



## Yellowstone County Zoning Commission Minutes for the Meeting of Monday, December 11, 2017

The County Zoning Commission met on Monday, December 11, 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, January 2, 2018, 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: Monica Plecker, Planning Division Manager; 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	01-09-2017	02-13-2017	03-13-2017	05-08-2017	06-12-2017	09-11-2017	10-10-2017	11-13-2017	12-12-2017
Jerry T. Ray	Commissioner	-	1	1	-	1	1	E	1	-	1	-	E	1	1	-	E	1
Troy Boucher	Commissioner Vice Chairman	-	1	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	1
Tyler Bush	Commissioner	-	-	-	-	-	-	-	-	-	1	-	1	1	1	-	1	1
Vacancy	-----									-		-			-	-	-	-

**Attending:** Scott Aspenlieder, Performance Engineering; Greg Reid, WWC Engineering; Bruce Cannon; Shea Dawson; Scott Kelleher; Michael Verseman; Kurtis Grow; Nick Larson; Jim Espy; Mona Stevens; Kym Espy Chuck Plat; Mark Franas; Jake Brosovich; Drew LeVeaux; Ray Rigdon; Ryan Huppert; Dan Brooks; Patrick Klugman; Zachary Gullen; Brandon Hermona; Aubrey Kinnard; Keith Harb, Brian Keleher; Ann Meckean; Steve Eaton; Chance Robinson; Gary Blain; Rick Larson; Patrick Landry; Bridger Blain; Colton Siddle; Stephanie Elumbaugh; Vance Elumbaugh; Jason Matt; Larry Armstrong; Curt & Sharon Samuelson; Eric Nord; Clint Peck; Vickie Blain; Jennifer Robinson; Ryan Wendt; Brittaini Hunter; Michael Dawson

**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: YC Zone Change #684:** There was none.

**YC Zone Change #685:** There was none. **YC Zone Change #686:** There was none.



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**Disclosure of ExParte Communication:** YC Zone Change #684: There was none.  
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YC Zone Change #686: There was none. YC Zone Change #685: The Commissioners reported no ExParte Communications. Staff received the following e-mails prior to this hearing and they were included in the ExParte Communication Notebook for viewing and review during this hearing.

1. E-mail: December 11, 2017; Michael Hovland, Favor, YC Zone Change #685
2. E-mail: December 11, 2017; 8:56 am; LaVerne Ivie, Yellowstone Conservation District; Favor, YC Zone Change #685
3. Letter: December 7, 2017; Art A. LaGaly, ALE Enterprises LLC, Favor, YC Zone Change #685
4. E-mail: December 8, 2017; Kent Beers, Empire Resources LLC, Favor, YC Zone Change #685
5. E-mail: December 8, 2017; Trent Smith, Hiball Trucking, Against, YC Zone Change #685

Note: letters in favor or against YC Zone Change #685 received by the staff report deadline were included as a part of the staff report which was included in the Commissioners' meeting packets and posted on the City of Billings' website here:

[http://agenda.ci.billings.mt.us/agenda\\_publish.cfm?id=&mt=ALL&get\\_month=12&get\\_year=2017&dsp=ag&seq=593](http://agenda.ci.billings.mt.us/agenda_publish.cfm?id=&mt=ALL&get_month=12&get_year=2017&dsp=ag&seq=593)

### **Motion Approval of Minutes: November 13, 2017**

Commissioner Boucher made a motion and it was seconded by Commissioner Ray to approve the November 13, 2017 meeting minutes as submitted. The motion carried with a unanimous voice vote.

### **Public Hearings:**

#### **Item #1: REQUEST**

**County Zone Change #684:** The applicant is requesting a zone change request from Agriculture-Open Space (A-1) to Agriculture Suburban (A-S) on Lots 1 and 2 of Whitehorse Subdivision, 1st Filing and from A-1 to Community Commercial (CC) on Lot 4 of Whitehorse Subdivision, 1st Filing. Lots 1 and 2 equal a 36.7-acre parcel of land and Lot 4 is an 11.8-acre parcel of land. Lot 3 of Whitehorse Subdivision, 1st Filing, a 21.8-acre parcel of land, will remain in the A-1 zoning district. Lot 3 was originally included in the proposed zone change. A pre-application neighborhood meeting was held on September 22, 2017, at 7100 Commercial Avenue – Performance Engineering offices. Presented by: Karen Husman, Planner I



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### **RECOMMENDATION**

Planning staff recommends approval and adoption of the findings of the 11 criteria for Zone Change #684.

Planner Karen Husman opened this agenda item following Ms. Cromwell's reading of the legal notice into the record. Ms. Husman noted last month's approval of the applicant's request for a 30-day extension. She pointed out Lot 3 is not included in this request. She stated she received a phone call from the property owner at 4845 Amber Lane, who voiced concern with being located across from a community commercial zone.

### **Discussion**

Chairman Wittman called for questions and discussion from the Commissioners.

Commissioner Ray asked if City services are available for this parcel. Ms. Husman stated City services are not available and this applicant is limited to uses will accommodate cisterns and septic systems. The applicant's agent, Scott Aspenlieder, PEC, explained the applicant is not in a hurry to develop the parcel with Community Commercial zoning, and the high level of nitrates in the water limits what can be done from a volume standpoint. He said the homes built on the parcel with Agricultural Suburban zoning will have cisterns and septic systems.

### **Public Hearing**

Chairman Wittman opened the public hearing and asked for anyone wishing to speak in favor or against YC Zone Change #684.

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

Mr. Aspenlieder said the subsequent subdivision application is on Lot 2, which will be split into 13 lots with individual wells and septic systems. The request for Community Commercial zoning is an act of pre-planning to match the Community Commercial zoning on the parcel across the street. Commissioner Ray suggested leaving the zoning as is until City services are available. Mr. Aspenlieder replied the owner has to have some level of certainty for marketing purposes.

Chairman Wittman asked if there is anyone else wanting to speak in favor or against YC Zone Change #684. There was none. Chairman Wittman closed the Public Hearing 4:14 pm and called for a motion.

### **Motion**

**Commissioner Ray made a motion to deny County Zone Change #684 until City services are available for commercial uses. The motion died for lack of a second.**

### **Motion**

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



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**forward to the Board of County Commissioners a recommendation of approval and adoption of the findings of the 11 criteria for Zone Change #684.**

**Discussion**

Chairman Wittman called for discussion on the motion. Commissioner Ray stated he feels the applicant is ahead of themselves and he recommends denial of this zone change request. In answer to a question by Commissioner Bush, it was noted the original plan for the corner parcel was to do storage which would not require water or septic; and this use is similar to the use of storage units across the street. Discussion followed on the required 30,000 storage tank, (dry hydrant), for fire suppression.

<b>Name</b>	<b>Favor</b>	<b>Against</b>	<b>Abstain</b>	<b>Absent</b>
Chairman Wittman	X			
Commissioner Boucher	X			
Commissioner Ray		X		
Commissioner Bush	X			

**The motion carried with a 3-1 voice vote with Commissioner Ray voting against the motion.**

**Item #2 County Zone Change #686:** A zone change request from Agriculture Open-Space (A-1) to Public (P) zoning on Parcel 2, C/S 3329, a 3.017-acre parcel of land generally located at 1525 South Shiloh Road. A pre-application neighborhood meeting was held on October 23, 2017, at the Yellowstone Christian College Chapel. Presented by: Karen Husman, Planner I.

**RECOMMENDATION**

Planning staff recommends approval and adoption of the findings of the 11 criteria for Zone Change #686.

Planner Karen Husman opened this agenda following Ms. Cromwell’s reading of the legal description into the record. She stated this property is under consideration for inclusion in the City Annexation area so they can petition for annexation.

**Discussion**

Chairman Wittman called for discussion. Zoning Coordinator Nicole Cromwell stated Public zoning is used for institutional uses and this zoning will help them with their need to expand in the future.

**Public Hearing:**

At 4:24 p.m., Chairman Wittman opened the public hearing and asked if there is anyone wishing to speak in favor or against YC Zone Change #686.



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**Greg Reid, WWC Engineering, 51 N 15 Street, Ste 1, Billings, Montana**

Mr. Reid stated he prepared the petition on behalf of the college. He stated the major driver for this request is the college wishes to expand and cannot unless the issues with the drain field are addressed. In response to question by Commissioner Ray regarding the location of City sewer services, Mr. Reid said here is a dry sewer line located in the front of the property and it is about 1200-1300 feet from this property. He noted the proximity of the BBWA ditch is also an issue with relocating the current drain field.

**Dr. Bruce Cannon, President, Yellowstone Baptist Bible College, 3414 Barley Circle, Billings, Montana**

Mr. Cannon stated it would be a 5-8 year process for City services to be available unless this is expedited, and the college is unable to expand without the services. To expedite the process, they wanted to submit the zone change request for concurrent review with the Urban Planning Study for consideration for annexation.

Chairman Wittman asked if there is anyone else wanting to speak in favor or against YC Zone Change #684. There was none. At 4:27 pm, Chairman Wittman closed the public hearing and called for a motion.

**Motion**

**Commissioner Ray made a motion and it was seconded by Commissioner Wittman to forward a recommendation to the Board of County Commissioners a recommendation of approval and adoption of the findings of the 11 criteria for Zone Change #686.**

**Discussion**

Chairman Wittman called for discussion on the motion. Commissioner Ray commented he is voting in favor of the motion as the college has done good things for the community.

<b>Name</b>	<b>Favor</b>	<b>Against</b>	<b>Abstain</b>	<b>Absent</b>
Chairman Wittman	X			
Commissioner Boucher	X			
Commissioner Ray	X			
Commissioner Bush	X			

**The motion carries with a unanimous voice vote, 4-0.**

**Item # 3 YC 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



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Planning Office, 2825 3<sup>rd</sup> Ave North, 1<sup>st</sup> Floor Conference Room at 11:00 am. Tax ID: D00769A.

### **RECOMMENDATION**

Planning staff is recommending approval of the zone change request and adoption of the findings of the 11 criteria for Zone Change 685.

Chairman Wittman gave explanation of the hearing procedures. Ms. Cromwell read aloud the legal notice into the record and stated a preliminary review meeting for this zone change application was held on October 27, 2017 in this conference room. The total property is not affected with this request. This property is not within the area of annexation into the City Limits. Ms. Cromwell reviewed facts related to Planned Unit Developments. She commented on a fact sheet from the Department of Revenue was included in the staff report regarding microbreweries. She stated the Planned Development cannot be modified to include additional uses or operational agreements without submittal of another zone change application to address the request.

### **Discussion**

Chairman Wittman called for discussion and questions from the Commissioners. Chairman Wittman asked for examples of other County Neighborhood Commercial zoning and Ms. Cromwell said she recalls similar districts located in the Lockwood area. In response to question by Commissioners Ray and Boucher, Ms. Cromwell said the underlying commercial zoning itself would not allow for a microbrewery but it is written into the “customized” Planned Development. She followed with similar examples, including “Morgan’s Market” on 24<sup>th</sup> Street West; and the Asian Restaurant in the multi-tenant building located at 32nd Street West and King Avenue, where zone changes were required for the licenses.

### **Public Hearing**

Chairman Wittman opened the Public Hearing at 4:52 pm and asked for presentation by the applicant.

#### **Stacy Robinson, 2104 S 48<sup>th</sup> Street West, Billings, Montana**

Mr. Robinson is the property owner and agent, 1730 S 48th Street West. He introduced his wife, Jennifer Robinson; his son, Chance Robinson; and Jo and Shea Dawson, owners of Thirsty Street Brewing Company; and Eric Nord, Crist, Krogh & Nord, PLLC, his legal representative.

Mr. Robinson gave his personal background and explained his ties to the Billings community. He purchased the property from A-1 Landscape and made substantial improvements for the Canyon Creek Nursery. His landscape architecture business, Land Design Inc., is currently housed on the Canyon Creek Nursery property. Mr. Robinson pointed out they reside in this neighborhood and also share the neighbor's concerns with development. He introduced Shea Dawson, Thirsty Street Brewing Company, and explained how their business relationship developed.

#### **Shea Dawson, 400 Beverly Hills Boulevard, Billings Montana**

Mr. Dawson gave highlights of his personal background and why they moved to Montana. He stated the cornerstone of their tap room has a community focus, and they promote community activates and benefits. The subject property will allow them to continue to do this. If this application is approved, the brewing operation would be moved to the subject property from the downtown tap room. Mr. Dawson said he needs more space for the sour beer aging process, and



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there is a synergy with the west end location to use the fresh ingredients for the beers. The malt used for their brews is from Montana and they source as close to Billings as possible.

### **Stacy Robinson, 2104 S 48<sup>th</sup> Street West, Billings, Montana**

Mr. Robinson gave a slide presentation and referred to the context map to provide a location and note the annexation line. He stated the CIP lists a trunk water line planned for 48th Street West. He stated the Planned Development modifications will allow the existing nursery operations and allow the potential for a microbrewery.

### **Shea Dawson, 400 Beverly Hills Boulevard, Billings Montana**

Mr. Dawson reviewed the operational restrictions for microbreweries, including:

- Only 1 alcoholic beverage manufacturer allowed
- Outside seating is to be enclosed by 42" fence
- No entry to the outdoor seating area except through the tap room
- Outdoor music is only located along the eastern elevation
- All outdoor activities end by 9 pm. Indoor activities end by 11 pm.

### **Stacy Robinson, 2104 S 48<sup>th</sup> Street West, Billings, Montana**

Mr. Robinson asked the Commission for approval of this zone change request based on the criteria and its alignment with the West End Plan. He noted the Traffic Study conducted by Sanderson Stewart focuses on West Billings from 48th Street West to 64th Street West, and 48th Street West and Hesper Road is not listed as intersection of safety concern. He continued with the statistics for the projected trips per day according to the study. Mr. Robinson stated they eliminated one of the current entrance points for this project and there will be no visual obstructions on 48th Street West. He provided an updated photograph of the existing structures on the property, and said the proposed improvements will exist inside of the existing greenhouses. The proposal includes a fenced patio space of approximately 2,000 square feet of open space. A landscape buffer will be provided to address the neighborhood concerns with additional parking and to shield the adjacent landowners. Centralized parking will be provided onsite. A berm will be constructed on the north side of the property to buffer the Armstrong's property. He said they have made numerous improvements to the property, and Realtor Studies indicate positive impacts to property values adjacent to commercial development in Yellowstone County. As for the Brewery, Mr. Robinson said it is not a bar; gaming is not allowed; and drinks are limited to 48 oz.

### **Discussion**

Commissioner Ray asked why there will be no gaming and Mr. Robinson replied they do not wish to have gaming. He said their goal is to a better experience in the larger urban area for their customers. Mr. Dawson said the brewery license does not allow for gaming, and the downtown store will maintain the retail license. The brewery will be located on the west end and they have customers throughout the state.

### **10-Minute Break: 5:16 pm**

Commissioner Boucher asked Mr. Robinson about ancillary uses on the property. Mr. Robinson said they have discussed educational talks, and an October Fest internal to the nursery. There will be no other commercial endeavors and he plans to close his construction company the end of this year. He stated the Planned Development is more restrictive to avoid other commercial uses.



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

### **Public Hearing**

Chairman Wittman opened the public hearing and called for proponents or opponents of Yellowstone County Zone Change #685.

#### **Jim Espy, 1940 Whispering Meadows Drive, Billings, Montana**

Opposition. Mr. Espy voiced concern with losing value in their properties as there are 24 residential properties with a total assessed value of \$15 million. He feels the outdoor events will create a noise issue. He stated he would like to see justification of the negative effects through the criterion. As for public safety, there is not a fire station in close proximity, and there is considerable congestion at the intersection of 48th Street West.

#### **Mark Franas, 5 Woodgrain Drive, Billings, Montana**

Favor. Mr. Franas is a builder who has visited Landscape Design and he was taken by their social and environmental responsibility. Mr. Franas has been a community resident for 20 years and enjoys drinking a craft beer responsibly. He sees responsible business persons using microbreweries and the perception of drunkenness is unrealistic.

#### **Rick Larson, 1939 Stillmeadow Drive, Billings, Montana**

Opposition. Mr. Larson stated he admires the improvements made at the Canyon Creek Nursery but he feels having a taproom goes against the character of the neighborhood. He voiced concerns with the potential for increased traffic and additional parking. He commented on the activity at Canyon Creek Brewery and asked for reconsideration of the proposed use.

#### **Brittani Hunter, 4751 Natura Ridge, Laurel, Montana.**

Favor. Ms. Hunter said she is familiar with the Canyon Creek Brewery and she has seen as few as 5 cars parked there on a Friday night, and the clientele are not there to stop and get drunk. Regarding property values, Ms. Hunter said statistically, properties adjacent to parcels zoned Community Commercial experience a spike in value in the first year to year and a half, and then tailor back to the standard increase. Mr. Hunter stated she is in favor of growth.

#### **Larry Armstrong, 1604 S 48<sup>th</sup> Street West, Billings, Montana**

Opposition. Mr. Armstrong is the adjacent property owner. He stated they are moving as he is too worried about what will happen next door. He said he hopes the property values raise. He feels the microbrewery next door is stupid, will create traffic, and the brewery will create noxious odors. He stated he is "dead set" against this proposal.

#### **Clint Peck, 1617 Hidden Cove Lane, Billings, Montana**

Favor. Mr. Peck owns Yellowstone Cellars and Winery. He works with Stacy Robinson on the Yellowstone Conservation Board and sells wine products to Shea and Jill Dawson for Thirsty Street Brewery. Mr. Peck said it has been his experience Mr. Robinson complies with rules and regulations with respect to the community. Mr. Peck's winery exists in the City limits in a Community Commercial zone. It is not a raucous bar establishment but quiet and contained; and cannot service anyone appears to be intoxicated. He stated this proposal is not what the opponents envision with this uses, and he asked the Commission for approval of this request.

#### **Mona Stevens, 1810 Stillmeadow drive, Billings, Montana:**

Opposition. Ms. Stevens said no one is questioning the character of the applicants involved. The concern is with the change of zoning, as it will be the only project in the County would be



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an exception to the zoning. She voiced concern with the posted 50 mph speed limit in front of the property and the potential effects on existing wells and septic tanks. Ms. Stevens feels this project is not in the right place due to the surrounding residences.

### **Ryan Wendt, 2343 S 45<sup>th</sup> Street West, Billings, Montana**

Favor. Mr. Wendt is a Lutheran pastor who knows Stacy Robinson as a good father, neighbor, friend, and a business owner who cares about his employees. Mr. Wendt is impressed with the improvements on the property. He stated he is not in favor of or of public drunkenness but these types of establishments due not lend themselves to this.

### **Kym Espy, 1940 Whispering Meadows Drive, Billings, Montana**

Opposition. Ms. Espy asked if the zoning is changed what will prevent a new owner from doing something different with this property? Ms. Espy is in favor of promoting orderly growth for the City and infill development but she feels infill development is needed before Community Commercial uses become a part of the neighborhood. She stated there is not another brewery licensed in the County and this business will draw people from the City to out of town.

### **Chuck Plat, 16 30th Street West, Billings, Montana**

Favor. Mr. Plat stated this development is thought out and well planned as to how to work with the neighbors to make it as beneficial as possible. There will be no gaming as it requires approval of a Special Review. Mr. Plat stated this proposal will enhance the location and the area.

### **Nikki Larson, 1939 Stillmeadow Drive, Billings, Montana**

Opposition. Ms. Larson commented those who are speaking in favor of this request are far removed from the neighborhood.

### **Stephanie Elumbaugh, 1815 Stillmeadow Drive, Billings, Montana**

Favor. Ms. Elumbaugh stated she has a relationship of trust built with Stacy Robinson as he addressed their concerns as a neighbor. She said their property value has gone up since purchasing their home in January. She is not concerned with the effects on the water, as Mr. Dawson plans to ship water in for this business, and she said the nursery noise is not bothersome. Ms. Limbaugh is excited to have a regulated business near her home instead of a gas station.

### **Curt Samuelson, 4824 Amber Lane, Billings, Montana**

Opposition. Mr. Samuelson voiced concern with the potential for increased traffic, public safety, and emergency response times. He reported he has lived in this area for 20 years and has seen a lot of accidents at intersection of 48th Street West and Central Avenue. He said there is a high level of nitrates in the well water and asked how this will affect the groundwater.

### **Zachary Cullin, 1118 Cook Avenue, Billings, Montana**

Favor. Mr. Cullin is an employee of Canyon Creek Nursery. He related information on the current improvements and spoke of additional improvements planned for the future. Spoke to the improvements and the future improvements. He feels this project will help and benefit the community.

### **Brian Kelleher, 7604 Neibauer Road, Billings, Montana**

Favor. Mr. Kelleher is a resident of the area and is in favor of this proposal as it will increase property values.



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### **Gary Blaine, 6309 Jellison Road, Billings, Montana**

Favor. Mr. Blaine stated the Robinsons do “first class work”. He spoke of the zone change approved for Billings Flying Service and said the property values will go up. He commented on their need for skilled employees who desire to know what is available for them in Billings. Mr. Blaine has taken potential employees to Canyon Creek Nursery as an example. He commented on the development in Bend, Oregon and said these types of businesses will make Billings more competitive.

### **Colton Siddle, 5150 Rustic Avenue, Billings, Montana**

Favor. Mr. Siddle related his experience living near Four Peaks Brewery in Tempe, Arizona and stated they never had social issues. Mr. Siddle said microbreweries are becoming a staple of the neighborhoods. They have a nice environment and are not bars. He commented he would like to open a microbrewery in the future.

### **Chance Robinson, 2104 S. 24th St West, Billings, Montana**

Favor. Chance Robinson spoke highly of his father’s character and said Mr. Robinson instilled in him the importance of having a goal and creed in everything you do; and the understanding of the need to adapt as life does not set out in a straight path. Chance stated his father brings this creed into his work and works toward creating situations are mutually agreeable.

### **Bridger Blaine, 555 Park Lane, Billings, Montana**

Favor. Mr. Blaine stated he is a patron of Thirsty Street Brewery. He feels this request meets the criterion and Stacy Robinson is trustworthy. He said this is needed in the community as it is a great way to draw younger persons to Billings.

### **Patrick Klugman, 222 N 32<sup>nd</sup> Street, Billings, Montana**

Favor. Mr. Klugman is speaking as a representative of Big Sky Economic Development Authority, (BSEDA). He stated there is value and economic impact in this project and partnership. By his calculations, this business will create five new full time employees with an economic impact of \$1.3 million annually.

### **Scott Kelleher, 231 Hilltop Road, Billings, Montana**

Favor. Mr. Kelleher related his experiences when he lived in Fort Collins, Colorado, which has a high ratio of craft breweries to the number of residents. Mr. Kelleher stated he thinks this will be great!

### **Ray Rigdon, 4281 Brandywood Drive, Billings, Montana**

Favor. Mr. Rigdon stated he knows Shea Dawson, and he has a respectful character. Mr. Rigdon said he would like to have a nice quiet place to have a drink instead of going downtown. He commented Canyon Creek Nursery is a first class operation and a great addition to the neighborhood.

### **Jason Matt, 4616 Robbie Lane, Billings, Montana**

Favor. Mr. Matt said he has been a Thirsty Street patron since the opening in 2016, and he knows Jill and Shea Dawson. He reported the Thirsty Street Brewery patrons are a community, and he has visited the establishment in many different facets. Mr. Matt said this application is a choice for growth, is consistent with the established growth plan, and will be a benefit to the surrounding area. He stated this is an opportunity to promote a local business could to growth be a crown jewel of craft brewing in the area.



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### **Mike Dawson, 3131 Harrow Drive, Billings, Montana**

Favor. Mr. Dawson stated Shea Dawson is his son. He said Shea has made inroads in the sour beer market and could use more room for his business to make his operation more efficient. He said Bend, Oregon has 22 breweries and is a tourist destination. Mr. Dawson feels this may bring in more tourism by function of the breweries.

**Rebuttal** Chairman Wittman called for rebuttal by the applicant.

### **Stacy Robinson, 2104 S 48<sup>th</sup> Street West, Billings, Montana**

Mr. Robinson stated he intends to do the right thing. He said it pains him Mr. Armstrong has taken this position as they are not trying to set out to make enemies of their neighbors. Chairman Wittman asked if there is anyone else wishing to speak in favor or in opposition of YC Zone Change #685. There was none. Chairman Wittman closed the public hearing and called for a motion. He announced the Zoning Commission's recommendation will be forwarded to the Board of County Commissioners who will meet on January 2, 2018 and hold a hearing for this application.

### **Motion**

**Commissioner Bush made a motion and it was seconded by Commissioner Ray to forward a recommendation of approval of the zone change request and adoption of the findings of the 11 criteria for Zone Change #685.**

### **Discussion**

Chairman Wittman called for discussion on the motion. Commissioner Bush asked about perpetuity, and if the planned development restrictions are passed down to the next owner. Zoning Coordinator Nicole Cromwell stated a future zone change will be needed, and the specifics of the Planned Development cannot be changed without a zone change request. Commissioner Ray stated he feels the brewery will not hurt the area, and he is glad to see the improvements. Commissioner Boucher commended the applicants for their well thought-out plans. He said the decision comes down to Review Criterion #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 compatible with the urban zoning to the north and east and it should be compatible with urban development.

He stated he disagrees with staff as the proposal is not compatible and he will be voting against the motion for approval of the zone change. Chairman Wittman concurred as he does not feel this application meets the review criterion and will be voting against the motion.

Chairman Wittman called for a vote on the motion.



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<b>Name</b>	<b>Favor</b>	<b>Against</b>	<b>Abstain</b>	<b>Absent</b>
Chairman Wittman		X		
Commissioner Boucher		X		
Commissioner Ray	X			
Commissioner Bush	X			

**Tie vote. This application will be forwarded to the BOCC with no recommendation. (2-2 vote).**

Zoning Coordinator Nicole Cromwell announced all previous e-mails and letters pertaining to this application were received by staff and included in the staff report for this hearing. This application will be open for comment until the time of the hearing. The BOCC will accept e-mails and letters or citizens may also send them to the Planning Division office.

**Other Business/Announcements**

- A.** Due to a lack of applications, the Monday, January 8, 2018 meeting is cancelled. The next meeting will be held as legally advertised on February 12, 2018.

**Adjournment:** The meeting adjourned at 6:15 p.m.

**DRAFT-TO BE APPROVED BY A MOTION March 12, 2018**