



## Yellowstone County Zoning Commission Minutes for the Meeting of Monday, December 8, 2014

The County Zoning Commission met on Monday, November 13, 2014 in the Miller Building 1<sup>st</sup> floor conference room located at 2825 3<sup>rd</sup> Avenue North. Chairman Dennis Cook called the meeting to order at 4:00 p.m.

Commissioners and Staff		01/13/2014	03/10/2014	04/16/2014	05/12/2014	06/09/2014	09/08/2014	10/14/2014	11/13/2014	12/08/2014					
Dennis Cook	Chairman	1	1	1	E	1	1	E	1	1					
Al Littler	Vice Chairman	E	1	1	1	1	1	1	E	1					
Terri Welborn	Commissioner	-	1	1	1	1	1	1	1	1					
Ole Shafer	Commissioner	1	1	1	1	E	1	1	1	1					
Nicole Cromwell	Planner II/ Zoning Coordinator	1	1	1	1	1	1	1	1	1					
Wyeth Friday	Planner II	-	-	-	-	-	-	-	-	-					
Juliet Spalding	Planner II	-	-	-	-	-	-	-	-	-					
Lora Mattox	Planner II	-	-	-	-	-	-	-	-	-					
Tamara Deines	Planning Clerk	1	1	1	1	1	1	1	1	1					
Karen Husman	Planning Assistant	-	-	-	1	-	-	-	-	-					

At 4:05 p.m., Chairman Cook opened the meeting and introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; and Tammy Deines, Planning Clerk

**Others in Attendance:** Blaine Poppler; Travis McDowell; Patrick G. Weber; Carol Hardy; Sharon Ingraham; Bob Whalen, Elysian School; Dax Simek, Morrison Maierle; Greg McCall, McCall Development; Brad McCall, McCall Development; Leroy Walter; Norma J. Walter; Gary Armstrong; Elaine Weber; Jim Weber; Dennis Randall, Sanderson Stewart

**Announcements:**

- The next County Zoning Commission meeting is Tuesday, January 12, 2015.
- Nicole Cromwell announced there are two openings for Commissioners on the Yellowstone County Zoning Commission.

**Disclosure of Conflict of Interest:** There was no disclosures of conflict of interest.

### **Disclosure of Outside Communication**

There was no one on the Commission wishing to disclose any outside communication. Nicole Cromwell announced there was a letter received from Arliss Keller, 1540 East Lane, Billings, Montana regarding County Zone Change #652.

### **Approval of the November 13, 2014 Meeting Minutes**

Chairman Cook called for approval of the November 13, 2014 minutes.

### **Motion**

**Terri Welborn made a motion and Al Littler seconded to approve the November 13, 2014 meeting minutes as submitted.**

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

### **Public Comment**

Chairman Cook asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public can be heard on any subject that is not on the agenda; the Yellowstone County Zoning Commission will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion. There were no public comments at this time.

### **Public Hearings:**

Chairman Cook reviewed the rules for the procedure by which the public hearings will be conducted. He said the applications heard at this meeting would be forwarded to the Board of County Commissioners on **Tuesday, December 23, 2014**, in the Board of County Commissioners Board Room 403A in the Yellowstone County Courthouse.

**Item #1: Return Item - County Zone Change #652 – 6132 S Frontage Road** – A zone change request from Agriculture-Open Space (A-1) to Highway Commercial (HC) on the northern 106.51 acres and Neighborhood Commercial (NC) on the southern 20 acres of a 126.51 acre parcel of land described as the SW1/4, Sec18, T1S, R26E, less the RY, HWY & C/S 1614 and C/S 2038 (excluding an area already zoned HC). The area is presently used as a sod farm for Tvetene Turf. A pre-application meeting was held at the subject property on July 28, 2014. The Board of County Commissioners on November 10, 2014, referred this amended request back to the County Zoning Commission. Tax ID D01913.

### **REQUEST**

The applicant has re-submitted a new zone change that is substantially altered from the original request from Agriculture-Open Space (A-1) to Highway Commercial (HC) on a 126.51-acre parcel of land generally located north of Elysian Road, east of East Lane and south of South Frontage Road. The new request is to zone the northern 106.51 acres of land to HC and the southern 20 acres to Neighborhood Commercial (NC). The proposed NC zone borders the entire frontage of Elysian Road. The applicant and surrounding owners came to this negotiated agreement after the Zoning Commission recommendation of denial on the original proposal but before the Board of County Commissioners reached a decision on the request. This re-submitted request must proceed through the Zoning Commission and return to the Board of County

Commissioners. The Planning staff is forwarding a recommendation of approval based on the 11 criteria for zone changes.

## **RECOMMENDATION**

Approval of Zone Change #653 and adoption of the 11 criteria for this zone change.

### **Discussion**

Chairman Cook called for discussion. Al Littler asked about the boundaries of the proposed annexation and clarification was given by Zoning Coordinator Nicole Cromwell. She said although the property is in the limits of annexation the property owner has not submitted a petition yet.

At 4:15 p.m., Chairman Cook opened the public hearing and asked if there was anyone wishing to speak in favor of County Zone Change #652.

### **In Favor:**

#### **Dax Simek, 315 S. 25<sup>th</sup> Street, Morrison Maierle, Billings, Montana**

Mr. Simek is the agent for the Quarnburgs. He said the applicant has met with the McCalls and Elysian School and they have come to an agreement that the south 350-foot width would be zoned Neighborhood Commercial. He said the 350-ft width was selected as it would provide opportunity for residential development with a double loaded road throughout the strip. Some of the other concerns such as traffic impacts would be mitigated thorough traffic studies and improvements to Elysian Road and East Lane as that property develops.

#### **Blaine Poppler, 5403 King Avenue West, Billings, Montana**

Mr. Poppler noted the properties in this area are under several proposals for development, including the McCall property, the Elysian School expansion, and the Harmony Farms Development. He said the Quarnburgs wished to be sensitive particularly to the school, the new residential development, and address the deterioration of Elysian Road and East Lane. He suggested that with cooperation of the Road Department, a collector street can be created to serve the Highway Commercial zone and the remainder of East Lane would be less intensive and may have "No Truck Traffic" signage. He said they anticipate Elysian Road will be more of a park way as there will be a 100-foot wide easement to create a wide thoroughfare, boulevard, sidewalk, and landscaping. He said the improvements should encourage more student pedestrian traffic. He stated they are hoping to attract some major retailers and distributors and there should be adequate frontage to provide access to the property from South Frontage Road and prevent further truck traffic on Elysian Road.

#### **Greg McCall, McCall Development, 1615 Front Street, Billings, Montana**

Mr. McCall stated that previously McCall Development was in opposition to the proposals. He stated he is publically acknowledging that although it was challenging the Quarnburgs have worked diligently to come to an agreement and meet the needs of Elysian School and McCall Development. He wished to publically thank them for their efforts and their desire to address the needs of the school. He said the McCalls would like to offer their support to the zone change request.

**Gary Armstrong, 1701 East Lane, Billings, Montana**

Mr. Armstrong owns property directly to the south of this parcel. He stated this proposal fits well with the future planning of the area and is would like to see it approved.

**Opposition:**

There was none.

**Commissioner Shafer made a motion and it Commissioner Welborn seconded the motion to forward a recommendation of approval of Zone Change #652 and adoption of the 11 criteria for this zone change.**

**Discussion**

Chairman Cook called for discussion on the motion. There was none.

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

**Item #2: County Zone Change #654 – Harmony Meadows** – A zone change from Residential 5,000 (R-50) and Residential 7,000 (R-70) to Community Commercial (CC) and Residential Multifamily-Restricted (RMF-R) on Lot 2 and the portion of Lot 1 zoned R-50 in Block 1, Harmony Meadows Subdivision, 1<sup>st</sup> Filing, a 48.38 acre parcel of land. A pre-application meeting was held at the Holiday Inn Grand at 5500 Midland Road on October 27, 2014. Tax IDs D01925 and D01925B.

**REQUEST**

The applicant is requesting a zone change from Residential 5,000 (R-50) and Residential 7,000 (R-70) to Community Commercial (CC) and Residential Multi-family-Restricted (RMF-R) on a 48.38 acre parcel of land described as Lot 2 and a portion of Lot 1, Block 1, Harmony Meadows Subdivision. The property is generally located west of the intersection of Elysian Road and Mallowney Lane at 5912 Elysian Road. The property has two single family dwellings, and a 7,500 square foot agricultural building. The applicant conducted a pre-application neighborhood meeting on October 27, 2014 at the Holiday Inn on Midland Road. The Planning staff is forwarding a recommendation of approval based on the 11 criteria for zone changes.

**RECOMMENDATION**

Approval of Zone Change #654 and adoption of the 11 criteria for this zone change.

**Discussion**

Chairman Cook called for discussion. Al Littler noted the property elevations and Blaine Poppler said the property is in the river divergence zone. Per request of the Commission, Nicole Cromwell pointed out the zoning classifications on the posted map.

At 4:35 p.m., Chairman Cook opened the public hearing and asked if there was anyone wishing to speak in favor of County Zone Change #654.

**In Favor:**

**Dax Simek, Morrison Maierle, 315 S. 25<sup>th</sup> Street, Billings, Montana**

Mr. Simek gave some background information on this project. He said the property owner does not wish to be in direct competition with the single family products offered by McCall Development. The owner anticipates the RMF-R blending into the Community Commercial area but wished to have the opportunities this zoning allows.

**Travis McDowell, AT Architecture, 848 Main St #7, Billings, Montana**

Mr. McDowell said they felt that this request would be a better fit for this property as it would offer more flexibility for development.

**Opposition:**

There was none.

**Motion**

**Commissioner Shafer made a motion and Commissioner Welborn seconded the motion to forward a recommendation of approval of Zone Change #654 and adoption of the 11 criteria for this zone change.**

**Discussion**

Chairman Cook called for discussion on the motion. In response to a question by Al Littler, Nicole Cromwell stated this property is within the proposed annexation area. Al Littler thanked the applicants for their work on these proposals.

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

**Adjournment:** The meeting adjourned at 4:39 p.m.

**ATTEST: Approved by a motion on Monday, January 12, 2015**

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**Dennis Cook, Chairman, Yellowstone County Zoning Commission**

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**Nicole M. Cromwell, Zoning Coordinator**