



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, June 9, 2014

The County Zoning Commission met on Monday, June 9, 2014 in the Miller Building 1st floor conference room located at 2825 3rd Avenue North.

Vice Chairman Al Littler 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									
Dennis Cook	Chairman	1	1	1	E	1									
Al Littler	Vice Chairman	E	1	1	1	1									
Terri Welborn	Commissioner	-	1	1	1	1									
Ole Shafer	Commissioner	1	1	1	1	E									
Nicole Cromwell	Planner II/ Zoning Coordinator	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									
Karen Husman	Planning Assistant	-	-	-	1	-									

Chairman Cook introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Tammy Deines, Planning Clerk.

Others in Attendance: Jim Koelher; Mitch Howe; Debbie Howe; Ron Elkin

Announcements: These applications will be heard at the Board of County Commissioners meeting on Tuesday, June 24, 2014. The July 14, 2014 County Zoning Commission meeting is cancelled due to a lack of applications for consideration. There is one vacancy on this Commission.

Disclosure of Conflict of Interest:
There was no disclosure of conflict of interest.

Disclosure of Outside Communication
There was no one on the Commission wishing to disclose any outside communication.

Approval of the May 12, 2014 Meeting Minutes

Chairman Cook called for approval of the May 12, 2014 minutes.

Motion

Al Littler made a motion and Terri Welborn seconded to approve the May 12, 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, June 24, 2014, in the Board of County Commissioners Board Room 403A in the Yellowstone County Courthouse.

Item #1: (Return Item - Zone Change #649) – Cole Street – A zone change request from Entryway General Commercial (EGC) to Entryway Light Industrial (ELI) on Lot 7A2 of Cole Acreage Tracts, a 42,014 square foot parcel of land. The parcel is vacant. A pre-application neighborhood meeting was held on April 1, 2014, at the subject property. Tax ID C04280A.

REQUEST

The applicant originally submitted a zone change application from Entryway General Commercial (EGC) to Community Commercial (CC) but withdrew the application prior to the Board of County Commissioner's hearing. The applicant has now re-submitted a new application to change the zoning from EGC to Entryway Light Industrial (ELI) on a 42,014 square foot parcel of land described as Lot 7A2 of Cole Acreage Tracts Subdivision. The property is generally located just north of Western Security Bank on the west side of Cole Street in Lockwood. The applicant requested, and the Zoning Commission agreed, to postpone the hearing until June 9, 2014. The property is vacant. The applicant conducted a pre-application neighborhood meeting on April 1, 2014 for the re-submittal. The Planning staff is forwarding a recommendation of approval based on the 11 criteria for zone changes.

Discussion

Chairman Cook called for discussion. There was none.

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 #649.

In Favor:

Agent, Ron Elkin, NAI Business Properties, 940 Poly Drive, Billings, Montana

Mr. Elkin is the agent for the property owners. He explained the applicant's reasoning for resubmitting this request. This project will be scaled smaller due to the landscaping requirements.

Debbie Howe, 3650 Highway 87 East, Billings, Montana

Ms. Howe said in light of the feedback and after consulting with an engineer, they feel they have made their best effort to comply with all of the requirements.

In Opposition

Jim Keiler, P.O. Box 15, Aberdeen South Dakota (222 West Palmer Circle, Billings, Montana)

Mr. Keiler is the owner of the Holiday Inn Express and is opposed to this proposal. He said they are following the same rules for the same zone. He stated he built his property in 2002 and the landscape design should be attractive and done according to the zoning. Mr. Keiler stated the proposal for storage units does not fit with the neighborhood, and the acreage is not a large lot as it is a one acre parcel. He said the zoning is to protect the individuals that are under the existing zoning and allowing spot zoning is setting a bad precedent. He noted the Western Security Bank no longer owns this property as it is owned by the Howes.

Rebuttal

Debbie Howe, 3650 Highway 87 East, Billings, Montana

Ms. Howe said they are under the same standards but this zoning allows for the units. She commented that Mr. Keiler expressed at the last meeting that he would be OK with this project if they requested this zoning. She asked about the definition of "spot zoning" and it was given by Zoning Coordinator Nicole Cromwell who said this is a Montana Court case standard. Debbie Howe said there is a limited number of storage units available in the Lockwood area. She stressed they are conforming to the zoning requirements for landscaping for this property. Ms. Howe said they feel this use will fill a need in the Lockwood Community. Al Littler asked about the proposal for lighting and signs. Ms. Howe said the lighting would be smaller LED lighting pointing downward. She said this property will not be an eyesore; they are using cantilever gates and the newest technology.

Jim Keiler, P.O. Box 15, Aberdeen South Dakota (222 West Palmer Circle, Billings, Montana)

Mr. Keiler said if this precedent is set, he could be surrounded by light industrial businesses that could affect his business.

Discussion

Commissioner Wellborn asked Ms. Cromwell to review the section of zoning code for Light Industrial zoning, Article 27-1000. Interchange/Entryway Zoning Districts, (a)-(c). Ms. Cromwell pointed out properties with similar zoning located on King Avenue West and Shiloh Road and west of Zoo Drive. She said the setbacks, zoning heights for EGC and ELI zoning are the same.

Motion

Commissioner Littler made a motion and it was seconded by Commissioner Wellborn to forward a recommendation of approval of Zone Change #649 and adoption of the Findings of Fact for the 11 criteria for this zone change.

Discussion

Chairman Cook called for discussion on the motion. Al Littler said he recently visited this site and with it will not be a deterrence to the motel or eateries with the low profile storage and the proper screening. He complemented the owner of the Holiday Inn and the property owner for their efforts with the landscaping. Ms. Welborn expressed her hesitation with the change in zoning. She stated with the proper landscaping, it should not be a detraction and serve the community.

The motion carried with unanimous voice vote.

Adjournment: The meeting adjourned at 4:29 p.m.

ATTEST: Approved by a motion on July 14, 2014

Dennis Cook, Chairman, Yellowstone County Zoning Commission

Nicole M. Cromwell, Zoning Coordinator