a copy. Mr. Slone stated they are not ready to amend the Covenants. In response to question by Commissioner Wittman, Mr. Slone explained the actual lot size is 9.43 acres.

Laren E Pluhar, 1720 60th Street West, (Lot 103A), Billings, Montana

Mr. Pluhar stated this proposal is a violation of the Covenants. He said he doesn't feel a waiver is fair as they were held to the Covenants for their subdivision. He stated they want the subdivision covenants to be in compliance as established.

Commissioner Cook asked if a neighborhood meeting was held. Mr. Pluhar reported this issue was discussed at the neighborhood meeting. Mr. Llewellyn got upset and left the meeting after they expressed their concerns and opposition to the proposal. Mr. Pluhar stated he doesn't feel it is necessary to go to court to reach an agreement.

Don Lorenz, 1705 60th Street West, Billings, Montana

Mr. Lorenz stated he is a neighbor who is trying to help. He related he has told Mr. Llewellyn this request cannot be done. The neighbors want the existing Covenants upheld. Mr. Lorenz hosted the neighborhood meeting at his home per Mr. Llewellyn's request.

In response to a question by Commissioner Boucher, Mr. Lorenz explained there are 7 affected tracts and 60% of the ownership of the described tracts is required for an amendment. The Covenants renew automatically for another 10 years after a 30 year period. Mr. Lorenz offered copies of the neighborhood meeting minutes to the Commissioners.

Jason Lillie, 2334 Sharron Lane, Billings, Montana

Mr. Lillie asked if those who purchased the other 7 lots had an expectation the Covenants & Restrictions would be enforced. Nicole Cromwell clarified and stated this request is for a zone change to a 10-acre minimum and gave reminder Covenants and Restrictions are not enforced by the County, as they are a private contract between citizens not the County.

Proponents

Tom Llewellyn, 1925 Grand Avenue, Billings, Montana

Mr. Llewellyn stated this request is for a zone change. He said he has a copy of subdivision submittal for one 5-acre tract on the east side of the parcel and another tract at 4.3980 acres. He explained the zone change is required as the Ag-Open zoning requires 10-acre tracts and there are no 10-acre parcels in this subdivision.

Chairman Cook asked if there was anyone else wanting to speak in favor or against Yellowstone County Zone Change #672. There was none. Chairman Cook closed the public hearing and called for a motion.



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Motion

Commissioner Boucher made a motion and it was seconded by Commissioner Ray to forward a recommendation to the Board of County Commissioners of approval of County Zone Change #672 with adoption of the Findings of the 11 review criteria.

Chairman Cook Called for a vote on the motion.

Name	Favor	Against	Abstain
Chairman Cook	X		
Commissioner Boucher	X		
Commissioner Littler	X		
Commissioner Ray	X		
Commissioner Wittman	X		

The motion carried with a unanimous voice vote, 5-0.

REQUEST

Item # 2 - County Zone Change 673 – East of Cherry Creek/Danube Court Manufactured Home Park – A zone change request from Residential 9,600 (R-96) to Residential Manufactured Home (RMH) on a portion of Lot 2, Block 1 of Cherry Creek Estates, a 16.77 acre parcel of land. The owners and agents conducted a pre-application neighborhood meeting on February 18, 2016 at the Cherry Creek Community Center at 1955 N Cherry Creek Loop. Tax ID: A31450. Presented by Wyeth Friday, Planning Division Manager.

RECOMMENDATION

The Planning staff is forwarding a recommendation of Denial based on the 11 criteria for zone changes. Planning staff has reviewed this application and is forwarding a recommendation of denial for the proposed zone change based on the 11 criteria for zone changes. While RMH zoning is a viable zoning in some areas of the community, and exists to the east of the subject property, zoning in this area of the County has not met many of the criteria for zone changes and shows additional RMH zoning in this area of the County would also not meet many of the criteria. Staff found additional RMH zoning in this area of the County would not be consistent with many of the goals of the Yellowstone County and City of Billings 2008 Growth Policy for public, health, safety and quality of life (Criteria #1); would result in significant service demands on law enforcement and community services (Criteria #3); would not promote health and general welfare for the current residents and neighborhood (Criteria #4); would not be the most suitable zoning for the property considering the character of the district and the use (Criteria 8); does not appear to conserve the value of buildings in the area (Criteria #9); and does not encourage the most appropriate use of land in this area of the County (Criteria #10). Following the staff presentation, Division Manager Wyeth Friday clarified and noted the split zoning of the parcels, and pointed out today's request focuses on the parcel located in the County. He commented on the discussion for a buffer area and said based on the notes of Zone Change #554 there was coordination between the owners and neighbors but it could not have been a condition for the zone change. He stressed the importance of understanding the City and the County in their process had the understanding and thought things would go well with this development as it provides more affordable housing. Staff received several comments and letters



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pointing out public safety issues for the adjacent manufactured home park. He noted a report of the Police calls and Code Enforcement Violations for the period of 2007 to present. There is concern given the track record of this owner/developer, providing more RMH housing would not be within the boundaries of the Findings. Staff received 16 letters regarding this zone change, one in favor, and fifteen in opposition.

Discussion

Chairman Cook called for discussion and questions by the members of the Board. There was none.

Public Hearing: At 4:26 p.m., Chairman Cook opened the public hearing and asked for anyone wanting to speak in favor or against Yellowstone County Zone Change #673. He reminded the audience to be respectful of everyone's testimony.

Proponents

Scott Aspenlieder, Performance Engineering, 2101 Overland Avenue, Billings, Montana

Mr. Aspenlieder is the agent for the owner. This is a request to use the 16.75 acres to expand the existing mobile home park. Based on the nature of the land the maximum density would be 70-80 units, and is far below the densities in Cherry Creek and Danube Court. Citizens voiced concerns at the neighborhood meeting regarding increased traffic and school crowding.

Mr. Aspenlieder said the issue of school crowding is out of their control as School District #2 is addressing this as they approach developments. He stated today's request is for the zone change and a lot of the comments can be addressed during the subdivision review.

Commissioner Ray commented this is a management issue. Mr. Aspenlieder said he does not disagree but changes are being made with evictions. Management is trying to address some of the issues and bring it back to its original intent. He asked the Commission if it is appropriate to deny a development on the basis of the adjacent development and management. He noted the need for contiguous zoning and asked if the ability to deny this request falls within the criterion?

Jason McGimpsey, 1327 Bitterroot Drive, Billings, Montana

Mr. McGimpsey concurred with Planning staff's recommendation as the zone change does not meet the eleven criterion or the Growth Policy. He commented the numerous mentioning of a buffer area in the previous Zone Change #543. Mr. McGimpsey stated Zone Change #543 was approved due to the promises made by the developer, who is currently in violation of the Development Plan.

Tracy Marsh, 1808 Janie Street, Billings, Montana

Ms. Marsh concurred with Mr. McGimpsey's comments. She doesn't feel approving a zone change without addressing the management issues is prudent. Ms. Marsh said the additional units will fill open classrooms and propagate the existing overcrowding in the schools.

Aaron Higginbotham, 1315 Bitterroot, Billings, Montana

Mr. Higginbotham is against this zone change request. He said the owners are not following the



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general terms and regulations of Cherry Creek Subdivision, does not allow additions; unkempt buildings; storage of construction equipment; or noxious or illegal activities. Mr. Higginbotham stated this is not the case, as no permits are taken out for buildings and they are in a state of disrepair; there are parked unlicensed vehicles; open garbage, fences in disrepair; and home skirting in disrepair or nonexistent; and a lot of illegal activity.

Mr. Higginbotham read aloud a letter submitted by **Don DeTonacour, 1725 Riverview Drive, Billings, Montana.** Mr. DeTonacour voiced concern with safety issues due to the state of general disrepair of Cherry Creek Subdivision. Elementary school children using Bitterroot Drive to go to school are in danger as there are no sidewalks or lighting. Mr. DeTonacour asked the Commission to deny the zone change request.

Jason Lillie, 234 Sharron Lane, Billings, Montana

Mr. Lillie is the Chairman of the Heights Task Force. He stated he concurs with Staff's recommendation of denial of the zone change. Mr. Lillie said School District #2's redistricting committee did not take into consideration the additional 80-100 homes in this area and it would have a negative impact on the school district. He asked the Commission consider the past track record of this property owner and the effects on the neighboring properties.

Lindsay McGimpsey, 1327 Bitterroot Drive, Billings, Montana

Ms. McGimpsey is in opposition to the zone change. She stated she is in agreement with the staff presentation. Ms. McGimpsey spent a lot of time canvassing the area and visited with over 100 home owners. She reported people living around the Cherry Creek Development generally fear for their safety. She stated safety and health is a basic need deserved by community members and pointed out the burden of the crime rate and fire calls. There are 24 registered violent sexual offenders in Cherry Creek, is a huge safety issue due to the large number of children in the development. Violations include drug issues, child abuse and neglect, noise disturbances, harassment, DUI, forgery, fraud, custodial interferences, and weapons violations. Commissioner Ray asked Ms. McGimpsey what she suggests. She replied she would encourage rejecting the zone change as asking the management to continue to address the issues and do more. She said in terms of rezoning, the development should be stopped from further expansion. In response to question by Commissioner Ray, Ms. McGimpsey said she feels the problem lies in with the management's greed, mismanagement due to lack of resources, and lack of screening of tenants.

Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana

Mr. Zurbuchen stated he originally protested the 1998 Cherry Creek development. He wishes to have something "reasonable" in his front yard. He discussed the effects of zoning on property values of the surrounding properties. Mr. Zurbuchen said the tracts are currently zoned R-9600. This developer obtained the zoning for the trailer court in August, 2004. He noted a comment by Commissioner Reno regarding the 300-foot buffer zone, and he stated taking this away will adversely affect property values. Mr. Zurbuchen stated this zone change does not fit the 11 criterion and he urged denial of the zone change.



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Chad E. Morrison, 32 Lapin Street, Billings, Montana

Mr. Morrison has been a resident of Cherry Creek for 7 years. He is in favor of this extension as management has went above and beyond trying to address issues. He said management sent letters to property owners, and they dealt with his issues with his neighbor.

Mr. Morrison stressed , “Things don't happen overnight”, and said management has a maintenance crew out daily. He said persons outside the subdivision are coming into the court and causing problems. Mr. Morrison commented management is doing a good job and they work on these issues on a daily basis.

Mary Horvath, 1630 Moose Hollow Lane, Billings, Montana

Ms. Horvath submitted a letter in opposition to the zone change. Ms. Horvath reside at the north end of the proposed area. Ms. Horvath spoke to the need for a green zone to protect the ecosystem and wildlife. She feels management have made improvements in order to get this zone change request changed, and they are “trying to put lipstick on a pig”. Ms. Horvath recently purchased her home and would have declined if she had known of this proposal; as approval of the zone change.

Bob Murry, 512 ½ 16th Street West, Billings, Montana

Mr. Murry asked Mr. Morrison for an estimated time frame of how long it will take to bring the area “into shape”. Mr. Morrison said it shouldn’t take long at all as the owners have been working at this for quite some time.

Charles Felton, (No Address Given)

Mr. Felton owns Emma Jean Heights Subdivision. He said builders do not want to build in his subdivision due to Cherry Creek. Mr. Felton’s property has been vandalize, and he stated there is not enough law enforcement to handle current needs. He asked why the expansion would be allowed as it seems there are more units than there are supposed to be in the current development. Mr. Felton stated he would not have purchased his property had he known, and he intends to stop this expansion one way or another.

*Division Manager Wyeth Friday reminded the Commission of the 5:30 p.m. time limit for today’s space.

Trysten White, 1955 Cherry Creek Loop, Billings, Montana

Ms. White said she is related to Clauses and works at the office. Ms. White said the management office sent out 364 notices to residents to address issues. They are working with the police officer at Castle Rock Middle School. Trespassers are not allowed into the subdivision. They have been trying to address the issues before the zone change for the development was submitted. Ms. White stressed the need to provide affordable housing. Chairman Cook called for rebuttal.



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Rebuttal

Scott Aspenlieder, Performance Engineering, 2101 Overland Avenue, Billings, Montana

Mr. Aspenlieder said they have taken the comments received at the neighborhood meeting to heart and the owner has been working diligently to address some of the issues. Ms. Aspenlieder said the community has to provide low income housing, and this area is reasonable for expansion of this type of low to moderate income housing. He asked the Commission to take these facts into consideration and give them an opportunity to provide plans for submittal for subdivision review. He pointed out there are vehicles in the subdivision review process to provide buffering, and address traffic and safety.

Chairman Cook asked if there was anyone else wanting to speak in favor or against Yellowstone County Zone Change #673. There was none. Chairman Cook closed the public hearing at 5:23 p.m. and called for a motion.

Motion

Commissioner Wittman made a motion and it was seconded by Commissioner Littler to forward a recommendation of denial of Yellowstone County Zone Change #673 based on the 11 criteria for zone changes.

Discussion

Chairman Cook called for discussion on the motion. Commissioner Ray said Code Enforcement needs to address the issues and it is up to the citizens to bring this to their attention.

Commissioner Littler said he is unsure whether the eleven criterion were addressed and the need for infill development supersedes what was presented. He commented on the need for a buffer zone and said the plan should have included this. He stated the housing needed but not with the high crime. Housing is needed for all income levels but to continue with what is going on with Cherry Creek is not wise.

Chairman Cook called for a vote on the motion.

Name	Favor	Against	Abstain
Chairman Cook	X		
Commissioner Boucher	X		
Commissioner Littler	X		
Commissioner Ray	X		
Commissioner Wittman	X		

The motion passes with a unanimous vote, 5-0.

Chairman Cook called for other comments or discussion from the Commissioners. There was none. He stated the County Zoning Commission is an advisory Board. This item will be heard by the Board of County Commissioners on April 26, 2016, Room 403A, and Yellowstone County Courthouse.

****There will be no Yellowstone County Zoning Commission meeting in May due to the lack of applications.**

Adjournment: The meeting adjourned at 5:26 p.m.



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ATTEST: DRAFT. To be approved by a motion on Monday, June 13, 2016



County Zoning Commission

Meeting Date: 06/13/2016

SUBJECT: Zone Change 674 - Alexander Road

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Zone Change 674 – Alexander Road – A zone change request from Agriculture-Open Space (A-1) to Agriculture Suburban (A-S) on lots 1 through 8 of Spring Hill Acreage Tracts, Tracts 1 & 2 of C/S 1245, and Tracts 1 and 2 of C/S 1411, a total area of 27.626 acres of land. A pre-application neighborhood meeting was held on April 23, 2016, at 2717 Alexander Road. Tax IDs: D04993, D04994, D04995, C05516 & C05517. Presented by Nicole Cromwell, Zoning Coordinator.

RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 11 criteria for Zone Change 674.

APPLICATION DATA

OWNER: Beth Degenhart, Laura Degenhart, Steve & Linda Degenhart

AGENT: Beth Degenhart

LEGAL DESCRIPTION: Lots 1 through 8 of Spring Hill Acreage Tracts, Tracts 1 & 2 of C/S 1245, and Tracts 1 and 2 of C/S 1411

ADDRESS: Multiple addresses on Alexander Road

CURRENT ZONING: Agriculture-Open Space (A-1)

EXISTING LAND USE: Agricultural land, single family homes

PROPOSED USE: Same

SIZE OF PARCEL: Total area 27.626 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

Subject Property: The properties subject to this application are in the A-1 zoning district and this was the original zoning of the properties (November 1973). All of the lots are less than 10 acres in area so they are legally non-conforming to the required minimum lot area for this zoning district.

Surrounding Property: Property to the west and south of the subject properties was changed from A-1 to R-150 in June 1975. Property further west and north of Riveroaks Drive was changed from A-1 to R-96 in 1979 and 1980. Cornerstone Meadows Subdivision to the east was changed from A-1 to A-S in June 2003. Two subsequent zone changes in the subdivision changed most of the A-S zoning to R-96 , R-150, and Public zoning.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: A-1
Land Use: Agricultural land

SOUTH: Zoning: A-1
Land Use: Low density residential and agricultural land
EAST: Zoning: A-1
Land Use: Low density residential and agricultural land
WEST: Zoning: A-1 & R-150
Land Use: Low density residential and agricultural land

BACKGROUND

The applicants are submitting this zone change from A-1 to A-S to allow additional lots of 1-acre to be created in the near future. The Billings Heights Water District is expanding its water service lines in the street (Lake Elmo Road) and out to Highway 87 N along Alexander Road. The current zoning will not allow the owners to create lots small enough to be served by Billings Heights Water District. The original zoning applied to these lots in 1973 required a 10-acre minimum lot area so all of the subject lots became legal nonconforming lots of record. The total area of the 5 lots included in this application is 27.626 acres. There are 3 existing residences among the 5 lots including 2931 Lake Elmo Road, 3035 Lake Elmo Road, and 2717 Alexander Road. The applicants do not intend, at this time, to create the maximum number of new lots under the proposed zoning.

The surrounding area is primarily low density residential uses as well as active agriculture including grazing, hay production, raising livestock, a community garden, and keeping horses. The land is situated between the BBWA Canal to the north and Five Mile Creek to the south. Access to the property is from Highway 87 North via Alexander Road. Lake Elmo Road is not connected to the south. Surrounding properties requested zoning changes in 1975, 1979, 1980, 2003, 2007 and 2008. Only one of those requests was denied in 2007 for Cornerstone Meadows Subdivision. The proposal was amended and eventually approved in 2008. All of the remaining requests were to up-zone the land from A-1 to a higher density residential use. The proposed zoning, A-S, for these parcels will keep the agricultural use of the property as the primary use, but allow residential development on lots of 1-acre or more.

The Planning Division has reviewed the application and is recommending approval based on the proposed findings of the 11 criteria for this zone change. The 2008 Growth Policy encourages compatible development in existing neighborhoods. The primary use of the property will not change with the proposed A-S zoning, since the existing and proposed zoning have agricultural use as the primary use of property with residences allowed in both zones. The property owners have existing homes and agriculture uses on the property. The intent of the zone change is to create lots smaller than 10 acres to allow access to Billings Heights Water. The property owners would need to petition to annex to the Billings Heights Water District. The proposed zoning will promote health and welfare by allowing the owners to access clean public drinking water for their existing homes. The new zoning does consider the character of the area and the zoning is appropriate for the current and proposed uses of the property.

RECOMMENDATION

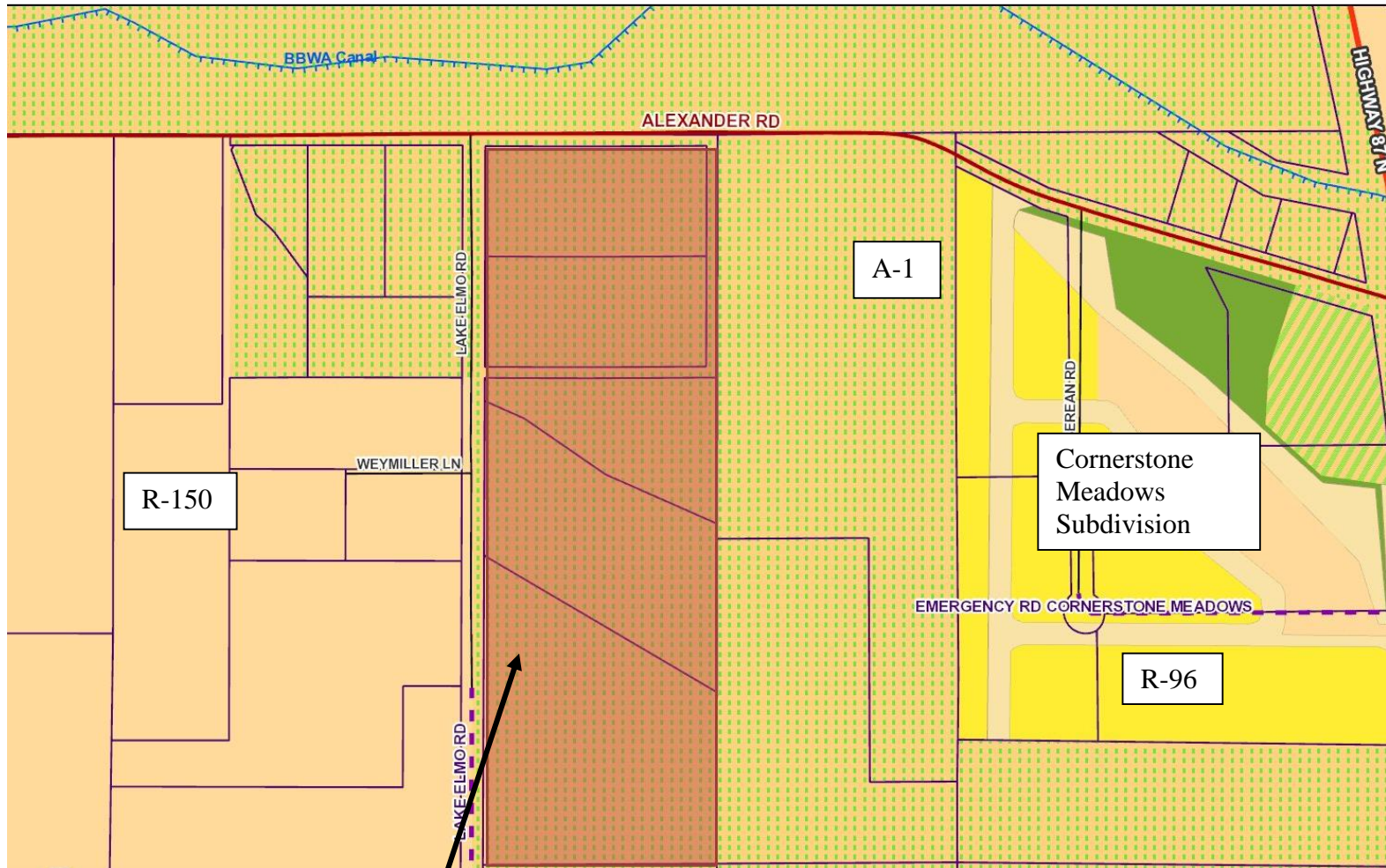
Planning staff recommends approval and adoption of the findings of the 11 criteria for Zone Change 674.

Attachments

Zoning Map and Site Photos
Proposed Review Criteria for Zone Changes
Application and Pre-app meeting materials

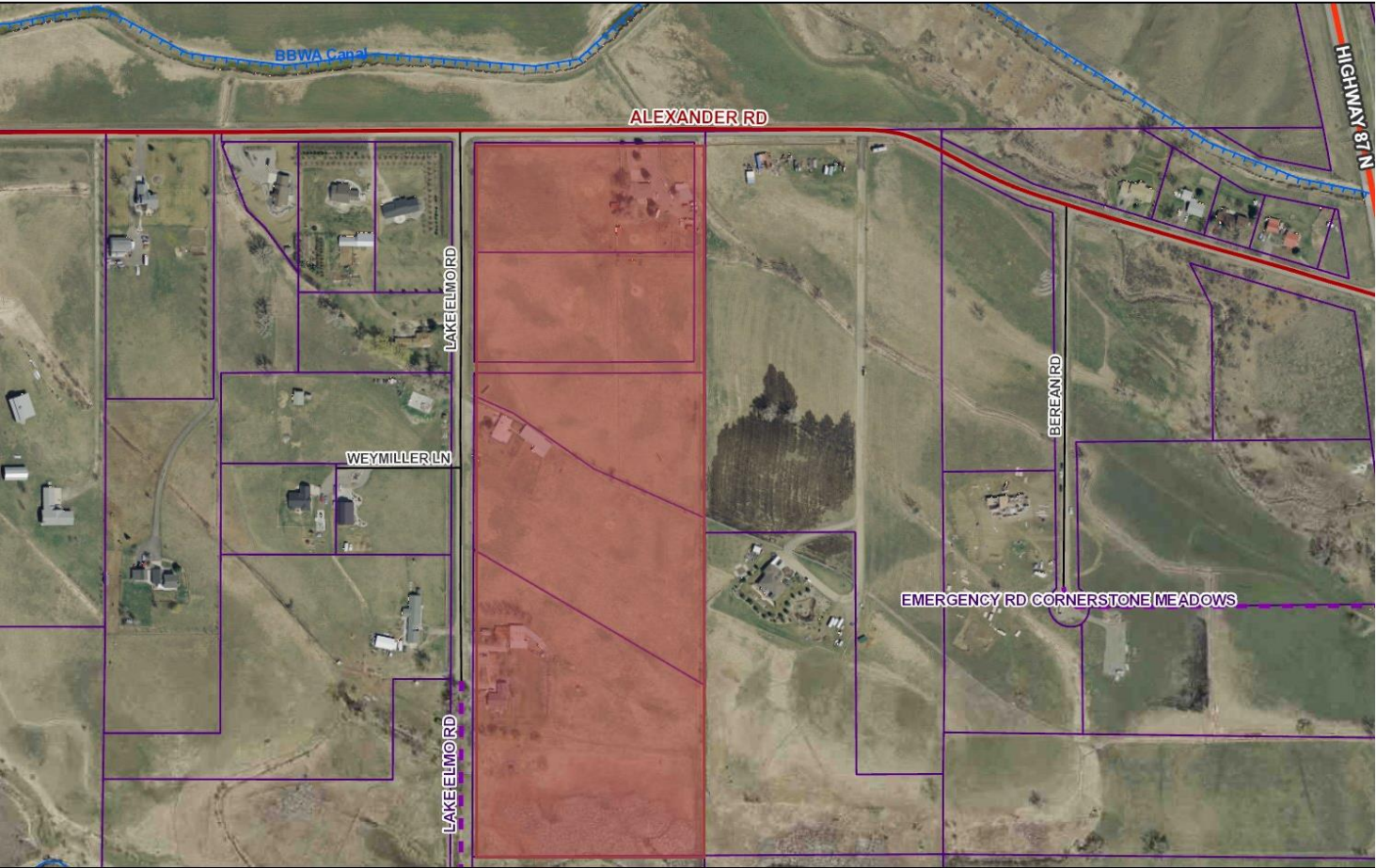
Zoning Map and Site Photos – Zone Change 674

County Zone Change 674



Subject Property
Existing Zoning = A-1
Proposed Zoning = A-S

County Zone Change 674





View east from Lake Elmo Road



View south along Lake Elmo Road



West across Lake Elmo Road



From south end of Lake Elmo Road view north

PROPOSED ZONING COMMISSION DETERMINATIONS – Zone Change 674

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: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in the growth policy. (Land Use Element, page 6).
This zone change would allow for lots smaller than 10 acres in an area of the county where lots vary from 1/2-acre to 18.5 acres. The existing zoning of A-1 only allows 10 acre parcels for a single home. The proposed A-S zoning is the same zoning as some of the tracts to the east. This zoning will allow the owners to divide the lots to create 1 acre parcels, serviceable by the Billings Heights Water District. Most of the lots will keep the agriculture use as the primary use of the property.
- Goal: New developments that sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).
This property is directly east of properties zoned R-150 and developed as county residential development. Development of this property for low density residential uses with agriculture under the new zoning will be compatible with the character of adjacent development.

2. *Is the new zoning designed to secure from fire and other danger?*

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The nearest fire station is located at Wicks Lane and St. Andrew's Drive, Station #6, about 3.4 driving miles to the south. If the property is divided and residences constructed, the BUFSA will assess fees according to the type of structure. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.

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

Transportation: The new zoning could minimally increase traffic on Alexander Road after a division of the lot and homes are constructed. Current traffic consists of residents and caretakers of agricultural land and horses.

Water and Sewerage: The subject properties are served by domestic water wells and septic systems. Billings Heights Water District is bringing water lines up Lake Elmo Road and the zone change will provide an opportunity for connection to the public water

services. Should future development take place, the Montana Department of Environmental Quality (MDEQ) would require permits for septic systems at the time development is proposed.

Schools and Parks: The proposed zoning may impact the student population should the property be developed with additional homes. Independent Elementary has capacity issues at this time. Castel Rock and Skyview High School have the capacity to accommodate the possibility of additional students from any additional homes.

Fire and Police: The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. Fire protection will be accommodated with any requirements that may result from any future development.

4. *Will the new zoning promote health and general welfare?*
The new zoning will allow development of property that is adjacent to existing low density residential uses and agricultural uses surrounding the 5 lots. New residential development similar in nature to existing development tends to increase property value for surrounding owners.
5. *Will the new zoning provide adequate light and air?*
The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.
6. *Will the new zoning effect motorized and non-motorized transportation?*
The proposed zoning itself will not generate more traffic on any of the adjacent streets. Pedestrian traffic in the area is limited due to the lack of sidewalks and trails. More dense residential development is generally located south and east of the property within the city limits. Should the property develop in the future, Alexander Road provides the primary route to schools and other services in the area. Alexander Road is designated an arterial street and is maintained as a County gravel road.
7. *Will the new zoning be compatible with urban growth in the vicinity?*
The proposed zoning is compatible with the adjacent zoning and developments, as the proposed zoning is an agricultural zoning and the subject property is adjacent to agricultural and residential zoning.
8. *Does the new zoning consider the character of the district and the suitability of the property for particular uses?*
The subject property is in an area that is a mix of agricultural uses and residential uses. The property is suitable for A-S uses and any future site development will be in character with adjacent uses.

9. Will the new zoning conserve the value of buildings?
The new zoning will allow the subdivision of the lots into lots of at least 1 acre in area. The applicants do not intend at this time to create more than 1 additional lot on each parcel. Although the A-S zoning allows lots as small as 1 acre, any new septic systems may require more area for adequate drainfields and replacement drainfields. The proposed A-S zone will conserve the value of the existing agricultural buildings on the property.

10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?
The property is suitable for the uses allowed in the A-S zoning district. It is next to existing agricultural and residential uses and will not introduce conflicting zoning with other uses in the area.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?
The proposed zoning is near the City of Billings and is surrounded by other agricultural and residentially zoned property. The request to rezone from A-1 to A-S will be compatible with its surrounding zoning and uses. This zoning would allow for smaller lots than what is currently allowed by zoning. The A-S zoning is as compatible as possible with the nearby zoning in the city limits.

Application and pre-app meeting – Zone Change 674

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 674 - Project # P2-16-00081

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: Ag / Open

Proposed Zoning: Ag / Suburban

Tax ID # C05517, D04993 COUNTY COMMISSIONER DISTRICT # 2

Legal Description of Property: Lot 5-8 of Spring Hills Acreage. (C05517)
Parcel 1 of C.O.S. 1245 (D04993)

Address or General Location (If unknown, contact County Public Works): C05517 & D04993
are both at 2717 Alexander Road, Billings, MT 59105

Size of Parcel (Area & Dimensions): C05517 is 4.16 acres
D04993 is 3.46 acres

Present Land-Use: Agricultural

Proposed Land-Use: Residential / Agricultural

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): On 4/22/2016 Richard Degenhart deeded property to Beth Degenhart
(Recorded Owner) Richard's address 115 N 9th St. Billings MT 59101
(Address) 406-860-6807 (Phone Number) email N/A (email)

Agent(s): Beth Degenhart
(Name) 2717 Alexander Rd, Billings MT 59105 (Address)
406-1401-6550 (Phone Number) bdegenhart@billingsclinic.org (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: Richard D Degenhart
(Recorded Owner)

Date: 4-29-2016

Beth A Degenhart

4-29-2016

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 674 ^{pt 2} - Project # P2-16-00081

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: Aq/Open

Proposed Zoning: Aq/Suburban

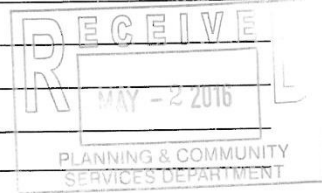
Tax ID # C05516 COUNTY COMMISSIONER DISTRICT # 2

Legal Description of Property: Lots 1-4 of Spring Hills Acreage Tracts

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

2717 Alexander Road, Billings MT 59105

Size of Parcel (Area & Dimensions): 4.156 acres Lot #1



Present Land-Use: Residential & Agricultural

Proposed Land-Use: The one acre we plan on re-platting would be residential.

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): Beth Degenhart

(Recorded Owner) 2717 Alexander Rd, Billings MT 59105

(Address) 406-461-0550 bdegenhart@billingscliniz.org

(Phone Number) (email)

Agent(s):

(Name)

(Address)

(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: [Signature] Date: 4-29-16
(Recorded Owner)

APPLICATION FORM ^{pt 3}

COUNTY ZONE CHANGE County Zone Change # 674 - Project # PZ 16-00081

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: Ag/Open

Proposed Zoning: Ag/Suburban

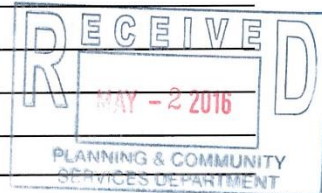
Tax ID # D04994 COUNTY COMMISSIONER DISTRICT # 2

Legal Description of Property: Parcel 1 of C.O.S. 1411

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

2717 Alexander Road, Billings, MT 59105

Size of Parcel (Area & Dimensions): 16.22 Acres



Present Land-Use: Residential & Agricultural

Proposed Land-Use: The one acre we plan on re-platting would be residential.

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): Laura Degenhart

(Recorded Owner) 3035 Lake Elmo Road, Billings, MT 59105

(Address) 406-259-1991 email: N/A

(Phone Number) (email)

OWNER Agent(s): Beth Degenhart

(Name) 2717 Alexander Rd., Billings, MT 59105

(Address) 406-601-6550 bdegenhart@billingsclinic.org

(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: Laura Degenhart

(Recorded Owner)

Date: 4-29-16

P. G. [Signature]

4-29-16

APPLICATION FORM ^{pt 4}

COUNTY ZONE CHANGE County Zone Change # 674 - Project # P2-16-CCCS1

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: Ag / Open

Proposed Zoning: Ag / Suburban

Tax ID # D04993 COUNTY COMMISSIONER DISTRICT # 2

Legal Description of Property: Parcel 2 of C.O.S. 1411

Address or General Location (If unknown, contact County Public Works): 2931 Lake Elmo Road,
Billings MT 59105

Size of Parcel (Area & Dimensions): 9.63 acres

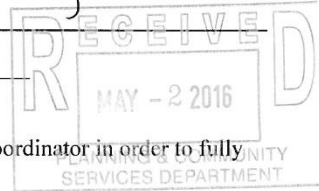
Present Land-Use: Residential & Agricultural

Proposed Land-Use: The one acre we plan on re-platting would be residential

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): Steven & Linda Degenhart

(Recorded Owner) 2931 Lake Elmo Road.

(Address) 406-698-7598 email N/A

(Phone Number) (email)

Agent(s): _____

(Name)

(Address)

(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: Steven Degenhart Linda Degenhart Date: 4.30.16
(Recorded Owner)

Yellowstone County Zone Change Application for parties of Beth Degenhart, Richard Degenhart, Laura & Beth Degenhart, Steve & Linda Degenhart, and Randy & Paula Adams

Answer the following questions:

- A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy
- Under Land Use Element 2: *The current zoning ordinances and subdivision regulations do not always prevent incompatible uses in and adjacent to existing City neighborhoods and County townsites. Our objective would be to maintain a high quality of life for new and existing residents.*
 - Under Land Use Element 3: *Rural townsites are not prepared to handle increased growth. Our objective would be to use County resources and services more efficiently, i.e. City Water now that it is available.*
 - Under Economic Development Element 7: *Surrounding communities in the County need economic development to sustain them. Our objective is to promote business development by creating jobs for installing City Water Mains and putting money from City Water use back into the community.*
 - Under Economic Development Element 9: *The economic development of Billings Heights is overlooked. Our objective with Re-zoning is to improve the quality of life for Heights residents. In addition to capitalizing on existing infrastructure and facilities, i.e. City Water.*
 - Under Natural Resources Element 3: *Due in part to the arid nature of our environment and the remoteness of some developments, there is an increased risk to human life and property from wildfires. Our objective is to save lives and property as well as utilizing fire protection resources more efficiently, and protect the natural environment. We will be better able to accomplish this now with city water hydrants.*
- B. 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 for the immediate area.
- Currently, the parties of Beth Degenhart, Richard Degenhart, Laura & Beth Degenhart, Steve & Linda Degenhart are not in compliance with current zoning. We are all requesting to re-zone to Ag/Suburban. This would allow us to be able to re-plot the property our homes are on in order to connect to City Water now that it is available.
 - Randy and Paula Adams are proposing to re-zone to Ag/Suburban in order create lots that would be re-platted and be able to connect to City Water.

Beth Degenhart

Teresa Degenhart

Richard Degenhart

Patrick Schmaing

Michael Jones

- called on phone 4/23

Michael & Cynthia Schmaing

Kelly Bruce Mitchell

Robert & Joan Lunder Trust

Thomas & Denise Kane

TK

Dover Ranch

Randall & Paula Adams

Randy + Paula Adams

Albert Degenhart

Laura & Beth Degenhart

Steven & Linda Degenhart

Steve & Linda Degenhart

Warren & Lynn Ketchum

Joe Burnett, 3074 Lake Elmo Dr.

Tyler & Lori Ketchum

April 23, 2016

2717 Alexander Rd, Billings, MT. 59105

Pre-application meeting

Present: Beth Degenhart, Michael Jones called that morning, but was not present, Thomas Kane, Randy & Paula Adams, Steven & Linda Degenhart, and Joe Burst.

The meeting started at 1645. Beth began by explaining that there was a group who wished to hook up to the City Water, and we are therefore requesting a zoning change. Any property owners within 300 feet of the properties requesting a zoning change were notified of the tonight's meeting.

Joe Burst who resides at 3074 Lake Elmo Road stated he did not receive notice because his property is listed under a Family Trust and he is currently obtaining a contract for deed on his property.

Beth Degenhart begin by explaining that she, Laura Degenhart, Rick Degenhart, and Steve and Linda Degenhart are requesting a zoning change for C05516, C05517, D04993, D04994, and D04995 which are currently zoned Ag/Open. As a result of Ag/Open, we are unable to re-plat because all properties are under the required 10 acres. C05516 is 4.165 acres. C055170 is 4.160 acres. D04993 is 3.46 acres. D04994 is 6.22 acres, and D04995 is 9.63 acres. We are all requesting to re-zone Ag/Suburban, with a minimum of 1 acre, although you could do more. This would allow us to be able to re-plat the property our homes are on in order to connect to City Water. Maps of the above properties were shown, and are attached. (See Exhibit A1, & A2).

Randy Adams explained he and Paula are requesting that D12831 at 20 acres would re-zone 2 lots of that acreage into approximately 21,988 square feet (Lot 1), and 21,888 square feet (Lot 2). Map of the above property was shown. (See Exhibit B).

Tom Kane stated that he had visited with Theresa at the Department of Revenue and she said it would not affect the tax rate because the value of his land has not changed, just the zoning. (Tom Kane did request that I add the above statement to the minutes.

Beth asked if there were any objections. Seeing there was none, discussion ended at 1920.

Beth Degenhart kept minutes.



County Zoning Commission

Meeting Date: 06/13/2016

SUBJECT: Zone Change 675 - 3415 Grand Avenue

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Zone Change 675 – 3415 Grand Avenue – A zone change request from Agriculture-Open Space (A-1) to Community Commercial (CC), Neighborhood Commercial (NC), Residential Professional (RP), Public (P), Residential Multi-family-Restricted (RMF-R), Residential 5,000 (R-50), Residential 7,000 (R-70) and Residential 9,600 (R-96) on Tract 1A of C/S 3364, amended, a +/- 95 acre parcel of land. A pre-application neighborhood meeting was held on April 25, 2016 at Shiloh United Methodist Church, 1810 Shiloh Road. Tax ID: D04784. Presented by Nicole Cromwell, Zoning Coordinator

RECOMMENDATION

The Planning Division is recommending approval and adoption of the findings of the 11 criteria for Zone Change 675.

APPLICATION DATA

OWNER: KZ Bar Limited Partnership, Roy Zimmerman

AGENT: Sanderson Stewart, Dennis Randall, P.E.

LEGAL DESCRIPTION: C/S 3364, Tract 1A

ADDRESS: 3415 Grand Avenue

CURRENT ZONING: A-1

EXISTING LAND USE: Agricultural land and single family dwelling

PROPOSED USE: Mixture of residential use, commercial uses and public land

SIZE OF PARCEL: ~95 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

Subject Property: The subject property has been zoned A-1 since zoning was adopted by the County in November 1973. One parcel was subdivided from the original acreage and sold for annexation and development within the City. The zoning from A-1 to Residential Professional (RP) was approved in 2010, and a children's medical clinic was constructed.

Surrounding Properties: In 1983, the westward expansion of the City along Grand Avenue proceeded with the first property west of Rehberg Lane, the Judd Center Subdivision, being annexed. The 48-acre property was annexed in August 1983 and then submitted a successful zone change from A-1 to CC, RMF-R and R-50 approved in October 1983. The development of the Albertsons, Billings Hardware, the banks, and restaurants immediately

followed. Circle Fifty Subdivision to the west at Shiloh Road and Grand Avenue followed in 1984 with an annexation of 152 acres of land and a zone change to CC, RMF-R, R-70 and R-96. Britannia Subdivision, about 15 acres at Golden Boulevard and Grand Avenue, was annexed and zoned RP, RMF-R, R-80 and R-96 in 1994. In 1998, a zone change was approved for Autumn Subdivision from R-96 to R-80 and the Wyndham Subdivision from R-96 to R-80 in 2001. In 2006, the 40-acre Hancock Grand Subdivision at 38th St West and Grand Avenue was annexed and zoning change from A-1 to CC, RP, R-70 and R-96. Planning staff recommended denial of the additional CC zoning over concerns with "stripping" out CC zoning along the entire length of Grand Avenue. Also in 2006, the E.D. King Subdivision at Zimmerman Trail and Grand Avenue was annexed and approved for 4 acres of CC zoning. The Walgreen's, Ace Hardware, and now Christian Brothers Auto service center have been built on the property. In 2007, the lots north of the original E.D. King Subdivision were approved for CC and RP zoning. In 2008, the Cardwell Ranch Subdivision, a 46-acre property south of Grand at Zimmerman Trail was annexed and a Planned Development zone change approved to allow CC zoning and RMF-R zoning for this property. Frontier Cancer Center was been constructed and a new City Brew/City Vineyard is planned for another lot in the subdivision.

SURROUNDING LAND USE & ZONING

- NORTH: Zoning: R-96 & R-60-R
Land Use: Single family homes
- SOUTH: Zoning: A-1 & PD-CC (Cardwell Ranch)
Land Use: Agricultural land, undeveloped commercial land, Peter Yegen Golf Course
- EAST: Zoning: R-80, RP & CC
Land Use: Single family homes, medical clinic, offices, King's Ace Hardware, Christian Brothers Auto and Walgreen's
- WEST: Zoning: A-1, R-96, R-70
Land Use: Yellowstone Valley Memorial Park (cemetery), agricultural land and single family and two-family homes

BACKGROUND

This is a County application in preparation for the annexation, subdivision, and development of property within the City limits. The proposed zoning for the 95-acre property includes 32.5 acres of CC zoning, 6.4 acres of NC, 13.4 acres of RP, 14 acres of RMF-R, 9.1 acres of R-50, 4.8 acres of R-70, 3.2 acres of Public zoning (for a central park area) and about 8.1 acres of R-96 zoning. Approximately 10 years ago, KZ Bar Limited Partnership began marketing the property to interested buyers for development of new residential neighborhoods, commercial developments and offices. In 2010, the owner sold a 1.5 acre parcel of land for the development of a children's clinic at Avenue E and Zimmerman Trail. The County approved the RP zone, and the City annexed the small property with the understanding the remaining acreage would have a coherent land use and annexation plan before additional land could be zoned and annexed to the city. Development plans for a property of this size, need to ensure there are sufficient transportation connections to the existing City transportation system, and the proposed land uses and zoning are as compatible as possible with existing City neighborhoods.

The proposed zoning of the property includes commercial and residential zones centered along future street alignments. The street alignments make connections from the north, south, east and west so any new development will be integrated into the existing transportation system. The proposal for 32.5 acres of CC zoning from Avenue E south along Zimmerman Trail and then along the entire property frontage on Grand Avenue is a concern. In 2001, and then again in 2006, the City and County engaged in area planning for Billings West End. Both plans, the West Billings Neighborhood Plan and the Northwest Shiloh Area Plan, emphasize the need to contain intense commercial development around existing and proposed arterial street intersections or "nodes". The 2001 West Billings Plan preferred a maximum distance of 1,500 feet from an arterial intersection for intense commercial uses. The proposed distance from the intersection of Grand Avenue and Zimmerman Trail to the west is compliant with this guideline. The linear distance both west on Grand Avenue and north of Zimmerman Trail is 1,200 feet. The West Billings Plan also recommended the other areas fronting arterial streets be zoned for professional office uses and for higher density multi-family dwellings.

Limiting intense commercial uses to intersections and nodes helps alleviate traffic congestion through limiting drive approaches along arterial streets, concentrating more intense uses where traffic control is or will be in place, and providing community services where people are more likely to be traveling. Community Commercial zones are intended to serve a larger area than a neighborhood and allow a wide variety of uses and special review uses such as bars and casinos. The West Billings Plan indicated a maximum node area for intense commercial uses should be

20 to 30 acres in total - with equal or nearly equal shares of the commercial uses on each corner of the node. At the intersection of Grand and Zimmerman Trail, this would be 5 to 7 acres on each corner. Each corner could support additional acres if necessary to accommodate a specific development. Over-zoning this commercial node will make a nearly continuous stretch of low density commercial uses along Grand Avenue from downtown to Shiloh Road. Arterial streets with continuous stretches of commercial zoning and uses make good urban design nearly impossible. We have examples of these poor land use decisions along Grand Avenue, Broadwater Avenue, Central Avenue, and Main Street. These arterial streets are crowded with drive approaches, poorly functioning intersections, increased vehicle crashes, and too much signage too close together to be effective for businesses.

The remaining mixture of zoning districts proposed with this zone change appear to consider the compatibility of internal developments as well as adjacent neighborhoods. The central park area, proposed as Public, will likely be a private park developed and maintained by an owner's association. The area is not large enough for a public park and does not appear to have area for a programmed active recreation area such as a playing field. The proposed 3.2- acre park also will not meet the minimum area for park dedication for a residential subdivision, especially if part of the areas zoned NC or CC are developed for multi-family uses, so park land requirements will be further evaluated at time of subdivision.

Grand Avenue and Zimmerman Trail are both principal arterial streets that can carry many 1,000's of vehicle trips per day. At this intersection, Grand Avenue and Zimmerman Trail each carry about 15,000 vehicle trips per day. Grand Avenue west of Zimmerman Trail is currently closed for a complete reconstruction and installation of additional intersection traffic control from Zimmerman Trail to Shiloh Road. There will be 2 traffic roundabouts installed - one for this property and another at 38th St West and Grand Avenue. Full development of this 95-acre property will add many more vehicle trips to Zimmerman Trail and Grand Avenue. A full analysis of these impacts would come as part of a future subdivision. A rough estimate of the new vehicle trips from the residentially zoned areas (at full build out) would add about 4,300 new vehicle trips per day to the surrounding street network.

The Planning Division did not receive any comments or concerns from City departments or the West End Task Force. More than 150 surrounding property owners have been notified of the public hearings and no comments or concerns from these owners were received in the Planning office. The Planning staff has considered the 11 criteria for this zone change. Although there is concern that the proposed CC zone is too large for this corner, the recommendation is to approve the proposed zone change. The Planning staff supported the Cardwell Ranch PD with the underlying zoning of CC south of the subject property due to the limitations imposed on allowed uses and the increased design requirements for buildings and sites in the Planned Development document. For example, the Cardwell Ranch PD does not allow any casinos or gaming establishments, warehouses, lumber yards, auto sales, vehicle repair shops, pawn shops, title loan shops, equipment rental shops, contractor storage yards or similar uses in the CC zone. In addition, the building and site design criteria and requirements are rigorous and go beyond the minimum standards imposed by the zoning and site development codes normally applied to commercial developments throughout the City. The proposed zoning is internally compatible and is compatible with adjacent neighborhoods and zoning. As property is sold, annexed and subdivided, improvements will be made to expand infrastructure, connect to the City's transportation network, and ensure health, safety and general welfare of the surrounding area.

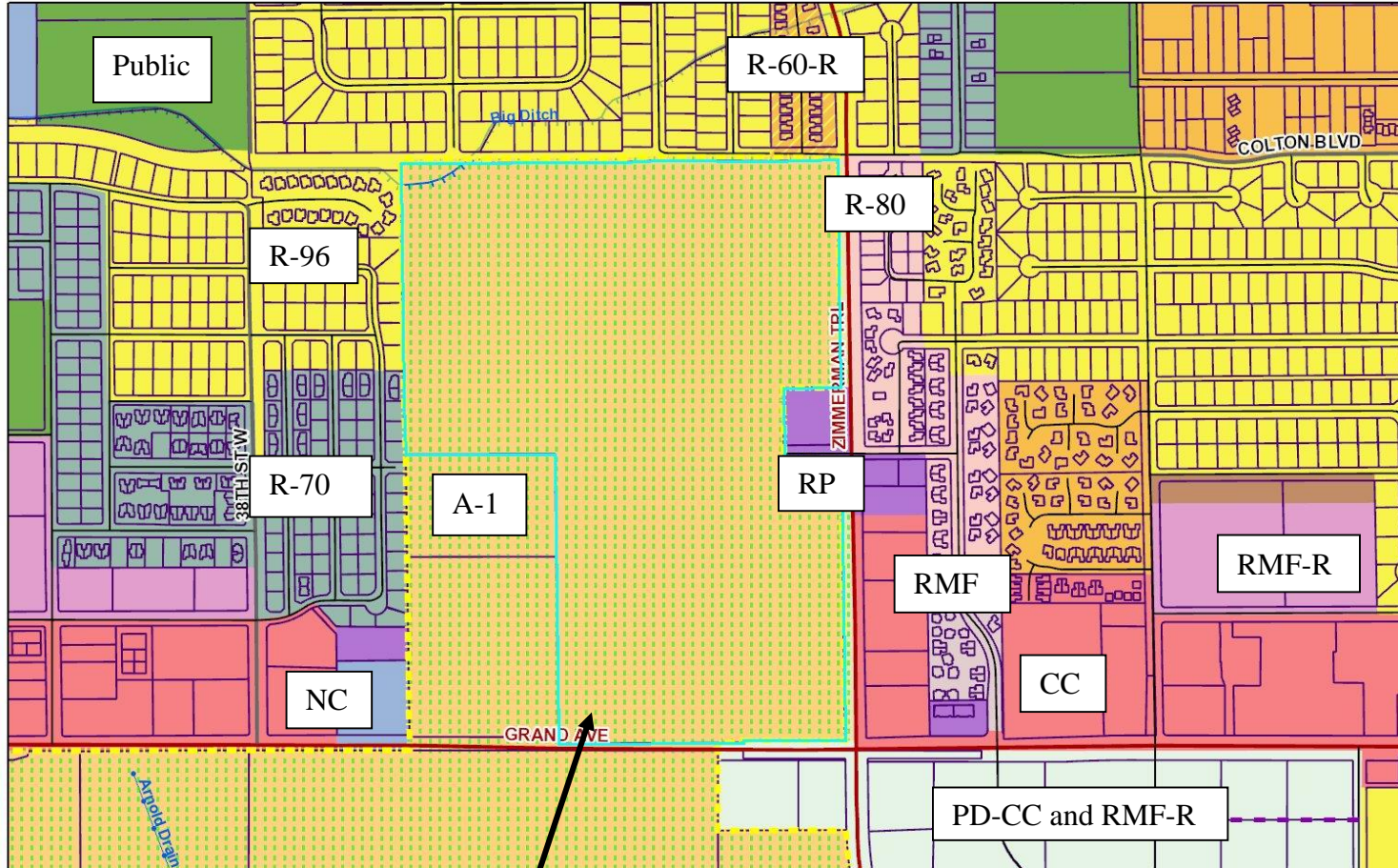
RECOMMENDATION

Staff recommends approval and adoption of the findings of the 11 criteria for Zone Change 675.

Attachments

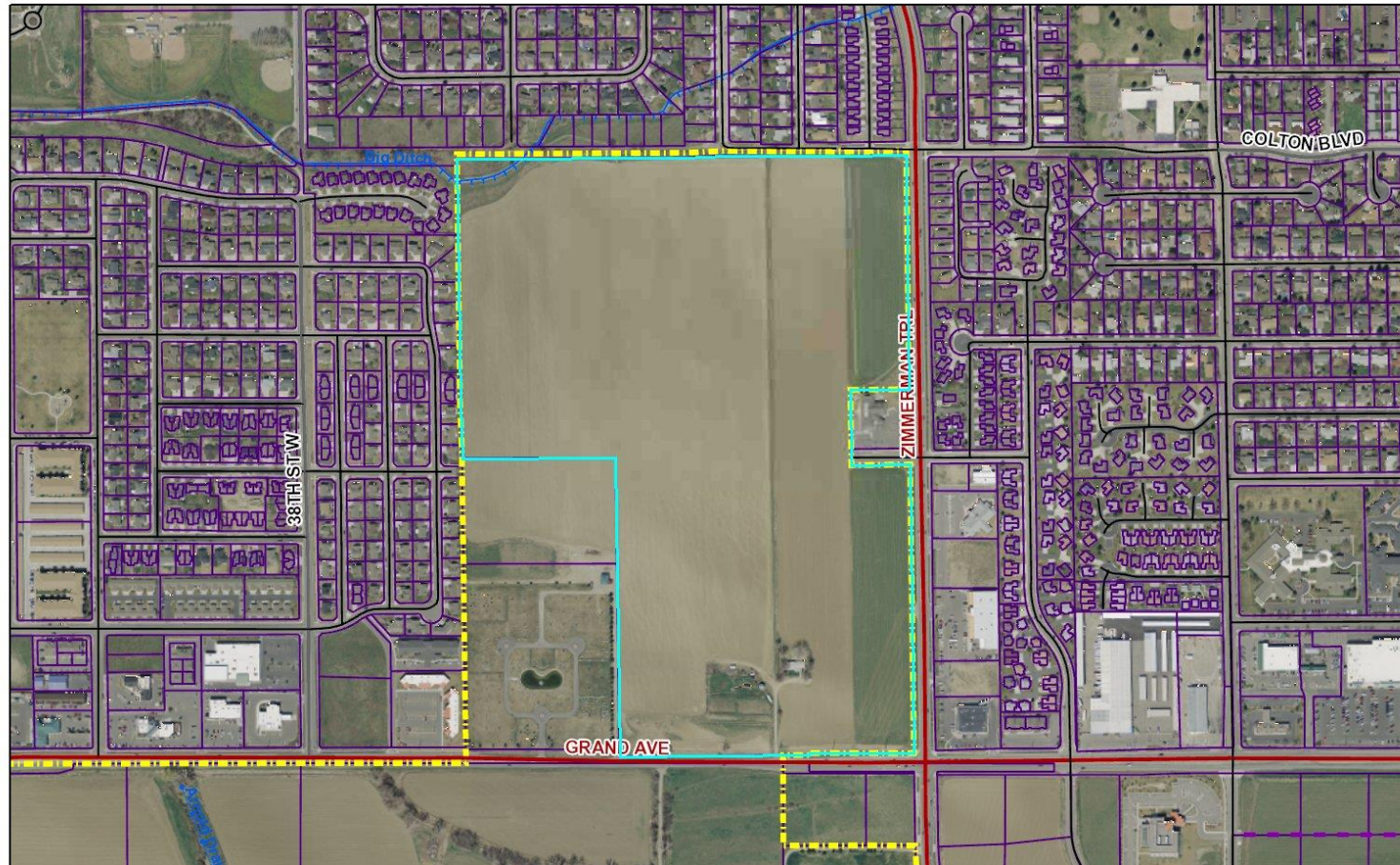
Zoning Map and Site Photos
Proposed Findings of the Review Criteria
Application and pre-app meeting materials

Zoning Map and Site Photos – Zone Change 675
Zone Change 675 - 3415 Grand Ave



Subject Property
Existing Zoning = A-1
Proposed Zoning = CC, NC, RP, RMF-R,
R-50, R-70 & R-96

County ZC 675 - 3415 Grand Ave





View south and west from Zimmerman Trail \



View west from Zimmerman Trail



View south along Zimmerman Trail



View south and east across Zimmerman Trail



View east across Zimmerman Trail at Avenue E



View north along Zimmerman Trail



View north on Zimmerman to Colton Boulevard



View north and west to Colton Boulevard



View south and west to Yellowstone Valley Memorial Park (cemetery)



View south and west to homestead at 3415 Grand Avenue

PROPOSED ZONING COMMISSION DETERMINATIONS – Zone Change 675

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 in part with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in the growth policy. (Land Use Element, page 6).

This zone change would allow for an overall zoning plan that matches the proposed street layout and connections to the adjacent street network. The zoning adjacent to existing neighborhoods to the west and north is compatible. The proposed zoning area of 32.5 acres at Zimmerman and Grand Avenue is much larger than what is intended by the adopted West Billings Neighborhood Plan but is similar to zoning to the east across Zimmerman Trail and south across Grand Avenue.

In 2001, and then again in 2006, the City and County engaged in area planning for Billings West End. Both plans, the West Billings Neighborhood Plan and the Northwest Shiloh Area Plan, emphasize the need to contain intense commercial development around existing and proposed arterial street intersections or "nodes". The 2001 West Billings Plan preferred a maximum distance of 1,500 feet from an arterial intersection for intense commercial uses. The proposed distance from the intersection of Grand Avenue and Zimmerman Trail to the west is compliant with this guideline but the overall size of the CC zoning on the subject property is considerably larger than what was recommended for nodal development.

The proposed 13.4 acres of RP zoning north of Avenue E up to Colton Boulevard may be compatible depending on the future sales and development of this area.

- Goal: New developments that sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).
This property is directly east of properties zoned R-80, RP and CC. To the north is a mature neighborhood of R-96. To the west is a combination of R-96, R-70, and A-1 zoning. The area will have a more diverse zoning plan internally than similar properties annexed, zoned and developed in the past 30 years.

2. Is the new zoning designed to secure from fire and other danger?

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The nearest fire station is located at 17th St West and Parkhill Drive, Station

#3, about 2.4 driving miles to the east. If the property is annexed, BUFSA will assess fees for the portion of the property remaining in the County with structures. The annexed property will be served by the City Billings Fire Department. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.

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

Transportation: The new zoning will increase traffic on the adjacent city street network. Assessment of specific traffic impacts, and mitigation requirements will be done at the time of subdivision, annexation and development of the property. It is likely the residentially zoned land will add at least 4,300 new vehicle trips per day.

Water and Sewerage: The subject properties are served by domestic water wells and septic systems. The property intended for development will be annexed and city water and sewer will be provided at that time. There are adjacent city water, sewer and storm sewer lines in Zimmerman Trail, Colton Boulevard and Grand Avenue. Extension of these service lines will be determined by the City Engineer and the time of annexation and development.

Schools and Parks: The proposed zoning may impact the student population when the residential areas are developed. The elementary school districts have capacity issues at this time. Will James Middle School will have capacity when the Ben Steele Middle School is completed. West High School has capacity issues that may be resolved in the future.

Fire and Police: The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. Development is likely to occur within the city limits. This property can be accommodated.

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

The new zoning will allow development of property that is adjacent to existing urban and suburban density residential uses and commercial uses. New residential development similar in nature to existing development tends to increase property value for surrounding owners. The intended commercial uses along Grand Avenue and Zimmerman Trail may or may not promote the health and general welfare. The CC zone has a wide range of allowed uses from personal mini-storage warehousing to bars, casinos, convenience stores, vehicle service business, auto sales and service, as well as large retailers.

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

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

6. Will the new zoning effect motorized and non-motorized transportation?
The proposed zoning itself will not generate more traffic on any of the adjacent streets. Development of the property by annexation and subdivision should allow the surrounding street network to absorb the additional vehicle traffic. Traffic impact analysis will be required to ensure the development can be accommodated and mitigation of impacts completed. The frontage along Zimmerman Trail has a boulevard sidewalk in place. It appears boulevard sidewalk will be installed along Grand Avenue as part of the street improvement project. Colton Boulevard west of Zimmerman Trail has also been improved to a full street width. The interior streets will be developed to city standards with curb, gutter, boulevard sidewalks as well as parking lanes on both sides of the street. If the internal streets are developed for all users, it will accommodate all modes of transportation.
7. Will the new zoning be compatible with urban growth in the vicinity?
The proposed zoning is compatible with the adjacent zoning and developments. As the proposed zoning is similar or identical to adjacent zoning it should be compatible with urban development.
8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?
The subject property is in an area that is a mix of urban, suburban and rural land uses. It is expected that agricultural uses will continue on parcels not annexed to the city and developed. The property is suitable for most of the particular uses allowed within the various zoning districts. The proposal for 32.5 acres of CC zoning from Avenue E south along Zimmerman Trail and then along the entire property frontage on Grand Avenue is a concern as it promotes linear commercial development along arterial streets that can negatively affect access and pedestrian and vehicle circulation and safety.
9. Will the new zoning conserve the value of buildings?
The new zoning will allow the annexation, subdivision and development of the property within the city limits. There is an existing homestead on the property and the home will be conforming under the proposed zoning.
10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?
The property is suitable for the uses allowed in the residential zoning districts and most of the uses allowed in the proposed commercial zoning districts. CC zoning does allow casinos or gaming establishments, warehouses, lumber yards, auto sales, vehicle repair shops, pawn shops, title loan shops, equipment rental shops, contractor storage yards, and other similar uses that may or may not fit in the neighborhood.
11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?
The proposed zoning is adjacent to the city limits. The proposed zoning is identical or similar to all of the adjacent zoning within the City limits.

Application and pre-app meeting – Zone Change 675

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 675 - Project # PZ-16-0082

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

Proposed Zoning: Mixed use including CC, NC, RP, R5000, R-7000, R-9600, RMFR and Public

Tax ID # D04784 County Commissioner District # 3

Legal Description of Property: Tract 1A, COS 3364 Amended

Address or General Location (If unknown, contact County Public Works): 3415 Grand Avenue

Size of Parcel (Area & Dimensions): Approximately 95 Acres

Present Land-Use: Agricultural / single family home

Proposed Land-Use: Mixed use development

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.

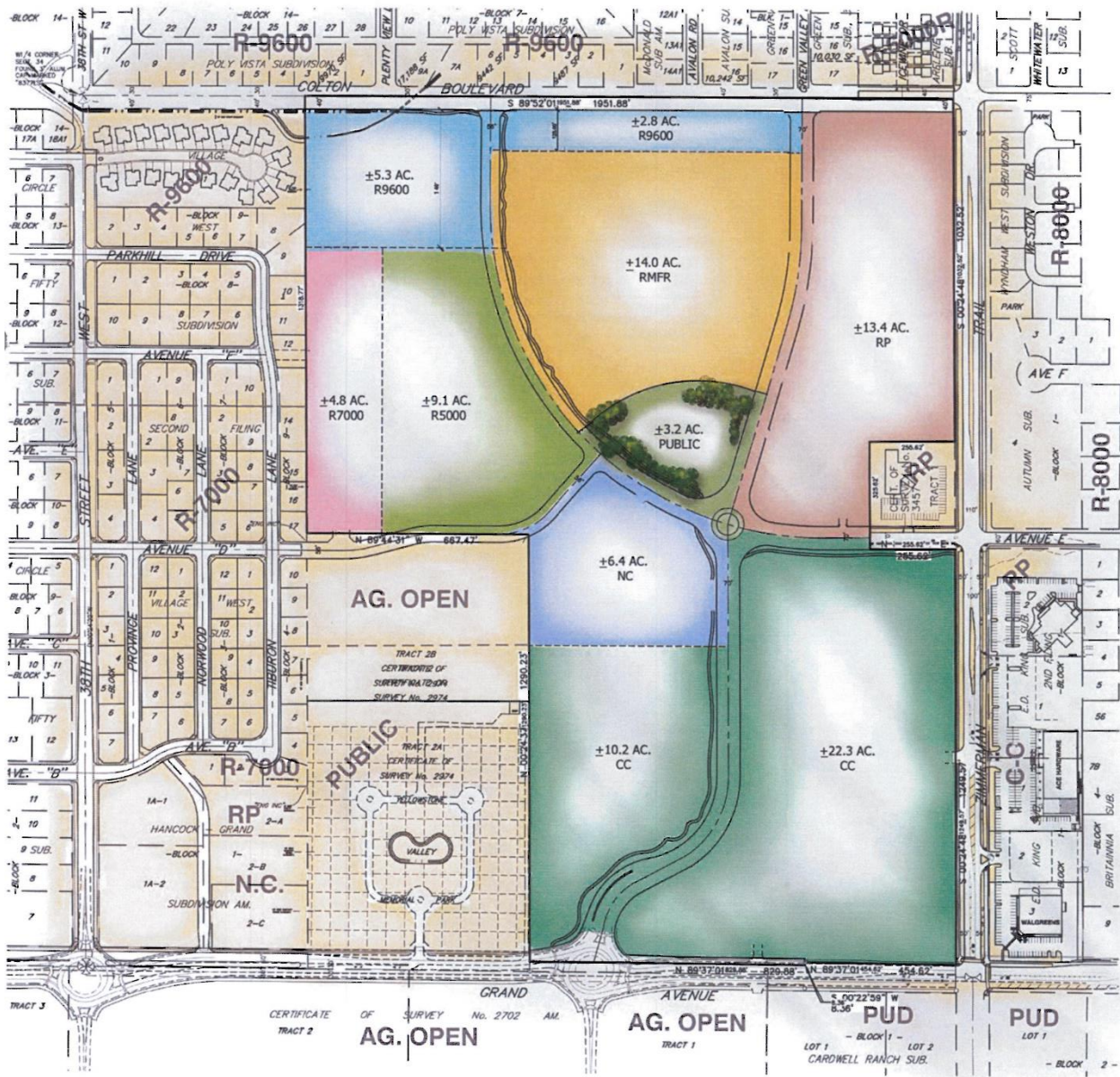
Owner(s): KZ Bar Limited Partnership
(Recorded Owner)
3415 Grand Avenue, Billings, MT 59102
(Address)
Attn: Roy Zimmerman (406) 855-6804
(Phone Number)

Agent(s): Sanderson Stewart Attn: Dennis Randall
(Name)
1300 North Transtech Way, Billings, MT 59102
(Address)
(406) 656-5255
(Phone Number)

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.

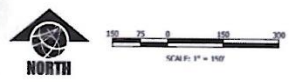
Signature: [Signature] General Partner
Signature: [Signature] Gen. PNR
(Recorded Owner)

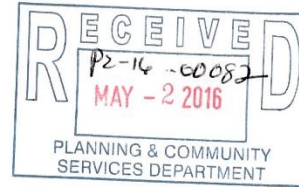
Date: 4/29/16
Date: 4/29/16



- Proposed Zoning**
- Community Commercial (CC)
 - Neighborhood Commercial (NC)
 - Residential (R5000)
 - Residential (R7000)
 - Residential Multi-Family - Restricted (RMFR)
 - Public
 - Residential Professional (RP)
 - Residential (R9600)

EXISTING PARCEL DATA
 TRACT 1A, C/S 3364 AM.
 GROSS AREA : 95.252 ACRES
 EX. ZONING : AG OPEN





May 2, 2016

Ms. Nicole Cromwell
City of Billings Planning Department
2825 3rd Avenue North, 4th Floor
Billings, MT 59101

Reference: County Zone change application – Tract 1A, COS 3346

Dear Nicole:

Attached is the zone change application for the Zimmerman property.

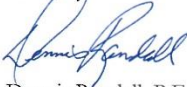
I would like to point out one key change that has been made to the proposed zoning from what was presented at the neighborhood meeting held on April 25, 2016.

At the neighborhood meeting several attendees expressed concern with the RMF zoning, and specifically the possible building heights that might be constructed within the Residential Multi-Family Zone.

The Zimmerman family considered the comments made at the meeting and have elected to revise the proposed zoning to RMFR, which has a maximum height restriction of 40-feet as well as a reduced allowable density. That revision is reflected on the exhibit included in this application.

If you have any questions, or need anything else from the applicant or myself, please let me know at 406/656-5255.

Sincerely



Dennis Randall, P.E., L.S.
Vice President

DDR/cas

Enc.

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To Plan and Design
Enduring Communities...

Tract 1A, COS 3364 Amended
ZONE CHANGE APPLICATION FROM AGRICULTURAL OPEN
TO A MIXED USE ZONING

Statement of Proposal

The owner, KZ Bar Limited Partnership is seeking a zone change for the property. The property is located at 3415 Grand Avenue. The site is approximately 95 acres.

The existing zoning is Agricultural Open. The applicant is requesting a zone change to a mixed use zoning, including CC, NC, R-5000, R-7000, R-9600, RMFR, RP, and public. The applicant's intent is to plan a mixed use development and position the property for sale, annexation and future development.

Accompanying Responses to Questions in Zoning Application Form

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

LAND USE ELEMENT

Goal 1. Predictable land use decisions that are consistent with neighborhood character and land use patterns.

The adjacent properties include a mix of zoning and uses. To the west and north is residential R7 and R-96 zoning. To the east is a mix of residential and Community Commercial zoning. To the south is PUD, including mixed use commercial and residential. The proposed zoning and use would be consistent with types of businesses and existing residential uses that currently exist.

Goal 2. Contiguous development focused in and around existing population centers separated by open space.

The development would be infill development. All surrounding properties, with the exception of a portion of the property to the south is within the city of billings and has been developed. City infrastructure surrounds the property. Development will make use of city resources in a cost effective manner.

Goal 3. Affordable housing for all income levels dispersed throughout the City and County.

The proposed zoning will provide for a number of housing types, all within walkable distances to schools and neighborhood retail services. The development would provide rental and ownership housing options for the diverse workforce.

NEIGHBORHOOD MEETING
ATTENDANCE SIGN-IN SHEET

Date: April 25, 2016

Time: 6:00pm

Project No.: 05058.02

Project: 3415 Grand Avenue Proposed Zone Change

Meeting Location: Shiloh United Methodist Church - 1810 Shiloh Road, Billings, MT 59106

Name (Please Print)	Phone Number	Email Address
EDWARD JANCA	(406) 652-1217	EJJANCA@YAHOO.COM
ED MONZON	656-8102	SMUB391@AOL.COM
FRANCIS LEW MORRIS	656-1784	FlinM@AOL.COM
Ray Phyllis Bergeron	656-4393	RCBERON@BRESMAN.NET
Shirley Kink	690-1741	SKink@Kimb'sAcadHardware.com
PAUL & PAM BEFORE	656-7745	natesmom112@gmail.com
Beth Walter	406-860-2442	Kbwalt@NSJ.COM
Greg + Dianne Wood	406-855-5346	dng.wood@gmail.com
Charlie Yegan	406-252-0143	Char@pyppm.com
CHERYL CORMIER	456-4970	jvcmt@yahoo.com
DIANE NELSON	256-0690	wdne/son@g.com
Jeff & Abby Carroll	208-5355	jeffabbyben@bresnan.net
Tim & Lisa Carner	(617) 295-7995	lisa.lannene@gmail.com

MEETING MINUTES

PROJECT: Tract 1A, Certificate of Survey 3364 - Proposed Zone Change			
Project No: 05058.02			
Meeting Location: Shiloh United Methodist church – 1810 Shiloh Road		Meeting Date: 04/25/16 6:00 PM	
Meeting Subject: Neighborhood meeting		Prepared by: Dennis Randall	
Attending:	See attached sign-in		
Date of Issue: 4/26/16			

Minutes:

Don Zimmerman, Lyle Zimmerman, Roy Zimmerman and Dennis Randall moderated the meeting;

- Don Zimmerman gave a brief summary of the family history and land history
- Lyle Zimmerman gave a summary of the Family's intent relative to development or sale of the property
- Dennis gave a summary of the difference between the various proposed land use zones
- Dennis gave a summary of the Zoning process and the tentative hearing dates.

Summary of primary questions or concerns with the zone change:

- The majority of the concerns expressed with the attendees was with the RMF zoning, concerns were mostly relative to the lack of height restrictions in the RMF zone, also concerns with the possibility of low cost rental units and the type of tenants that might occupy rental units. Several of the attendees asked the applicant if they would consider height restrictions in the RMF zone, either through an alternative zone or covenants. *
- One attendee was concerned with the R-7000 on the west side, as a portion of proposed R-7000 backs up to some existing R-9600 in Village West.
- One attendee expressed concern with the connection shown to Green Valley Drive north of Colton.
- We had some discussion on the possibility of an SID, associated with the proposed development that could impact existing homes. Dennis explained SID policy and that there was minimal risk.
- Some discussion on Traffic concerns, and how existing intersections might function. Dennis explained the requirement for a TIS in conjunction with the platting and / or annexation.

Meeting was adjourned at approximately 7:20 P.M.

*Based on the input received at the neighborhood meeting regarding the concerns with the RMF zone, and possible building heights, the applicant has elected to revise the application, changing the RMF zone to RMFR.

