



COUNTY OF YELLOWSTONE ZONING COMMISSION

AGENDA-Monday, June 12, 2017, 4:00 PM

**Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, 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 the May 8, 2017 Meeting Minutes

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 Special Review 329 – 720 & 748 Washington St and 3719 King Avenue East – Dan Walt Gardens and Event Center** - A special review request to modify and expand the location of the existing special review approval (SR #285 April 22, 2003) to operate a commercial recreational facility and associated parking lot in a Residential 15,000 (R-150) zone on C/S 108, Tract 1; C/S 593, Tract 1 and Tract 2D, a 3-acre parcel of land.

- b. **County Zone Change 682 – Kimble Subdivision 3rd Filing** The applicant is requesting a zone change request from Residential 15,000 (R-150) to Agriculture-Open Space (A-1) on Lots 6-10, Block 1 and Lots 1-10 of Block 2, Kimble Subdivision 3rd Filing, and the anticipated abandoned rights of way within the subdivision, a 3.03-acre parcel of land. A pre-application neighborhood meeting was held on April 24, 2017, at the subject property. Tax IDs: A09614, A09615, A09616, A09617, A09618 & A09619.

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 27, 2017, 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: 06/12/2017

Information

Subject

Motion. Approval of the May 8, 2017 Meeting Minutes

Attachments

YZC_2017_05_08_DRAFT



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, May 8, 2017**

****The March 13, 2017 and the April 10, 2017 County Zoning Commission meetings were cancelled.**

The County Zoning Commission met on Monday, May 8, 2017 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North at 4:00 p.m. 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, May 30, 2017, 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.

At 4:00 p.m., Chairman Ryan Wittman opened the meeting and introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner I, Tammy Deines, Planning Clerk.

Commissioners and Staff		01-11-2016	02-08-2016	02-12-2016	03-14-2016	04-11-2016	05-09-2016	06-13-2016	09-12-2016	01-09-2016	02-13-2017	03-13-2017	05-08-2017		
Jerry T. Ray	Commissioner	-	1	1	-	1	1	E	1	-	1	-	E		
Troy Boucher	Commissioner Vice Chairman	-	1	1	-	1	1	1	1	-	1	-	1		
Ryan Wittman	Commissioner Chairman		1	1	-	1	1	1	1	-	1	-	1		
Tyler Bush	Commissioner	-	-	-	-	-	-	-	-	-	1	-	1		
Vacancy										-		-			

Attending: Robert Neihart, Bruce Lackman

Public Comment

Chairman Wittman 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. There was none.

Approval of Minutes: February 13, 2017

Motion

Commissioner Boucher made a motion and it was seconded by Commissioner Bush to



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, May 8, 2017

approve the February 13, 2017 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Public Hearings:

Item #1: County Zone Change #681- 1400 & 1438 Plateau Road and 1412 Sagebrush Road

– A zone change request from Agriculture-Open Space (A-1) to Residential 9,600 (R-96) for a 20.65-acre parcel of land described as E1/2W1/2 of Lot 1 and the W1/2W1/2 of Lot 1 in Section 2, Township 1 North, Range 26 East; and Tract 12B of C/S 1420. A pre-application neighborhood meeting was held on February 20, 2017, at 1438 Plateau Road, one of the subject parcels. Tax IDs: D04930A, D04937, D04935

RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 11 review criteria for Zone Change #681.

Discussion

Chairman Wittman called for questions and discussion from the Zoning Commission. There was none.

Public Hearing

Chairman Wittman opened the public hearing at and called for proponents or opponents of Yellowstone County Zone Change #681.

Proponents

Robert Neihart, 5425 Cornerstone Avenue, Billings, Montana 59106

Mr. Neihart thanked Ms. Husman for her presentation. The water will be located long Plateau Road and severed by the Heights Water Service. Commissioner Boucher commented that the points of ingress are secured for the subdivision. Per request of Mr. Lackman, Mr. Neihart explained the layout of the proposed water line which will loop through the subdivision to Bitterroot Drive. The developer is paying for an additional connection to Hawthorne Lane. There are 162 homes planned for phase 1 of the subdivision. A traffic impact study was completed through the subdivision preliminary plat process and this parcel is served by Sky view High School, Castle Rock Middle School, and Independent Elementary School.

Opponents: There were no opponents.

Chairman Wittman asked if there was anyone else wanting to speak in favor or against



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, May 8, 2017**

Yellowstone County Zone Change #681. There was none. At 4:33 p.m., Chairman Wittman closed the public hearing and called for a motion.

Motion

Commissioner Boucher made a motion and it was seconded by Commissioner Bush to forward a recommendation to the Board of County Commissioners of approval of County Zone Change #681 with adoption of the Findings of the 11 review criteria.

Chairman Wittman called for a vote on the motion.

Name	Favor	Against	Abstain	Absent
Chairman Wittman	X			
Commissioner Boucher	X			
Commissioner Ray				X
Commissioner Bush	X			

The motion carries, 3-0.

Other Business/Announcements

- A. The June 12, 2017 County Zoning Commission meeting will be held as legally advertised and announced with 2 hearings presented by Planner Dave Green.

Adjournment: The meeting adjourned at 4:50 p.m.

DRAFT-TO BE APPROVED BY A MOTION



County Zoning Commission

Meeting Date: 06/12/2017

SUBJECT: Special Review #329 - 720 & 748 Washington St and 3719 King Ave East - Dan Walt Gardens

THROUGH: Wyeth Friday

PRESENTED BY: David Green

Information

REQUEST

County Special Review 329 – 720 & 748 Washington St and 3719 King Avenue East – Dan Walt Gardens and Event Center - A special review request to modify and expand the location of the existing special review approval (SR #285 April 22, 2003) to operate a commercial recreational facility and associated parking lot in a Residential 15,000 (R-150) zone on C/S 108, Tract 1; C/S 593, Tract 1 and Tract 2D, a 3-acre parcel of land.

RECOMMENDATION

Planning Staff is recommending conditional approval based on the finding of the 3 review criteria for Special Review 329.

APPLICATION DATA

OWNER:	Dan Jellison and Walt Williams
AGENT:	Timothy Hudson
LEGAL DESCRIPTION:	C/S 108, Tract 1; C/S 593, Tract 1 and Tract 2D
ADDRESS:	720 and 748 Washington St and 3719 King Avenue East
CURRENT ZONING:	R-150
EXISTING LAND USE:	Dan Walt Gardens
PROPOSED USE:	Dan Walt Gardens
SIZE OF PARCEL:	3 acres

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

Subject Property

Special Review #285 – Approval to allow commercial recreation and public parking on R-15 zoned land was granted April 22, 2003.

Surrounding Property

Zone Change #325 – 800 Jackson Street - A zone change from Neighborhood Commercial to PUD. Granted on June 22, 1981.

Special Review #99 – 800 Jackson Street - To allow gasoline sales and convenience store in a PUD. Granted on June 22, 1981.

SURROUNDING LAND USE & ZONING

NORTH:	Zoning: R-150 Land Use: Residential
SOUTH:	Zoning: Residential 5000 (R-50) Land Use: Single family homes
EAST:	Zoning: R-150 Land Use: Single Family Homes
WEST:	Zoning: R-150 Land Use: Single family homes

BACKGROUND

The applicant is requesting a special review to include and expand a garden and pavilion area into an existing garden area. The expansion includes a Pavilion and additional garden space that is open to the public for tours, special events and general outdoor events in a garden setting. Two of the three parcels, 720 and 748 Washington St, in this application received special review approval April 22, 2003 to operate a commercial recreational facility and associated parking lot for the gardens.

Dan Walt Gardens is located on the northwest corner of the intersection of Washington Street and King Avenue East. In 2003, the property received special review approval for the facilities as they were at that time. It granted the ability to be able to provide off street parking and open the gardens to the public for tours, family events, weddings and business meetings in a garden setting. In 2006, the property at 3719 King Avenue East was purchased and the business expanded to include a pavilion, better off street parking, and more gardens. This special review will allow the three properties to be in compliance with the requirements of zoning.

Planning staff reviewed this application and is recommending conditional approval. The site is already developed and is an asset to the neighborhood. This type of use is an allowed use in this zoning with a special review pursuant Section 27-305, Recreation, Commercial. DanWalt Gardens has become a location in the community where people go to enjoy outdoor gardens as well as being able to have outdoor events with family, weddings and business gatherings in an outdoor garden setting.

Special review uses must meet three primary criteria; 1) the application complies with all parts of the Unified Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2008 Yellowstone County Growth Policy, and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts. This application conforms to the first criteria in so far that it is within a zoning district where commercial recreational uses can be allowed by special review approval.

The application also conforms to the second and third criteria. The zoning regulations adopted by the Board of County Commissioners have designated Residential 15,000 zones as districts where commercial recreational uses can be located by special review approval. The 2008 Growth Policy encourages development that is compatible and similar to neighboring properties in form and use. This special review is to bring the entire site into conformance and create hours of operation that will be more conducive to schedules people are used to operating within. The proposed use fits with the existing large lot residential in the area. The buildings already exist on the property and it is considered an asset to the neighborhood because of the gardens being very well maintained. The proposed land use complies with the following goals of the 2008 Yellowstone County Growth Policy:

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

Approval of this special review is consistent with what has been in the neighborhood for a number of years and will ensure they continue. Compliance with the conditions of approval will ensure compatibility with the neighborhood.

- Goal: New developments that are sensitive to and compatible with the character of existing neighborhoods.

The proposed inclusion of the existing improvements to the Dan Walt Gardens will allow them to continue to

provide a service to the neighborhood and to Billings and is compatible and sensitive to the character of the existing neighborhood.

Zoning Commission Action

The County Zoning Commission shall make a recommendation to the Board of County Commissioners to:

1. Deny the application for a special review use.
2. Grant the application for a special review use.
3. Conditionally grant the application for a special review use.
4. Delay action on the application for a period not to exceed thirty (30) days.
5. Give reasons for the recommendation.

Before approving a special review use, the Zoning Commission shall find that the contemplated use:

1. Complies with all requirements of this Resolution;
2. Is consistent with the objectives and purposes of the County Zoning Regulations and the Growth Policy;
3. Is compatible with surrounding land uses or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.

Further the Zoning Commission shall consider and may impose modifications or conditions concerning, but not limited to the following:

1. Street and road capacity;
2. Ingress and egress to adjoining streets;
3. Off-street parking;
4. Fencing, screening and landscaping;
5. Building bulk and location;
6. Usable open space; Signs and lighting;
7. Noise, vibration, air pollution and similar environmental influences.

RECOMMENDATION

Planning Division recommends conditional approval and adoption of the 3 criteria for Special Review 329.

Planning Division is recommending the following conditions:

1. The approval shall be limited to C/S 108, Tract 1; C/S 593, Tract 1 and Tract 2D generally located at 720 and 748 Washington St and 3719 King Avenue East.
2. This special review approval is to modify and expand the location of the existing special review approval (SR #285 April 22, 2003) to operate a commercial recreational facility and associated parking lot and expand hours of operation from 8 am to 10 pm. No other special review use is intended or implied by this approval.
3. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
4. Failure to comply with these conditions of approval of the special review use shall be deemed a violation of the zoning regulations. Enforcement of the regulations and conditions shall be as set forth in Section 27-1601 et seq. of the Unified Zoning Regulations.

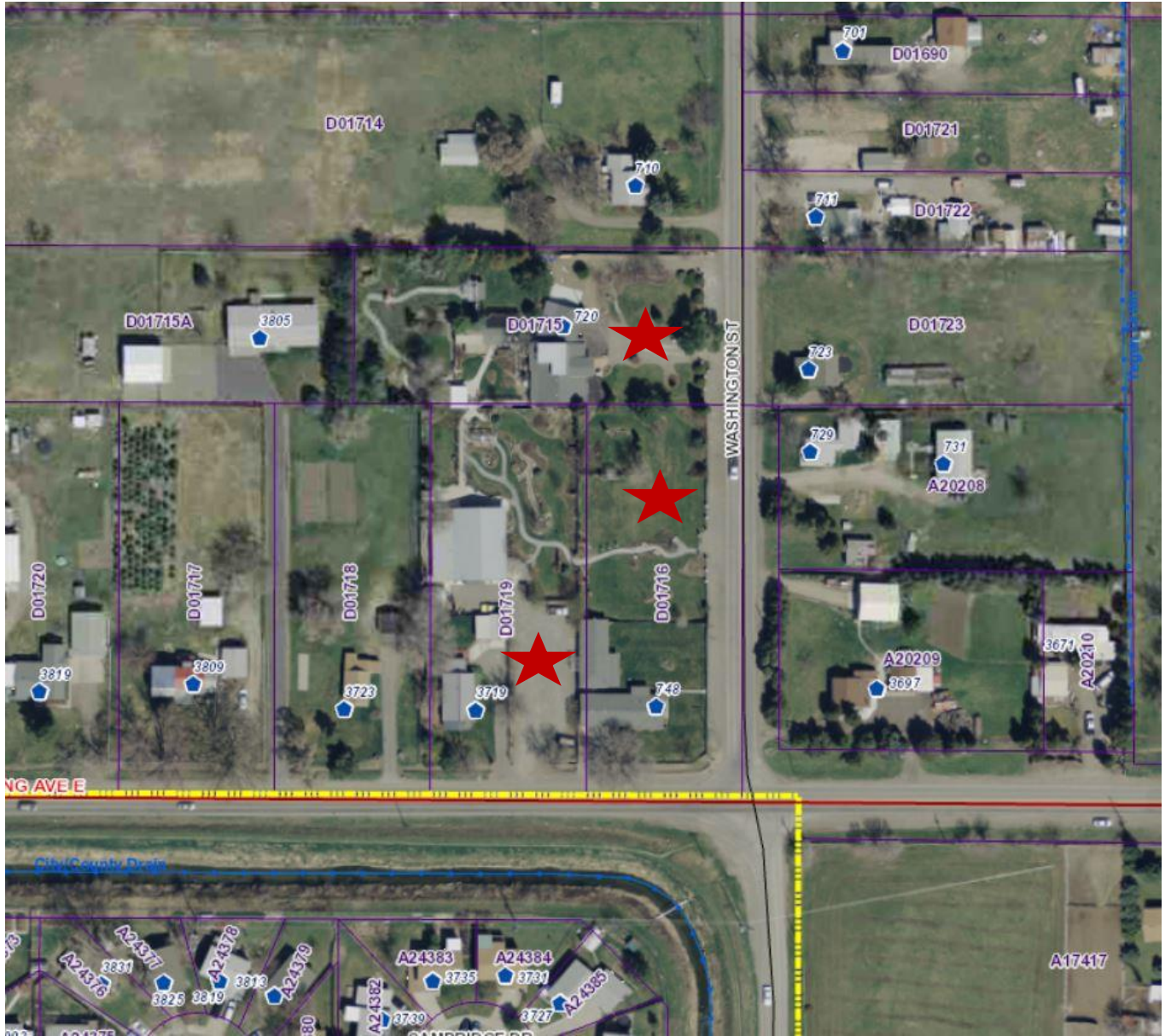
****NOTE**** Approval of this Special Review does not constitute approval of a building permit, zoning compliance permit, sign permit, or fence permit. Compliance with all applicable local codes will be reviewed at the zoning compliance permit level.

Attachments

Zoning Map and Site Photos

Surrounding Zoning Map





Subject Properties





Site Photographs



Subject property



Looking east along King Avenue East from subject Property



Looking west along King Avenue East from subject property



Looking south across King Avenue East from subject property



Looking north into subject property from King Avenue East



Looking west at subject property from Washington Street

Applicant Letter
Request for Update to Special Use Permit #285
For DanWalt Gardens

DanWalt Gardens, Dan Jellison and Walt Williams of 720 Washington St., Billings, MT 59101 obtained a special use permit for Commercial Recreation for public tours and private event parties on April 23, 2003. The use permit for the gardens were for 720 and 748 Washington Street (2 acres). The special permit allowed for the development and use of on street and off street parking on these properties for tours, family events, and weddings etc., from May 15th through September 15 of each year. The Gardens continued to be developed and have become a beautiful and popular community gardens. In addition, the Gardens has seen continued growth in tours, family events, and corporate events.

While operating, it is the goal of the Gardens to meet the objectives of the adopted Yellowstone County Growth Policy. The Garden area is adjacent to the South Billings Urban Renewal District, and the area has experienced sizable commercial growth and renewal. The neighborhood is composed of residential large tracts. It historically has had a quiet, small, acreage tract, rural feel. The area residences have had many gardens, and many rural residential uses. The limited use permit has allowed the gardens to become a community center, a place of pride for the neighborhood, and way to preserve the culture and energy of the small acreage tract neighborhood. And more so, the Gardens have enhanced the property values and beauty in the neighborhood. The Gardens are centered on family events, community service and corporate functions. In doing so, it has helped to acquaint all of the community with the beauty and diversity of this neighborhood. This fits well with the Growth Plan role of new developments being sensitive and compatible with the character of our City or County neighborhoods. At the same time, it enhances the growth of the area to support the South Billings Urban Renewal District.

In March of 2006 Mr. Jellison and Mr. Williams acquired 3719 King Ave E., a one acre tract adjacent to the existing DanWalt Gardens, directly on the west side. This allowed the front of the gardens on Washington to be greatly enhanced; adding to the neighborhood appeal and beauty while centering the activity more to the west. This has made it less intrusive to the residential area. Much of the design centered on new gardens with more privacy design. It ensures the tours and events were better enhanced and controlled. The area has a large graveled area which is more accommodating for off street parking. The pavilion building was added to provide for the grow of events. The gardens were increased and privacy fencing made for a quieter more controlled family event center. The building is an engineered building provided by Aldrich Lumber, was properly inspected and added to the property tax report with

the department of revenue. The Montana Department of Public Health and Human Services annually inspects the property building and a retail small food license is issued, inspected and reviewed for annual reissue. This additional one acre has made the flow and use of the Gardens much more friendly, accommodating and less intrusive.

DanWalt is seeking an update of the use permit to add the one acre piece at 3719 King Ave. E to the existing special use permit. The additional space allows for a friendlier graveled parking area, assembly of events in a more private and controlled area and annual review of the health standards of the facility. With the cost of these improvements DanWalt Gardens is also seeking the year-round use of the Gardens and Pavilion for events. All events and tours would start after 8:00am and any private parties would conclude on or before 10pm. Within the gardens an engraved rock enhances the beauty of the gardens and notes the gardens as DanWalt Gardens. The parking area would be used only for event parking. The careful design and layout of the DanWalt Gardens and the enhancements have allowed the special use to be fulfilled without neighborhood problems since its issue 14 years ago. The update and addition of the permit will allow the gardens the continued enhanced use. DanWalt Gardens will continue to retain the neighborhood culture and this update to the permit allows the gardens to cover the costs of improvements for the continued operation of the gardens. The gardens will maintain the parking areas along the streets fronting the Gardens and they will continue to be graveled as needed and striped to control the street parking during events by the DanWalt Gardens owners. This has worked well for both the Gardens and the neighborhood. Parking attendants are provided for the events.



Parking Lot Area 1



Parking Lot Area 2



Pavilion Off Parking Area



Pavilion



Covered Patio of Pavilion



Improved Gardens around Pavilion

New DanWalt Gardens 1 Acre

Use Request



Addition Landscaping/Gardens on New 1 Acre



Gardens and Open Beauty of New 1 Acre Area



Rear Patio Area of Pavilion



Private Yard Garage and Carport



Private Home on this Tract at South End and West of Parking

New DanWalt Gardens 1 Acre

Use Request



County Zoning Commission

Meeting Date: 06/12/2017

SUBJECT: Zone Change 682 - Kimble Subdivision, 3rd Filing

THROUGH: Wyeth Friday

PRESENTED BY: David Green

Information

REQUEST

County Zone Change 682 – Kimble Subdivision 3rd Filing The applicant is requesting a zone change request from Residential 15,000 (R-150) to Agriculture-Open Space (A-1) on Lots 6-10, Block 1 and Lots 1-10 of Block 2, Kimble Subdivision 3rd Filing, and the anticipated abandoned rights of way within the subdivision, a 3.03-acre parcel of land. A pre-application neighborhood meeting was held on April 24, 2017, at the subject property. Tax IDs: A09614, A09615, A09616, A09617, A09618 & A09619.

RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 11 criteria for Zone Change 682.

APPLICATION DATA

OWNER: Dawna M, Kimble and Jonathan D. Kimble

AGENT: Peter Heidmann / Mountain West Veterinary

LEGAL DESCRIPTION: Lots 6-10, Block 1 and Lots 1-10 of Block 2, Kimble Subdivision, 3rd Filing

ADDRESS: No addresses have been assigned

CURRENT ZONING: Residential 15,000

EXISTING LAND USE: Agricultural

PROPOSED USE: Equestrian Veterinary Clinic

SIZE OF PARCEL: 3.03 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

Subject property: None.

Surrounding property: There have been many different zoning applications in the surrounding neighborhood. There have been 9 zone changes, 3 special reviews, 1 annexation and 1 de-annexation. Kimble subdivision has had 2 zone changes. One of those zone changes took place with an annexation and then was returned to the previous zoning and de-annexed after a large commercial project did not move forward.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: CC
Land Use: Auto and Truck Repair

SOUTH: Zoning: R-150
Land Use: Single family home and some commercial shop buildings

EAST: Zoning: R-150 and CC
Land Use: Single family homes and commercial greenhouse

WEST: Zoning: R-150 and CI
Land Use: Single family homes and commercial businesses

BACKGROUND

The subject property is located on the south of Kimble Drive which is off of Garden Avenue. Surrounding properties are zoned R-150 and CC. Farther to the south and east there is Agriculture Suburban zoning. Along the Yellowstone River edge to the east, the land is zoned R-150 and Agriculture Open (A-1). Some land along the river's edge is zoned Public. R-150 is a zoning designation only allowed in the County. It is intended as a larger lot residential zoning and requires a minimum lot size of 15,000 square feet. CC zoning is a zoning intended for commercial development that would include retail businesses, gas station/convenience stores, casinos and restaurants and other commercial ventures of similar nature, including storage units. The property to the north is Jim and Tracys Alignment and the land is zoned CC. To the east of the subject properties it is zoned CC and these properties are developed as residential parcels. All houses on Garden Avenue from South 2th Street, going south, to the first curve in Garden Avenue that turns to the west are on land zoned CC. Property to the southwest of the subject properties is zoned R-150 and has commercial use on it without the required residential use outlined in zoning. There are lots near the subject properties that are zoned R-150 that do not meet the required minimum lot size of 15,000 square feet. Also, to the southeast is a camp ground facility that is on land zoned R-150. R-150 does not allow campground facilities. Peterson Subdivision and Tenny Acres, two subdivisions to the south, are both zoned R-150 and the majority of the lots within those subdivisions do not meet the minimum 15,000 square foot lot size. In the neighborhood where the subject property is located many parcels of land are zoned without either the intended use on them that zoning indicates or the land does not meet the required minimum lot size outlined in zoning.

The applicant is requesting a zone change from R-150 to A-1 and intends to develop the properties as an equestrian veterinary clinic with boarding and an outdoor animal boarding/grazing area. The applicant intends to re-plat the property to create 3 lots without the road and alley currently platted but not fully developed. According to current information shown by the Yellowstone County mapping system and the City of Billings mapping system, there are 7 existing lots with a road dedication and an alley dedication. Two of the lots have the same Tax ID number assigned to them. The road, alley and the lots have not been developed. The property has been used as pasture for horses in the past. Of those 7 lots, 4 of them do not meet the minimum lot size required by zoning. A-1 zoning is the only County zoning that will allow for an equestrian veterinary clinic without having to go through a special review process. The applicant reviewed with staff other optional zoning districts that could be put in place for a veterinary clinic. The other zoning districts that would allow the clinic outright by zoning are Controlled Industrial (CI) and Heavy Industrial (HI). Both of those options would be extremely out of place and could bring unwanted development in the future to this neighborhood. If industrial zoning were allowed in this area, it could also set up the expectation that CI or HI zoning for industrial uses might fit in County area by the river. It was determined that the most appropriate zoning for this location for the proposed equestrian veterinary clinic would be A-1 zoning. A-1 zoning requires a minimum lot area of 10 acres. The proposed parcel requesting the zone change is 3.03 acres. As was stated previously, some of the existing R-150 lots that make up the subject property do not meet the minimum lot size for residential development and if the property were rezoned to A-1 zoning the combined lots also would not meet the minimum lot size for the new zoning for residential use. However, under the current R-150 zoning or the proposed A-1 zoning, a single family home could be allowed on the lots under the zoning regulations. In this application, the owner does not intend to develop the property for one residence but for an equestrian veterinary clinic with boarding.

Planning staff in reviewing this proposed zone change looked around the neighborhood to see what surrounds this property in the way of zoning and land uses. As pointed out earlier in the staff report, there are many parcels in the area that have use and uses that do not match the zoning of the properties and are not an allowed use in that zoning. There is commercial zoning with houses on the property and there are commercial uses on land zoned for residential uses only. There are parcels that do not meet the required minimum lot size in the zoning districts they are in. The applicant is asking for a zoning that does not meet the required minimum lot size but the proposed use

is correct for the zoning. The proposed A-1 zoning does appear to meet the still rural nature of some of the surrounding area. The land that is proposed to have the zone change has historically been used for horse grazing. The applicant is proposing to build an equestrian veterinary clinic which would maintain some of the current use of horse pasture but with a building on the site and other site improvements. If the clinic were to close, the zoning would only allow a house or a use related to farming, which is the historic use of these parcels of land.

A neighborhood meeting was conducted by the applicant on April 24, 2017, at the subject property. Six people from the neighborhood attended the meeting. Concerns were raised about the flood plain on the land and the need to maintain existing accesses for utilities. The notes from the meeting indicate that the proposed use was explained and that at the conclusion of the meeting those in attendance felt this was a good use of the land.

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 with some commercial use in the area. It is in line with the existing uses of the land and would be compatible with what is in the area. The proposed zoning would bring predictable land use with it so the surrounding neighbors will know that it can only be used for residential or agriculturally related uses.

RECOMMENDATION

Planning staff recommends approval and adoption of the proposed findings of the 11 criteria for Zone Change 682.

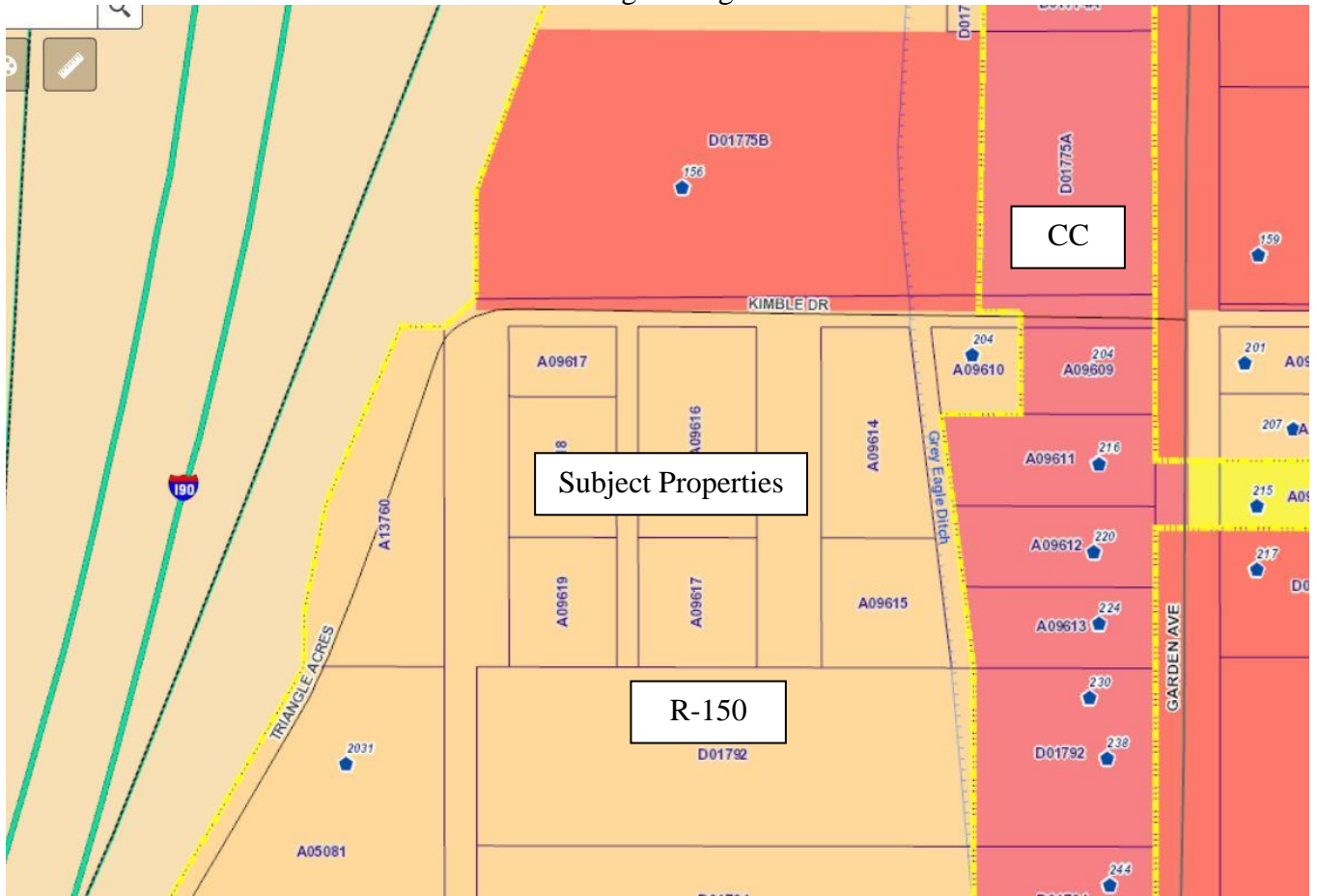
Attachments

Zoning Map and Site Photos

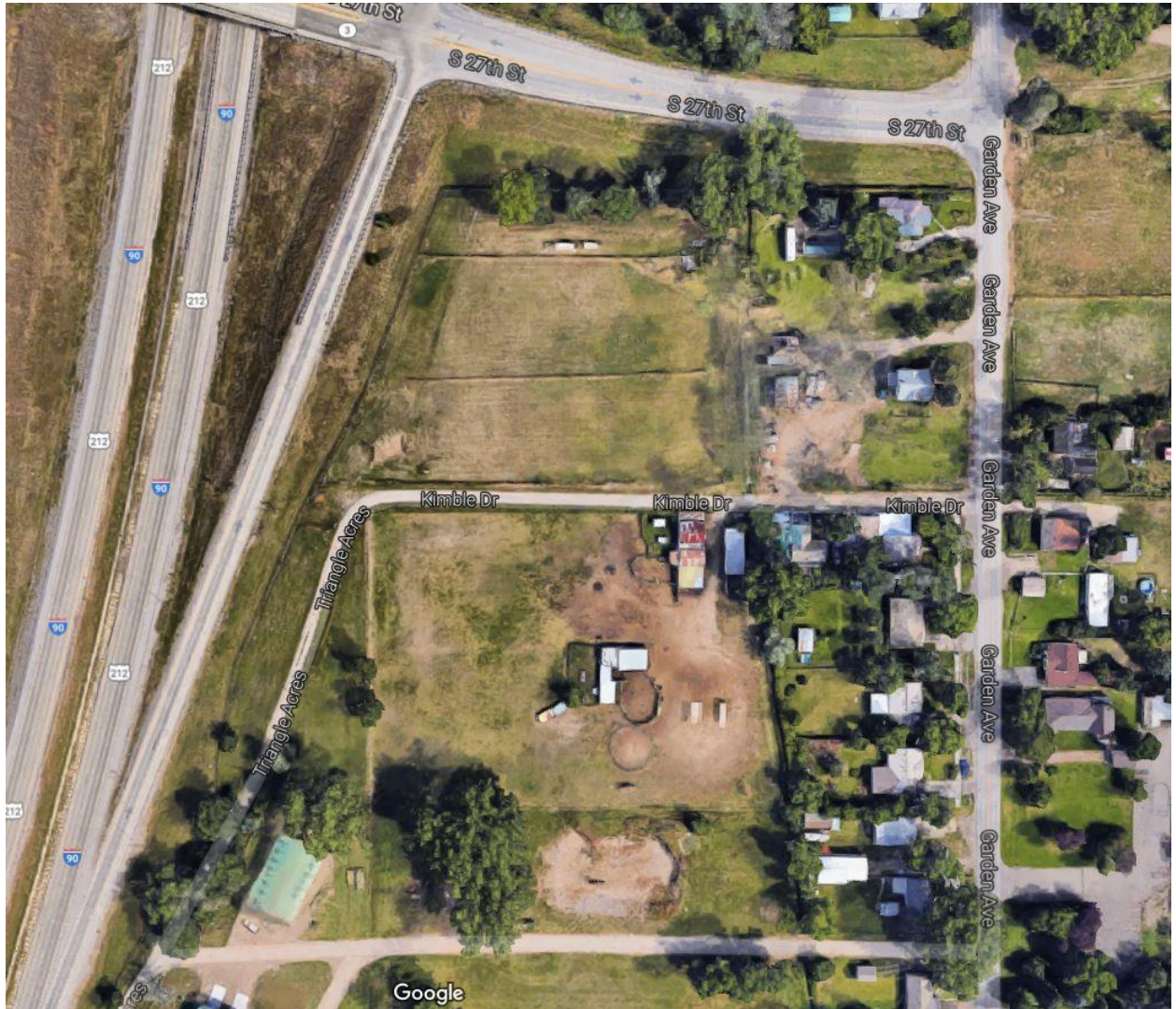
Proposed Findings

Pre-Application Notes and Applicant Letter

Surrounding Zoning



Aerial View





Looking south across subject property from Kimble Road



Looking east from Kimble Road



Looking south west from Kimble road



Looking west along Kimble Road Subject property to the left



Looking north west at Tire Store to the north of subject property

PROPOSED COUNTY ZONING COMMISSION DETERMINATIONS

Prior to making a decision the Board of County Commissioners shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County 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:

- 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).

The potential uses with an A-1 zone are consistent with the property and in line with the surrounding rural nature of the area. The proposed zoning is consistent with the character of the area and the preferred land use patterns along Garden Avenue.

- 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 open large parcel rural development. The proposed use fits with the area and will continue the current use of the land and grazing area for horses.

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. Any new structures would trigger fees to the fire service district. The closest fire station is Fire Station 1 at 2305 8th Avenue North about 2.47 miles to the north. 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 proposed zoning will have minimal effect on traffic generation when the property is developed. It is likely to produce a minimum amount of traffic to the site.

Water and Sewerage: The property is in the county and will be required to get MDEQ approval for water and sewer systems. New commercial development will need water and sewer services. This will need to be done so as not to impact the existing systems in the area.

Schools and Parks: The proposed zoning should not impact the student population. Residential uses are not planned for the property.

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.

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

The proposed zoning may promote the health and general welfare. The proposed A-1 zoning will allow the owner to ensure future development is consistent with the surrounding neighborhood.

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 requirements include standards for site lighting, location of solid waste storage, screening of mechanical units and buffering of adjacent residential uses. 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. Traffic to this proposed development will be minimal in comparison to the tire store north of the subject property. The impacts to motorized traffic from this proposed development will be minimal.
7. *Will the new zoning be compatible with urban growth in the vicinity?*
The proposed zoning is compatible with the adjacent zoning and existing rural growth in the vicinity.
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 of Yellowstone County that is a rural setting with many large properties with grazing land behind a house. Also a large mix of land and land use that do not meet the regulations outlined in current zoning. The proposed zoning is compatible with the character of the area and is suitable for the allowed uses within an A-1 district.
9. *Will the new zoning conserve the value of buildings?*
The new zoning is not expected to alter the value of any buildings in the area. It is not known if its proximity to residential property in the area will affect the value of residential buildings. Any development of the property will need to meet the site development requirements in the zoning code, including landscaping, screening, building heights and setbacks.
10. *Will the new zoning encourage the most appropriate use of land in Yellowstone County?*
The proposed zoning does encourage the most appropriate use of land in this area of the County given the rural nature of the area.
11. *Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?*
The proposed zoning is compatible with the uses of the land in the area and would be a use that could be part of the City of Billings fabric.

Applicant Letter

County #682

Application for Zone Change



Requested Zone Change: From R-15000 to Agricultural/Open

Legal Description: Kimble Subdivision, 3rd Filing, S11, T01, R26 E,
Approximately 3 acres consisting of 6 Lots:

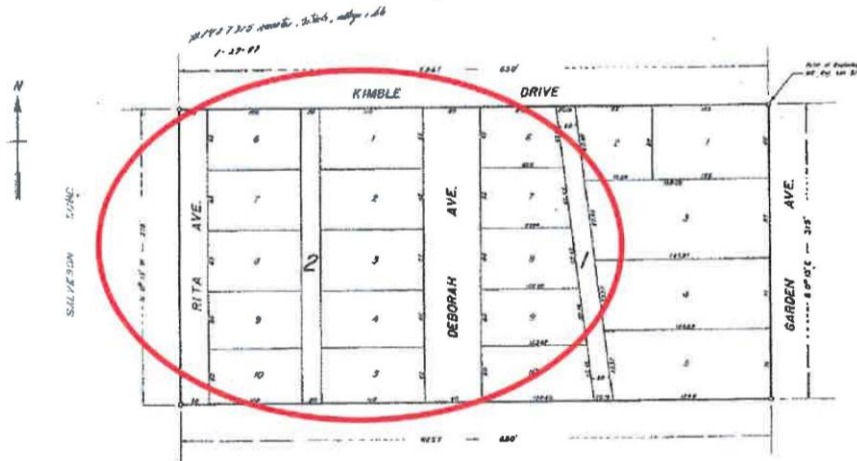
- Block 1, Lot 6-8,
- Block 1, Lot 9-10,
- Block 2, Lot 1-3,
- Block 2, Lot 4-6,
- Block 2 Lot 7 8, & N1.22'LT 9,
- Block 2 Lot 9, LT 10 & S58.78'LT 9

**PLAT OF
KIMBLE SUBDIVISION
(THIRD FILING)**

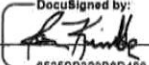
LOT 21 OF CLARK SUBDIVISION, IN THE SE^{1/4} OF SEC 11, T1S, R26E, M2M
YELLOWSTONE COUNTY, MONTANA

Lima Engineering
Billings, Montana

January, 1984
Scale 1" = 80'



Current Owners: Dawna M Kimble & Geiger and Jonathan D. Kimble
1258 Crist Dr., Billings, MT 59105

DocuSigned by:

85258B32088D488...

DocuSigned by:

8090890F888547C...

Applicant/Purchaser: Peter Heidmann as Mountain West Veterinary - Billings, LLC
549 East Mendenhall, Bozeman, MT 59715



for Mountain West Veterinary – Billings, LLC

We are requesting a zone change from R-15000 to Agricultural Open for all 6 subject lots, which total 132,925 square feet, or 3.05 acres.

It is our intention to subsequently file for abandonment of the existing roadways that traverse these lots, and to have the lots re-surveyed to consolidate the 6 parcels into 3 parcels. Those applications will be submitted following the guidance of the planning office and the county commissioners.

This is the certified list of the names, addresses and legal descriptions of the owners of property within a 300' radius as determined by the zoning coordinator

(Gummed mailing labels are also included in this application).

ADAMS, PAMELA
705 5TH ST W
BILLINGS, MT 59101-1737

ALVIN, LAURA G
215 GARDEN AVE
BILLINGS, MT 59101-5752

DOSS, DAVID
126 GARDEN AVE
BILLINGS, MT 59101-5724

GAYVERT, DANIEL
219 GARDEN AVE
BILLINGS, MT 59101-5752

GAYVERT, DANIEL & SHELLI M
217 GARDEN AVE
BILLINGS, MT 59101-5752

GEIGER, DAWNA M KIMBLE &
1258 CRIST DR
BILLINGS, MT 59105-5207

JOHNSON, JAMES L & TRACY
2203 1ST AVE S
BILLINGS, MT 59101-4214

KIMBLE, CECELIA MARY TRUSTEE
3077 PARKHILL DR
BILLINGS, MT 59102-6530

KIMBLE, JAMES O JR & SARITA J
204 1/2 GARDEN AVE
BILLINGS, MT 59101-5751

LINDE, BRIAN
547 GARDEN AVE
BILLINGS, MT 59101-5735

LINDE, DAVID
547 GARDEN AVE
BILLINGS, MT 59101-5735

LINDE, MARVIN, CAROL & BRIAN
430 LAKE ELMO DR STE 1
BILLINGS, MT 59105-3037

MULLER, STEVEN O & CELBSTINE A
PO BOX 30353
BILLINGS, MT 59107-0353

WOODS, CLINTON J & ASTRID
258 GARDEN AVE
BILLINGS, MT 59101-5751

Nicole Cromwell
Planning & Community Services
2825 3rd Ave N, 4th Floor
Billings, MT 59101

On April 24th, 2017, I certify that we held a community meeting on the site of these lots, following a letter sent out on April 17th, 2017.



Here is a copy of the community letter.

4.15.17

Dear Neighbors;

You're cordially invited a to neighborhood meeting on Monday the 24th of April at 2pm. The meeting will be held at the "Kimble Lots" west of Garden Avenue.

The meeting relates to a proposed zone change for those Kimble Lots, which is the 3+ acres on Kimble, West of Garden Ave and East of I-90. This is the lots and abandoned roadways of the old Kimble Subdivision, Third Filing,

The county calls these lots:

Kimble Subd 3rd Filing, S11, T01 S, R26 E, Block 1, Lot 6-8,
Kimble Subd 3rd Filing, S11, T01 S, R26 E, Block 1, Lot 9-10,
Kimble Subd 3rd Filing, S11, T01 S, R26 E, Block 2, Lot 1-3,
Kimble Subd 3rd Filing, S11, T01 S, R26 E, Block 2, Lot 4-6,
Kimble Subd 3rd Filing, S11, T01 S, R26 E, Block 2 Lot 7 8, & N1.22'LT 9,
Kimble Subd 3rd Filing, S11, T01 S, R26 E, Block 2 Lot 9, LT 10 & S58.78'LT 9

The owners of this property are Dawna M Kimble Geiger and Jonathan D. Kimble (of 1258 Crist Dr., Billings, MT 59105).

These lots are not suitable for residential development, so we are proposing to change the zoning to Agricultural/Open. The new zoning will match the land's current status as an open field, and will preserve all 3+ acres of the property for ag-related uses.

DocuSigned by:
Dawna M. Kimble Geiger
85258320380486
Dawna M. Kimble Geiger

DocuSigned by:
Jonathan D. Kimble
85258320380486
Jonathan D. Kimble

Peter Heidmann is acting as the agent of Dawna M. Kimble Geiger and Jonathan D. Kimble:


Peter Heidmann



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
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Developed by:

Dawna M. Kimble Geiger

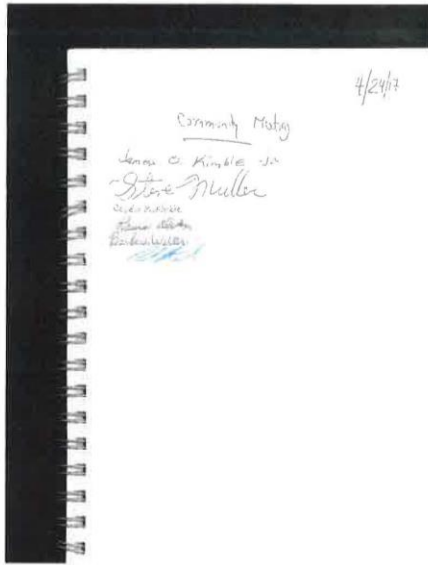
Developed by:

Jonathan D. Kimble



Peter Heidmann DVM MPH

And here is a sign-in sheet of those who attended the community meeting on 4.24.17, including:

James O. Kimbler, Jr.
Steve Muller
Cecelia M. Kimble
Laura Alvin
Barbara Walter
Peter Heidmann



The community meeting lasted approximately 30 minutes. We discussed our potential use as a equine-only veterinary clinic, and our intention to leave 75% of the land as open space for grazing of horses, consistent with this land's historical use. Concern was expressed about the flood plain, as well as consideration of maintenance of the existing rights-of-way for utilities, with the community concluding that our intended plans and use as a equine veterinary clinic under Agricultural/Open zoning were appropriate.


Peter Heitmann
For Mountain West Veterinary LLC 4/29/17