



COUNTY OF YELLOWSTONE ZONING COMMISSION

AGENDA-Monday, June 10, 2019 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

Approval of Minutes: April 8, 2018. (The May 13, 2019 meeting was canceled due to a lack of agenda items).

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 694 – 2821 US Hwy 87 N.** - A zone change from Residential 9,600 (R-96) to Community Commercial (CC), on C.O.S. 603, PARCEL 2A, AMND, S11, T01 N, R26 E, a 1.896 acre parcel of land. A pre-application neighborhood meeting was held on April 24, 2019, at 2811 Highway 87 N. Presented by Karen Husman, Planner I

Other Business/Announcements

Adjournment

The **Board of County Commissioners** public hearing for **Zone Change 694**, will be held **on Tuesday, June 25, 2019, at 9:30 a.m. at 316 N 26th Street – 3rd Floor, Commissioner’s Hearing Room**. 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: 06/10/2019

Information

Subject

Approval of Minutes: April 8, 2018. (The May 13, 2019 meeting was canceled due to a lack of agenda items).

Attachments

YZC_2019_04_08_DRAFT



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, April 8, 2019

The County Zoning Commission met on Monday, April 8, 2019 in the Miller Building 1st Floor Conference Room, 2825 3rd Ave North, Billings, MT at 4:00 p.m. Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners.

The Board of County Commissioners public hearing for **Special Review 331**, will be held on Tuesday, April 23, 2019, at 9:30 a.m. at 316 N 26th Street – 3rd Floor, Commissioner’s Hearing Room. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed special review.

The Board of County Commissioners public hearing for **Zone Change 693**, will be held on Tuesday, April 23, 2019, at 9:30 a.m. at 316 N 26th Street – 3rd Floor, Commissioner’s Hearing Room. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed zone change.

Chairman Boucher opened the meeting and introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Monica Plecker, Planning Division Manager, Planning Karen Husman, Planner I; Robbin Bartley, Administrative Assist.

Commissioners and Staff		0	0	0	0									
		1	2	3	4									
		/	/	/	/									
		1	1	1	0									
		4	1	1	8									
		/	/	/	/									
		2	2	2	2									
		0	0	0	0									
		1	1	1	1									
9	9	9	9											
Jerry T. Ray	Commissioner	1	1	-	1									
Troy Boucher	Commissioner Chairman	1	E	-	1									
Ryan Wittman	Commissioner	1	1	-	1									
Tyler Bush	Commissioner Chairman	E	1	-	1									
Todd Hewett	Commissioner	1	1	-	1									

Attending: Aura Lindstrand, Dale Broveak, Brandon Wittman, Woody Woods, Tisha Hague.



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, April 8, 2019

Public Comment

Chairman Boucher 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 Ex Parte Communication: Special Review 331: There was none.

The Commissioners reported no Ex Parte Communications.

Staff received the following outside communications: None

Disclosure of Ex Parte Communication: Zone Change 693: There was none.

The Commissioners reported no Ex Parte Communications.

Staff received the following outside communications: NONE

Motion. Approval of Minutes: February 11, 2019. (The March 11, 2019, 4:00 p.m. meeting was cancelled).

Commissioner Bush made a motion, seconded by Commissioner Wittman, to approve the February 11, 2019 meeting minutes as submitted. The motion carried with a unanimous voice vote. Robbin Bartley noted the minutes are dated incorrectly, February 12, 2019. She will correct them to February 11, 2019.

Item 1:

Zoning Coordinator Nicole Cromwell read the legal notice for County Special Review 331 into the record.

County Special Review 331 – SW Corner of the Shiloh Rd. & Central Ave. - To allow a new Electrical Substation – A special review request to allow an electrical substation on a property located in a Residential Multi-Family (RMF) Zone, on Certificate of Survey 862, Parcel 1 & Amended Parcel 4, a 2-acre parcel of land. Tax ID: D00506A.

REQUEST

A special review request to allow an electrical substation on a property located in a Residential Multi-Family (RMF) Zone, on Certificate of Survey 862, Parcel 1 & Amended Parcel 4, a 2-acre parcel of land generally located on the SW Corner of Shiloh Rd. & Central Ave. Tax ID: D00506A. Presented by Karen Husman, Planner I.

RECOMMENDATION

The Planning Division recommends conditional approval.

Planning Division is recommending the following conditions:

1. The approval shall be limited to Certificate of Survey 862, Parcel 1 & Amended Parcel 4, and generally located SW Corner of Shiloh Rd. & Central Ave, tax ID Doo506A.



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, April 8, 2019

2. This special review approval is for an electrical substation as requested. No other special review use is intended or implied by this approval.
3. The site will be developed in substantial conformance to the site plan submitted; the onsite landscaping shall comply with the proposed Yellowstone County landscape ordinance.
4. The site will be developed per Section 27-1105(d) (2) of the Yellowstone County Zoning Regulations with a landscaping buffer on the South West corner and along the south border to buffer the residential neighborhood.
5. The chain link fence will be powder coated in either green or black, and filled with the wooden privacy slats for visual buffer. The barbed wire top must be above an 8-foot high fence.
6. A Zoning Compliance Permit must be submitted and obtained within one year of Special Review approval, and construction must be completed within three years of approval.
7. There will be no construction activities, including site preparation such as grading or digging prior to 7 a.m. or after 8 p.m. daily.
8. 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 27-1600 et seq. of the Yellowstone County Zoning Regulations.
9. 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.

****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.

Discussion

Chairman Boucher called for questions from the Board.

Jerry Ray asked if the substation would take the entire lot or just the L-shaped piece. Staff stated it would just be on the L-shaped parcel.

Tyler Bush asked staff to describe the surrounding trees. Staff indicated there would be trees along the west and south property lines since these border R zones. There are existing trees along the west property and these will not be disturbed. There are no trees on south property line, so the stumps must be removed and trees planted.

Jerry Ray asked what the square footage of the lot. Staff deferred to the applicant.

Todd Hewitt asked what the solid wall made is made of. Staff replied it is a stone wall.

Nicole stated the wall might be many different materials, however it must be solid.

Applicant

Chairman Boucher called for the petitioners.

Aura Lindstrand, Yellowstone Valley Electric Coop, 150 Cooperative Way, Huntley, MT

Ms. Lindstrand represents the applicant, Yellowstone Valley Electric Coop, (YVEC). She said they would be able to meet the conditions recommended. She explained the wall/fence would be set to the required setbacks and would have the anti-graffiti treatment. She explained how the station would



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, April 8, 2019

increase the reliability of service and would tie into the existing line to serve the city and county. She reviewed their proposal and said, although the property is currently not in the City limits, they would be working with the City Engineering division to ensure the access as well as storm water retention are up to the minimum City standard requirements. She explained the proposed substation is being constructed on a property adjacent to an existing transmission line corridor located on the west side of Shiloh Road. The substation will tie into the existing transmission line and provide power reliability to customers in the YVEC Service Area. There were no other members of the public present to comment on the application.

Discussion

Chairman Boucher called for questions from the Commission.

Jerry Ray asked what an anti-graffiti wall is. Staff advised it is a clear coat type paint that when applied makes the surface non-stick to any type of paint or marker.

Jerry Ray asked the applicant if they bought the whole lot and what the square footage of the substation will be.

Ryan Wittman asked what the height of the transmission lines nearby. Approximately 70 feet high.

Dale Broveak, Electrical Consultants, Inc

Jerry Ray asked if there would be another approach. The intent is to create a new access off of Central Ave.

Where the substation would be put if this were denied? The substation would be located at 72nd and King Ave existing and 69th and Grand Avenue as this is the ideal location, and it would be acceptable to go as much as 1 mile west.

Brandon Wittman

CEO of YVEC

Jerry Ray asked if YVEC is controlled by Public Utilities and who YVEC reports to. YVEC reports to The Board of Directors.

Public Hearing

At 4:21 p.m., Chairman Boucher opened the public hearing and asked for those in favor or in opposition of this application.

Rebuttal

Chairman Boucher called for rebuttal from the applicant.

Chairman Boucher asked if there is anyone else wishing to speak in favor or against County Special Review 331. There was none. Chairman Boucher closed the hearing at 4:21 p.m. and called for a motion.

Motion

Commissioner Ray made a motion to forward a recommendation to the BOCC to conditionally approve YC Special Review 331 with the conditions presented by staff and adoption of the findings of the review criteria. Todd Hewitt seconded.



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, April 8, 2019**

Discussion.

Chairman Boucher called for discussion. There was no further discussion on the motion.

Name	Favor	Against	Abstain	Absent
Chairman Boucher	1			
Commissioner Wittman	1			
Commissioner Ray	1			
Commissioner Bush	1			
Commissioner Hewett	1			

The motion carried 5-0.

* The Board of County Commissioners public hearing for **Special Review 331**, will be held on Tuesday, April 23, 2019, at 9:30 a.m. at 316 N 26th Street – 3rd Floor, Commissioner’s Hearing Room. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed special review.

Item 2:

Zoning Coordinator Nicole Cromwell read the legal notice for **County Zone Change 693 - Text Amendment - Landscaping Regulations** into the record.

County Zone Change 693 - Text Amendment – Landscaping Regulations - An amendment initiated by the Yellowstone County Board of Planning on February 26, 2019, to update, revise and amend Sections 27-200, 27-604, 27-1006 and 27-1100 of the Yellowstone County Zoning regulations to update all requirements for landscaping in the Yellowstone County jurisdictional zoning area.

REQUEST

This is a zone change to amend several sections of the Yellowstone County Zoning Regulations regarding provision for landscaping with new development or redevelopment of land within the 4.5-mile zoning jurisdiction. These amendments have been developed through the Project Re: Code planning process, have been vetted by the Landscaping Working Group, and the amendment was initiated by the Yellowstone County Board of Planning on February 26, 2019. These amendments are preceding the larger amendments to the overall zoning code, so new or pending County developments can proceed under new and more effective landscape regulations.

RECOMMENDATION

The Planning Division is recommending approval.



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, April 8, 2019

Jerry Ray asked if there would be repercussions for dead, not maintained landscaping

Tyler Bush asked if the working group unanimously approved these changes. Yes.

Discussion

Chairman Boucher called for questions from the Board.

Public Hearing

At 4:56 p.m., Chairman Boucher opened the public hearing and asked for those in favor or in opposition of this application.

Woody Woods, Landscaping Working Group member, 129 Rolling Meadow Drive, Billings, Montana

Mr. Woods sits on the Landscape Working Committee. He thanked Nicole for the presentation. He discussed the point system being adopted. Water conservation was considered during the process and he would recommend approval.

Steve Lehenbauer, River Ridge Landscaping, 3223 River Rd, Laurel, MT

Mr. Lehenbauer stated he had just learned about the County amendments and was not clear on how the new code is different from the current code. He stated he was in favor of allowing all types of landscape professionals work on sites of more than 1 acre. He stated he has the knowledge and experience, but not the registration from the state, to design landscaping for sites larger than 1 acre. He stated it was his understanding the code was proposing to eliminate the use of turf grass and he was not in favor of this approach. He stated turf grass is a perfect choice in some areas. Planning staff, clarified turf grass is still allowed in the proposed code but in the required buffer yards, it would not get as many points as other types of plant materials. He stated he wants to see the plant list referenced in the code. Staff clarified the plant list is still being finalized and is not a part of the code per se. The Planning staff will have the plant list available by the time the code goes into effect at the end of May 2019.

He has too many questions and does not recommend approval.

Tisha Hague, Tvetene Turf

Tisha Hague of Tvetene Turf, testified against the proposed amendments. She stated the benefits of turf grass outweigh any of the alleged detriments. She stated the code should not limit where someone can use turf grass. She spoke of a study from California that indicated the alleged drinking water use on turf grass is exaggerated.

Woody Woods

The new code does not say you cannot use turf, the point system allows different uses.

Rebuttal

Chairman Boucher called for rebuttal.



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, April 8, 2019**

Nicole Cromwell, Zoning Coordinator, 2825 3rd Ave. North 4th Floor, Billings, MT

Some of the reasons discussed by staff and the Landscape Working Group to have a licensed professional involved include the idea of saving the developer expense and time in the end when the landscaping is installed properly and the plants live for a long time. Professionals also can save developers money and time when the submittal for review to the City-County Planning Division is correct the first time and does not have to go through many rounds of corrections to be approved.

Chairman Boucher asked if there is anyone else wishing to speak in favor or against County Zone Change 693. There was none. Chairman Boucher closed the hearing at 5:14 p.m. and called for a motion.

Motion

Tyler Bush made the motion to recommend approval with 1 change to the draft at Section 27-1103.B.2 by eliminating subsection (a) and changing the wording of (b) to be subsection (a) and to read as follows: “(a) All applicants are encouraged to work with a nurseryman or landscape design professional to meet the requirements of this article.”

Seconded by Todd Hewett and unanimously approved.

Discussion.

Chairman Boucher called for discussion. There was no further discussion on the motion.

Name	Favor	Against	Abstain	Absent
Chairman Boucher	1			
Commissioner Wittman	1			
Commissioner Ray	1			
Commissioner Bush	1			
Commissioner Hewett	1			

The motion carried 5-0



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, April 8, 2019**

OTHER BUSINESS

a. The next Yellowstone County Zoning Commission meeting is scheduled for Monday, May 13, 2019, 4:00 p.m. in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North.

Adjournment: The meeting adjourned **5:23** p.m.

Draft. To be approved by a motion at the next meeting.
Robbin Bartley, Administrative Assistant.

DRAFT

1



County Zoning Commission

Meeting Date: 06/10/2019

SUBJECT: County Zone Change 694 - 2821 US Hwy 87 N.

THROUGH: Nicole Cromwell

PRESENTED BY: Karen Husman

Information

REQUEST

County Zone Change 694 – 2821 US Hwy 87 N. - A zone change from Residential 9,600 (R-96) to Community Commercial (CC), on C.O.S. 603, PARCEL 2A, AMND, S11, T01 N, R26 E, a 1.896 acre parcel of land. A pre-application neighborhood meeting was held on April 24, 2019, at 2811 Highway 87 N. Presented by Karen Husman, Planner I

RECOMMENDATION

Planning staff recommends approval of Zone Change 694 and adoption of the findings of the 11 criteria for this zone change.

APPLICATION DATA

OWNER: Donald Hurley
AGENT: Chuck Platt, Diamond Real Estate
LEGAL DESCRIPTION: C.O.S. 603, PARCEL 2A, AMND
SIZE OF PARCEL: 1.896
EXISTING LAND USE: Vacant
PROPOSED LAND USE: Commercial
EXISTING ZONING: R-96
PROPOSED ZONING: CC

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

None.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-96
Land Use: School
SOUTH: Zoning: HC
Land Use: Commercial
EAST: Zoning: R-96
Land Use: Residential
WEST: Zoning: A-1

BACKGROUND

The current zoning was in effect since 1973 when the county adopted jurisdictional zoning around the City of Billings. The applicant is requesting a zone change from Residential 9,600 (R-96) to Community Commercial (CC). The property is adjacent to low density residential and agricultural uses. There is a School located to the north of the property and Zentz Lumber generally located to the south. It is in line with the existing growth in this area and would be compatible with what is already there. The proposed zoning would bring predictable land use with it.

A neighborhood meeting was conducted by the applicant on April 24, 2019, at 2811 Highway 87 N. There were seven attendees at the meeting. Details of the neighborhood meeting are included in the attachments.

The applicant intends to sell the property and has not been able to sell it under its current zoning of R-96. There have been some interested in purchasing the property for a commercial use. These inquiries are what instigated the request for a change in zoning.

SUMMARY

PROPOSED COUNTY ZONING COMMISSION DETERMINATIONS

Prior to making a recommendation to the Board of County Commissioners, the Zoning Commission 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 a CC zone are currently limited for this property due to its location. It is likely businesses that require large storage sites and use little water will develop on this site. The proposed zoning is consistent with the character of the area and the preferred land use patterns along high speed highway corridors. This area of the County includes zoning for agriculture including commercial greenhouses, commercial horse stables, riding arenas, veterinaries, commercial dog kennels as well as low density residential uses. The 2008 Growth Policy did not specifically identify this area for future commercial development or expansion, but the adjacent highway and uses support this type of zoning and development.

- 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 R-96, HC and CC, and across the highway from A-1. There is a school to the north and a lumber company to the south.

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

The subject property is currently served by the Billings Urban Fire Service Area and pays a small assessment based on the structure currently on the property. Any new structures would trigger additional fees to the fire service district.

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

Transportation: The proposed zoning will have a measurable effect on traffic generation when a new business is developed on the property. A new or improved state-approved access will be needed to provide safe access to any future development. The current use of the property generates little or no traffic on a daily basis.

Water and Sewerage: The property will not be served by public water and sewer systems. The property is not currently within the City's Long Range Urban Planning area.

Schools and Parks: The proposed zoning should not impact the student population. Residential uses are not currently 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 CC zoning will allow the owner to ensure future development is not intrusive to property to the south and still allowing compatible uses adjacent R-96 zoning to the north and east.

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 streets. Pedestrian traffic in the area is limited due to the lack of sidewalks and trails on a high-speed state highway. Residential development is generally located east of the property and the main motorized access is Highway 87N.

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

The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. Property west of the subject parcel (across Hwy 87) is zoned A-1 and used for ranching and very low density residential purposes and property to the east is zoned for low density residential neighborhoods. The property is east of the City's Long Range Urban Planning Area of the City's Limits of Annexation Map .

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 adjacent to a high-speed highway entry corridor to the City and County. The current and proposed zoning is compatible with the character of the uses and zoning to the south. There are no developments plans for this parcel but future uses will be limited due to the lack of public utility services.

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. The value of the residential homes are based on their location as opposed to frontage along a highway corridor. 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.

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

The proposed zoning is a zoning that is also present in the City of Billings but not in the immediate area of the property. CC zoning could allow more intense uses than currently allowed in adjacent zoning districts but the potential universe of intense uses is currently limited due to the lack of access to public facilities including water and sewer services.

RECOMMENDATION

Planning Staff is forwarding a recommendation of approval for Zone Change 694 and adoption of the findings of the 11 review criteria.

Attachments

Zoning Map SitePhoto
Application & Applicant letter
Neighborhood Meeting Information

Site Photos



Subject Property



South



North



West

Application & Applicant letter

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 694 - Project # P2-19-00070

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: _____ R-9600 _____

Proposed Zoning: _____ Community Commercial _____

Tax ID # D05032 _____ COUNTY COMMISSIONER DISTRICT # 2

Legal Description of Property: S11, T1N, R26E, C/S 603, Parcel 2A Amd, 1.896 ac

Address or General Location (If unknown, contact County Public Works): _____
2821 US Highway 87 N.

Size of Parcel (Area & Dimensions): 1.896 Acres - 82,590 sq. ft.

Present Land-Use: 1 - RV

Proposed Land-Use: What Zoning Allows

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application West

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Donald A. Hurley

(Recorded Owner) _____
2811 US Highway 87 N.

(Address) _____
406-670-6339 None

(Phone Number) _____ (email) _____
Chuck Platt (Diamond Real Estate)

Agent(s): _____

(Name) _____
145 Grand Avenue

(Address) 406-256-0400 chuck@chuck-platt.com

(Phone Number) _____ (Email) _____

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Donald A. Hurley Date: 5-6-19
(Recorded Owner)



**Yellowstone County Zone Change Application
Questions**

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

Under the Land Use Element, Issue 6, more mixed-use neighborhoods. This parcel with the zone change will allow for more mixed-uses by expanding types of projects that can go on the property beyond strictly residential uses.

Under the Economic Development Element, Issue 1, continue a cohesive focus in economic development. By changing the zone, this parcel, either alone or with the adjacent 1.388 parcel to the south zoned Highway Commercial, provides the elements for better economic development than currently exists.

Under Economic Development Element, Issue 7, economic development of Billings Heights is addressed.

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 of the immediate area.

The owner of the subject property has been actively trying to sell it for over three years, with no success. Although there have been many inquiries on the property, when they are told of the limitations of the current R-9600 zoning, they look elsewhere. The Independent School has been offered the parcel numerous times. They have not been interested or have not had the funding available. The other issue that the school has is "what to do with the parcel." It is located on the side of the school that would make it difficult to expand the existing structure and functionally it didn't work well for the school.

In order to make it attractive under the current zoning, we had an engineer provide an exhibit on what would be possible residentially with up to 6 units possible (Exhibit Attached). We have had no interest at this time for a residential use or development. As a residential lot, it is located between a school and a narrow Highway Commercial lot, which make both lots less desirable than the proposed zone change.





DIAMOND
REAL ESTATE

145 Grand Avenue, Suite 8
Billings, Montana 59101
office 406-256-0400
diamond-real-estate.com

**Neighborhood Meeting
Pre-zone Change Application**

WHEN: Wednesday, April 24, 2019, 6:00 pm

WHERE: 2811 Highway 87 N.

LEGAL DESCRIPTION: Tract 2-A, Certificate of Survey 603 2nd Amended
Sec. 11, T1N, R26E, Yellowstone County, MT

OWNER: Donald A. Hurley

AGENT: Chuck Platt, Diamond Real Estate

PROPOSED ZONE CHANGE: R-9600 to Community Commercial

DESCRIPTION:

I have owned this property since 1982. It consists of 1.869 acres currently zoned R-9600 (residential) which is adjacent, on the north to the 1.388 acre parcel I live on, which is zoned Highway Commercial.

I have tried for several years to sell the property and have had no success. All the prospects that we have had that have shown interest in the property want commercial zoning.

ATTACHMENTS:

300' Radius Map prepared by the Planning Department
Plat Map of the subject property

Wednesday April 24, 2019

Name

Address

Ken & Suzette George 2801 Saratoga Trl
Marilyn Ann Guzman - Independent School
Jerry Goff



145 Grand Avenue, Suite 8
Billings, Montana 59101
office 406-256-0400
diamond-real-estate.com

Pre-Application Meeting
Held Wednesday, April 24, 2019 @6:00 pm
2811 Highway 87 N

The Pre-Application Meeting was held at Don Hurley's residence adjacent to the subject property.

One of the neighbors, Ken and Suzette George attended and a representative of Independent School, Ann Guzman and her husband Marty attended, along with a tenant on the property.

We had an informal gathering with questions concerning the proposed zoning of Community Commercial. The questions had to do with what could go on the property. There is no specific use proposed at this time. One of the things that was pointed out is that a Bar or Casino could not be located at the site because it is adjacent to Independent School.

When asked why he wanted to change the zoning, the owner told them because he has been unable to sell the property for the past three years with the existing residential zoning. The requests have been for zoning that allowed commercial uses.

A handwritten signature in blue ink that reads "Chuck Platt". The signature is written in a cursive style and is positioned above a horizontal line.

Chuck Platt, Agent



DIAMOND
REAL ESTATE

145 Grand Avenue, Suite 8
Billings, Montana 59101
office 406-256-0400
diamond-real-estate.com

**Neighborhood Meeting
Pre-zone Change Application**

WHEN: Wednesday, April 24, 2019, 6:00 pm

WHERE: 2811 Highway 87 N.

LEGAL DESCRIPTION: Tract 2-A, Certificate of Survey 603 2nd Amended
Sec. 11, T1N, R26E, Yellowstone County, MT

OWNER: Donald A. Hurley

AGENT: Chuck Platt, Diamond Real Estate

PROPOSED ZONE CHANGE: R-9600 to Community Commercial

DESCRIPTION:

I have owned this property since 1982. It consists of 1.869 acres currently zoned R-9600 (residential) which is adjacent, on the north to the 1.388 acre parcel I live on, which is zoned Highway Commercial.

I have tried for several years to sell the property and have had no success. All the prospects that we have had that have shown interest in the property want commercial zoning.

ATTACHMENTS:

300' Radius Map prepared by the Planning Department
Plat Map of the subject property

Wednesday April 24, 2019

Name

Address

Ken & Suzette George 2801 Saratoga Trl
Marilyn Ann Guzman - Independent School
Jerry Goff



145 Grand Avenue, Suite 8
Billings, Montana 59101
office 406-256-0400
diamond-real-estate.com

Pre-Application Meeting
Held Wednesday, April 24, 2019 @6:00 pm
2811 Highway 87 N

The Pre-Application Meeting was held at Don Hurley's residence adjacent to the subject property.

One of the neighbors, Ken and Suzette George attended and a representative of Independent School, Ann Guzman and her husband Marty attended, along with a tenant on the property.

We had an informal gathering with questions concerning the proposed zoning of Community Commercial. The questions had to do with what could go on the property. There is no specific use proposed at this time. One of the things that was pointed out is that a Bar or Casino could not be located at the site because it is adjacent to Independent School.

When asked why he wanted to change the zoning, the owner told them because he has been unable to sell the property for the past three years with the existing residential zoning. The requests have been for zoning that allowed commercial uses.

A handwritten signature in blue ink that reads "Chuck Platt".

Chuck Platt, Agent