



**Yellowstone County Zoning Commission  
Approved Minutes for the Meeting of  
Monday, January 10, 2022**

**The County Zoning Commission met on Monday, January 10, 2022 at 4:00 p.m. in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Ave. North.**

		01/10/202													
Blaine Poppler	Commissioner	1													
Melissa Ray Gentry	Commissioner	1													
Tyler Bush	Commissioner Chairman	1													
Todd Hewett	Commissioner	1													
Open	Commissioner														

Commissioner Hewitt opened the meeting and introduced the County Zoning Commission members and Planning Division staff.

Commissioner Bush, and Commissioner Ray are participating virtually.

Zoning Coordinator Nicole Cromwell, Karen Husman, Planner I; Erin Keith, Planner I; Tammy Deines, Planning Clerk; Robbin Bartley, Administrative Assistant.

Welcome! To Commissioner Melissa Ray Gentry.

**Other Participants:** Ryan Welsch, KLJ; Jason Fitzgerald, Collaborative Design; Keith Myhre, Cathi Colp, Jennifer Reinhardt

**Public Comment**

Commissioner Poppler 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 three minutes of testimony as is customary.

**Motion. Approval of Minutes: November 8, 2021** (Due to a lack of agenda items, this Commission had no meetings in December 2021).

**Motion**

**It was moved by Commissioner Poppler and seconded by Commissioner Hewitt to approve**



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**the November 8, 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.

Zoning Coordinator Nicole Cromwell read aloud the procedures for a public hearing.

**Item #1: Special Review #334**

Zoning Coordinator Nicole Cromwell read the legal notice for the record and followed with presentation of the staff report beginning with the surrounding zoning on this property.

**REQUEST**

**County Special Review 334 – 2551 (aka 2526) Wise Lane – for All Beverage Liquor license with gaming – A special review request to allow an all beverage liquor license with gaming in a Heavy Commercial (CX) zone for an 8,700 square foot building, on Tract 3, Certificate of Survey 1964, a 2-acre parcel of land. The purpose is to allow an all beverage liquor license to be located at 2551 Wise Lane, with an updated facility including upgraded petroleum pumps, new gas station with convenience store, and bar/casino. The location meets all required separation distances and no waiver is required. Tax ID: D00900.**

**Presented by; Karen Husman, Planner I**

The applicant is Josh Starr, COO, Town & Country Supply, and the agent, Ryan Welsh, KLJ. Nicole Cromwell explained this request is to allow an expansion of this parcel which is adjacent to property currently owned by Bretz RV and Marine. Several photos were provided within the staff report and presentation.

This is a special review request to allow an all beverage liquor license with gaming at an existing location with an updated facility including upgraded petroleum pumps, new gas station with convenience store, and bar/casino. The location meets all required separation distances and no waiver is required. Town & Country Supply Association is proposing to build a Casino along with a new convenience store and gas station at the site of an existing Market Basket store on Wise Lane. The pre application neighborhood meeting was held via Zoom on Thursday, November 11, 2021 at 5:30 pm. One member of the public attended the meeting and her concerns were about the traffic at the intersection of South Frontage road and Wise Lane, and the alcoholic beverages served becoming a safety issue with the design of the intersection and the narrow lanes on both intersecting streets. The proposed facility will include removing the existing convenience store building and constructing a new larger building located towards the rear of the property. Development will include new pump stations additional parking and landscaping as well as curb and gutter that will restrict the ingress and egress. The applicants are proposing improvements that will enhance the property promoting beautification of the site.



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**RECOMMENDATION**

The Planning Division recommends conditional approval, based on the nine review criteria detailed in the summary section of the staff memo.

Staff recommends the following conditions of approval based on the above findings and the applicant's stated intent to bring the property into compliance with current regulations. These conditions will be related to the listed categories above, but may include other issues specific to the use for a bar and casino.

1. This special review approval is for the proposed 8,700 square foot building to allow a bar and casino along with the new station amenities located on Tract 3 of COS 1964, generally located at 2551 (aka 2526) Wise Lane.
2. The site improvements will be as shown on the submitted site plans and architectural drawings as prepared by KLJ and Land Design and attached to these conditions of approval.
3. The site design will be developed in significant conformance to the site plans submitted with this application. The site shall be improved with the landscaping as proposed with the exception of the clear vision areas. All clear vision areas shall be in accordance to the Zoning requirements for visibility at intersections.
4. All landscaping shall be installed and maintained free of debris and trash on a regular basis. Dead plant material will be replaced with like materials as expeditiously as possible.
5. There shall be no internally illuminated fascia on the building.
6. The applicant will submit sign permits for any sign face changes and for any new signage on the property. The new signage will comply with the sign standards for CX zone districts.
7. The applicant will submit for a Zoning Compliance Permit within one year of conditional approval and will complete the construction and site development within two years of the issuance of a Zoning Compliance Permit. Failure to submit or complete the approved project within this time frame will void the conditional approval.
8. Modification of the approved special review use is allowed with the following limitations: 10% or less expansion of the gross floor area, 10% or less increase in the number of potential building occupants, and 10% or less new parking stalls. Expansions also require conformance with all other requirements of the Zoning Regulations and other code requirements.
9. The cessation of the special review use for more than 6 consecutive months, shall extinguish this conditional approval and the use may not be re-established except through a new special review approval of the Yellowstone Board of County Commissioners (BOCC).



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10. The BOCC reserves the right to re-open the conditional approval of this use at this location based on one or more of the following conditions: 1) failure to respond to a notice of noncompliance with the specific conditions of approval; or 2) high levels of calls for public safety services verified by the County Sheriff. The BOCC will notify the owner of its intent to re-open the Special Review at least 60 calendar days ahead of any public hearing on the matter.

11. These conditions run with the land use and are binding upon and must be adhered to by the property owner and any successors, transferees or assigns, with the exception of these conditions.

12. The right of building and occupancy permits are contingent upon the fulfillment of all conditions imposed by this approval.

### **Discussion**

Commissioner Hewett asked the Commissioners for questions and comments. There were none.

### **Public Hearing**

Commissioner Bush opened the public hearing and asked if there is anyone wishing to speak in favor or against Special Review #334.

### **Favor**

#### **Ryan Welsch, KLJ, Jason Fitzgerald, Collaborative Design, Billings, MT**

Mr. Welsch is the representative for is Josh Starr, COO, Town & Country Supply. He offered to answer questions. Commissioner Poppler asked about the difference in the estimated County taxes that will be paid with the new building, and what percentage will be used for the bar and convenience store. Mr. Welsch said about 2,700 square feet will be occupied with the bar and casino with the remainder for the convenience store. Commissioner Poppler asked if this is a City or County liquor license application. Nicole Cromwell stated this property is within five miles of the current City limits and this will be a City liquor license transferred from the former "Pug Mahons". In response to further question by Commissioner Poppler, Jason Fitzgerald, Collaborative Design, explained that some of the infrastructure will be replaced. He referred to the rendering that was provided with this application to explain the location of the convenience store and the liquor license. Commissioner Poppler asked if there is an anticipation of a significant increase in traffic. Jason Fitzgerald and Ryan Welsch explained that the new building will be pulled back from the intersection and undergrowth will be removed to increase visibility. A traffic impact study was not required for this project. Curb and gutter will be installed in parts of the parking lot. There were no further questions from the Commissioners.

Commissioner Hewett asked if there is anyone wishing to speak in against Yellowstone Special Review #334. There was none. No phone calls were received from the public.



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Commissioner Hewett closed the public hearing and called for discussion and a motion.

**Motion**

**Commissioner Poppler made a motion and it was seconded by Commissioner Hewitt to forward a recommendation to the Board of County Commissioners of Conditional approval of Special Review #334 and adoption of the Conditions of Approval based on the Findings and the applicant's stated intent to bring the property into compliance with current regulations.**

**Discussion**

Commissioner Poppler said he feels this is an opportunity to replace an old facility with a new state of the art C-Store. Commissioner Hewett agreed that this will be a nice facility. Commissioner Poppler said the location is distanced from other gaming and will be a benefit as far as the traffic mileage. Commissioner Bush concurred.

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

**\*The Board of County Commissioners will hold a hearing on this application on Tuesday, January 25, 2022 at 9:30 am.**

**OTHER BUSINESS**

**a. Announcements:**

- There is one vacancy on the County Zoning Commission.
- The February 14, 2022 meeting will be canceled as there are no applications.

**Adjournment 4:22 PM**

**Approved by a motion April 5, 2022**

***--Tamara L. Deines, Planning Clerk***