



## COUNTY ZONING COMMISSION ACTION SUMMARY

Miller Building, 1<sup>st</sup> Floor Large Conference Room  
2825 3<sup>rd</sup> Avenue North, Billings, Montana

**Tuesday, May 12, 2014, 4:30 P.M.**

### **NOTICE TO THE PUBLIC**

#### **Public Comment:**

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

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

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

**Others in Attendance:** Dennis Pehl; Todd Reichenbach; Clint King; Larry Wilken; Ron Elkin; Mitch Howe; Daniel A. Anderson III; Robert Goodale; Denise Thomas; Dennis Randall, Sanderson Stewart

**Announcements:** These applications will be heard at the Board of County Commissioners meeting on Tuesday, May 27, 2014. The June 9, 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.

#### **Yellowstone County Zone Change #649**

- 04/21/2014 Email-Penny Barondeau for James P. Koehler, The Koehler Organization 2011 8<sup>th</sup> Ave NE, PO Box 15, Aberdeen SD 37402-0015 in opposition to County Zone Change #649.

#### **Yellowstone County Zone Change #651**

- May 2014, petition with 25 signatures in favor
- May 2014, petition with 98 signatures in opposition

- 5/09/2014-Letter of support, Paul E. Bray, HazTech Drilling, Inc.
- Letter of support, Marshall Hayworth, Hi-Ball Trucking
- 04/28/2014-Letter in opposition from Diane Kostelecky for Degenhart Family Partnership, 2547 Roundup Road, Billings, Montana
- 04/02/2014 Letter in favor. Dover Ranch Owner /Operators
- 04/01/2014 Letter in opposition. Larry Wilken, 1412 Sagebrush Road, Billings, Montana
- 03/19/2104 Email in opposition-Dennis Schultz, 14092 Chagall Ave. Irvine, CA 92606; David Geisler, PO Box 76, Murdo, South Dakota
- 11/5/2013 in support Kevin Kitchin, Owner Mountain West Holding Company, PO Box 31793, Billings, Montana

### **Approval of the April 14, 2014 Meeting Minutes**

Vice Chairman Littler called for approval of the April 14, 2014 minutes.

### **Motion**

**Ole Shafer made a motion and Terri Welborn seconded to approve the April 14, 2014 meeting minutes as submitted.**

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

### **Public Comment**

Vice Chairman Littler 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:**

Vice Chairman Littler reviewed the rules for the procedure by which the public hearings will be conducted. He said the applications heard at this meeting will be forwarded to the Board of County Commissioners on Tuesday, May 27, 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. The applicants held a pre-application neighborhood meeting 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. 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.

Zoning Coordinator Nicole Cromwell noted the Monday, May 12, 2014 e-mail received from Scott L. Godfrey, Senior Vice President, Western Security Bank, requesting a delay of the public hearing of City Zone Change #649 until the June 9, 2014 hearing. She explained another re-submittal is not necessary – the County Commissioners have already granted one withdrawal and the Planning Division has accepted a re-submittal on this parcel.

**Motion**

**Commissioner Shafer made a motion and Commissioner Welborn seconded, to grant the applicant's request to postpone (delay) the public hearing on the current zone change request until the County Zoning Commission meeting on June 9, 2014.**

**The motion carried on a 3-0 vote.**

**Item #2 Zone Change #651 – 3555 Highway 87 North** – A zone change request from Agriculture Open-Space (A-1) and Residential 15,000 (R-150) to Highway Commercial (HC) on a Fraction of Land East of the Road in the NE1/4 of Section 3, Township 1 North, Range 26 East (LESS HWY & C/S 2579), a 64.905 acre parcel of land. The parcel is vacant. A pre-application meeting was held on March 27, 2014. Tax ID: D04970.

**REQUEST**

The applicant is requesting a zone change from Residential 15,000 (R-150) and Agriculture Open-Space (A-1) to Highway Commercial (HC) on a 64.905-acre parcel of land described as a Fraction of Land East of the Road in the NE1/4 of Section 3, Township 1 North, Range 26 East (LESS HWY & C/S 2579). The property is generally located at 3555 Highway 87 North approximately 1.5 miles north of the intersection with Main Street and Highway 312 and ½-mile south of the zoning jurisdiction boundary. The applicant conducted a pre-application neighborhood meeting on March 27, 2014. The Planning staff is forwarding a recommendation of denial based on the 11 criteria for zone changes.

**Motion**

**Commissioner Terri Welborn made a motion and Commissioner Ole Shafer seconded the motion to forward a recommendation of denial of Zone Change #650 based on the 11 criteria for this zone change.**

**The motion carried on a 2-1 vote with Commissioner Al Littler opposing.**

**Adjournment:** The meeting adjourned at 5:15 p.m.