



**Yellowstone County Zoning Commission
DRAFT Minutes
Monday July 10, 2023**

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

		01/09/2023	02/13//2023	03/13/2023	04/10/2023	05/08/2023	06/12/2023	07/10/2023	08/14/2023	09/11/2023	10/09/2923	11/13/2023	12/11/2023
Blaine Poppler	Commissioner	x	-	-	-	1	-	E	C				
Melissa Ray Gentry	Commissioner	x	-	-	-	1	-	1	C				
Tyler Bush	Commissioner Chairman	x	-	-	-	1	-	V	C				
Todd Hewitt	Commissioner	x	-	-	-	1	-	1	C				
Open	Commissioner	-	-	-	--	-	-	-	-				

Pro Tem Chairman Gentry opened the meeting and introduced the County Zoning Commission members and Planning Division staff. Commissioner Bush is participating virtually, (V).

Staff Present: Zoning Coordinator Nicole Cromwell, Tammy Deines, Planning Clerk, Brenda Berns, Planning Clerk

Other Participants: William Jensen (ZC 717, ZC 719); Louise Jensen (YZC 717, YZC 719); Jacquelin Robinson (YZC 717, YZC 719); Randall Robinsen (YC 717, YC 719); Sandra Baer? (YC 718); Kenny L Barte (YZC 718); Lisa Schelle (YZC 718) Russ Schelle (YZC 718); Jim Smith (YZC 717), Duane Christensen (YZC 717); Florence Diede; Miranda & Rory Peck; John Halvorson, Sanderson Stewart.

Public Comment

Commissioner Gentry 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.

Exparte E-mail Communications: Letter in opposition Randall and Jacquelin Robinson Zone Change #YZC 717, #YZC 719; A petition in opposition to YZC #717by multiple property owners in Pat Dahl Subdivision. Rachel Voldseth, Erik Voldseth, Renae Mileus, Karl Myers, Julie Myers.

Motion. Approval of Minutes: May 8, 2023 (The June 12, 2023 meeting was cancelled due to a lack of applications).



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Motion

It was moved by Commissioner Hewett and seconded by Commissioner Tuss to approve the May 8, 2023 meeting minutes as submitted. The motion carried with a unanimous voice vote.

No one wished to comment regarding items not on the agenda.

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

Item #1 County Zone Change 717 – 705 Johnson Lane – CMU1, N4 and RR1 to CX A zone change request from Corridor Mixed Use 1 (CMU1 – Lots 4A and 5A), Large Lot Suburban Neighborhood Residential (N4 – Lots 1 & 2), and Rural Residential 1 (RR1 – Lot 3) to Heavy Commercial (CX), on Lots 4A, 5A and portions of Lots 1, 2 and 3 of Block 1, Fly In Subdivision. The total area for re-zoning is approximately 9.81 acres of land as shown on the application exhibit. A pre-application neighborhood meeting was held on May 11, 2023, at Lockwood High School. Tax IDs C12463 (Lot 4A), C12464 (Lot 5A) and portions of C12460 (Lot 1), C12461 (Lot 2) and C12462 (Lot 3).

REQUEST

County Zone Change 717 is a zone change request from Corridor Mixed Use 1 (CMU1) on Lots 4A and 5A to Heavy Commercial (CX) and from Rural Residential 1 (RR1 - Lot 3) and Large Lot Suburban Neighborhood Residential (N4 – Lots 1 & 2) have portions of these lots changed to CX as shown on the proposed amended subdivision for the Fly In Subdivision, generally located at 705 Johnson Lane. The properties are generally located south of the intersection of Old Hardin Rd and Johnson Lane between Johnson Lane and Mauser Street to the east. The applicant proposes to reduce the width of Lots 1 and 2 from 150 feet to 90 feet (east to west) and add this area to proposed Lot 5A-1. The applicant also proposes to have a small northwest corner of Lot 3 (59' X 65'), currently zoned RR1, also be included in the new Lot 5A-1.

RECOMMENDATION

Planning staff is recommending approval and adoption of the findings for the 11 criteria for Zone Change 717.

Discussion

Commissioner Gentry called for discussion from the Commissioners. In response to question by Commissioner Gentry, Nicole Cromwell explained buffering is normally triggered by a building or new development proposed for the property. Commissioner Hewett asked if there are restrictions on the building height or lighting. Nicole Cromwell said in general it would have to be 50 feet from a residential area and she pointed out that any new development would have to go through Planning review. She commented there are several businesses in the area that are 24-hour operations.



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In Favor

John Halverson, Sanderson Stewart, 1600 N Transtech Way, Billings, MT

Mr. Halverson provided a presentation for this application for the property located on 705 Johnson Lane. He represents the Landowner, R.L. Dunker & Sons. He pointed out I-90 and commented on upcoming future improvements and State projects. He said the reasoning for this application is that this use has been made non-conforming, making it difficult for the owner to insure the properties. The Dunkers proposed a lot line adjustment for Lot 5A which will maintain a buffer of 150' to the existing residential uses and the proposed heavy commercial use. He followed with an explanation of what made the use nonconforming and commented there was some concern voiced by the neighbors with the uses allowed within a heavy commercial zone. The primary concerns were special review uses which would have to be approved by the County Commissioners. He said the required separation distance for adult entertainment or a bar would be difficult to meet on this site. He pointed out the B3 Landscape Buffer, which is the most intense buffer at 10' deep, heavy planting of vegetation, and a full screen fence. The request is to allow the small business to continue its use and replace the building in the event of a disaster.

There were no questions for Mr. Halverson from the Commissioners.

Public Hearing

Commissioner Gentry opened the public hearing and asked if there is anyone wishing to speak regarding County Zone Change #717.

In Opposition

Jacquelin Robinson, 707 Mauser Street, Billings, MT

Ms. Robison's property faces the "Fly In Lube". She is concerned that if the buffer zone is moved it will only allow a distance of 0-ft from her property to the heavy commercial use. She stated she is asking for the "general comfort and security in their own homes". She is concerned with the potential loss of value of their home as they have been advised that the change to heavy commercial zoning could affect their property values from 10%-50%. Ms. Robison strongly opposes this zone change request. She is asking the current zoning and the buffer distance be retained. Ms. Robison provided a video depicting the current noise levels from the power station and the refinery. Commissioner Gentry asked if Ms. Robison's real estate agent is in attendance that provided the market analysis. Mr. Robison said the realtor used comparative values in the area and he wrote the recommendation with the proposed zone change in consideration.

Jim Smith, 2914 Weaver, Billings, MT

Mr. Smith asked the legal distance for buffer. Ms. Cromwell said the County can allow placement of these zoning types adjacent to residential uses, but typically good planning practices do not place these types of zoning across the street. The zoning is changed at the rear property lines, but this is not required within the County Zoning Code. The 150-ft buffer was established when the property was sold to Mr. Duncan. Commissioner Tuss asked if there is legal documentation of this agreement. Mr. Smith provided a zoning application from 2003 for this property which is also



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included in the petition packet provided to Staff. Commissioner Tuss asked if there were any Covenants. Mr. Smith was unaware of any Covenants. Commissioner Tuss noted there is a notation in the document regarding the 150-ft wide buffer zone.

William Jenson, 2920 Weaver Ave, Billings, MT

Mr. Jenson asked why the buffer should be moved as there is already enough room. He asked who will maintain the buffer zone once created.

Louise Jensen 2920 Weaver Ave., Billings, MT

Ms. Jensen is not for the zone change. She would want assurance that the adjoining business will have access to Mauser Street. Commissioner Gentry stated this would have to be approved through MDT.

Rory Peck, 2938 Alaskan Ave., Billings, MT

Mr. Peck is opposed to this zone change request. Concern with traffic and children, lack of restriction on lighting. He asked if sidewalks will be required with the heavy commercial zoning. Nicole Cromwell said there are plans for a trail along Johnson Lane as development happens. There are no plans for sidewalks along Mauser Street. If sidewalks are wanted, the neighborhood can petition the County to create a RSID.

Randall Robinson, 707 Mauser Street, Billings, MT

Mr. Robinson is a longtime resident at this property. He said he feels that Mr. Dunker wants to dump the Flying Lube as bare property is more valuable. He asked why Mr. Dunker should prosper at the expense of the neighborhoods. Mr. Robinson said there is additional traffic from the subdivisions.

Rebuttal

John Halverson, Sanderson Stewart, Billings, MT

Mr. Halverson represents applicant, R. L. Dunker and Sons. He clarified the distance between the residences on the east side of Mauser is 210 feet with the line adjustment and with the zone change it will be 150-ft. The truck stop will not be immediately across the street from residential uses. This zoning is compliant with all of the previous Master Planning in this area. The buffer zone will be triggered at the time of any development on the parcel. The sidewalk will be triggered per the appropriate portion of the compliance code. This business has been in operation for 30-years and this is the reason for zone change. Commissioner Gentry confirmed the owner of the property will maintain the buffer zone. Does the zone change and the buffer go hand in hand? This will effectively move the heavy commercial zone closer to the residential area.

Discussion

At 4:53 Pro Commissioner Gentry closed the public hearing and called for discussion. Commissioner Tuss stated she feels the concerns of the citizens are valuable.



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Commissioner Hewett said he feels this zone change will provide landscaping and the buffer zone which is more attractive. Commissioner Bush had no comments. Commissioner Tuss commented, should the Heavy Commercial zoning be denied, another request could be submitted for CMU zoning. Commissioner Tuss said there are 3 sides of residential development with lighting and drainage concerns. Nicole Cromwell said there is no lighting provision in the zoning code. Commissioner Tuss said she doesn't feel the heavy commercial zoning is not the most appropriate zoning and noted the surrounding zoning. The zone changes were intended to disincentivize heavy commercial use and noted criterion 8, 9, 10.

Motion

Commissioner Tuss made a motion and Commissioner Hewett seconded the motion recommending denial based on the findings for the 8,9,10 criteria for Zone Change #717. Criterion 8, 9, 10 Based on testimony and information provided by the developer. The proposed zoned change does not meet the character of the district and there are other options to provide the developer to recoup their investment. The value of the building is not met, and the zoning could severely impact them. Commissioner Tuss recognized there are other mixed uses in the area and said the zone change is not appropriate due to the residential areas and commercial light uses.

Discussion:

Commissioner Hewett said he doesn't like the heavy commercial next to the residential. Commissioner Gentry said she doesn't like the nonconforming use for the applicant's property. **2-2. No recommendation will be forwarded.** Commissioner Tuss, Commissioner Hewitt, Favor. Commissioner Gentry, Commissioner Bush, Against.

Zone Change #717 is denied. The Board of County Commissioners public hearing for these applications will be held on July 25, 2023, 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.

Item #2. County Zone Change 718

541 Woodland Road and 2422 Old Hardin Road – NX1 and N4 to C3 – A zone change request from Mixed Residential 1(NX1 – Lots 17 & 18) and Large Lot Suburban Neighborhood Residential (N4 – Lot 19) to General Commercial (C3) on Lots 17, 18 and 19 of Meadowbrook Subdivision, a 1.9-acre parcel of land. A pre-application neighborhood meeting was held on May 18, 2023, at the subject property. Tax IDs: C04821 and C04822.

REQUEST

County Zone Change 718 is a request to change the zoning on Lots 17 & 18 (Mixed Residential 1 - NX1) and Lot 19 (Large Lot Neighborhood Residential- N4) in the Meadowbrook Subdivision to General Commercial (C3). The total area of all three lots in 1.9 acres and is located on the east side of the intersection of Old Hardin Road and Woodland Road across the street from the Little



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League ball fields. The property currently has at least three residential homes and one commercial shop building. The intent of the zone change is to allow the owner to plan for future commercial development on the property.

RECOMMENDATION

Planning staff is recommending approval and adoption of the findings for the 11 criteria for Zone Change 718.

Discussion

Commissioner Gentry called for discussion from the Commissioners. Commissioner Gentry asked if the owner wishes to continue with the campground/subdivision for rent or lease, would it include setting the buffer along the property lines according to the zoning and subdivision regulations within the Lockwood and sewer district. The floodplain will be an issue for any new building.

Public Hearing

Commissioner Gentry opened the public hearing and asked if there is anyone wishing to speak regarding County Zone Change #718.

In Favor

Greg Reid, WWC Engineering, Billings, MT

Ms. Redland represents Superior construction properties, Chris Vlahos. The applicant become aware of the noncompliance with the zoning and will forward the application for subdivision which will establish the buffer. Commissioner Tuss, the current use is RV camping on site and it is non-compliant with additional units.

In Opposition

Russ Schelle, 363 Juniper Drive, Billings, MT

Mr. Schelle said any buildup will restrict the water and it will flow into the Little League Baseball field and the properties to the south of this parcel. Dry Creek is full of grass clippings and garbage. He asked how campers can be placed into a floodway and said the traffic flow is difficult with limited views at the corner. He doesn't feel this will benefit anyone except the property owner. Mr. Schelle provided a photo of the Little League field flooding to the members of the Commission.

Sandy Barta, 362 Woodland Rd, Billings, MT

Ms. Barta commented the flood plain leaves a chance that it can flood in any given year. She is concerned with the traffic and there are kids in the area during the baseball season. She is concerned with the potential for motor homes and tents parking and public safety. She asked if the RVs and the house will have to be moved if the zoning is not approved.

Rory Peck 2938 Alaskan Ave, Billings, MT

Mr. Peck is a Little League coach and worked on the field following the flooding. He said the



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water does not have anywhere to go. There a lot of kids in May in June using the fields and he is concerned with children's safety.

Rebuttal

Greg Reid, WWC Engineering, Billings, MT

Mr. Reid stormwater permitting is required with subdivision review, along with onsite flows handled by DEQ and County Public Works. The type of traffic and number of campers do not warrant a Traffic Impact Study. The various locations vehicles will approach may be required to be moved further away from intersections under subdivision review. Mr. Reid further clarified the use of tents would be considered non-compliant. Commissioner Gentry asked if there is a background check for potential RV rental spaces. Mr. Reid said he is unaware of any restriction and would not deem necessary. Commissioner Tuss asked if the main access to the parcels come from Woodland Road. Nicole Cromwell clarified the enforcement process is through the County enforcement officer. If the applicant is denied, the County will move forward with enforcement.

Discussion

At 5:32pm Commissioner Gentry closed the public hearing and called for discussion. Commissioner Tuss commented on the transient nature of camping with people coming and going. Commissioner Gentry doesn't believe this is an appropriate use. Commissioner Hewett is sympathetic to the need for this type of use for temporary housing and the current high cost of living. Commissioner Gentry doesn't feel this is the right spot with the flood plain, which will need to be mitigated. Commissioner Hewett said the previous zone change allowed multifamily use. Commissioner Bush commented there is a need for motor home parks with the Little League Tournaments. There is a lot of existing traffic throughout the summer months, and this will not add to the traffic. Commissioner Tuss feels there is a lot of other options for camping, and it will not accommodate the volume of vehicles needed for tournament parking.

Motion

Commissioner Gentry made a motion and Commissioner Hewett seconded the motion recommending denial and adoption of the findings for the 11 criteria for Zone Change #718. Criterion 10, 4-health and general welfare allowing transient camping. 8-character of the district. No other campgrounds in the area. 10-encourage the most appropriate use of the land-next to the neighborhood and the little League Field.

**Recommendation to deny –Commissioner Hewett, Commissioner Gentry, Against.
Commissioner Tuss, Commissioner Bush, Favor.**

Discussion: There was no further discussion on the motion.

Zone Change #718 is denied. The Board of County Commissioners public hearing for these applications will be held on **July 25, 2023** 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.



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Item #3. County Zone Change 719

547 Johnson Lane – from Agriculture (A) to General Commercial (C3) and Mixed Residential 1 (NX1)

REQUEST

County Zone Change 719 is a zone change request from Agriculture (A) to General Commercial (C3) and Mixed Residential 1 (NX1) for property located at 547 Johnson Lane, legally described as C/S 1901, Parcel A1 and 12.77-acre parcel of land. The land is owned by the Lockwood Fire District, and Andrew Miller of Clock Tower Hospitality and Anna Vickers of IMEG Corporation are the agents for the zone change. A pre application meeting was held on May 25, 2023, at the Lockwood High School Commons.

RECOMMENDATION

Planning staff is recommending approval and adoption of the findings for the 11 criteria for Zone Change #719.

Discussion

Chairman Bush called for discussion from the Commissioners. This property belongs to the Lockwood Fire District ...

Public Hearing

Chairman Bush opened the public hearing and asked if there is anyone wishing to speak regarding County Zone Change #719.

In Favor

Anna Vickers, IMEG, 125 North 27th Street, Billings, MT

Ms. Vickers represents the applicant and seller of the property, Lockwood Fire District No. 8, John Staley, Chief. They want to ensure the site design aligns with street design the way the streets run and allow for the buffer. Residential use was chosen as the 27' height is lower, and the design intent was for patio homes. The design aspect is waiting on the zone change request approval. Intend to move forward with subdivision if approval and will follow all subdivision regulations.

In Opposition

Rory Peck, Billings, MT

Mr. Peck would be more favorable with the potential for a hotel and it sounds like the residential use proposed will be similar. He is concern with the traffic as the only entrance is located on Enfield and there is a need for another outage to Johnson Lane.

Florence Diede, 535 Johnson Lane, Billings, MT

The fire department purchased this property from the Diedes. She asked if there will be a buffer zone provided. Does this make sense to locate housing in a flood area? She said access to the housing would include access to Mauser. The north and east end of the property had fences moved



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to accommodate sewer lines with the understanding that the lots would be accessed through Mauser Street and Enfield.

Rebuttal

Anna Vickers, IMEG, Billings, MT

Ms. Vickers the subdivision regulations will be followed. Contributions will be given for improvements per a traffic study, if required. It is difficult to address traffic currently, as there isn't a full design available. They will build to subdivision standards which means staying out of the flood plain. They must buffer for all residential zones, which include Ms. Diede's property.

Discussion

At 6:00 pm Commissioner Tuss closed the public hearing and called for discussion. Commissioner Tuss considering the surrounding area this is a reasonable request. Bush no comments.

Motion

Commissioner Gentry made a motion and Commissioner Hewitt seconded the motion recommending approval and adoption of the findings for the 11 criteria for Zone Change #719.

Discussion: There was no further discussion on the motion.

The motion carried 4-0, with a unanimous voice vote. Zone Change #719 is approved. The Board of County Commissioners public hearing for these applications will be held on July 25, 2023 at 9:30 a.m., 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.

OTHER BUSINESS

a. Announcements

- There is one vacancy on the County Zoning Commission.
- The August 14, 2023 Yellowstone County Zoning Commission meeting is canceled due to a lack of applications.

Adjournment 6:02 PM

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

--Brenda J Berns, Planning Clerk

HOMEOWNERS IN THE PAT DAHL SUBDIVISION ARE OPPOSED TO THE ZONE CHANGE AT THE FLY IN SUBD BLOCK 1 lots 5A and 4A TO HEAVY COMMERCIAL. WE ARE ALSO OPPOSED TO MOVING THE BUFFER ZONE ACROSS FROM MAUSER ST. 60 FEET CLOSER TO OUR NEIGHBORHOOD BY CHANGING PART OF LOTS 1A and 2A FROM TO HEAVY COMMERCIAL. A LIST OF THE REASONS FOR OUR OPPOSITION IS AS FOLLOWS:

We are adamantly opposed to a truck stop which would be allowed. We do not know the plans of the present owners, but we do know that if it was ever sold, new owners could do whatever they wanted and the zoning would never go back to CMU1. Heavy Commercial Zoning would be a heavy loss, in many ways, for the homeowners!

Property values would decrease and it would make it very difficult to even sell a family home. This would not "stabilize property values" as indicated in Project RE:Code and the Lockwood Growth Policy of 2016.

Noise is a problem already with the Johnson Lane intersection traffic, Casey's Corner gas station, and use of our streets for passage out of the new subdivisions south of us. We also have the often-continuous noise from the blowing out of the power plants that service the Exxon refinery. Some of us who live on Mauser St. and closer in are reluctant to open our windows at times because of the noise pollution. We also get some trucks who defy the rules and park at the Fly In area and run their trucks all night. Vibrations of homes are a real issue with heavy truck traffic.

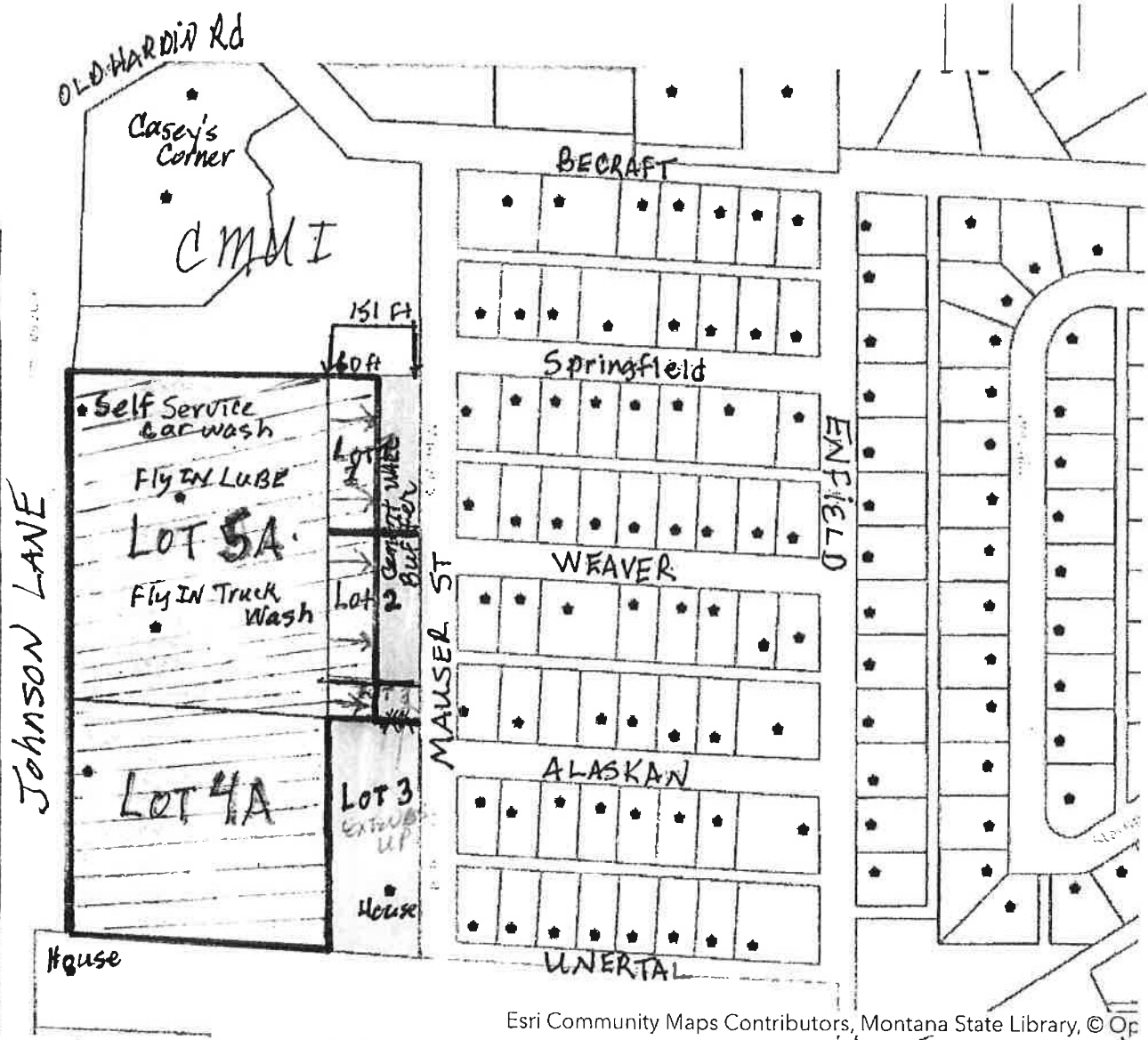
Air quality would be very detrimental if a truck stop were allowed, as well as any commercial business with truck traffic. We would not want to open our windows. Adults and children with any respiratory problems would be at high risk. This is not what we want for our communities anywhere. This an issue of Safety and Health for anyone.

Safety is a huge for children, teenagers, and adults who walk through the neighborhood up to the store at Casey's Corner or up through the intersection on their way to a friend, school, sporting event etc. The traffic would increase tremendously and be dangerous through the Johnson Lane intersection. It is already heavy!! Johnson Lane is a main school bus route for our children and this would threaten their safety. It would also be an increased safety risk for parents who drive their children to school. It would slow traffic for people who live in Lockwood. It would be an increased safety risk for people on bicycles.

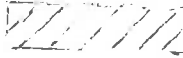
More lights shining in the windows of our home that face toward Mauser St. This is already an issue. This is a disruption for comfort in our own homes.

Safety again is an issue for activities around truck stops and other 24-hour businesses. There are more transients that could wander into our neighborhood. It is well known that prostitution is found around truck stops. Our community needs to do all it can to protect neighborhoods and families from these types of activities.

Possible increase of fire or explosions from so many trucks that often carry dangerous materials.



Esri Community Maps Contributors, Montana State Library, © Op

 = Area of proposed zone change on map

PROPOSED ZONE Changes

LOTS 5A and 4A plus 60ft (of the ~~present~~ 151ft) of LOTS 1A and 2A
 plus a corner (0.08 acre) of Lot 3
 To Be Changed to **HEAVY COMMERCIAL**

Presently: Lots 5A and 4A are zoned Corridor Mixed Use 1 = CMU1
 Lots 1A and 2A are zoned Large Lot Suburban Residential = N4
 Lot 3 is Rural Residential 1 = RR1

The cement wall by Mauser St. divides the present CMU1 to give our neighborhood a BUFFER ZONE. This BUFFER ZONE was allowed in a past opposition to a proposed zone change. The new proposed zone change would bring that wall 60 feet (out of 151 ft) closer to Mauser St, and be zoned Heavy Commercial.



Comparative Market Analysis

707 Mauser Street
Billings, 59101

Tuesday, July 4, 2023

Pricing Recommendation

General Facts About Pricing...

There are certain factors that are within our control and some factors beyond our control when it comes to setting the price. Those factors within our control are: the appearance of the property, how aggressively we market the property and the price. Factors outside our control are: location of property, size and local amenities. It's important to accept those factors that are beyond our control and focus on the pricing and preparation.

A property priced at market value will attract more buyers than a home priced above market value. Consider that a competitively priced property will also attract a greater number of potential buyers and increase your opportunity for a quick sale.

Market Statistics...

Sell Price Statistics

Average Price: \$381,600
High Price: \$490,000
Median Price: \$387,400
Low Price: \$220,000

Sell Price Per Sq. Ft. Statistics

Average Price/Sq Ft: \$173
High Price/Sq Ft: \$208
Median Price/Sq Ft: \$186
Low Price/Sq Ft: \$109

Figures are based on selling price after adjustments, and rounded to the nearest \$100

Recommended Price:

Based on the comparative market analysis herein, your home should sell competitively between \$375,000 to \$400,000 based on current market trends and your zoning as is.

With the proposed zoning changes currently under review with the City of Billings to the land immediately across the street to your west side, will have a negative impact to the sale value of your home and those on your street if the zoning is changed to a heavy commercial use. Though I cannot say with certainty how much of a loss in value to your home that may represent, I suspect it could be anywhere from 10% to 50% based on what business is built on that land. For example, if a large truck stop were to be constructed there it would bring nonstop traffic, noise and visual pollution. This could be worse case scenario and impact your home value severely.



The property owners in Pat Dahl Subdivision and along Enfield Street that face this subdivision are opposed to the zone changes at 705 Johnson and across the street from Mauser St. as indicated in the particulars of "County Zone Change 717". We are adamantly opposed to Heavy Commercial zoning, and to moving our buffer zone 60 feet closer to our neighborhood. We are opposed for all the reasons we have written out for you to hear and read. We understand the owner states he needs to come into "compliance" with the new zoning codes of 2020, but we request the county allow the owner some other option other than Heavy Commercial.

	NAME	ADDRESS
1	Daniel Kavanagh	2913 WEAVER AVE
2	Robert M. Anderson	620 ENFIELD ST.
3	Debra Hansen	625 ENFIELD ST
4	William Lutz Kelly	647 Enfield St
5	Bruce Ruhl	707 Enfield St.
6	Derek Bost	727 Enfield St
7	Randy Siles	735 ENFIELD ST.
8	Jorella Bollinger	2907 Unertal Ave
9	[Signature]	2913 Unertal Ave
10	Danielle Jordan	2913 Unertal Ave
11,12	Mrs Mrs Stason	2919 Unertal Ave
13	Erik Lilleberg	2925 Unertal Ave
14	NATHAN SATKAN	2931 UNERTAL AVE
15	Jamie Herbert	2937 Unertal Ave
16	Steen Anderson	696 Enfield St
17	[Signature]	641 Enfield St
18	Steph Piranti	633 Enfield St
19	Brett Rollins	701 Enfield ST

The property owners in Pat Dahl Subdivision and along Enfield Street that face this subdivision are opposed to the zone changes at 705 Johnson and across the street from Mauser St. as indicated in the particulars of "County Zone Change 717". We are adamantly opposed to Heavy Commercial zoning, and to moving our buffer zone 60 feet closer to our neighborhood. We are opposed for all the reasons we have written out for you to hear and read. We understand the owner states he needs to come into "compliance" with the new zoning codes of 2020, but we request the county allow the owner some other option other than Heavy Commercial.

	NAME	ADDRESS
20	Jim Smith	2914 WEAVER AVE
21	Heshia Swenson	2914 Springfield Ave
22	Cacey Swenson	2914 Springfield Ave
23	Jenna Smith	2914 Weaver Ave
24	Hugh Fisher	633 Mauser St.
25	John Smith	2913 ALASKAN AVE
26	Monica Purkey	2914 Alaskan Ave
27	Dougart	2925 Alaskan Ave.
28	Delmy Hoenig	2929 ALASKAN AVE
29	Minda Peck	2938 Alaskan Ave
30	Ben May	2932 Weaver Ave
31	Bob Wiermbe	2975 Weaver Ave.

Signatures
Letters

The property owners in Pat Dahl Subdivision and along Enfield Street that face this subdivision are opposed to the zone changes at 705 Johnson and across the street from Mauser St. as indicated in the particulars of "County Zone Change 717". We are adamantly opposed to Heavy Commercial zoning, and to moving our buffer zone 60 feet closer to our neighborhood. We are opposed for all the reasons we have written out for you to hear and read. We understand the owner states he needs to come into "compliance" with the new zoning codes of 2020, but we request the county allow the owner some other option other than Heavy Commercial.

NAME ADDRESS

- 32 John J. Olson 2926 Springfield Ave Bldgs
- 33 Joyce A. Olson 2926 Springfield Ave, Bldgs Bldg Mt 59101
- 34 Kelly Thronburg 2931 Springfield Ave Bldgs 59101
- 35 Clayton Thronburg 2931 Springfield Ave Bldgs 59101
- 36 Travis Sabo 2919 SPRINGFIELD AVE BILLINGS 59101
- 37 LENA SABO 2919 SPRINGFIELD AVE BILLINGS MT 59101
- 38 Jacob Foss 2913 Springfield Ave Billin SMT
- 39 Damon Foss 2913 Springfield Ave Billin SMT
- 40 Heather Pastien 2932 Springfield Ave Bldgs Mt, 59101
- 41,42 Rick & Holly Beaman 2950 Springfield Ave Bldgs Mt, 59101
- 43 ~~Vernon~~ Danice Thomas, 2937 Springfield Ave Bldgs 59101
- 44 Vernon Thomas, 2937 Springfield Ave, Bldgs, 59101

The property owners in Pat Dahl Subdivision and along Enfield Street that face this subdivision are opposed to the zone changes at 705 Johnson and across the street from Mauser St. as indicated in the particulars of "County Zone Change 717". We are adamantly opposed to Heavy Commercial zoning, and to moving our buffer zone 60 feet closer to our neighborhood. We are opposed for all the reasons we have written out for you to hear and read. We understand the owner states he needs to come into "compliance" with the new zoning codes of 2020, but we request the county allow the owner some other option other than Heavy Commercial.

NAME

ADDRESS

- 45 Robert Widdicombe 2925 Weaver 59101
- 46 Grant Kimble 2931 WEAVER 59101
- 47 Gretchen Kimble 2931 Weaver Ave. 59101
- 48 Brock Bandy 2937 Weaver 59101
- 49 STUART BOXINGTON 2943 WEAVER AVE 59101
- 50 Austin Heil 2945 Weaver 59101
- 51 Shaun Anderson 646 Enfield St
- 52 Dean Miller 2944 Weaver Ave.

Randall & Jacquelin Robinson July 5, 2023
707 Mauser St.
Billings, Montana 59101 phone (406-855-1432)

Members of the Zoning Commission
Yellowstone County Commissioners

RE: Proposed Zone Change #717

This letter is written in opposition to the proposed zone change #717 at 705 Johnson Lane. We oppose changing lots 4A and 5A, that are currently CMU1, to Heavy Commercial. We also oppose moving the present buffer zone of Lot 1A, 2A, and 3A. This would change the present buffer zone of 150 ft to 90 ft. This is a huge encroachment on our home.

We request that you leave the present zoning in place. This would allow the present owner to continue his business or to sell his land for multiple uses that would not affect our neighborhood in such a significant manner. I am sure the residents of Lockwood would enjoy more dining establishments, or other small businesses in the area. It seems changing to Heavy Commercial is only about money for the present owner.

We have lived in our home for over 40 years and have seen many changes to our once quiet area. The many reasons for our opposition are listed in the **Reasons for Opposition** that has been signed by us and presented to you. Please review.

We are both retired and have considered moving to a smaller home. This proposed zone change has come as a shock to us. We believed it was all settled in 2003. Last week we had an unbiased real estate agent from Century 21 give us a Comparative Analysis and Pricing to Sell Recommendation. Price was given "as is" -without the zone change. He also gave us an idea as to our loss in property value if changed to Heavy Commercial. He wrote that depending on the type of Heavy Commercial, our home **could lose from 10% -50% of its value and make it difficult to sell. This is devastating!!!!!! Even a loss of 10% could lose us thousands of dollars.** This loss would affect many homes in the neighborhood. We are on a fixed income and are **unable to handle this blow to our finances in our retirement.**

It is not fair that we should potentially lose thousands of dollars, or be forced to live with the multiple negative effects listed in "Reasons for Opposition". Our neighborhood should have as much value as any commercial interest.

Please hear us and consider this proposed zone change as if **you** were in our situation.

Sincerely,


Randall Robinson
Jacquelin Robinson

Dated in the month of July, 2023.

Members of the Zoning Commission and County Commissioners, and to Whom it May Concern,
Yellowstone County, Montana.

Regarding: Zone Change #717

I AM OPPOSED TO THE PROPOSED ZONE CHANGE # 717
FORTY YEARS AGO WE WERE INVOLVED IN A ZONE CHANGE THAT WE OPPOSED
BOTH SIDES AGREED TO COMPROMISES. THE CONCRETE WALL DIVIDING
THE PROPERTY AS A BUFFER WAS ONE OF THOSE COMPROMISES.

THE NEIGHBORHOOD HAS HAD TO PUT UP WITH TRUCKS IDLING ALL
NIGHT & BRIGHT LIGHT LIGHTS SHINING IN THEIR WINDOWS ALL
NIGHT. AFTER A NUMBER OF COMPLAINTS THE ISSUE WITH THE TRUCKS
IDLING HAS IMPROVED. HOWEVER THE PEOPLE THAT LIVE ON MAUSER ST
STILL HAVE TO PUT UP WITH THE INTERIOR OF THEIR HOUSES BEING
LIT UP EVERY NIGHT

THE ALLOWABLE BUSINESS AFFORDED TO THE ZONE CHANGE WOULD
EXALERBATE THESE ISSUES AND BRING THEM NINETY FEET CLOSER
THESE BUSINESSES WOULD INCREASE NOISE & AIR POLLUTION,
IT WOULD ALSO RAISE SAFETY CONCERNS TO THE NEIGHBORS

THE TRAFFIC ON MAUSER ST HAS INCREASED SIGNIFICANTLY. THIS
WOULD ONLY MAKE IT WORSE, MAUSER ST. IS NOT DESIGNED AS A
TWO LANE THROUGH FARE. AND OF COURSE THE UNSTATED ISSUE OF
LOWERED PROPERTY VALUES

Don Kawanauf
2913 WENNER AVE.

To

ZONING COMMISSION
COUNTY BOARD OF COMMISSIONERS

To Whom it may concern.

I Jim Smith which owns property listed as Block 8 lot 3 do hereby oppose the zone change at the 7th in subdivision Block 1 lots 3^A and 4^A to Heavy Commercial and also I am opposed to the moving of the Buffer zone across from MAUSER ST.

This Buffer zone has already been established when said property was sold in December of 2003.

The amount of noise and TRAFFIC is already HARD to BARE.

THANK YOU
Jim Smith
2914 WEAVER

11 criteria

Dated June 29, 2023: Addressed to the Zoning Commissioners and to the County Commissioners.

Related to proposed zone change #717 located at 547 Johnson Lane. This is a response from the Pat Dahl subdivision addressing the "11 Criteria to be Used for Review of Zone Changes". The application response to the 11 criteria was written by the property owner's agent, John Halverson from Sanderson Stewart. This gentleman does not live in Lockwood. We disagree with many aspects of his assessment of the 11 criteria.

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

The Lockwood Growth Policy 2016 says "The implementation of future regulations should involve all affected parties and the public in general". (We were not involved, only 150 emails were sent to residents of Lockwood out of approximately 8000 residents. It is questionable as to how many people subscribe to the Yellowstone County News). Heavy commercial zoning within 90 feet of people's homes is not something the Growth Policy suggests. Changing to heavy commercial to bring into compliance is something that is not suggested or seen in the growth policy when it involves such a large existing neighborhood. There is no suggestion in the preferred map of the Lockwood Growth policy that suggests any heavy commercial in this area of Johnson Lane.

2. Is the new zoning design to secure from fire and other dangers?

Although the area is served by the Lockwood Fire District- if it is changed to heavy commercial this presents many dangers to the adjacent existing neighborhood. If a possible truck stop were to be located there in the future, as well as other possible uses, then all the dangers listed on the page listing "Reasons for opposition" are significant reasons for increased danger to the neighborhood. **Please review that page.**

3. Will the new zoning promote public health, public safety, and general welfare?

Again, please refer to the page "Reasons for opposition" that addresses the response to this question. The response from the property owner's agent does not say a word about the existing neighborhood, but does suggest future development of that property. This is what we fear!

4. Will the new zoning facilitate the adequate provision of transportation, water, sewer, schools, parks, and other public requirements?

Again see "Reasons for Opposition" page. Public requirements stress Safety, Health, General Welfare. In addition, there could be sewer and water overload with a possible heavy commercial zone. Johnson Lane is a major school bus route and is already congested at the Johnson Lane interchange. People in Lockwood do not need more congestion to accommodate truck and commercial money interests.

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

No-Lighting is already bright into homes especially on Mauser St. and those homes close to Mauser. Anymore 24-hour lighting erodes the right to general comfort in our own homes. As addressed in the "Reasons for Opposition" the quality of air would be eroded in our neighborhood if the land was ever sold and a truck stop was built. John Halverson, in his response to this question, does not even address our neighborhood.

6. How will the new zoning affect motorized and nonmotorized transportation?

John Halverson, in his response, does not address resident's transportation issues -only Johnson Lane. Presently it manages current use, although it can be highly congested at time. Expansion in the future could involve higher truck traffic that will affect local citizens. A new interchange would not stop more trucks from entering this area. Again, refer to the "Reasons for Opposition".

7. Will the new zoning be compatible with urban growth in the vicinity of cities and towns?

No-It would not be compatible with a change to Heavy Commercial. The property could stay CMU1 with the present 150-foot buffer zone and be more compatible with the existing homes. John Halverson's response does not address the close proximity to an existing neighborhood. A landscaping buffer would not negate or change all the reasons for moving the buffer to just 90 feet from some of the neighbor's front yards.

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

The response from the property owner's agent was "NEUTRAL". This is most likely because they know the zone change would decrease the value of our neighborhood's homes and the ability to even sell a home. Their response can only say it is "UNLIKELY" that Heavy Commercial 90 feet from some homes would affect property values. These statements are laughable. Anyone who believes this does not live here or spoken with unbiased real estate agents. One property owner's "value" does not override an entire neighborhoods "value".

9. ^{particular} Does the new zoning consider the character of the district and the suitability of the property for uses?

No. Again, nothing is mentioned about existing neighborhoods. It's as if we do not exist! Their response says "it will be compatible" "with zones to the north and west" but they do not mention areas directly to the east. Our neighborhood is to the direct east. This proposed zone change does not consider our homes. Heavy commercial is not suitable and not necessary. The present CUM1 is close enough, and Heavy Commercial with a smaller buffer is unacceptable to homeowners that would be affected as well as other issues that are addressed in this response.

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

The current use of land was given to the present property owner in 2003. A buffer was established. This should be held to the zoning decisions at that time. Please review past decisions. Nothing has changed! It is very reasonable to project that this property could be sold and our neighborhood could realize all our fears for our homes. There is plenty of land in Yellowstone County for Heavy Commercial business that does not encroach upon people's homes. **For question #11.** We have more open land in this area. This zone change is not appropriate.

CORRIDOR MIXED USE 1 =CMU1

PRESENT ZONING

Long Term Care Facility
Civic Assembly
Religious Assembly
Schools-College, primary and secondary
Emergency Services
Government office or building
Hospice, Hospital, or Healthcare Facilities
Office, Clinical, Outpatient services
Shelter (like homeless?)
Adult Day Care Center
Day Care Center
Small indoor/outdoor amusement recreation center
Casino Large 10 or more gambling devices. Applicable use restrictions and special review
Animal Sales/Service/Boarding/Kennel
Animal Veterinary with boarding/small
Small Assembly, Entertainment Trade
Broadcasting Station/Studio
Business Service
Crematory and Funeral Services
Consumer Maintenance and Repair
Personal Service
Studio or Instruction Service
Restaurant with drive through and alcohol
Bar or Tavern with all beverage or wine/beer. Applicable use restriction and special review
Financial Services with Drive through or alternative services
Bed and Breakfast Inn
Hotel or Motel
Short term rental with Applicable use restriction
Business or Professional Offices
Parking Commercial-primary use Special Review
Greenhouse/Nursery
Liquor Sales
Retail Sales, general, limited
Car Wash Special Review
Vehicle Maintenance and Repair 5000 sq. Ft.
Vehicle Service Station with Convenience Store Applicable use restriction
Bus/Public Transit Terminal Passenger Train Terminal
Utilities and Public Facilities-Minor- lift station, substation, transmission lines
Land Mobil Radio& Broadcast Antennae Applicable use restriction and Special Review
Wireless Communication Facilities Applicable use restriction and Special Review
Farm Stand
Possible Location Limit= PL for Commercial Resident Facility, less than or over 8 residents. Retirement Home, Trade School, Family Day Care Home, Group Day Care Home, Boarding House
Personal Self-Storage Units with Applicable use restriction PL=Possible Location Limit

Present & Proposed Uses
Allowed

HEAVY COMMERCIAL ZONING=CX ALLOWED USES

Truck Stop
Schools-trade, vocational, primary, secondary
Emergency Services
Government Buildings/Yards/Storage
Hospice Facility
Hospital or Healthcare Facility
Shelter (homeless?) SPECIAL REVIEW NEEDED
Adult day care center
Daycare center
Group Daycare Center
Adult Entertainment APPLICABLE USE RESTRICTIONS
Amusement-Indoor and Outdoor
Casino Large SPECIAL REVIEW NEEDED
Animal Sales and Service, Animal Shelter
Animal Boarding Kennel APPLICABLE USE RESTRICTIONS
Veterinary- Large and small animals with boarding
Assembly for Entertainment or Trade up to 125,000 sq. Ft.
Cemetery or Crematorium
Broadcasting Station
Business Service
Consumer Maintenance/ Repair
Personal Service
Bar or Tavern SPECIAL REVIEW NEEDED AND APPLICABLE USE RESTRICTIONS
Restaurant without drive thru (with drive thru APPLICABLE USE RESTRICTIONS)
Craft Alcohol
Hotel or Motel
Campground/RV Park
Tourist Short Term Rental APPLICABLE USE RESTRICTIONS
Business or Professional Offices
Research or Testing Laboratories
Financial Services with or without drive thru
Parking Commercial-primary use
Retail Sales-Agricultural, Greenhouse
Retail -with or without drive thru
Large Retail
Car Wash
Vehicle Sales and Service
Vehicle Outdoor Sales Lot
Vehicle Maintenance and Repair-Major and Minor
Vehicle Service Station with Convenience Store
Auction House
Contractor Yard General trade
Industrial Sales and Service
Truck, RV, and Heavy Equipment Rental/Sales and Service
Truck Wash
Manufacturing-Artisan/craft, limited and general
Mining-Oil and Gas Field Services, Construction Sand and Gravel Mining
Outdoor Storage and personal self-service storage- APPLICABLE USE RESTRICTIONS
Trucking and Transportation Service
Warehouse, Wholesale Distribution
Agricultural Products
Air Transportation Courier and Freight Service
Bus or Taxi Maintenance and Parking Shed
Bus Public Transit
Train Passenger Terminal
Utilities and Public Facilities-Offices, buildings, yards and land. Minor lift stations, substations, pump stations
Solar Energy Facility. Tier2 has APPLICABLE USE RESTRICTIONS and Tier 3 needs a SPECIAL REVIEW
Wind Energy Conversion Systems. Tier 2 had APPLICABLE USE RESTRICTION and Tier 3 a SPECIAL REVIEW
Oil and Gas Refinery SPECIAL REVIEW
Land and Mobil Radio Broadcast Antennae. SPECIAL REVIEW
Wireless Communication Facilities
Livestock Auction Yard and Agricultural Services
Commercial Feeding Yard, Commercial Stable, Milling: Lumber

2003 Documents

County Zone Change #568

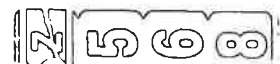
Legal Description:	Subdivision: Fly In Subdivision				
	Lot:	1-3	Block:	1	Section:
	Township:		Range:		Tax ID: C 12462 dt 3
General Location:	Mauser St.				C 12461 dt 2 C 12460 dt 1
Owner:	James McIntosh				
Agent:	Darryl Wilson, River Crossing Realty				
Fees:	Amt:	600.00	Check#	1266	Cash:
Planner:	Wyeth Friday Juliet Spalding				
Submittal Deadline:	11/3/03				
Legal Ad Taken To Paper:	11/20/03				
Property Was Posted:	11/21/03				
Surrounding Property Owners Notified:	11/21/03				
Staff Report Sent to Board Members:	12/1/03				
Applicant Notified of Meeting Date:	12/1/03				
Advisory Board Public Hearing Held:	12/8/03				
Advisory Recommendation:	Denial 5-0				
Applicant Notified of Results of Hearing:	12/9/03				
Legal Ad with Advisory Recommendation To Paper:					
Governing Board Hearing Held:	12/23/03				
Governing Board Action:	Denial 3-0				
Applicant Notified of Results of Hearing:	12/23/03				
Blue Book/ Database Entry:	1-8-04				
Map Revised/ Resolution or Ordinance sent to GIS:					

1889
1895
1896



Mauser Street
L1-3, Fly In Subdivision
James McIntosh

Denied



APPLICATION FORM

COUNTY ZONE CHANGE #560

The undersigned as owner(s), contract purchaser(s) or agent(s) of the following described property hereby request a Zone Change as outlined in the City of Billings-Yellowstone County Unified Zoning Regulations.

Present Zoning: Residential 9600

Proposed Zoning: Entryway General Commercial

Legal Description of Property: Lots 1, 2, + 3 Fly In Subdivision

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

Size of Parcel (Area & Dimensions): 150.3' x 938.4' Containing 3.23 acres

Present Land-Use: VACANT

Proposed Land-Use: Not known at this time

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

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

Owner(s): James L. Mc Intosh

(Recorded Owner) P.O. Box 787

(Address) Billings, MT 59103-0787

(Phone Number) _____

Agent(s): Darryl Wilson River Crossing Real Estate -

(Name) 490 N. 31ST ST. Suite 126, Billings, MT 59101

(Address) 256-5005

(Phone Number) _____

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: James L. Mc Intosh

Date: 10-31-03

County of Yellowstone

ZONING COMMISSION BOARD OF ADJUSTMENT

4TH FLOOR, LIE
510 N
BILLINGS, MT
(406) 6

DENIED

See Full Board Filed
in Clerk + Recorder.

TO: Yellowstone Board of County Commissioners
FROM: Yellowstone County Zoning Commission
THROUGH: Ramona Mattix, AICP, Planning Director
PRESENTED BY: Juliet Spalding, Planner I
MEETING DATE: December 23, 2003
SUBJECT: Zone Change #568

YELLOWSTONE COUNTY COMMISSIONERS	
<input type="checkbox"/> APPROVED	<input checked="" type="checkbox"/> DISAPPROVED
12/23/2003	
CHAIRPERSON	
[Signatures]	

REQUEST AND RECOMMENDATION

A zone change from R-9600 to Entryway General Commercial. The Zoning Commission is recommending denial on a 5-0 vote.

****NOTE:** This is an application for a change in zoning only and any site plan submitted with this application is not being considered for either approval or disapproval.

BACKGROUND

This is a zone change from R-9600 to Entryway General Commercial (EGC) on Lots 1, 2 & 3 of the Fly In Subdivision. The subject property is generally located on the west side of Mauser Street south of Becraft Lane, near the Johnson Lane Interchange in Lockwood. The property currently is vacant and the owner would like to have the three subject lots rezoned to EGC so that the existing and future development to the west can expand to these parcels. For example, the applicant's letter states that the owner wishes to sell Lots 1 & 2 to the owner of Lot 5, presumably so that the Truck wash can expand east. It also states that if Lots 3 & 4 were compatibly zoned (both EGC) then it would offer a larger development opportunity.

In 1994, it was recognized that this area surrounding the Johnson Lane Interchange was in need of a master plan to direct future land use in this entryway into the City. After considerable public comment and participation, the Johnson Lane Interchange Master Plan was adopted by the Board of County Commissioners in July of 1994. The reason for the master planning process was to provide an assurance that future zoning and land use development would correspond to the intent of the Master Plan as developed through public input. As part of the Master Plan, some parcels were

recommended to be zoned Entryway Light Commercial or Entryway General Commercial, but others were intentionally recommended to be left Residential-9600 in zoning. The area that encompasses the three subject parcels was subject to a good deal of public testimony by the adjacent neighbors to the east across Mauser Street. They wanted this 150 foot wide strip of land left R-9600 zoning in order to provide a buffer from the adjacent commercial uses that would develop in the EGC zoning. Their main reasons were to preserve their property values and to maintain Mauser Street as a residential street. The resulting adopted Master Plan reflected the citizens' wishes, and recommended that this land (the subject property) be left residentially zoned.

A public hearing for this zone change request was held at the County Zoning Commission meeting on December 8, 2003. Five adjacent homeowners spoke in opposition to this zone change. In addition to the public testimony, 10 letters of opposition, and a petition of opposition signed by 56 of the residents immediately adjacent to the property were received by the Planning Department prior to the meeting (see attached). Some of the reasons for opposition that were discussed both at the public hearing and in the letters were: increased and excessive traffic on Mauser St. which is considered a residential street, excessive noise from semi trucks running at all hours of day and night, excessive lighting, increased transient population, decreased property values for adjacent residential neighborhood, safety concerns for pedestrians and children due to increased traffic, increased air pollution. The County Zoning Commission has reviewed this zone change request, and in light of the adopted Johnson Lane Interchange Master Plan, and the 12 review criteria is unanimously recommending denial of this request.

APPLICATION DATA

OWNER: James L. McIntosh

AGENT: Darryl Wilson, River Crossing Real Estate

LEGAL DESCRIPTION: Lots 1, 2 & 3, Fly In Subdivision

ADDRESS: Generally located on the west side of Mauser Street, south of Becraft Lane in Lockwood

CURRENT ZONING: R-9600

PROPOSED ZONING: Entryway General Commercial

EXISTING LAND USE: vacant

SIZE OF PARCEL: 3.23 acres

and the legal advertisement of this district with notices to all concerned has been completed. Commissioner Kennedy read the resolution into the record and opened the public hearing. Sandy Shelton, 8530 Longmeadow Drive, spoke in favor of the RSID. Hearing no further comments Commissioner Kennedy closed the hearing and brought it back to the board. Mr. Turner recommends creating the district today. Commissioner Ostlund made a MOTION to create RSID 715 & 715M, Tanglewood Lake Estates Subdivision, Commissioner Reno seconded. Passed Unanimous. B.) Return Item – Continuation to Abandon Portion of Rockwell Street and Adjacent Alley. Mr. Chuck Pietz, Survey Party Chief noted for the record there is legal access and utilities access has been provided for and at this time the Board of Viewers recommends approval with a statement of utility access placed upon the plat. Commissioner Kennedy opened the hearing. Hearing no comments Commissioner Kennedy closed the hearing on Resolution 03-155. Commissioner Reno made a MOTION to approve Resolution 03-155 as abandoning a Portion of Rockwell Street and Adjacent Alley, Commissioner Ostlund seconded. Passed Unanimous.

10:00 a.m. ZONING – A.) Resolution of Intent to Zone Change #567 – Wyeth Friday, Planner 1, noted this is a zone change from Heavy Industrial to Agricultural Suburban on a 5-acre parcel located at 3306 Coulson Road east of Johnson Lane in the Lockwood area and Zoning Commission is recommending denial on a 4-1 vote. Commissioner Kennedy opened the public hearing and hearing none or seeing none closed the hearing. After a brief discussion Commissioner Reno made a MOTION of DENIAL of Zone Change #567, Commissioner Ostlund seconded. Passed Unanimous. B.) Resolution of Intent to zone change #568. Juliet Spalding, Planner 1 noted this is a zone change from R-9600 to Entryway General Commercial with Zoning Commissioner recommending denial on a 5-0 vote. Ms. Spalding read the conditions into the record. Commissioner Kennedy opened the public hearing for proponents. Darrell Wilson, 404 31st Street spoke in favor of the zone change #568 hearing no further comments closed that portion and opened for opposition. Jackie Robinson, 707 Mauser Street, noted she did the petition for denial of the zone change and is in opposition. Hearing no further comments Commissioner Kennedy closed the hearing and brought it back to the board noting petitioners list for denial. Commissioner Ostlund made a MOTION of DENIAL of Zone Change #568 based on staff and Zoning Commission recommendation, Commissioner Reno seconded. Passed Unanimous.

LAUREL CITY/COUNTY PLANNING – Preliminary minor Plat – Wallilla Subdivision. Cal Cumin, AICP Planning Director, noted this is a one-lot, low impact subdivision located southwest of Laurel with one condition, and that the final plat meets the requirements of the State Department of Environmental Quality. Commissioner Ostlund made a MOTION approving the Preliminary Minor Wallilla Subdivision with the one condition and the findings of fact, Commissioner Reno seconded. Passed Unanimous.

FINANCE – A.) Metra Financial Report – Commissioner Reno made a MOTION to table this item until Tuesday, December 30th, 2003, Commissioner Ostlund seconded. Passed Unanimous. B.) Resolution of Intent to Create RSID 716, Dry Creek Subdivision. – Set date of the hearing for January 6th, 2004. Commissioner Reno made a MOTION to set hearing for January 6th, 2004 at 9:45 a.m., Commissioner Ostlund seconded. Passed Unanimous.

EMERGENCY & GENERAL SERVICES – Return Item – Agreement with TMC Group for the Telecommunications Study. Commissioner Reno made a MOTION to TABLE item #4 for 90 days, Commissioner Ostlund seconded. Passed Unanimous.

CEDAR PARK WATER & SEWER – Dissolution of District. Ms. Ann Yegen noted all the procedures have been followed and the district is ready for dissolution. Commissioner Reno made a MOTION to approve the Resoluton of Dissolution of Cedar Park Water & Sewer, Commissioner Ostlund seconded. Passed Unanimous.

PARKS – Dog Ordinance. Commissioner Reno made a MOTION to TABLE item #6, Dog Ordinance for information from the Sheriff's Department, Commissioner Ostlund seconded. Passed Unanimous.

COMMISSIONERS – Kairos Development Corp. Mr. Max Lenington noted this is an application for property tax abatement of an abandoned commercial property for \$363,000.00. Mr. Dan Swarz noted for the Commissioners the procedure that needs to be followed for the eventual cancellation of the taxes. Commissioner Kennedy read the letter to the Kairos Development into the record. Commissioner Reno made a MOTION to proceed with the tax abatement action, Commissioner Ostlund seconded. Passed Unanimous.

BOARD APPOINTMENTS – A.) Various Appointments and One Resignation. Commissioner Reno made a MOTION to approve the appointments and resignation, Commissioner Ostlund seconded. Passed Unanimous. B.) Board Openings. Commissioner Kennedy read the openings into the record.

CLAIMS – Batches 04-77 & 04-78. Commissioner Ostlund made a MOTION to approve the claims as submitted, Commissioner Reno seconded. Passed Unanimous.

CONSENT AGENDA – 1. CITY OF LAUREL – Resale Restriction Agreement. 2. FINANCE – A.) Selection of RSID Engineer Rotation. B.) Wells Fargo Brokerage Document Request. C.) Maintenance Request RSID 684M Woodgate Estates Subdivision Am Lot 1 1C. 3. TREASURER – A.) Property Tax Exemption for Billings Depot Inc – D12271. B.) Property Tax Assistance Requests – S02394, 1000559, D02692, A16700C, A02631. C.) First 1/2 of 2003 General Property Collections. 4. BOND FOR LOST WARRANT- Dora Cassity. 5. ATTORNEY – Title IV-E Reimbursement Contract –

APPLICABLE ZONING HISTORY

Johnson Lane Interchange Master Plan: Adopted July 12, 1994. Master Plan for the area immediately surrounding the Johnson Lane Interchange. The 3 subject parcels were identified as needing to remain R-9600 zoning.

ZC #457: Approved September 28, 1995. A County-initiated Zone Change on multiple parcels in this area (including parcels immediately to the West of the subject parcels) in order to implement the *Johnson Lane Interchange Master Plan*.

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Entryway General Commercial
Land Use: Commercial (Exxon station)

SOUTH: Zoning: R-9600
Land Use: Single-Family Residential

EAST: Zoning: R-9600
Land Use: Single-Family Residential

WEST: Zoning: Entryway General Commercial
Land Use: Truck wash (north ½); vacant (south ½)

TWELVE CRITERIA

All Zone Changes must be reviewed in accordance with the 12 criteria set out in MCA 76-2-204. The 12 criteria and the Zoning Commission's determinations on these criteria are listed below:

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

The new zoning **does not meet** the following goals of the 2003 Growth Policy.

- Predictable land use decision that are consistent with neighborhood character and land use patterns (p. 5).
- New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites (p. 6).

2. *Is the new zoning designed to lessen congestion in the streets?*

The new zoning will generate an **increase in traffic** compared to the R-9600 zoning of the property. In addition, it would likely increase the congestion on Mauser Street, as the

properties would develop as commercial properties, with potential access onto and from Mauser.

3. *Will the new zoning secure safety from fire, panic and other dangers?*

This lot has public street frontage and is served by the Lockwood Fire Department.

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

The new zoning would allow the addition or expansion of the commercial uses on these lots. The City-County Health Department noted the following: "Since Lockwood is not currently served by a public sewer system, any structure that is placed on this property, regardless of the zoning, will have to meet the requirements of Yellowstone City-County Board of Health Rule #3 which regulates on-site wastewater systems."

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

The new zoning provides for sufficient setbacks for structures to allow for adequate light and air.

6. *Will the new zoning prevent overcrowding of land?*

The new zoning of Entryway General Commercial, as do all districts, has limits on the maximum percentage of lot that can be covered with structures. That maximum is 50%, versus 30% in R-9600.

7. *Will the new zoning avoid undue concentration of population?*

The new zoning of EGC would allow the development of these lots with commercial businesses.

8. *Will the new zoning facilitate the adequate provisions of transportation, water, sewerage, schools, parks, fire, police, and other public requirements?*

Transportation: The new zoning will generate an increase in traffic compared to the existing R-9600 zoning. In addition these parcels abut Mauser Street, which is designated as a local street.

Water and Sewerage: The subject property has access to community water, but not community sanitary sewer facilities. Any new development would need to use individual septic systems. These facilities will be reviewed by the Department of Environmental Quality prior to development of the property.

Schools and Parks: No significant impacts foreseen.

Fire and Police: No significant impacts foreseen.

9. *Does the new zoning give reasonable consideration to the character of the district?*

The new zoning of EGC is consistent with the zoning to the west, but it is not compatible with zoning and land uses to the east and south which are predominately R-9600. When the interchange area was rezoned based on the recommendation of the Johnson Lane Interchange Master Plan, this property was intentionally left residentially zoned in order to maintain a buffer between the commercial and highway development, and the existing residences to the east. The character of the area was taken into consideration when the master plan was adopted.

10. *Does the new zoning give consideration to peculiar suitability of the property for particular uses?*

According to the adopted Master Plan, the property may be more suitably used as a buffer between the commercial uses to the west and the residential areas to the east. Logically this buffer might be appropriate with "lighter" commercial uses (perhaps an Entryway Light Commercial use), or a mixed use (like those uses allowed in the Entryway Mixed Use zone). The current zoning would allow for single-family residential development only.

11. *Was the new zoning adopted with a view to conserving the value of buildings?*

The new zoning and resulting development may depreciate the value of the adjacent residences to the east.

12. *Will the new zoning encourage the most appropriate use of land throughout such county or municipal area?*

According to the adopted Master Plan for this area, the most appropriate use of the subject property would be residential development.



YELLOWSTONE COUNTY ZONING COMMISSION
YELLOWSTONE COUNTY, MONTANA
MONDAY, DECEMBER 8, 2003

SUBJECT: Zone Change #568
THROUGH: Ramona Mattix, AICP, Planning Director *RM*
FROM: Juliet Spalding, Planner I *JS*

REQUEST

A zone change from Residential-9600 to Entryway General Commercial on property that is generally located on the west side of Mauser Street, south of Becraft Lane in Lockwood. The Planning staff is recommending denial of this application.

APPLICATION DATA

OWNERS: James L. McIntosh
AGENT: Darryl Wilson, River Crossing Real Estate
LEGAL DESCRIPTION: Lots 1, 2 & 3, Fly In Subdivision
ADDRESS: Generally located on the west side of Mauser Street, south of Becraft Lane in Lockwood
CURRENT ZONING: R-9600
PROPOSED ZONING: Entryway General Commercial
EXISTING LAND USE: vacant
SIZE OF PARCEL: 3.23 acres

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

Johnson Lane Interchange Master Plan: Adopted July 12, 1994. Master Plan for the area immediately surrounding the Johnson Lane Interchange. The 3 subject parcels were identified as needing to remain R-9600 zoning.

ZC #457: Approved September 28, 1995. A County-initiated Zone Change on multiple parcels in this area (including parcels immediately to the West of the subject parcels) in order to implement the *Johnson Lane Interchange Master Plan*.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Entryway General Commercial
Land Use: Commercial (*Exxon Station*) and vacant

SOUTH: Zoning: R-9600
Land Use: Single-Family Residential

EAST: Zoning: R-9600
Land Use: Single-Family Residential

WEST: Zoning: Entryway General Commercial
Land Use: Truck wash (north ½); vacant (south ½)

REASONS

This is a zone change from R-9600 to Entryway General Commercial (EGC) on Lots 1, 2 & 5 of the Fly In Subdivision. The subject property is generally located on the west side of Mauser Street south of Becraft Lane, near the Johnson Lane Interchange in Lockwood. The property currently is vacant and the owner would like to have the three subject lots rezoned to EGC so that the existing and future development to the west can expand to these parcels. For example, the applicant's letter states that the owner wishes to sell Lots 1 & 2 to the owner of Lot 5, presumably so that the Truck wash can expand east. It also states that if Lots 3 & 4 were compatibly zoned (both EGC) then it would offer a larger development opportunity.

In 1994, it was recognized that this area surrounding the Johnson Lane Interchange was in need of a master plan to direct future land use in this entryway into the City. After considerable public comment and participation, the Johnson Lane Interchange Master Plan was adopted by the Board of County Commissioners in July of 1994. The intent of the Master Plan was to provide an assurance that future zoning and land use development would correspond to the intent of the Master Plan and development and its corresponding zoning. As part of the Master Plan, some parcels were recommended to be zoned Entryway Light Commercial or Entryway General Commercial, but others were intentionally recommended to be left residential in zoning. The area that encompasses the three

subject parcels was subject to a good deal of public testimony by the adjacent neighbors to the east across Mauser Street. They wanted this 150 foot wide strip of land left R-9600 zoning in order to provide a buffer from the adjacent commercial uses that would develop in the EGC zoning. Their main reasons were to preserve their property values and to maintain Mauser Street as a residential street. The resulting adopted Master Plan reflected the citizens' wishes, and recommended that this land (the subject property) be left residentially zoned.

Planning staff has reviewed this zone change request, and in light of the adopted Johnson Lane Interchange Master Plan, and the 12 review criteria is recommending denial of this request.

RECOMMENDATION

Denial

ZONING COMMISSION DETERMINATIONS

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

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

The new zoning does not meet the following goals of the 2003 Growth Policy.

- Predictable land use decision that are consistent with neighborhood character and land use patterns (p. 5).
- New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites (p. 6).

2. *Is the new zoning designed to lessen congestion in the streets?*

The new zoning will generate an increase in traffic compared to the R-9600 zoning of the property. In addition, it would likely increase the congestion on Mauser Street, as the properties would develop as commercial properties, with potential access onto and from Mauser.

3. *Will the new zoning secure safety from fire, panic and other dangers?*

This lot has public street frontage and is served by the Lockwood Fire Department.

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

The new zoning would allow the addition or expansion of the commercial uses on these lots. The City-County Health Department noted the following: "Since Lockwood is not currently served by a public sewer system, any structure that is placed on this property, regardless of

the zoning, will have to meet the requirements of Yellowstone City-County Board of Health Rule #3 which regulates on-site wastewater systems.”

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

The new zoning provides for sufficient setbacks for structures to allow for adequate light and air.

6. *Will the new zoning prevent overcrowding of land?*

The new zoning of Entryway General Commercial, as do all districts, has limits on the maximum percentage of lot that can be covered with structures. That maximum is 50%, versus 30% in R-9600.

7. *Will the new zoning avoid undue concentration of population?*

The new zoning of EGC would allow the development of these lots with commercial businesses.

8. *Will the new zoning facilitate the adequate provisions of transportation, water, sewerage, schools, parks, fire, police, and other public requirements?*

Transportation: The new zoning will generate an increase in traffic compared to the existing R-9600 zoning. In addition these parcels abut Mauser Street, which is designated as a local street.

Water and Sewerage: The subject property has access to community water, but not community sanitary sewer facilities. Any new development would need to use individual septic systems. These facilities will be reviewed by the Department of Environmental Quality prior to development of the property.

Schools and Parks: No significant impacts foreseen.

Fire and Police: No significant impacts foreseen.

9. *Does the new zoning give reasonable consideration to the character of the district?*

The new zoning of EGC is consistent with the zoning to the west, but it is not compatible with zoning and land uses to the east which is predominately R-9600. When the interchange area was rezoned based on the recommendation of the Johnson Lane Interchange Master Plan, this property was intentionally left residentially zoned in order to maintain a buffer between the commercial and highway development, and the existing residences to the east. The character of the area was taken into consideration when the master plan was adopted.

10. Does the new zoning give consideration to peculiar suitability of the property for particular uses?

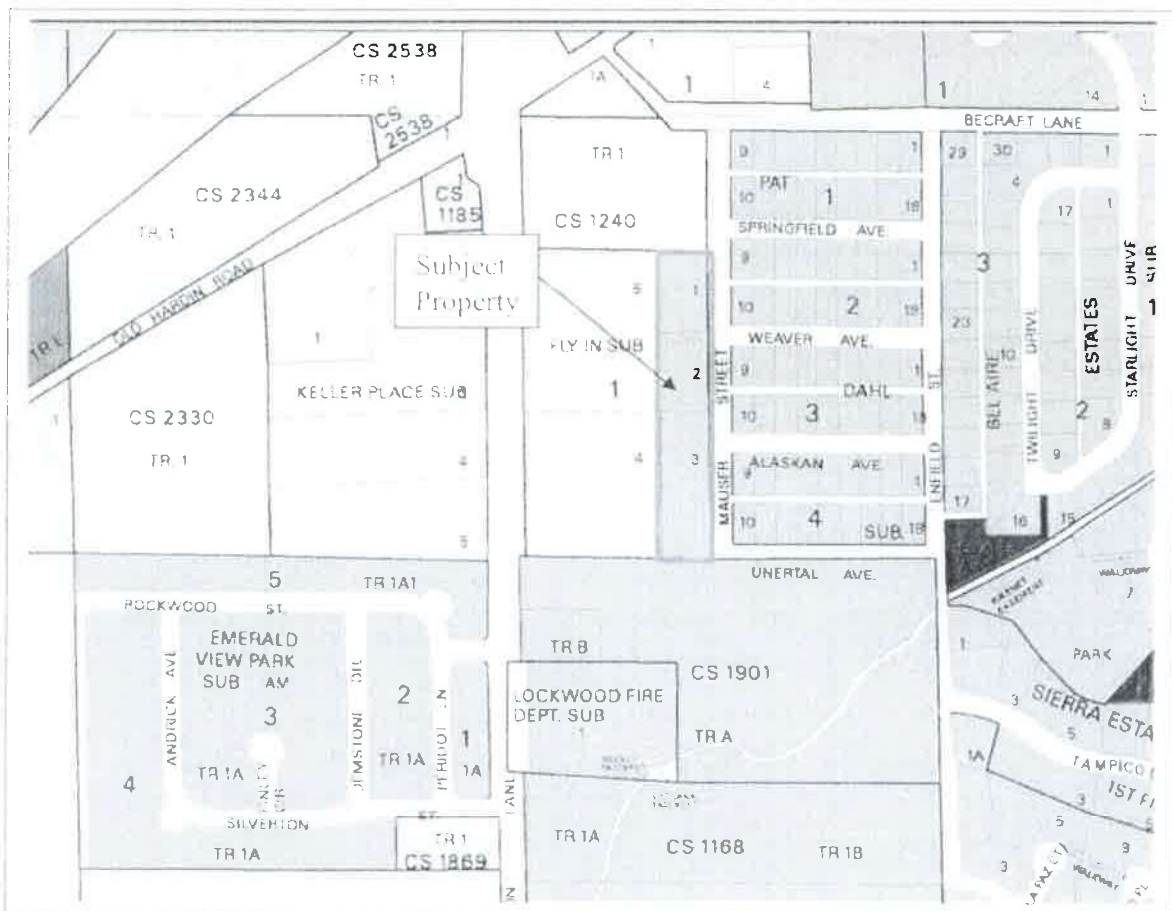
According to the adopted Master Plan, the property may be more suitably used as a buffer between the commercial uses to the west and the residential areas to the east. Logically this buffer might be appropriate with "lighter" commercial uses (perhaps a Entryway Light Commercial use), or a mixed use (like those uses allowed in the Entryway Mixed Use zone). The current zoning would allow for single-family residential development only.

11. Was the new zoning adopted with a view to conserving the value of buildings?

The new zoning and resulting development may depreciate the value of the adjacent residences to the east.

12. Will the new zoning encourage the most appropriate use of land throughout such county or municipal area?

According to the adopted Master Plan for this area, the most appropriate use of the subject property would be residential development.



County Zone Change #568

Public Input as of 12/8/03:

- Petition against the Zone Change: Signed by 56 adjacent neighbors
- Letters of opposition from people who can not attend the meeting(10):
 - Jerry and Leola Harkins (733 Mauser St.)
 - Ronna Roll (2925 Weaver Ave.)
 - Bob and Bonnie Chatriand (2914 Springfield Ave.)
 - Kris and Sara O'Bleness (2908 Alaskan Ave.)
 - Dan and Pam Kavanaugh (no address listed) *2913 Weaver*
 - Mr. and Mrs. Randall Robinson (7070 Mauser St.)
 - Mr. and Mrs. Steve Baker (2931 Weaver Ave.)
 - Jason and DeeDe Baker (no address listed)
 - Michael Ablott (2938 Springfield Ave.)
 - Stacie Heil (2945 Weaver Ave.)

Main points of opposition expressed in letters were:

- Increased and excessive traffic on Mauser St. which is considered a residential street
- Excessive noise from semi trucks running at all hours of day and night
- Excessive lighting
- Increased transient population
- Decreased property values for adjacent residential neighborhood
- Safety concerns for pedestrians and children due to increased traffic
- Increased air pollution

Stacie Heil
2945 Weaver
Billings, MT 59101

(406) 256-0549

December 6, 2003

Board of County Commissioners
members of Yellowstone County Zoning Commission
C/O Juliet Spalding
Planning & Community Services Dept.
510 N Broadway, 4th floor
Billings, MT 59101

RE: Zone Change # 568

To Whom it may Concern:

This letter is in opposition to the proposed zone change from residential 9, loco to Entryway General Commercial on Lots 1, 2, and 3 Block 1 of Flynn Subdivision.

I am a mother of two and also have a small daycare in my home. Not only will the zone change affect my children but also the children in my daycare. I see the effects as the following:

- The extra traffic could endanger the children and adults as there are no sidewalks.
- The property value will decrease.
- The noise and lights will cause sleep disturbances.
- More air pollution from the semi-trucks, causing a smelly odor & a lingering haze.

• Increased traffic in this area will cause more accidents and more congestion in an area that is poorly striped and only two loped. I do not want semi-trucks parked up & down my street

I have chosen to live in Lockwood as it is a wonderful place to raise a family because it has the best school and ~~is~~ also because ~~that~~ it is a rural area. If I wanted to live in a commercial area I would live in the Heights or West end. Please make your decision knowing that it will affect not only my family but also the children in my daycare

Sincerely,

Stacie Hill

RECEIVED
DEC - 4 2003
PLANNING & COMMUNITY SERVICES DEPARTMENT

RE: Zone Change # 568

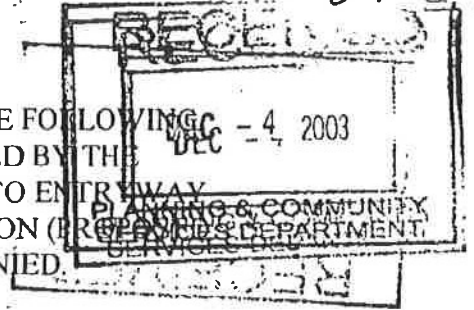
My name is Michael Abbott, property owner
at 2938 Springfield Ave Billings, MT 57101. I
Am writing in regards to County Zone change
568 to say that I am Against such
Action.

Sincerely, M. Abbott

Given to Juliet Spalding on Dec 1, 03

1064

DATED THIS DAY OF NOVEMBER 30th, 2003 WE SUBMIT THE FOLLOWING NAMES OF PROPERTY OWNERS WHO WOULD BE AFFECTED BY THE APPROVAL OF A ZONE CHANGE FROM RESIDENTIAL 9600 TO ENTRYWAY GENERAL COMMERCIAL IN OUR ESTABLISHED SUBDIVISION (ZONE CHANGE #568). WE ASK THAT THE REQUEST BE DENIED.



NAME

ADDRESS

Billings MT

- 1 ~~Jacqueline Robinson~~ Jacqueline Robinson 707 MAUSER ST
- 2 ~~RANDALL ROBINSON~~ ~~RANDALL ROBINSON~~ 707 MAUSER ST
- 3 Colleen Culliton
Colleen Culliton 2908 Weaver Ave
- 4 Chuck Aer 2908 Weaver Ave
- 5 Mona Beeman 2919 Weaver Ave
- 6 Robert Beeman 2919 Weaver
- 7 Susan Baker 2931 Weaver Ave
- 8 Steve Baker 2931 Weaver Ave
- 9 Art W. Shy 2938 WEAVER AVE
- 10 Ruby West 2944 Weaver Ave.
- 11 DeDe Baker 2943 Weaver Ave
- 12 Jason R Baker 2943 WEAVER AVE.
- 13 Brick Bandy 2937 Weaver Ave.
- 14 Kona Roll 2925 Weaver Ave
- 15 Jan Kawasugi 2913 WEAVER AVE
- 16 Jerry L. Harkins 733 Mauser
- 17 Greta K. Harkins 733 Mauser

DATED THIS DAY OF NOVEMBER 30th, 2003 WE SUBMIT THE FOLLOWING NAMES OF PROPERTY OWNERS WHO WOULD BE AFFECTED BY THE APPROVAL OF A ZONE CHANGE FROM RESIDENTIAL 9600 TO ENTRYWAY GENERAL COMMERCIAL IN OUR ESTABLISHED SUBDIVISION (PROPOSED ZONE CHANGE #568). WE ASK THAT THE REQUEST BE DENIED.

	NAME	ADDRESS
18	Kris & Sara O'Brieness	2908 Alaskan Ave.
19	Mark Miller	2913 Alaskan Ave
20	J. J. J. J.	2913 Alaskan Ave
21	April Palmer	2914 Alaskan Ave.
22	Kyle Skapp	2914 Alaskan Ave.
23	Dan Osteriller	2926 Alaskan Ave
24	Tom Osteriller	2926 Alaskan Ave
25	Gick Myers	2932 Alaskan
26	Mike Potter	2951 Alaskan
27	Lolly Potter	2951 Alaskan Ave
28	Michael Schack	2949 Weaver Ave
29	William Jensen	2970 Weaver
30	Klaus Jensen	2920 Weaver Ave
31	Sherry Seig	617 Enfield St.
32	Otho Seig	617 Enfield St.
33	Robert Nelson	620 ENFIELD ST.
34	Suzette Hansen	625 ENFIELD ST
35	Leslie Hansen	625 ENFIELD ST
36	William & Kelly	647 Enfield

Billings

"

DATED THIS DAY OF NOVEMBER 30th, 2003 WE SUBMIT THE FOLLOWING NAMES OF PROPERTY OWNERS WHO WOULD BE AFFECTED BY THE APPROVAL OF A ZONE CHANGE FROM RESIDENTIAL 9600 TO ENTRYWAY GENERAL COMMERCIAL IN OUR ESTABLISHED SUBDIVISION (PROPOSED ZONE CHANGE #568). WE ASK THAT THE REQUEST BE DENIED.

- | | NAME | ADDRESS |
|----|--------------------|-------------------------------------|
| 37 | Robert Chatrand | 2914 Springfield Ave. Billings, MT |
| 38 | Donnie J. Chatrand | 2914 Springfield Ave. Billings, MT |
| 39 | Christy Kramer | 2920 Springfield ave Billings 59101 |
| 40 | Jane L. Kromer | 2920 Springfield Ave Bldg 59101 |
| 41 | Joyce A. Olson | 2920 Springfield Billings 59101 |
| 42 | Robert Olson | 2926 Springfield Bldg 59101 |
| 43 | Heidi Olsson | 2937 Springfield Bldg 59101 |
| 44 | Mike Alcott | 2938 Springfield Bldg 59101 |
| 45 | Haery Kallie | 2950 Springfield Bldg 59101 |
| 46 | Darlene Thomen | 2937 Springfield Bldg 59101 |
| 47 | Derron Thomen | 2937 Springfield Bldg 59101 |
| 48 | Pammy Sean | 2943 Springfield Bldg 59101 |

Ronna M. Roll
2925 Weaver Avenue
Billings, MT 59101
(406) 259-5439



December 1, 2003

Board of County Commissioners
Members of Yellowstone County Zoning Commission
C/O Juliet Spalding
Planning & Community Services Department
510 N Broadway, 4th Floor
Billings, MT 59101

RE: Zone Change #568

To Whom It May Concern:

This letter is written to **opposition** to the proposed zone change from Residential 9,600 to Entryway General Commercial on Lots 1, 2, and 3, Block 1 of Fly in Subdivision. The subject property is generally located on the west side of Mauser Street between Springfield Avenue and Unertal Avenue, James L. McIntosh, owner and Darryl Wilson, agent.

As a single mother of three (3) children and a resident who would be directly affected by the zone change, I feel the zone change would have detrimental effects such as the following:

- Excessive traffic - Semi Trucks parking in inappropriate areas, turning around on residential streets, etc.;
- Excessive noise - Semi Trucks running all night long while residents try to sleep;
- Excessive lighting - Lights in proposed business would cause glare in existing residential subdivisions;
- Increased transient population - This is already a problem due to the operation of the Flying Lube and Flying J Truck Stop;
- Increased traffic congestion on residential streets, i.e. Beecraft Lane is a two-lane **UNSTRIPED** residential street which is a direct tributary to Mauser Street;
- Decreased property value for existing residential property;
- Danger to children and adults alike in the area. There is already a pedestrian and bike traffic problem as no sidewalks or bike trails exist. Beecraft Lane is very narrow and unlighted.

Please weigh your decisions heavily. The Lockwood Community prides itself on our "rural atmosphere". Lockwood is a quiet place to raise children and has one of the best schools in the state. We do not wish to become a "commercial" area. If we were interested in becoming commercial we would have voted to be annexed in the City of Billings and would have voted "yes" to the sewer.

There are several pieces of property already zoned "commercial" in the area that could be purchased by the petitioners without impeding on property zoned "residential". Let's use up this ground first before taking away from the residential areas. Lockwood is not in a "commercial land crunch".

As a resident of the Lockwood community I would like to ask you –

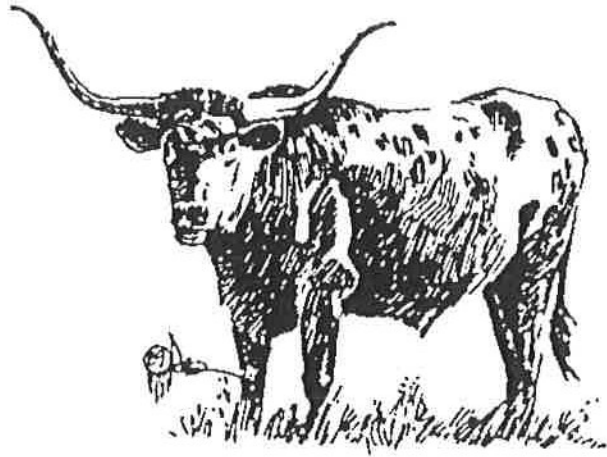
- Does the ability to make a dollar outweigh a safe and quiet neighborhood in which to raise your children?
- Would you like this sort of zone change in your neighborhood?
- Should my income level dictate the right to safe and quiet neighborhood?

Respectfully,

Ronna M. Roll
Concerned Resident

FROM THE DESK OF:

CORKY HARKINS'



December 4, 2003

Board of County of Commissioners
Members of Yellowstone County Zoning Commission
% Juliet Spalding
Planning & Community Services
510 N. Broadway 4th Floor
Billings, MT 59101

Greetings:

We are opposed to a ZONE change from Residential 9600 to entryway general Commercial on Lots 1,2, & 3, Block 1 of Fly In Sub-division.

Sincerely,

Jerry L. Harkins
Leola R. Harkins

Jerry L. Harkins
Leola R. Harkins
733 Mauser St.
Billings, MT 59101



Spalding, Juliet

From: LeolaH1542@aol.com
Sent: Sunday, December 07, 2003 7:25 PM
To: spaldingj@ci.billings.mt.us; plancsd@ci.billings.mt.us
Subject: re: County Zone Change # 568

Juliet and City-County planning Department,

We are property owners across the street from the proposed zone change.

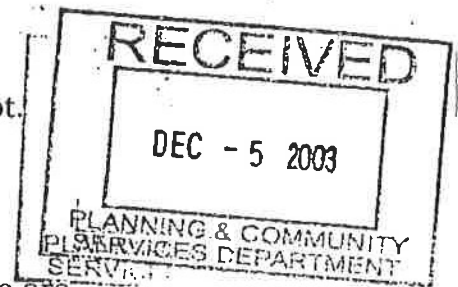
We are opposed to a zone change from RESIDENTIAL 9600 to Entryway General Commerical on lots 1, 2, & 3, Block 1 of Fly In Sub-division.

Sincerely,

Jerry L. Harkins
Leola R. Harkins
733 Mauser Street
Billings, MT 59101

December 3, 2003

Board of County Commissioners
Members of Yellowstone Co. Zoning Commission
c/o Juliet Spaulding, Planning & Community Services Dept.
510 North Broadway, 4th Floor
Billings, Montana, 59101



To Whom It May Concern;

We are property owners in the Lockwood area and we are responding to your notice sent to us, dated November 21, 2003, regarding **County Zone Change #568**. Please consider this letter as protest **against** the change from Residential 9600 to Entryway General Commercial. We live in an established neighborhood and have experienced some new residential construction in and around us that not only increases our property value, but also enhances the family neighborhoods in our area. The lots in question have access only from Mauser Street which is one of two main entries to not only our subdivision but the new one developing to the south and east of us. Residential traffic is respectful and mindful of the area and the children and residents who walk or bicycle on the streets. The increased traffic for commercial businesses in these areas constitutes a safety concern as well as additional noise and activity in our quiet neighborhood.

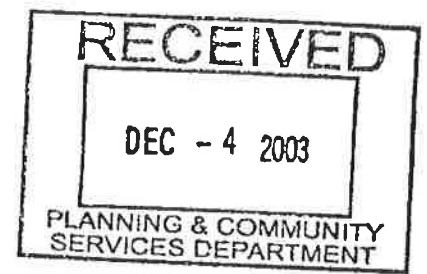
The properties in question also serve as a drainage conduit for the area which in the time of any real or significant rainfall, aids in flood control as well. This is a significant consideration for residential use of this property as well.

Again, we are **not in favor** of any zoning changes for Lots 1, 2 and 3, Block 1 of Fly In Subdivision. Thank you.

Sincerely,

Bob Chatriand
Bonnie Chatriand
2914 Springfield
Billings, Montana
59101

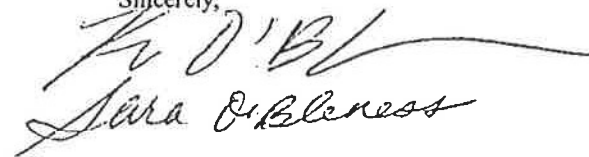
Board of County Commissions
Members of Yellowstone County Zoning Commission
C/O Juliet Spaulding
Planning and Community Services Department
510 N. Broadway, 4th Floor
Billings, Montana 59101
Zone Change #568



December 3, 2003

To Whom it May Concern:

We are writing in opposition to zone change #568. We are very concerned as new property owners about the value of our property declining if this request is approved. In addition to this, as parents of two small children, we are also very concerned about the increase in noise and air pollution as well as potential dangerous traffic problems. Please take these things into consideration and keep our quiet street the way it is. We hope that you will deny the request for zone change #568. Thank you.

Sincerely,

Sara O'Brien

Kris and Sara O'Brien
2908 Alaskan Ave.
Billings, Montana 59101

December 2, 2003

Board of County Commissioners
Yellowstone County Zoning Commission
C/O Juliet Spalding
Planning & Community Services Dept.
510 No Broadway 4th Floor
Billings, MT 59101



Re: Zone Change Request #568

To Whom It May Concern:

We are writing this letter in opposition of the requested zoning change from Residential 9,600 to Entryway General Commercial on lots 1, 2 and 3 Block 1 of Fly-In Subdivision. We are unable to leave work early enough to attend to the meeting. This letter will serve as our voice.

As residents of Pat Dahl subdivision for the past 24 years we have weathered a few similar requests. The Planing Board and The County Commissioners have heard our voices in the past and we hope our input will be welcomed again.

In the Johnson Lane Master Plan the property in question was left Residential to afford a buffer zone to the residents of the Pat Dahl subdivision. The reasoning behind this decision has not changed.

- Traffic that would be excessive to the capabilities of the road.
- Excessive traffic posing a danger to neighborhood children and pedestrians.
- Noise pollution that comes with a business.
- Decreased property values.

The adjoining property in the Fly-In subdivision has already caused noise and air pollution to the residents of the Pat Dahl subdivision. There are trucks that idle throughout the night causing a disturbance to the residents. We do not wish to add any more to an existing problem.

We hope that once again the County Commissioners agree with the residents and our subdivision will remain the safe and quiet place it has been in the past.

Thank you for your time and consideration.

Sincerely,

Dan and Pam Kavanaugh

December 04, 2003



Board of County Commissioners
Yellowstone County Zoning Commission
C/O Juliet Spalding
Planning & Community Services Department
510 North Broadway 4 th Floor
Billings, Montana 59101

RE: Proposed Zone Change #568

Dear County Zoning Commission and County Commissioners:

We are strongly opposed to the requested zone change from Residential 9600 to Entryway General Commercial on Lots 1,2,and 3, Block 1 of the Fly in Subdivision. Our home is located at 707 Mauser St. and faces Mauser St. The view from our "picture " window is the bright red Fly In Lube Center. We have already gone through this before in 1995 when the master plan for the Johnson Lane Interchange was put in place. At that time the zoning commission and the county commissioners agreed that we would have the buffer between our homes and the new commercial changes that took effect . We attended meetings, met with the zoning board members in our homes, and put out a strong and consolidated effort to protect our neighborhood at that time. Nothing has changed since that time.

In 1995 , with the commercial zone changes that were made we lost significant value in our home. As you can see, if you will visit our neighborhood, the buffer we have is very small. If this zone request is approved we will have no buffer and therefore again significantly lose more property value. It would be very difficult to even sell our home if we choose to do so. We have lived here for 21 years--it is not fair that the homeowners should continue to lose so much for the sake of commercial expansion

* The noise is already intolerable at times, and we have to keep our windows closed more than we would like to. Trucks run all night across from our house at the Fly In Lube and also the truck wash. We have asked the owners of the Fly In Lube to please restrict this but we have been told to get off the property. We have called the sheriff department with no success.

*The traffic in our area is becoming more congested. Our children are at higher risk for accidents. Our streets are not as well groomed in the winter as in town.

*All reasons for opposition to this zone change made by our neighbors either written or verbal are as important and stand as part of our reasons for opposition. Please accept our petition for those who cannot attend the meeting. The petition was 100% against for those were able to reach.

Phone:
256-3457

Mr. & Mrs. Randall K. Solomon
707 Mauser St
Billings MT 59101

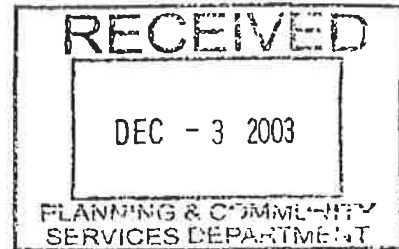
Mr. and Mrs. Steve Baker

2931 Weaver Ave.
Billings, MT 59101

Phone 256-7911

December 01, 2003

Board of County Commissioners
Members of Yellowstone County Zoning Commission
C/O Juliet Spalding
Planning and Community Services Department
510 N. Broadway, 4th Floor
Billings, MT 59101



Regarding: Zone Change #568

To Whom it May Concern,

As residence of the Pat Dahl subdivision we strongly disapprove of the request for the zone change from Residential to Entryway General on Lots 1,2, and 3, Block 1 of the Fly in Subdivision.. We have lived in this area for over 10 years and have seen many change, but none as detrimental as this requested zone change. There are many reasons why this zone change should be disapproved. i.e.

- * Excessive traffic in a small residential area. The road are unfit to handle the weight for large commercial trucks. Not but three years ago they were unpaved. The country came in and laid surplus blacktop over the gravel road. The roads do not have sidewalks, gutters, and they are unpainted. Making this a hazard for anything or anyone on the roads. Especially during school hours, we have a school bus stop on the Mauser/ Weaver.
- * Noise is another issue. We have way to many semis parked in our areas already. On cold nights we can hear the trucks run all night at times it can be deafening.
- * Decreased property values. As a tax payer in the country I strongly opposing any action of this type to change residential to commercial. There seems to be lack of vision when it comes to allowing commercial properties to invade in the residential areas in Lockwood. There are many adequate spaces available that do not encroach in the residential areas. Planning is essential to the growth of Lockwood.

We strongly encourage you to deny the Zone Change requested. If we wanted Lockwood to become so commercialized, the residence of Lockwood would have passed the sewer plan years ago.

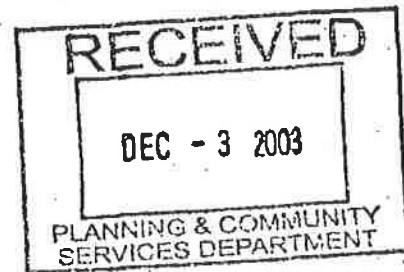
We hope this letter stands as a clear-cut indication of how strongly we feel that this zone change would impact our neighborhood. My wife and I are unable to attend this meeting, due to the fact that we are both employed and are unable to take off to attend this meeting. WE HOPE THIS LETTER WILL STAND STRONGLY IN OUR PLACE!

Please feel free to contact me or my wife if you have any questions regarding the letter.

Mr. and Mrs. Steve Baker

December 2, 2003

Board of County Commissioners
Yellowstone County Zoning Commission
C/O Juliet Spalding
Planning & Community Services Dept.
510 No Broadway 4th Floor
Billings, MT 59101



RE: Zone Change Request #568

To Whom It May Concern:

We are writing this letter in opposition of the requested zoning change from Residential 9,600 to Entryway General Commercial on Lots 1,2 and 3, Block 1 of Fly-In Subdivision. This property is located on the west side of Mauser Street, between Springfield Avenue and Unertal Avenue. James L. McIntosh is the owner of this property and his agent is Darryl Wilson.

The Pat Dahl Subdivision, located next to the area that is being considered for commercial zoning, is directly impacted by any changes that are made to the surrounding area. Our family moved to this area because it was a closed subdivision. Since our move to this subdivision, more residential areas have opened up. This has adversely impacted our neighborhood with the number of large trucks and heavy equipment that are constantly moving up and down the streets of our once quiet neighborhood. The roads are being torn-up; the daily traffic has become a serious danger due to excessive speed.

The idea of making the area west of Mauser a commercial area has us very upset. We deal with the noise from the Flying J, Blue Basket and Fly-In Lube now, but because of the open field between those businesses, and us, it is bearable. At the time we moved, we were well aware of the surrounding businesses and made a choice to live here despite that. Now we chose to make it known that enough is enough. Lockwood is a quiet place, and if we truly desired more business in our area, we would have overwhelmingly passed the Lockwood Sewer vote the first time around. As you know, that measure has failed three (3) times, and is still getting shoved down our throats.

Our subdivision is full of families. We enjoy the fact that we can go for quiet neighborhood walks with our children and pets. We like the fact that we know who our neighbors are and that we all look out for each other. If this zoning request is passed, the problems that commercial areas are plagued with will become our problem. Due to our location close to the interstate, transients are already a problem, but fortunately they very rarely venture into our neighborhood and we would like it to stay that way. We are also afraid that the increased traffic is going to put our children in serious jeopardy. We are not willing to stand by and let one of our children become a statistic because someone is

more interested in making money. There are several other areas in Lockwood that could be used commercially and are already zoned for that purpose. Leave our neighborhood out of it.

It would be very detrimental to our neighborhood to allow this zone change to take place. The impact of this type of change is negative in every aspect, increased traffic, noise level, transients, potential decrease in property value to residents, as well as environmental problems caused by the change, as we have a lot of wildlife that would also be negatively impacted due to the land be gobbled up by buildings, parking lots, or whatever else this individual has in mind for our "backyard." Would you like to have this happen in your backyard? Please consider this when making your decision and vote no on the request for this zone change.

Thank you for your time and consideration.

Sincerely,

Jason & DeeDe Baker
Concerned Residents
Pat Dahl Subdivision