



## Yellowstone County Zoning Commission Minutes for the Meeting of Monday, November 13, 2017

The County Zoning Commission met on Monday, November 13, 2017 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> 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, November 28, 2017, at 9:45 a.m. in Room 403A, 4<sup>th</sup> Floor of the Yellowstone County Courthouse.

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 II, 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	06-12-2017	09-11-2017	10-10-2017	11-13-2017
Jerry T. Ray	Commissioner	-	1	1	-	1	1	E	1	-	1	-	E	1	1	-	E
Troy Boucher	Commissioner Vice Chairman	-	1	1	-	1	1	1	1	-	1	-	1	1	1	-	1
Ryan Wittman	Commissioner Chairman		1	1	-	1	1	1	1	-	1	-	1	1	1	-	1
Tyler Bush	Commissioner	-	-	-	-	-	-	-	-	-	1	-	1	1	1	-	1
Vacancy										-		-			-	-	

**Attending:** Scott Aspenlieder, Performance Engineering

### 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: September 11, 2017

#### Motion

Commissioner Wittman made a motion and it was seconded by Commissioner Boucher to approve the September 11, 2017 meeting minutes as submitted. The motion carried with a unanimous voice vote.



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**Public Hearings:**

**Item #1: County Zone Change #685 - 1730 48<sup>th</sup> Street West – Canyon Creek Nursery Planned Development** – A zone change request from Agriculture-Open Space (A-1) to Planned Development with underlying zoning of Neighborhood Commercial (NC) with an allowances for nurseries, lawn and garden supply stores, professional offices, a microbrewery, and rental event space. The legal descriptions is the **eastern 8.78 acres** of S1/2 NE1/4NE1/4, Section 21, Township 1S, Range 25E. A pre-application meeting was conducted on September 21, 2107, at 1670 S 48<sup>th</sup> Street West. A Preliminary Review meeting was held on October 27, 2017, at the Planning Office, 2825 3<sup>rd</sup> Ave North, 1<sup>st</sup> Floor Conference Room at 11:00 am. Tax ID: D00769A.

**RECOMMENDATION**

The Planning Division recommends approval request for a 30-day delay submitted by the applicant's agent Robert Neihart, Performance Engineering on October 19, 2017.



7100 Commercial Ave., Suite 4 • Billings, MT 59101 • 406-384-0080

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**To:** Karen Husman, Planner I  
**From:** Robert Neihart P.E., Project Manager  
**Date:** October 19, 2017  
**Subject:** County Zone Change 684

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On behalf of NEXCO, LLC (Owner), Performance Engineering & Consulting, PLLC (PEC), is respectfully requesting a 30-day delay of County Zone Change 684. This request is due to the owner needing to revise the zone change map. Lots 1 and 2 of the Whitehorse Subdivision are proposed to be Agricultural Suburban, Lot 4 of the Whitehorse Subdivision is proposed to be Community Commercial, and Lot 3 of the Whitehorse Subdivision will remain as Agricultural Open. Attached to this memo is the revised zone change map and Final Plat of the Whitehorse Subdivision that was filed on October 17<sup>th</sup>, 2017.

Feel free to contact PEC Project Manager Robert Neihart with any questions or concerns at (406) 384-0080 or [rob@performance-ec.com](mailto:rob@performance-ec.com). Thank you for your consideration and coordination in our project.



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Karen Husman opened this agenda item and stated the applicant is requesting a 30-day delay of hearing of this zone change request. Nicole Cromwell noted the concurrent minor subdivision was approved prior to this public hearing. The reasoning for the request for delay is the new property owner of Lot 3 does not wish to be part of the proposed zone change and the legal description must be revised to reflect the change.

### Discussion

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

### Public Hearing

At 4:02 p.m., Chairman Wittman opened the public hearing at and called for proponents or opponents of Yellowstone County Zone Change #684.

### Proponents

**Scott Aspenlieder, Performance Engineering, 7100 Commercial Ave. Ste #4, Billings, Montana**

Ms. Aspenlieder is the agent for the applicant, NEXCO, LLC. He stated the intent was for the three large parcels to be zoned Agricultural-Suburban but due to the owner's desire to leave Lot 3 zoned as Agricultural-Open, they are requesting consideration of the 30-day extension for the hearing.

### Opponents:

At 4:05 p.m., Chairman Wittman asked if there was anyone else wanting to speak in favor or against Yellowstone County Zone Change #684. There was none. At 4:07 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 approve the request for a 30-day extension for the hearing for Zone Change #684.**

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.**

**The 30-day request for extension is granted. The public hearing will be heard at the next Yellowstone County Zoning Commission hearing on Monday, December 11, 2017.**



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**Other Business/Announcements**

- A.** The next meeting will be held as legally advertised on December 11, 2017. Staff expects three public hearing. “

**Adjournment:** The meeting adjourned at 4:09 p.m.

**DRAFT-TO APPROVED BY A MOTION DECEMBER 11, 2017**