



**COUNTY OF YELLOWSTONE ZONING COMMISSION
AGENDA**

Monday, November 8, 2021

4:00 PM

**Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana**

NOTICE TO THE PUBLIC

***Citizens are invited to:**

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
 - Email: deinest@billingsmt.gov
- Call in during the Public Comment periods as indicated on the agenda:
 - Citizens may call in during specific Public Comment periods at **406.237.6165**.
All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

Please direct questions to Planning Clerk Tammy Deines at deinest@billingsmt.gov or 406-247-8610. Thank you!

Call the meeting to order.

Introduction of the Yellowstone County Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes: July 12, 2021

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 Exparte 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. **ITEM #1**

This is a zone change request from Corridor Mixed Use 1 (CMU1) to Corridor Mixed Use 2 (CMU2) on Lot 4, Cole Acreage Tracts, an 2.009 acre parcel of land. A pre-application neighborhood meeting was held on Monday, September 27, 2021, at 5:00 pm at 2919 Old Hardin Road. Tax ID: C04278 Presented by Nicole Cromwell, Zoning Coordinator

Other Business/Announcements

Adjournment

The County Zoning Commission will hold its public hearing in the 1st Floor Conference Room at 2825 3rd Avenue North (Miller Building).

All interested persons are invited to attend in person or view the meeting on-line on the Billings-Planning & Community Services Facebook Page here; <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks> . A public comment phone line is available for on-line viewers to provide testimony during the specific Public Comment periods announced by the Chairman during the hearings. The call in phone number is (406)237-6165. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary. Written comments may also be sent to Board via email before 1:00 PM on Monday, November 2, 2021. All emails received prior to this time will become part of the record for the public hearings.

The Board of County Commissioners public hearing for these applications will be held **on Tuesday, November 26, 2021, 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 changes or special review**. 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: 11/08/2021

Information

Subject
Approval of Minutes: July 12, 2021

Attachments

YZC_2021_07_12_MIN_DRAFT



**Yellowstone County Zoning Commission
DRAFT Minutes for the Meeting of
Monday, July 12, 2021**

The County Zoning Commission met on Monday, July 12, 2021 at 4:00 p.m. in the Miller Building 1st Floor Conference Room, 2825 3rd Ave. North.

Commissioners and Staff		01/13/20	02/10/20	03/09/20	04/13/20	05/11/20	06/08/20	07/13/20	08/10/20	08/26/20	08/27/20	09/14/20	10/12/20
Blaine Poppler	Commissioner	1	-	-	-	-	-	1					
Troy Boucher	Commissioner Chairman	1	-	-	-	-	-	R					
Tyler Bush	Commissioner Chairman	1	-	-	-	-	-	1					
Todd Hewett	Commissioner	1	-	-	-	-	-	1					

Chairman Bush opened the meeting and introduced the County Zoning Commission members and Planning Division staff: Zoning Coordinator Nicole Cromwell, Karen Husman, Planner I, Tammy Deines, and Planning Clerk.

Other Participants: Kolten Knatterud, IMEG; Vicki and Albert Salazar, Don Lohrenz, Laron Pluhar, Don Sloan, Steve Powell, Shirley McDermott, Henry Morgan, Janna Jurovich (Citizen phone call)

Public Comment

Chairman Bush asked if there was anyone wishing to speak during the public comment portion of the meeting. The Public may call in during specific Public Comment periods at (406) 237-6165. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary.

Motion. Approval of Minutes: January 11, 2021 (Due to a lack of agenda items, this Commission had no meetings in February-June 2021).

Motion

It was moved by Commissioner Hewett and seconded by Commissioner Poppler to approve the January 11, 2021 meeting minutes as submitted. The motion carried with a unanimous voice vote.

No ex parte communications or conflicts of interest were announced by the Commissioners.



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Nicole Cromwell read aloud the procedures for a public hearing.

Item #1: Special Review 333

Planner Karen Husman read the legal notice for the record and followed with presentation of the staff report beginning with the surrounding zoning on this property.

REQUEST

A special review request to allow a Type II (built before Jan 1, 1990) Manufactured Home to be placed on Parcel 1 of Certificate of Survey 2003, a 3.42 acre parcel of land. A pre-application neighborhood meeting was held on May 19, 2021 at the subject property. Tax ID: D01742

Planning Division is recommending the following conditions:

1. The approval shall be limited to Parcel 1 of Certificate of Survey 2003, generally located at 1037 Riverside Drive.
2. This special review approval is to allow a Type II manufactured home to be placed on the property. No other special review use is intended or implied by this approval.
3. The property is limited to no more than three (3) single family dwellings on the property (two existing structures and one (the proposed) manufactured home).
4. The manufactured home shall be placed on the property in substantial conformance to the site plan submitted with this application.
5. Prior to placement on the property adequate utilities, access roads, drainage, and/or necessary facilities will be provided.
6. Adequate measures will be taken to provide ingress and egress to minimize traffic congestion in public streets.
7. 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.
8. Failure to comply with these conditions of approval of the special review use shall be deemed a violation of the zoning regulations.

Staff made a brief presentation to the Commission, explaining the request. The Special Review request conforms to the Zoning Code requirements except for a principle structure on a parcel in the RR3 district is restricted to one. The property is 3.42 acres and can adequately accommodate three single family dwellings. Staff explained to the Commission in this review, per Section 27-1622.d.9, the Zoning Commission has authority to recommend the BOCC approve along with this Special Review a variance to allow three single family structures (3 primary structures) on the described property. Staff proposed conditional approval with restrictive conditions to ensure orderly development of the site.



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Discussion

Commissioner Bush asked the Commissioners for questions and comments. In response to question by Commissioner Blaine Poppler, staff stated that the current RR3 zoning allows for a manufactured home with a special approval for homes older than 1991. The current zoning code allows for one primary unit on the property, and the Zoning Commission has the authority to allow a variance for the second primary structure along with the special review. One public comment in opposition was received by staff.

Public Hearing

Commissioner Bush opened the public hearing and asked if there is anyone wishing to speak in favor or against Special Review #333.

Favor

Applicant Vicki Salazar, Billings, MT

Ms. Salazar said they have permission from the owner to place the mobile home on the property and were not advised about the restriction for age of the mobile home until after placing the home. She stated they wish to live on the property and were not aware of any restriction on the number of homes on the property. Ms. Salazar explained she had spoken to RiverStone Health about a septic system and was informed they could not add another in-ground system and drain field to the property but could install an above ground system.

Commissioner Bush asked about improvements and Ms. Cromwell said it is the year of the manufactured structure that makes it come into play. Chairman Bush noted the staff comment that the structure would have to conform to current setbacks. Staff explained that the applicant is not the owner of the property.

Ms. Salazar explained they would be connecting to the existing water supply and the electric would be installed when they have approval to move forward. The electricity is available at the site. Nicole Cromwell said there are several similar properties with multiple primary structures on the lot. This Commission may grant a variance for the multiple structures. Commissioner Bush asked if this would be the applicant's primary residence. Ms. Salazar said she "snowbirds" during the winter but this would be her primary residence during the summer.

Opposition

Henry Morgan 795 Garden Ave, Billings, MT

Mr. Morgan is a long term resident in this area and is opposed to this application as it is not consistent with the nine criterion for special reviews. He said the last approved special review allowed a mobile home that went into disrepair. Mr. Morgan explained that the area where the home would be placed is in direct view from several properties. The Growth Policy aesthetic elements speak to the need for inviting and attractive urban elements and the site for the proposed use must be an appropriate site. The new Recode zoning classification Residential-



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Rural allows for one principal dwelling. He said there is not adequate space for the third septic system, and the older mobile home would be an eyesore and should not be placed on the property. He asked why staff would return back to the old zoning regulations when this is the zoning that is currently in place.

Henry Morgan, 795 Garden Ave, Billings, MT

Mr. Morgan disagreed that any home can be put there as a third home. The Commissioners explained to Mr. Morgan that this request would be heard as a variance, and as staff pointed out, there are many parcels with three residences. Mr. Morgan asked why we have zoning if it can be changed.

Rebuttal

Ms. Salazar stated the only issue is the age of the trailer. They are working on cleaning but will not improve it if they are unable to move into it. Commissioner Bush pointed out that the current regulations would allow a trailer older than 1991. Under the special review criterion, a variance is allowed to be considered to acknowledge the third principle structure. If this process is not used, this request will have to be brought forward to the Yellowstone County Board of Adjustment.

The public hearing was closed at 4:42 PM.

Discussion

Commissioner Poppler stated it doesn't appear that there are adequate utilities. He stated a variance is needed for more than one structure on this property and this request flies in the face of the Growth Policy. He is in opposition to this application. The Zoning Commission discussed the zoning criteria and the concerns with the property, the noncompliance with the manufactured home already on the site, and the sewer system restrictions.

Motion

Commissioner Poppler made a motion and it was seconded by Commissioner Hewitt to forward a recommendation to the Board of County Commissioners of denial of Special Review #333 based on the lack of adequate utilities and the request does not conform with the Growth Policy of Yellowstone County.

The motion carried with a unanimous voice vote, 3-0 Special Review #333 is denied.

*County Special Review #333 will be heard by the Board of County Commissioners Tuesday, July 27, 2021, 9:30 am.



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Item #2: County Zone Change 704

Planner Husman opened this agenda item with introduction of the request below and followed with presentation of the staff report.

REQUEST

County Zone Change 704 – 626 Johnson Lane – from CMU2 to NX3 - A zone change request from Corridor Mixed Use (CMU2) to Mixed Residential (NX3), on Lot 5, Block 1, Keller Place Subdivision, a 3.560 acre parcel of land. A pre-application neighborhood meeting was held on May 27, 2021, at 501 Johnson Lane. Tax ID: C12325.

RECOMMENDATION

Approval of Zone Change #704 and adoption of the 11 criteria detailed in the summary section of this memo.

The subject property is located at 626 Johnson Lane. This zone change request from Corridor Mixed Use (CMU2) to Mixed Residential (NX3) would allow the property to develop into a transitional district between the existing CMU2 to the north and the RMH to the south and east of the property, creating the opportunity for more housing choices.

The applicant held a pre-application meeting and answered questions and concerns from the neighboring property owners. There were concerns about building design, if there would be playground facilities, how the project would affect the irrigation ditch along Johnson Lane, and additional traffic. The applicant answered that there will not be a playground, however, a green space will be provided with the development. The applicant responded by letting them know the plans were preliminary and any future development will meet all restrictions and requirements, and they did not foresee any long term effects on the ditch.

The applicant intends to develop the property into multifamily housing. The applicant has stated the proposed area is near the "Lockwood Town Center" and would develop an anchor development in that area, bringing more housing to the downtown area of Lockwood. The intention is to provide workforce housing in an effort to attract more businesses to the area. The Lockwood Growth Policy defines the need for more housing choices near the Town Center area. The current zoning of CMU2 allows for multifamily housing, but requires the first floor area to be commercial use. The applicant feels that currently Lockwood has an abundance of available commercial space and in today's economic climate, better use of this parcel would be the creation of additional housing units and add additional housing choices to Lockwood.

Discussion

Commissioner Bush asked the Commissions for questions and comments. There were no questions.



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Public Hearing

Commissioner Bush opened the public hearing and asked if there is anyone wishing to speak in favor or against County Zone Change #704.

Kolten Knatterud, IMEG, 175 N 27th, Billings, MT

Mr. Knatterud is the agent for Paul Jessup, who is the owner and developer of the parcel to the north. He pointed out that under the current zoning, multi-family is allowed but requires a commercial use on the main level and living space above. The drawing is conceptual to depict the maximum units (90) with the required properties. The applicant is forwarding this application to promote growth in the Lockwood Town Center area. The proposed zone change to NX3 would allow the development of the property into multi-family apartments

Discussion

Commissioner Poppler asked if park dedication is necessary. Zoning Coordinator Cromwell said the NX3 zoning requires at least one public open space. This project is proposing 90 total units with 3 stories, (30 units on each story), with public water and sewer. The Fire Station is located south of this parcel. There were no other comments.

Chairman Bush announced the Public Comment phone number 237-6165 and asked if there is anyone wishing to speak about this zone change. There were no further public comments. Chairman Bush closed the public hearing and called for a motion.

Motion

Commissioner Hewitt moved and Commissioner Poppler seconded the motion that the County Zoning Commission forward a recommendation of approval to the County Commissioners for County Zone Change 704 with the conditions of approval and Findings presented by staff.

Discussion

Commissioner Poppler stated the rental units are needed and he has no objections.

The motion carried with a unanimous voice vote, 3-0.

*County Zone Change 704 will be heard by the Board of County Commissioners Tuesday, July 27, 2021, 9:30 am.

Item #3 County Zone Change 705

Ms. Husman introduced this agenda item and explained that a zone change was previously approved on this property and that the plans for the property changed with the new ownership. This request is for a portion of that zone change application.



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REQUEST

County Zone Change 705 – NE side of Grand at 62nd St W – from RR1 to C3 & N4 - A zone change request from Rural Residential (RR1) to General Commercial (C3) and Large Lot Residential (N4), on Lot 104A, Sunny Cove Fruit Farm, a 17.55 acre parcel of land. A pre-application neighborhood meeting was held on May 28, 2021, at 1411 Chy Way. Tax ID: D04691

RECOMMENDATION

Approval of Zone Change #705 and adoption of the 11 criteria detailed in the summary section of this memo.

Kolten Knatterud, IMEG, 175 N 27th Street, Suite 1312, Billings, MT

Mr. Knatterud is the applicant's agent. Mr. Knatterud said John Poukish purchased under 30 acres. A lot line relocation was submitted for the three tracts and Creekside Subdivision was just completed. The original intention for the 17-plus acres was to annex with the City but this will not work based on the utilities. This zone change request for more density is to allow flexibility with development due to several areas that will not allow septic systems due to shallow groundwater. Mr. Knatterud stated they feel this request would be the highest and best use for the commercial property adjacent to Grand Avenue with the available facilities. In addition, the commercial property will not allow septic systems. He does not believe this parcel would allow for a casino due to the surrounding residential districts. The N4 zoning will allow flexibility in development while working with allowable septic tanks. In response to question by Commissioner Blain, Mr. Knatterud said his client is not a commercial developer and will not be the one to build out the commercial use. The applicant intends to build homes on the N4 tract and it will be subdivided from the proposed C3 zoned parcel.

Public Hearing

Chairman Bush opened the public hearing, announced the Public Comment phone number 237-6165, and asked if there is anyone wishing to speak about this zone change.

Opposition

Don Lohrenz, 1705 60th Street West, Billings, MT

Mr. Lohrenz said except for the commercial storage units, the surrounding properties units are larger residential lots. When the first zone change was brought into effect, the residents were told the remaining land would be residential. He stated he would like to see all of the lots be residential. If this is not possible, he would suggest making it parkland and residential.

Dan Sloan, 1805 60th Street West, Billings, MT

Mr. Sloan said there are 70 acres under covenants and restrictions bound to the acreages. Without sewer systems, he feels the residential use should be maintained. He mentioned the new pub behind The Den and does not want something similar in their neighborhood. He said the residents of nearby Foxtail Subdivision want to keep the neighborhood residential.



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Shirley McDermott, 5943 Foxtail Lane, Billings, MT

Ms. McDermott said she concurs with the previous comments. She voiced concern that the change to commercial zoning would eventually allow a bar on the parcel. She noted the proximity of the Ben Steele School. The utilities are in and there are plans for an elementary school. Ms. McDermott is in opposition to this request and thinks the parcel should stay with residential uses. In response to question by a Commissioner Poppler, Ms. McDermott said she believes the utilities are located on 60th Street West. Kolten Knatterud stated they were extended to the corner of 60th Street West and Grand Avenue. She said a request for annexation with the intention of using septic systems presents a difficult situation. She has no opposition to the proposed N4 zoning.

Laron Pluhar, 1720 60th Street West, Billings, MT

Mr. Pluhar stated he is attending this evening to protest any kind of commercial development. He said he is against commercial development within a residential neighborhood. He said the developer has not taken care of the N4 parcel as there are tall weeds and blowing dirt. He said he does not trust the developer and feels he will find a way to put in a commercial development. He asked who will be interested in building a house with a large irrigation ditch in the back yard. He requested that the original proposal be maintained as residential and the adjacent properties be protected from commercial properties.

Janna Jurovich (Citizen phone call) 4103 Palisades Park Drive, Billings, MT 59106

Ms. Jurovich wanted echo the testimonies regarding the commercial zoning. She voiced concern with the groundwater in the N3 parcel as it is extremely alkali. She is concerned with the wastewater from the wells as it will affect the groundwater and possibly poison the water in the ditch.

Rebuttal

Kolten Knatterud, IMEG, 175 N 27th Street, Suite 1312, Billings, MT

Per Mr. Knatterud's request, Nicole Cromwell clarified the setback requirements from a residential zoning for school to allow a casino or bar on an annexed parcel. She said the separation distances in the City for a church, school, public park or playground is 600-ft minimum and 350-ft minimum to a casino or residential zoned district. The N4 parcel would count as a residential district. Perchance it would be 350-ft away from any residential district there is a possibility of putting a casino on that parcel. Kolten Knatterud said there is an access road stubbed in across the ditch on the south side but very little of that property if any would allow this use. He clarified and stated the initial plan was to annex but it didn't prove to be feasible. Commercial uses are not allowed in the N4 area and a rezone would need to be approved to go to commercial. Due to the drain ditch, DEQ will not allow installation of any septic systems that infiltrate into the ground, and a Level 3 evaporation septic system is required. He reiterated this will be the highest best use as this area is changing significantly. The City's long-term plan is to widen Grand Avenue to 72nd Street West which will bring more commercial development. His client believes as development takes place, Grand Avenue will be where most of the commercial uses will be best suited.



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Chuck Lotzke, 1700 60th Street West, Billings, MT

Mr. Lotzke voiced concern that the approval of the C3 zoning will set a precedence to change the N4 to commercial zoning. Nicole Cromwell responded that under the NC zoning, the County and City Growth Policy does not support a large commercial node at 62nd Street West and Grand Avenue. He asked about the lot line relocation to extend the residential zone. Kolten Knatterud said they will be agreeable to a condition of approval.

Steve Powell, 5935 Colton Boulevard, Billings, MT

Mr. Powell stated he is not against commercial development. He said the developer should have an idea of what their proposal is prior to coming the Board with a request. Kolten Knatterud commented that he is always concerned with coming into this stage of a development and stating this will be “x” and then changing the proposal at a later date.

The public hearing was closed at 5:30 PM.

Discussion

Commissioner Hewitt stated the Commission cannot parse the zoning districts and has to deliberate on the requested zoning package. Nicole Cromwell concurred. She noted that this developer said he would move the C3 zoning line to the south to align with the 10-acre agricultural parcel on Grand Avenue. Per Commissioner Poppler’s request, Nicole Cromwell clarified the zoning history on this parcel. The present zoning is RR-1 as opposed to N4 zoning. He said the N4 zoning is difficult to accommodate due to the sanitary system restrictions. Commissioner Bush said he was present when the corner was approved for commercial zoning. He said this does not seem to be consistent and said he would recommend denial.

Motion

Commissioner Poppler made a motion and Commissioner Hewitt seconded the motion to forward a recommendation to the Board of County Commissioners of denial of County Zone Change #705 based on conflict with Criterion (7) of the Zone Change Review Criteria, “whether the new zoning will promote compatible urban growth”; and due to the ground water characteristics, Criterion (3) “whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements”.

The motion carried 3-0. County Zone Change #705 is denied.

***The Board of County Commissioners will hold a hearing on this application on July 27, 2021 at 9:30 am.**



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OTHER BUSINESS

b. Announcement: The next Yellowstone County Zoning Commission meeting on August 9, 2021 is canceled due to a lack of agenda items.

Adjournment 5:45 PM

DRAFT-To be approved by a motion at the next scheduled meeting

--Tamara L. Deines, Planning Clerk

□

County Zoning Commission

Meeting Date: 11/08/2021

SUBJECT: Zone Change 706 - 2919 Old Hardin Rd - CMU1 to CMU2 Public Hearing

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

ITEM #1

This is a zone change request from Corridor Mixed Use 1 (CMU1) to Corridor Mixed Use 2 (CMU2) on Lot 4, Cole Acreage Tracts, an 2.009 acre parcel of land. A pre-application neighborhood meeting was held on Monday, September 27, 2021, at 5:00 pm at 2919 Old Hardin Road. Tax ID: C04278 Presented by Nicole Cromwell, Zoning Coordinator

RECOMMENDATION

Planning staff recommends approval of Zone Change 706 and adoption of the proposed findings of the eleven review criteria.

APPLICATION DATA

OWNER: M2DT Holdings, LLC - Bretz RV and Marine

AGENT: Brad Farnsworth, In-house counsel for Bretz RV and Marine

LEGAL DESCRIPTION: Cole Acreage Tracts Lot 4

ADDRESS: 2919 Old Hardin Road

CURRENT ZONING: CMU1

EXISTING LAND USE: Single family dwelling

PROPOSED USE: Expansion of existing Bretz RV and Marine

SIZE OF PARCEL: 2.009 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

Please see attachment.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: CMU2
Land Use: Holiday Inn Express

SOUTH: Zoning: CMU1
Land Use: Multi-tenant retail building

EAST: Zoning: CMU2
Land Use: Single family dwelling

WEST: Zoning: CMU1
Land Use: Western Security Bank

BACKGROUND

This is a zone change request from Bretz RV and Marine on a parcel they recently acquired to the west of their current site. The use for RV and Marine sales is not an allowed use in the current zone district of CMU1. The request would change the zoning to CMU2, a zone district that allows RV sales and service. Bretz RV also owns the property directly to the east where another single family dwelling is located.

Bretz RV and Marine purchased and developed the current location at 2999 Old Hardin Road in 2015. The additional land will allow Bretz to have more display and storage space and a presence on Old Hardin Road. Except for the two existing dwellings on the two adjacent parcels, there are no other dwellings in the vicinity of the property. There are residences on the south side of Old Hardin Road further to the east at 2942 Old Hardin Rd and Copper Valley Circle. CMU2 zoning is intended to accommodate uses that have need for larger sites and can have more impact on directly adjacent neighborhoods. This parcel is separated from any neighborhood area by Old Hardin Road.

The Lockwood Growth Policy Plan was adopted in 2016 by the Board of County Commissioners. This plan identified areas

within Lockwood where more intense uses might be expected over time and included an area for a new "town center" south along Johnson Lane. One of the growth guidelines for Lockwood supports retail and services business in appropriate areas designated along principal and minor arterials. Old Hardin Road is a principal arterial street and handles many vehicle trips per day in this area. The 2020 traffic count map indicates about 8,000 vehicle trips per day on this section of Old Hardin Road. Any new or improved driveway access to Cole Street or Old Hardin Road would need approval of County Public Works.

The new CMU2 zone district would require building and siting standards that will require attention to detail along the street frontage and within any parking areas for customers. The new zoning code takes into account the adjacent development and zoning for any required landscaping and screening. Any new construction of site development requires a zoning compliance permit and approved landscaping plan. The applicant has no immediate plans for development. Planning Staff has reviewed the application and the eleven review criteria for zone changes in the County. Planning staff finds the proposed zoning is conforming to the adopted growth policy for this area and will be compatible with the adjacent zoning and uses. No surrounding property owners have objected to the proposed zoning and no county agencies have expressed concerns with the zoning.

SUMMARY

The Yellowstone County Zoning Commission, prior to any recommendation to the Board of County Commissioners, shall consider the proposed findings of the eleven review criteria.

1. Is the new zoning designed in accordance with the Growth Policy?

The proposed zoning is in conformance with the following goals of the Yellowstone County Growth Policy and area plans: 2016 Lockwood Growth Policy:

- Commercial retail and services may be considered appropriate in areas designated for industrial land uses along principal and minor arterials in addition to areas designated for commercial land uses
- Lockwood is a community that will evolve with a Main Street-style town center surrounded by a range of housing options that support and sustain, both fiscally and socially, the community investments in schools, public water and sewer, transportation, recreation, and public safety while providing economic opportunities in general commercial and light and heavy industry businesses in areas shown on the preferred land use map.

2008 County Growth Policy:

- Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans
- Coordinated economic development efforts that target business recruitment, retention, and expansion
- Provide citizens with greater financial stability

The proposed zoning and property development is compatible with the adjacent uses and zoning and will retain and expand an existing business within the county.

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

The subject property is currently served by the Lockwood Rural Fire District. Future development will be reviewed by the fire district staff to ensure all required fire protection is on site.

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

Transportation: Development under the new zoning will increase traffic on Old Hardin Road. The level of traffic increase will be dependent on the development of the property.

Water and Sewerage: The property is within the Lockwood Water and Sewer District. Water and Sewer needs will be evaluated at the time of a development plan.

Schools and Parks: The proposed zoning should not have a negative impact on the Lockwood School District.

Fire and Police: The subject property is serviced by the Lockwood Fire District and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan.

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

The new zoning will allow development of property that is adjacent to a well-developed commercial corridor near the major interchange with Interstate 90. New development and re-development tends to increase property values in the area and would benefit the health and general welfare of this area of Lockwood.

5. Will the new zoning provide adequate light and air?

The proposed zoning would require minimum and maximum setbacks for structures, 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 any of the adjacent streets. Pedestrian traffic in the area is limited due to no pedestrian facilities. The Lockwood Pedestrian Safety District is working to get sidewalks in Lockwood. It would be beneficial for Bretz RV and Marine, the Lockwood Pedestrian Safety District, and Yellowstone County Public Works to discuss inclusion of sidewalks along this portion of Old Hardin Road.

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

The new zoning is compatible with the urban growth in Lockwood.

8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?

The property is suitable for CMU2 uses on this in-fill parcel on Old Hardin Road.

9. Will the new zoning conserve the value of buildings?

The new zoning will allow the development of an expansion for the Bretz RV and Marine. The single family dwelling on the site would not be able to be re-built under the current or proposed zoning since it requires a commercial companion use for any residential use of the property. The existing dwelling is legally nonconforming to the zoning and can remain in place until it is damaged or destroyed by more than 50% of its replacement value. The change in zoning does not effect its current legal nonconforming status.

10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?

The property is suitable for the uses allowed in the CMU2 zoning district.

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

The proposed zoning is not close to the city limits of Billings.

RECOMMENDATION

Staff recommends approval of Zone Change 706 and adoption of the proposed findings for the eleven review criteria.

Attachments

Zoning Map and Site Photos

Application and Pre app Information

ZC 706 Zoning History

County Zone Change 706 – 2919 Old Hardin Road – CMU1 to CMU2
Zoning Map and Site Photos







Subject Property from Old Hardin Road view North



Cole Street

View north and west



View west along Old Hardin Rd



View south and west across Old Hardin Rd



View south and east across Old Hardin Rd



View east along Old Hardin Rd

zc
COUNTY VARIANCE

APPLICATION FORM
ID: County Variance # _____ - Project # PZX-21-60238

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the City of Billings-Yellowstone County Unified Zoning Regulations.

TAX ID # 81-0411168 COUNTY COMMISSIONER DISTRICT # 2

Legal Description of Property: Cole Acreage Tracts, S19, T01 N, R27E, Lot 4

Address or General Location (If unknown, contact County Public Works): _____

2919 Old Hardin Road, Billings, MT, 59101

Zoning Classification: Corridor Mixed Use 1

Size of Parcel (Area & Dimensions): 2.009 Acres Width 255 feet by 420 feet (long side) 265 feet (short side)

Covenants or Deed Restrictions on Property: Yes X No _____

If yes, please attach to application

Variance Requested: Request change from Corridor Mixed Use 1 to Corridor Mixed Use 2

Facts of Hardship: CMU1 does not allow use for RV and trailer sales and service

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

Owner(s): M2DT Holdings LLC
(Recorded Owner)
4800 Brent Creek Road Missoula, MT 59808
(Address)
406 591 4800 (Phone Number) _____ (email)

Agent(s): Brod Farnsworth
(Name)
4800 Brent Creek Rd Missoula, MT 59808
(Address)
406 591 4800 (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 Variance. Also, I attest that all the information presented herein is factual and correct.

Signature: Wah A. [Signature] for M2DT Properties Date: 09/30/2021
(Recorded Owner)

Zoning Change Application Checklist

Question 4A –

This proposal is consistent with the goals and policies of the adopted Growth Policy because it encourages development and increases tax revenue from that development. Further, approval of the proposal will help support a successful business that provides local jobs and benefits the community. Clearly retaining and supporting existing businesses helps sustain a healthy economy.

Question 4B –

This proposed zone change is needed in order to provide additional space for parking, displaying and servicing recreational vehicles (RVs). The current Corridor Mixed Use 1 zoning designation does not allow for this.

The applicant currently operates an RV dealership on adjoining property and that adjoining property is zoned as Corridor Mixed Use 2, which does allow for parking, displaying and servicing RVs.

In sum, the proposed zone change will fit in nicely with the existing zoning and land uses of the immediate area.

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** CMU1
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: CMU2, 2.009 acres
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** Cole Acreage Tracts, S19, T01N, R27E, Lot 4
5. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
- ✓ 6. **A copy of the meeting notice.** please attach to this form
7. **A brief synopsis of the meeting results.** please attach to this form
8. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 27th day of September 2021.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): <u>MZDT Holdings LLC</u>	Telephone: <u>406 511 4800</u>
Address: <u>4800 Grant Creek Rd</u>	Email: <u>b.farnsworth@</u>
<u>Missoula, MT 59808</u>	<u>bretzrv.com</u>
Agent (s): <u>Brad Farnsworth</u>	Telephone: <u>406 511 4800</u>
Address: <u>4800 Grant Creek Rd</u>	Email: <u>b.farnsworth@</u>
<u>Missoula, MT 59808</u>	<u>bretzrv.com</u>

**SIGN-IN SHEET
FOR
REQUIRED PRE-APPLICATION
NEIGHBORHOOD MEETING**

**5:00 pm Monday, September 27, 2021
at
2919 Old Hardin Road, Billings, Montana**

	<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>COMPANY OR ADDRESS</u>
1.	<u>David Robinson</u>	<u>[Signature]</u>	<u>2999 Old Hardin Road</u>
2.	<u>Sackie Farsching</u>	<u>[Signature]</u>	<u>Holiday Inn Express 450 Coldest</u>
3.	<u>Bob Riehl</u>	<u>[Signature]</u>	<u>126 Rolling Meadows</u>
4.	<u>Woody Jones</u>	<u>WOODY WOODS</u>	<u>126 ROLLING MEADOWS</u>
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____
12.	_____	_____	_____
13.	_____	_____	_____
14.	_____	_____	_____
15.	_____	_____	_____

PRE-APPLICATION NEIGHBORHOOD MEETING SUMMARY

At 5:00 pm on Monday, September 27, 2021, a Pre-Application Neighborhood Meeting was held at 2919 Old Hardin Road, Billings, Montana. It should be noted that the location of the meeting is the same location of the property for which a zoning change is being requested.

The purpose of the meeting was to inform neighboring landowners of the proposal by M2DT Holdings LLC to change the zoning of this property from Corridor Mixed Use 1 to Corridor Mixes Use 2 so that Recreational Vehicles (RVs) may be displayed, sold and serviced on the property.

The meeting was properly noticed and was attended by David Robinson, representing M2DT Holdings LLC; Jackie Fasching, representing Holiday Inn Express; Bob Riehl, representing the City of Billings; and Woody Woods, representing the City of Billings.

Mr. Robinson had the attendees sign a sign-in sheet and provided them with a web map showing the zoning of the affected areas. He then stated that the reason for the zone change proposal was so that RVs could be displayed, sold and serviced on the property.

Ms. Fasching asked if the property owner would be installing a fence if the zoning change was granted, and Mr. Robinson replied that yes, that a fence would be needed to provide property security for the recreational vehicles that would be displayed on the property.

Mr. Riehl or Mr. Woods asked if the landowner intended to install an RV dump station on the property and Mr. Robinson replied that there were no plans to install an RV dump station on the property at this time.

There being no further questions or comments, the meeting was adjourned at approximately 5:15 pm.

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2919 Old Hardin Rd	457	9/28/1995	R-96 to EGC	Yes	Johnson Lane Master Plan
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1109/1112/1116 & 1125 Firth St	96	4/23/1976	R-96 to RMH	Yes	ZC 457
1156 Firth St	111	11/23/1976	R-96 to RMH	Yes	ZC 457
West side of Sleeper St	170	2/28/1978	R-96 to CC	Yes	ZC 457
Cole Street	152	10/24/1977	R-96 to CC	Yes	ZC 457
Cole Street	359	5/29/1984	CC to HC	No	ZC 457
Cole Street	649	7/29/2014	EGC to ELI	Yes	Personal mini storage
1044 Firth St	315	1/22/1982	R-96 to RMH	Yes	ZC 457
Great Plains & Sannon Rd	273	3/11/1980	R-96 to RMH and R-96 to HI	Yes	RMH to ELC ZC 457
Bretz RV & Marine	457	9/28/1995	CC, RMH & R-96 to EGC	Yes	Johnson Lane Master Plan