



**Yellowstone County Zoning Commission  
DRAFT Minutes for the Meeting of  
Monday, December 9, 2019**

The County Zoning Commission met on Monday, December 9, 2019 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> 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 County Zone Change #698 will be held on Tuesday, December 31, 2019, at 9:30 a.m., 3<sup>rd</sup> Floor of the Stillwater Building at 316 N 26<sup>th</sup> St, Commissioner’s Hearing Room. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed zone change.

Chairman Tyler Bush opened the meeting and introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator. Karen Husman, Planner I

Commissioners and Staff		01/14/2019	02/11/2019	03/11/2019	04/08/2019	05/10/2019	06/25/2019	07/28/2019	09/09/2019	10/15/2019	11/12/2019	12/09/2019
Jerry T. Ray	Commissioner	1	1	-	1	1	1	1	1	1	-	1
Troy Boucher	Commissioner Chairman	1	E	-	1	1	1	1	1	1	-	1
Ryan Wittman	Commissioner	1	1	-	1	1	E	E	E	E	-	1
Tyler Bush	Commissioner Chairman	E	1	-	1	E	E	A	1	-	-	1
Todd Hewett	Commissioner	1	1	-	1	E	1	1	1	1	-	1

**Attending:** Lynnette Papka, Betty Mart, Mr. & Mrs. Karl Backman, Jim Von Olnhausen, Scott Aspenlieder, Performance Engineering; Larry Larsen, Rob Morehead, Reagan Morehead, Mark Morehead

**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.



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**Disclosure of Ex Parte Communication: County Zone Change #698:** There was none. The Commissioners reported no Ex Parte Communications. Staff received the following outside communications.

**Disclosure of Conflict of Interest: County Zone Change #698:** There was none.

**Motion. Approval of Minutes: October 15, 2019.** (The November 11, 2019 meeting was canceled).

**Motion**

**Commissioner Hewitt made a motion and Commissioner Ray seconded the motion to approve the September 9, 2019 meeting minutes as submitted.**

**The motion carried with a unanimous voice vote.**

**Item 1:**

Zoning Coordinator Nicole Cromwell read the legal notice for County Zone Change #698 into the record.

**County Zone Change 698 – 1093 ½ Lincoln Lane - Residential-7000 (R-70) to Community Commercial (CC)-** A zone change request from Residential-7000 (R-70) to Community Commercial (CC) on Lots 2-6, in Block 1, Lots 2A-6 in Block 2 Laray Subdivision, seven contiguous parcels totaling 2.05 acres. A pre-application neighborhood meeting was held on October 28, 2019, at the Country Inn & Suites at 231 Main Street. Tax ID: A10046, A10047, A10047A, A10049, A10050, A10051, A10052.

**STAFF PRESENTATION**

**Item #1-YC Zone Change 698 -** The applicant is requesting a zone change from Residential-7000 (R-70) to Community Commercial (CC) on Lots 2-6, in Block 1, Lots 2A-6 in Block 2, Laray Subdivision, seven contiguous parcels totaling 2.05 acres. A pre-application neighborhood meeting was held on October 28, 2019, at the Country Inn & Suites at 231 Main Street.

Presented by; Karen Husman, Planner I

**BACKGROUND**

The applicant is requesting a zone change from R-70 to CC. The property is adjacent to low density residential and residential multi-family uses and a mix of zoning. The properties to the west are in a Highway Commercial (HC) district. Across Lincoln Lane to the west of the subject property is a mobile home park and an apartment complex. The subject property is surrounded by residential uses. Based on the staff determinations in the Summary section of this report, the proposed zone change would not be consistent to the character of the area and the preferred land use patterns in the residential areas. Development of these parcels as a commercial use will not preserve the neighborhood integrity.



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A pre-application neighborhood meeting was conducted by the applicant on October 28, 2019, at the Country Inn & Suites at 231 Main Street. Details of the neighborhood meeting are included in the attachments.

### **RECOMMENDATION**

**Planning Division is recommending denial of Zone Change 698 based on the findings of the 11 criteria for this zone change.**

- The proposed zoning is not consistent with the character of the area and the preferred land use patterns in residential areas
- Development of these parcels as a commercial use will not preserve the neighborhood integrity.
- The location of the property limits the uses that are compatible with surrounding property.

Planner Husman explained the possible uses for this property and noted the alternative Findings of Fact provided to Staff and the Commissioners by Scott Aspenlieder, Performance Engineering.

Chairman Boucher called for presentation by the applicant.

### **Scott Aspenlieder, Performance Engineering, Billings, Montana**

Mr. Aspenlieder gave a brief recap of this request. Scott Aspenlieder, agent for the applicant, reviewed the application. He said the property to the north is currently zoned CC and did not understand how this was approved with positive findings three years ago and the property has the opposite recommendation and findings. Staff clarified the adjacent property to the north was approved based on its location as well as it is inside the City Limits of Billings. Scott said the intent of the zone change was to partner with the property owner to the north to utilize both properties for dry storage units. He said the subject property is limited due to the lack of water and sewer services. The cost to bring those services to the property were not feasible for the project. He said the project would include installation of a fire hydrant to the southeast corner of the property; this would be a benefit to the neighborhood. Scott provided a report of findings to the Commissioners and staff that were used in approving the zone change to the property to the north. He did not feel staff determinations were correct because this would provide services to the neighborhood, and felt it was not outside the uses and integrity of the neighborhood. He stated the traffic generation is very low for a mini storage and should not be disruptive to the neighborhood.

### **Discussion**

Chairman Boucher called for discussion. Commissioner Wittman asked how many storage units are proposed for this site. Scott Aspenlieder stated the proposal is for six to twelve units for mini storage. In response to question by Commissioner Boucher, Mr. Aspenlieder stated this property owner owns the community-commercial lot to the north and the two remaining R-7,000 lots. Commissioner Ray asked why the staff recommendation is for denial of this application and stated he does not feel the recommendation is reasonable.



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**Public Hearing:**

Chairman Boucher opened the public hearing and called for anyone wishing to speak in favor or against County Zone Change #698.

**Larry Larsen, 2720 Selvig Lane, Billings, Montana**

Mr. Larsen is the agent for both the buyers and sellers of the subject property explained the reason for selling the property was due to family funding the grandmothers care in an assisted living facility. They are retaining ownership of the two residential parcels to the west/adjacent to Lincoln Lane, one is housing a family member and the other is held as a rental (for financial assistance). The Zoning Commissioners asked why they did not plan for multifamily housing instead of storage units. Larry said multifamily development could house six to twelve units and generate more vehicular traffic than storage would. He said they felt the project would be less of an impact as storage units than it would be if developed as multifamily housing. He said the market for apartments or multifamily housing is saturated and would not be a good investment.

**Rob Morehead, 1013 N 32<sup>nd</sup> Street, Billings, Montana**

Mr. Morehead owns the community-commercial lot to the north, and the subject property is owned by his partner. He stated they would be mindful of the neighbors and buffer the adjacent R-7,000 lots as well as a fire hydrant. Board member Ray asked why they did not consider apartments. Mr. Morehead stated he feels the current market is saturated with apartment offerings.

Chairman Boucher called for anyone wishing to speak in opposition to County Zone Change 698.

**Opposition**

**Jim Von Olnhausen, 410 Griffing Drive, Billings, Montana**

Mr. Von Olnhausen said this area is congested due to a lot of new developments. He would prefer residential uses instead of the mini storage as commercial zoning is not applicable in this area.

**Karl Backman, 440 Griffing Drive, Billings, Montana**

Mr. Backman's property is adjacent to the subject property. He has been trying to sell their property, having parties interested, once they disclosed the proposed zone change all potential buyers backed out. He feels that access onto Griffing Drive should not be allowed, and this property should stay residential.

**Lynn Pinnick, Keller Road, Billings, Montana**

Ms. Papka asked about the emergency exit.



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**Lynnette Papka, 706 Cross Street, Billings, Montana**

Ms. Papka voiced concern with traffic on Griffing Drive as it is a gravel road and would not sustain the increased traffic.

**Betty Mart, 703 Cross Street, Billings, Montana**

Ms. Mart stated no access should be allowed from the mini storage complex to Griffing Drive or Cross Street.

**Karl Backman, 440 Griffing Drive, Billings, Montana**

Mr. Backman pointed out the notice letter had the incorrect date/time/day of the week for this hearing. He asked how they could be assured their property will not be annexed. Staff clarified the procedure for annexation. Annexations can be by property owner petition or by City Council initiation. The annexation by Council initiation is primarily used when a property is completely surrounded by City limits and creates a County island property.

Chairman Boucher called for rebuttal.

**Rebuttal**

**Scott Aspenlieder, Performance Engineering, Billings, Montana**

Mr. Aspenlieder explained they have no plans to annex the property. The plan for dry storage units would not require City services, so annexation is not necessary.

**Rob Morehead, 1013 N 32<sup>nd</sup> Street, Billings, Montana**

Mr. Morehead also responded that the two proposed access points for the project would be on Lincoln Lane, there would be no access to Griffing Drive, and the site will be fully fenced with controlled access and security gates and cameras.

**Larry Larsen, 2720 Selvig Lane, Billings, Montana**

Mr. Larsen concurred with Mr. Morehead, and stated there will be no access onto Griffing Drive.

Chairman Boucher closed the public hearing and called for a discussion.

**Discussion**

The Zoning Commissioners discussed the determinations and found alternative findings provided in the summary section of this memo. Specifically, #1, change the finding to reflect that the new zoning would comply with the goals noted, and #4, to reflect the proposed CC zoning would match the existing CC zoning adjacent to the parcel to the north and any potential uses allowed.



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**Motion**

**Commissioner Boucher made a motion and it was seconded by Commissioner Hewitt to forward recommendation of approval and adoption of County Zone Change #698 with the findings of the 11 criteria based on the statutory (MCA 76-3-304) criteria for zone changes.**

<b>Name</b>	<b>Favor</b>	<b>Against</b>	<b>Abstain</b>	<b>Absent</b>
Chairman Boucher	1			
Commissioner Wittman	1			
Commissioner Ray	1			
Commissioner Bush	1			
Commissioner Hewett	1			

**The motion carries, 5-0. The YC Zoning Commission will forward a recommendation to the Board of County Commissioners of approval of County Zone Change #698.**

**OTHER BUSINESS**

a. **Announcement:** The next Yellowstone County Zoning Commission meeting will be held on Monday, January 13, 2020 to hear one application.

**Adjournment**

**DRAFT. To be approved by a motion at the next scheduled meeting.  
*Tamara L. Deines, Planning Clerk***