



**Yellowstone County Zoning Commission
DRAFT Minutes for the Meeting of
Monday, July 11, 2022**

The County Zoning Commission met on Monday, July 11, 2022 at 4:00 p.m. in the Miller Building 1st Floor Conference Room, 2825 3rd Ave. North.

		01/10/2022	04/11/2022	06/13/2022	07/11/2022									
Blaine Poppler	Commissioner	1	1	1	1									
Melissa Ray Gentry	Commissioner	1	1	1	1									
Tyler Bush	Commissioner Chairman	1	1	1	1									
Todd Hewitt	Commissioner	1	1	1	1									
Open	Commissioner													

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

Zoning Coordinator Nicole Cromwell, Tammy Deines, Planning Clerk

Other Participants: Jim Brewington, James Young

Public Comment

Commissioner 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 three minutes of testimony as is customary. There were no public comments.

Motion. Approval of Minutes: June 13, 2022

Motion

It was moved by Commissioner Hewitt and seconded by Commissioner Gentry to approve the June 13, 2022 meeting minutes as submitted. The motion carried with a unanimous voice vote.

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

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



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Item #1: County Zone Change 710-1837 Hawthorne – County Zone Change 710 – 1837 Hawthorne Lane – from N2 to P2 - A zone change request from Mid-Century Neighborhood (N2) to Public 2 (P2), on a 4-acre portion of Parcel 1 of C/S 1666, a 7.5-acre parcel of land, generally located at 1837 Hawthorne Lane. A pre-application neighborhood meeting was held on May 24, 2002 at Beartooth Elementary School. Tax ID: D01567

REQUEST

County Zone Change 710 - 1837 Hawthorne Lane - from N2 to P2. This is a zone change request from Mid-Century Neighborhood (N2) to Public 2 (P2), on a 4-acre portion of Parcel 1 of C/S 1666, a 7.5-acre parcel of land, generally located at 1837 Hawthorne Lane. A pre-application neighborhood meeting was held on May 24, 2022 at Beartooth Elementary School.

RECOMMENDATION

Planning Division recommends approval of Zone Change 710 as presented by staff with the Findings of Fact and the 11 review criterion.

BACKGROUND

This is a zone change to allow a baseball playing field to be completed on property currently zoned N2 (Mid-Century Neighborhood) located on the east side of Hawthorne Lane in Billings Heights. The application is the result of the agent, Shane Vigus of Upper Deck Baseball, submitting a request to construct the backstop and outfield fences for the nearly complete baseball field. The fence permit application informed Mr. Vigus and the property owner of the need to obtain a zone change to allow the playing field and proposed fencing to be in compliance with zoning. An outdoor recreation assembly use is not an allowed use in the N2 zone district. Mr. Vigus' organization, Upper Deck Baseball, is a program that encourages development of young baseball players with assistance in continuing their education beyond high school at institutions that also offer college-level baseball.

Mr. Shane Vigus is representing the property owners Karen & Wayne Underwood. Approximately 4 acres of the 7.5 acre parcel is proposed to zoned Public 2. The property is just east of the city limits at 1837 Hawthorne Lane. The surrounding zoning is primarily residential except for the Beartooth Elementary School, which is zoned Public 2. The Beartooth Elementary school is situated on an 8.5-acre property located at 1345 Elaine Street. Zoning to the north, south and west is primarily N2 with some N3 zoning within the city limits. Hawthorne Lane is a north/south street parallel to Bench Boulevard and Bitterroot Drive. Hawthorne Lane runs from Yellowstone River Road to Barrett Road continuously. North of Barrett Road, Hawthorne Lane is discontinuous but eventually connects to Mary Street and then the Bitterroot Heights Subdivision north of Mary Street. Average daily traffic on Hawthorne Lane at this location is approximately 1,260 vehicle



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trips per day. Hawthorne Lane is a designated collector street and is intended to connect local neighborhoods to arterial streets such as Wicks Lane, Bench Boulevard and Main Street. The collector street status does not extend north of Barrett Road. Hawthorne Lane has capacity to handle additional traffic without requiring improvements. The current volume of traffic is low compared to its capacity.

The applicant conducted a pre-application meeting on May 24, 2022, at the subject property. Several surrounding property owners attended the meeting. The pre-application materials are included as an attachment. The Planning Division received no inquiries or comments from the notified surrounding owners within 1/4-mile of the subject property. The notification area is required due to the proximity to the city limits.

The proposed zoning of P2 for 4 acres of this parcel is compatible with and adjacent to existing P2 zoning. The P2 zone district was created for application to civic and institutional uses that are not completely similar to Public 1 (P1) zones used for parks and open space areas. P2 has been applied to churches, schools, public agency offices and similar uses. Most of these uses are compatible within a neighborhood setting. The Public zone district site and structure standards do require the development of structures within 150 feet of a neighborhood zone to be designed to complement those adjacent zones. For example, a public school building within 150 feet of a neighborhood zone cannot exceed the building height in the adjacent zone, observe the same setbacks and build-out areas, lot coverage maximums and similar zone requirements.

The proposed field will be used by five of the ten different teams supported by Upper Deck Baseball. The field is directly adjacent to the Beartooth Elementary school parking lot. The county development in the area is low density residential and the city development west of Hawthorne is a medium density residential area of 4 to 7 dwelling units per acres.

Discussion

Commissioner Bush 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 regarding County Zone Change #710.

Shane Vigus, 492 Freedom Avenue, Billings, MT

Commissioner Poppler asked why only a portion of the parcel is under a zone change request.



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Mr. Vigus stated the zone change request is for only what is needed. There will not be a parking lot on the property. They are in discussion with the adjacent property owner regarding the possibility of parking, and they plan to use some of the parking at the elementary school. Commissioner Poppler asked if surface parking is allowed in the N2 zoning classification. In response to question by Commissioner Bush, Mr. Vigus said most events will take place when the school is closed. An after-hours agreement with the school may be considered. Practices would take place after school hours. They have not had discussions with the school district as of yet. Commissioner Poppler pointed out that the remainder of the N2 property will continue to be vacant, and voiced concern that this piece may be unusable. Mr. Vigus clarified and said only one field will be placed on this location and the intent is for junior high and high school players. Temporary portable bathrooms will be brought in. Concessions are not planned at this time but may be considered in the future. They are planning for practices, games, and tournaments. Per request of Commissioner Bush, Mr. Vigus gave an overview of "Upper Deck", which helps high school seniors move on to upper level college baseball. Currently they have ten teams and are continuing to grow and expand. He stated they are trying to make an impact on the community and having this field will help open possibilities for players. Mr. Vigus' grandparents have owned this property since 1990. The plans for the fence line is installation of an 8-foot outfield fence. The back stop fencing will be a 30' backstop to keep foul balls in place. No lighting is planned at this time. There is an existing well for irrigation.

Jim Brewington, 1720 Brewington Drive

Mr. Brewington asked if this will increase property taxes and if the additional traffic will be a trigger to widen Hawthorne Lane. There is only one entrance and exit for vehicles. He asked if additional fields will require rezoning. Commissioner Bush stated that this is private land and costs would be attributed to the landowner and not tax payers. Nicole Cromwell pointed out that Hawthorne Lane is a collector street at this location. Any improvements to Hawthorne Lane would have to be agreed to by the City and the County.

Rebuttal

Mr. Vigus stated this project is privately funded. Should parking become an issue they may consider rezoning the property. He feels there is ample parking space at this time as generally it is only parents in attendance. Future expansions would require a zone change.

James Young, 3005 Tampico, Billings, MT

Mr. Young is the fence contractor. He is whole heartedly in favor of this project and commended Mr. Vigus for his investment in the community.

Commissioner Bush asked if there is anyone else wishing to speak in favor or against county Zone Change #710.

Discussion

Commissioner Hewitt spoke to the loss of a senior league baseball field and a void of playing fields in the Heights. Commissioner Bush concurred and said having a private field would be at or



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above Little League standards. He said he is in concert with the proposal and it meets the Growth Plan. Commissioner Poppler voiced concern with the parking and the lack of a discussion with the school district. He said this is a great program but he is uncomfortable with the parcels with separate zoning classifications. Commissioner Gentry feels this will be a great addition to the Heights but also concurs with Commissioner Poppler regarding the parking. Commissioner Bush asked Zoning Coordinator Cromwell to research the surface parking use in the N2 district.

Commissioner Bush asked if there is anyone else wishing to speak in favor or against County Zone Change #710. There was none. Commissioner Bush closed the public hearing and called for a motion.

Motion

Commissioner Hewett made a motion and it was seconded by Commissioner Gentry to forward a recommendation to the Board of County Commissioners of approval of Zone Change #710 as recommended by staff.

Discussion

There was no discussion on the motion.

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

The Board of County Commissioners public hearing for these application will be held on Tuesday, July 26, 2022, at 9:30 a.m. at 316 N 26th Street – 3rd Floor, Commissioner’s Hearing Room.

OTHER BUSINESS

a. Announcements:

- There is one vacancy on the County Zoning Commission.
- The next County Zoning Commission meeting will be held on August 8, 2022 4:00 PM to hear three applications.

Adjournment 4:42 PM

DRAFT-To be approved by a motion at the next scheduled meeting August 2022

--Tamara L. Deines, Planning Clerk