

**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
THURSDAY, JANUARY 03, 2019**

Public Input: *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

General Items

1. Public Hearing: Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.

Judy read the rules for the Public Hearing. Forrest Sanderson the contract City Planner introduced the agent representing the property owners, Scott Aspenlieder PE from Performance Engineering 609 29th Street. Scott informed the public hearing of the proposed annexation and initial zoning for Nutting Brothers Subdivision 2nd Filing Lot 18 and Nutting Brothers Subdivision 3rd Filing lots 19-24 all Residential Light Multi-Family(RLMF) and on Lot 25 of the 3rd Filing of Nutting Brothers Subdivision for Community Commercial. Scott said that there will be no deviations to their request for the zoning that the City currently has in the area. Scott said that there will not be any mobile homes on the property like what was proposed in an earlier annexation and zoning request. The zoning request will allow for single family homes and some commercial activity off of Yard Office Road. In the future, Scott said that a subdivision review will come later if the annexation and zoning is granted. Scott said that this request is in line with the neighbors desired the last time this property was proposed for annexation and zoning. Scott stated that no mobile home will be placed on the land. Ron Benner ask about the low density statement and the difference between the low density and high density. Forrest stated the density is medium to high in the Residential Light Multi-Family zoning. Forrest stated that the density would be moderate designation versus the low density. Forrest asked Scott that the proposal is for moderate density and will not be turned into a Planned Unit Development in the future. Scott stated that there is no plan for any deviations of the proposed zoning request. Jon asked what is the density for RLMF and Judy stated that it is in the packet. Forrest stated that for one unit they need a 6,000 square feet, 7,500 for two units, 8,500 for three, and 10,000 square feet for four units. The limit is maxed at four units and the lot coverage is forty percent. The difference between this zoning and Multi- Family (MF) zoning is that RMLF zoning limits the lots to a four plex and under the MF zoning you could build larger than a four plex as long as you have the land area needed under lot size limits. Ron stated that the Growth Management Policy adopted by the City lists the proposed zoning as high density. Ron stated that the other issue with the previous request was not the mobile homes but the traffic. Scott stated that the last request was about the mobile home designation in his opinion. Forrest stated that the last request doesn't matter today and only what is being presented today. Subdivision review will be in the future and that will have its own hearing. Ron asked about the Commercial zoning request and Forrest said that it this zoning allows for a diverse allowance for businesses that work with the Residential Districts. The district is compatible with moderate density zoning standards.

Forrest stated that the City is statutorily required to have the public hearing on both requests of annexation and zoning and Forrest is suggesting lumping together both requests because if annexation is denied then the zoning request is mute. Forrest stated that the City has an

Annexation Policy and this property is adjacent to the City and is larger than the minimum acres needed for annexation. Staff submits that this is the type of annexation that the City has desired through the Annexation Policy. The request is in line with the 2013 Growth Management Plan and public infrastructure. The executed Special Improvement District Waiver is included. The required Fees were submitted. The adjacent right of ways will also need to be annexed. The annexation will also have to include an annexation map. Staff recommendation is to approve the requested annexation by the Planning Board.

Forrest stated that the RLMF and the CC zoning are applicable zoning districts assign by the City of Laurel. Forrest stated there is no deviations of the requested zoning. Forrest finds that the zoning is in compliance with all the regulations of local and state laws. Forrest's report is attached to these minutes that goes through the required zoning and annexation statutorily requirements. This report was presented to the public in an overhead projector. In Forrest's report, the findings support approval of the zoning an annexation with the conditions that are contained in the staff report.

Forrest asked the Planning Board members if there were any more questions and the Planning Board did not have any more questions. Forrest read into the record that the Public Hearing notice was mailed out to the surrounding property owners and two letters were returned. These letters returned were to Dale and Laura Mussetter of 1920 E. Maryland Lane and Neil Gunderson of 2024 E. Maryland Lane.

The Public Hearing was opened for Public Comment. Nancy Lousch of 1608 E. Maryland Lane commented that the property was not listed on the Montana Cadastral Mapping as being owned by Goldberg Investments. Kurt Markegard, the Public Works Director, informed Nancy that the Planning Board had the ownership records in their packet and it was confirmed that they are the recorded owners of the property being requested to be annexed. Nancy commented that the traffic in the area needs to be addressed with the 55 lot mobile home park that is being built. Nancy also asked how she was to get the information to make a formal protest prior to the City Council meeting on February 5th at the next public hearing. Forrest said that he would get her the statutorily information at the close of this meeting. Scott Aspenlieder stated that they are not asking for anything that doesn't comply with the zoning in the area. They will comply with the current zoning and the rules. Scott stated that this development will fit with the neighborhood.

Judy closed the Public Hearing as there was no other public comment.

2. Judy call for a roll call of the Planning Board

Planning Board member present Ron Benner, Jerry Williams, Jonathan Klasna, Evan Bruce, Roger Giese, and Judy Goldsby. Forrest stated that a quorum is reached.

3. Approval of Minutes from 11.1.2018

Jerry motion to approve the minutes and Ron seconded the motion to approve. All members were in favor of the minutes.

New Business

4. Recommendation of Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.

Roger motioned to approve the annexation and zoning for Goldberg Investments. Jerry seconded the motion. Judy opened up the board discussion. Ron commented about the traffic from the commercial portion of this request. Ron read off many businesses that could be allowed in the community commercial zoning. Ron is concerned that traffic from these types of businesses. Jon asked Forrest what is the spacing requirements for the commercial zoning and is it similar to the residential. Forrest said there is not a lot size requirement but there is set backs from the street of twenty feet. There are no set back requirements from the side of the lots, and ten feet from a side streets and also no set back requirements from the rear of the lot. The height of any building is 25 feet and a maximum of fifty percent lot coverage. The minimum area for this type of zoning is 2.07 acres. The RLMF zoning is similar to the Community Commercial in lot size requirements. Jon asked how big lot 25 in acreage is and Forrest stated that lot 25 it is five or six acres. Ron asked if they can subdivide lot 25 into smaller lots. Forrest stated that they would have to go through subdivision regulations and that would come back to this board before the City Council would take action. Scott stated that lot 25 is nine acres. Ron spoke about the roads when the City annexes property and is concerned that the city will drop the ball when it comes to connecting the roads and making the City a livable city with connected roads. Ron stated that there are roads that have never been finished. Ron asked Kurt if the city will do their part. Kurt explained that when the City annexes land, the City must annex the entire road right of ways as required by state law. This does not give the right for the City to pass a special improvement district in the area and have the County residents pay for a portion of the costs associated of road improvement onto the county parcels. The county residents could protest this creation of special improvement district to complete road improvements. Most costs for road improvements are tied to the lots that are adjacent to the roads. Ron stated that there are roads all over the city that are not paved. Kurt stated that citizens can petition to create a special improvement district to do road improvements any time they want to if they want the improvements. There is always the concern that if fifty one percent of the lot owners protest the creation of a special improvement district. Forrest stated that on these lots being considered for annexation there is a waiver of protest document so the current property owners and any subsequent property owners cannot protest the creation of a special improvement district. Forrest also stated that there can be a late comer agreement to help the developer to recoup costs if other property owners would like to connect to improvements that the developers paid for with their development.

Judy asked if there is any public comment on the discussion for the recommendation of approval for annexation and zoning for Goldberg Investments. There was no public comment.

Judy asked for a roll call vote on the motion for approval of Nutting Brothers Subdivision Recommendation of Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing. Jerry said I, Ron yes, Jon yes, Evan yes, Roger yes, and Judy yes. The motion was approve with a unanimous yes vote.

Forrest stated that there will be a Public Hearing on February 5, 2019 at the City Council meeting at 6:30 pm.

Old Business

5. Planner Update

Matt Lurker stated that he is completing back ground references for two applicants and he is hoping that the City will have a planner in the next month. Matt stated that he would like a recommendation to the Mayor in the next few weeks.

Other Items

6. Ron asked for information to be sent out sooner so that they have a chance to review the documents prior to the meeting. Kurt stated the information was sent out a week prior to the meeting except for the zoning allowances from the Laurel Municipal Code. Kurt also stated that the board should have a book with the regulations. Kurt stated that the new board members probably have not had a chance to get all the information they need to understand all the regulations. Kurt stated that there probably should be a review of the regulations with the Planning Board members in the near future. Forrest stated that there is a booklet that has been created by the State that has the subdivision and annexation regulations laws in this booklet.

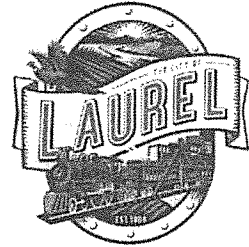
Announcements

7. Next Meeting: February 7, 2019.
8. Judy asked for a motion to adjourn the meeting. It was moved and seconded to adjourn and all were in favor. The meeting adjourned at 11:22am.

CITY HALL
115 W. 1ST ST.
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City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of Planning

Office of the Director of Public
Works

Date: January 7, 2019
To: Laurel Mayor and City Council
From: Laurel – Yellowstone City – County Planning Board and Zoning Commission
Forrest Sanderson, AICP, CFM – Contract Planner
Re: Annexation Request, Goldberg Investment LLP

BACKGROUND:

On November 13, 2018, an annexation request for Lot 18 Nutting Brothers 2nd Filing and Lots 19 – 25 Nutting Brothers 3rd Filing in Section 10, Township 2 South, Range 24 East was submitted along with a request for initial zoning. The initial zoning request, which is analyzed in a separate Report is for Residential Limited Multi-Family (RLMF) and Community Commercial (CC).

The Laurel – Yellowstone Planning Board and Zoning Commission did on January 3, 2019 conduct a public hearing on the proposed annexation request.

ANALYSIS OF REQUEST

City Council Resolution #R08-22 (March 4, 2008) and the aforementioned Application Form establishes the criteria and requirements for the annexation of property.

Standard:

1. Only parcels of land adjacent to the City of Laurel will be considered for annexation. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in size. Once the council approves the request, the applicant can apply for annexation.

Findings:

- A. The property requested for consideration is adjacent to the existing Laurel city limits;
- B. The property requested for consideration is 32.56 acres in size;
- C. The property owner (Goldberg Investments LLP) owns or has been authorized to submit the annexation petition.;

- D. Should the request for annexation be denied by the City of Laurel the request for initial zoning will not proceed further;
- E. This is the type of comprehensive annexation and initial zoning requests that are desired under the City of Laurel Annexation Policy.
- F. The annexation and initial zoning appears to be consistent with your 2013 Growth Policy. (Infrastructure, Land Use, and Transportation Sections). These sections encourage comprehensive 'big picture' looks at development, growth and the extension of public infrastructure.

MOVING FORWARD

1. The application adequately addresses the following items as required by Council Policy:
 - a. An extension of City Streets, Water, Sewer, Sidewalks, Storm Water, Curb and Gutter and how the developer/owner intends to pay for these infrastructure extensions;
 - b. An executed waiver of the right to protest the creation of SID's;
 - c. Adequate discussion of the suitability of the proposed zoning for the property to be annexed;
 - d. A notarized signature from the record property owner authorizing the annexation and requested initial zoning;
 - e. Adequate discussion of the subdivision process to create lots that conform to the minimum district requirements and use limitations imposed by the Laurel Zoning Regulations.
2. The application did include a fee for the consideration of annexation and zoning.
 - a. The fee is adequate for the application as presented.
3. The annexation map, to be prepared at the developers expense shall include all adjacent public rights-of-way

RECOMMENDATION:

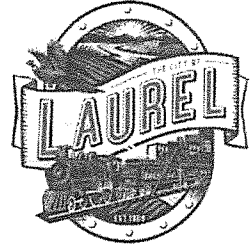
The request to proceed with annexation of Lot 18 Nutting Brothers 2nd Filing and Lots 19 – 25 Nutting Brothers 3rd Filing in Section 10, Township 2 South, Range 24 East Subdivision should be APPROVED for the following reasons:

1. The annexation request is consistent with the City of Laurel Annexation Policy.
2. The requested annexation is consistent with the 2013 Laurel Growth Policy.
3. The requested initial zoning for the properties is existing Laurel Zoning classifications.

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Office of Planning

Office of the Director of Public
Works

Date: January 7, 2019
To: Laurel Mayor and City Council
From: Laurel – Yellowstone City – County Planning Board and Zoning Commission
Forrest Sanderson, AICP, CFM – Contract Planner
Re: Initial Zoning Request, Goldberg Investment LLP

BACKGROUND:

On November 13, 2018, an annexation request for Lot 18 Nutting Brothers 2nd Filing and Lots 19 – 25 Nutting Brothers 3rd Filing in Section 10, Township 2 South, Range 24 East was submitted along with a request for annexation.

The initial zoning request is for Residential Light Multi-Family (**RLMF**) on Nutting Brothers 2nd Filing Lot 18 and Nutting Brothers 3rd Filing Lots 19 – 24 and Community Commercial (**CC**) on Lot 25 Nutting Brothers 3rd Filing.

The Laurel – Yellowstone City County Planning Board and Zoning Commission did on January 3, 2019 conduct a public hearing on the proposed initial zoning request.

ANALYSIS OF REQUEST

LEGAL DESCRIPTION: Lot 18 Nutting Brothers 2nd Filing and Lots 19 – 25 Nutting Brothers 3rd Filing in Section 10, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana

GENERAL INFORMATION

1. The RLMF is intended to provide a suitable residential environment for medium to high density residential dwellings and where possible a buffer between residential and commercial zones.
2. The CC is intended to accommodate retail, service, and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development.
3. Both the RLMF and CC zones are generally applicable existing standard Zoning Districts within the City of Laurel. Further, the zoning classifications exist on properties annexed into the City of Laurel that are adjacent to the proposed annexation and initial zoning request.

FINDINGS OF FACT

The City of Laurel is an incorporated City within the State of Montana with powers established by the City Charter. The power and processes for the City to establish zoning regulations are found in §76-2-301 et. seq. M.C.A.

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must issue findings of fact on a twelve-point test that constitutes the rational nexus/legal basis for the adoption of or amendments to a zoning district or zoning regulations, as follows:

- I. Is the zoning in accordance with the growth policy;
 - The proposed zoning regulations and map are based on the 2013 Growth Policy. A quick comparison of the Future Land Use Map verifies that the proposed zoning is consistent with the anticipated future zoning for the area.
 - The RLMF and CC zones are generally applicable existing standard Zoning Districts within the City of Laurel that are supported by the 2013 Growth Policy.
 - The zoning classifications exist on properties annexed into the City of Laurel that are adjacent to the properties proposed annexation and initial zoning request.
 - Several strategies from the Growth Policy pertaining to the residential development are met with the new zoning. Most notably; The regulations are designed to provide easier use, reuse and restoration of existing structures and properties and the regulations encourage infill development and expanded use opportunities.

Finding: The requested zoning is in accordance with the Growth Policy and other adopted rules and regulations of the City of Laurel.

- II. Is the zoning designed to lessen congestion in the streets;
 - The requested zoning encourages compact walkable development as well as expanded opportunities within new developments.
 - The requested zoning encourages compact urban development as such the need for vehicular travel is limited.
 - The requested zoning in conjunction with the development standards adopted with the Subdivision Regulations will provide for flow through development, logical extension of the gridded infrastructure network, and encourage pedestrian- friendly growth.

Finding: The requested zoning will lessen congestion in the streets by ensuring orderly growth and development of the property that is consistent with the zoning and other regulations adopted by the City of Laurel.

- III. Is the zoning designed to secure safety from fire, panic, and other dangers;
 - The requested zoning will provide for consistency in development along with provision of urban services including but not limited to water, sewer, police and fire protection.
 - The requested zoning regulations incorporates enforcement of development standards, setbacks and compliance with the Building Code program adopted by the City of Laurel.

- The requested zoning has restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous.

Finding: The recommended zoning will provide safety to residents and visitors to the City from fire, panic and other dangers.

IV. Is the zoning designed to promote health and the general welfare;

- The requested zoning imposes limitations on uses, setbacks, height limits and building restrictions.
- The requested zoning groups together like and consistent uses within existing neighborhoods.
- The requested zoning is consistent with the prevailing zoning established by the City of Laurel on lands already located within the City limits.
- The proposed zoning implements the legislative intent of the City Council, provide consistency in the administration of the regulations and encourages responsible growth and development in and adjacent to the City of Laurel.

Finding: The grouping together of like and consistent uses promotes the health and general welfare of all citizens of the City of Laurel. Further, the requested zoning is substantially consistent with the land use in the neighborhood.

V. Is the zoning designed to provide adequate light and air;

- The requested zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
- The text of the regulations in the requested zones implement the concept that the City of Laurel was developed historically on a gridded network. The requested zoning requires the perpetuation of this pattern. In doing so as the City plans for growth, the spacing and layout of new development will facilitate provision of light and air to new development.

Finding: The requested zoning will ensure the provision of adequate light and air to residents of the City through various development limitations.

VI. Is the zoning designed to prevent the overcrowding of land;

- The zoning regulations impose minimum lot size, use regulations and other limitations on development.
- The minimum lot size established with the requested zoning provides for ease of transition from rural to urban development. These standards encourage annexation to the City and development at a scale that justifies the capital extension of water and sewer while spreading the costs out on an equitable basis.
- The text of the proposed regulations encourages compact urban scale development while preventing undue overcrowding in any given segment of the community.
- The regulations encourage the creation of adaptive open space uses in conjunction with more intensive uses of property.

Finding: The existing standards of the requested zoning will prevent the overcrowding of land.

VII. Is the zoning designed to avoid undue concentration of population;

- The requested zoning is part of the holistic approach to land use regulation for the entirety of the City of Laurel and is not focused on any single special interest.
- The requested zoning takes advantage of areas that were created and intended as suitable for residential and commercial uses.
- The existing RLMF regulations are a part of the City residential zoning districts that provide a continuum of residential densities and managed development to create land use compatibility.
- The existing CC regulations are a part of the City commercial zoning districts that provide a tiered set of commercial uses, bulk of structures, and densities to enhance land use compatibility within the City.
- The requested zoning imposes minimum lot sizes, reasonable use restrictions on the subject properties, fencing limitations and setback standards.

Finding: The existing standards of the requested zoning will prevent the undue concentration of population by encouraging the most appropriate use and development on the subject property.

VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

- The existing RLMF regulations are a part of the City residential zoning districts that provide a continuum of residential densities and managed development to create land use compatibility.
- The existing CC regulations are a part of the City commercial zoning districts that provide a tiered set of commercial uses, bulk and densities to enhance land uses within the City.
- The prevailing zoning along with the City Subdivision Regulations establishes minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
- The prevailing zoning encourages compact urban scale development and groups together similar uses that will not detract from the quality of life expected in Laurel while providing the economies of scale to extend water, sewer, streets, parks, quality schools and other public requirements.

Finding: The standards of the requested zoning will ensure the adequate provision of transportation, water, sewerage, school, parks and other public requirements.

IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;

- The requested zoning (CC and RLMF) specify development standards and solidify the legislative intent of the City Council that was stated in the initial adoption of the regulations and the 2013 Growth Policy.

- The proposed changes do not impact any of the adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.
- The petitioner has not proposed to change height limits and other building restrictions. These restrictions ensure compatible development.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods currently within the City of Laurel.

Finding: The requested zoning gives due consideration to the character of the existing neighborhoods, within the City as well as suitability for the particular uses.

X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;

- The requested zoning assignments are districts created by the City to implement the significant sections of the 2013 Growth Policy.
- The 2013 Growth Policy represented a major turning point in the theory of land use and land use regulation for the City of Laurel.
- The Growth Policy ties directly to and values the City's history and existing use of property and structures, the tools used to encourage development of property needed to be designed to reflect this change in direction.
- The proposed changes do not impact any of the currently adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods currently within the City of Laurel.

Finding: The recommended zoning gives reasonable consideration to the peculiar suitability of the property for its particular uses.

XI. Will the zoning conserve the value of buildings;

- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The requested zoning reinforces that RLMF (residential) and CC (commercial) flexibility in the location and development of the permitted and conditionally permitted uses. In doing so the value of both residential and commercial properties is enhanced.
- The RLMF and the CC are compatible adjoining land uses per the 2013 Growth Policy.
- The requested zoning was proposed by the property owner. Any consideration of the value of existing buildings on the property would have been considered in the selection of the available Laurel Zoning Districts.
- Where the requested zoning is currently in place on surrounding properties the value of existing buildings should not be impacted because of the development of property with the same land use restrictions as the adjoining property.

Finding: The recommended zoning will conserve or in many cases enhance the value of buildings.

XII. Will the zoning encourage the most appropriate use of land throughout the municipality?

- The requested zoning provides for grouping like and compatible uses.
- The proposed zoning recognizes that buildings that are in residential or commercial areas have options either to remain as they are or to be utilized in a manner that reflect the highest and best use, in the owner's opinion, for the subject property.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.

Finding: The recommended zoning will encourage the most appropriate use of land throughout the municipality.

RECOMMENDATIONS AND CONDITIONS OF APPROVAL

Staff Recommends that the Zoning Commission find that the proposed Zoning Assignment submitted by Goldberg LLP reflects the 2013 Growth Policy; that the rational nexus for the adoption of zoning has been met or exceeded by the proposed amendments; and that the citizens of Laurel have participated in the amendment of the Zoning Regulations.

The request to proceed with initial zoning of Lot 18 Nutting Brothers 2nd Filing and Lots 19 – 25 Nutting Brothers 3rd Filing in Section 10, Township 2 South, Range 24 East Subdivision should be APPROVED subject to the following conditions:

1. The annexation request is completed in accordance with Montana Law and the City of Laurel Annexation Policy.
2. The zoning shall be assigned at the time of filing the annexation map.
3. That all adjacent public road rights of way outside of the boundaries of the Goldberg LLP properties shall be included on the final annexation map and the exhibit prepared for final approval of the annexation by the City Council.



**AGENDA
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
THURSDAY, JANUARY 03, 2019
10:00 AM
CITY COUNCIL CHAMBERS**

Public Input: *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

General Items

1. Public Hearing: Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.
2. Approval of Minutes from 11.1.2018

New Business

3. Recommendation of Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.

Old Business

4. Planner Update

Other Items

Announcements

Next Meeting: February 7, 2019

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.

DATES TO REMEMBER

Backup material for agenda item:

Approval of Minutes from 11.1.2018

MINUTES

CITY OF LAUREL

City/County Planning Board

11/01/2018 10:00 AM

City Council Chambers

COMMITTEE MEMBER PRESENT:

Judy Goldsby, Chair John Klasna

Even Bruce Roger Giese

Jerry Williams

OTHERS PRESENT:

Forrest Sanderson, Contract Planner KLJ

Richard Herr, Bob Ulrich, Kris Voge, Linda Frickel, Kathleen Gilluly, Dan Koch

1. Public Comment- none

2. General Items

- a. Approval of the previous minutes was approved
- b. Public Hearing Vue and Brew in the Central Business District. Judy read the rules for the public hearing and Forrest read the application and the process for advancing the request through the City-County Planning and City Council.

Judy asked if there was any proponents of the special review request. Kris Voge who lives at 306 East 4th Street spoke as one of the owners of the LLC that operates the Vue and Brew. Kris is also the applicant of the special request and informed the Planning Board of his intentions on the sale of alcohol at the Vue and Brew. Kris stated that all monies from the sale of alcohol will go to Sonny O'Days as per Montana Statue and that they plan on working with Sonny O'Days for staffing and sale of the alcohol in a concession agreement. Kris also stated that they received sixty comments on their Facebook page with fifty nine of those comments in support and Kris welcomed anyone to go and view the Vue and Brew's Facebook page. Linda Frickel who lives at 1737 Groshell Boulevard and was the previous owner of the Owl Café for over twenty years had the same concession agreement with Sonny O'Days and received no monies from the sale of alcohol but wanted to offer the opportunity for her customers to consume alcohol at the Owl Café. Linda is in support of this application and would like the Planning Board to also support their plans. Linda stated she has been a customer of the Vue and Brew since it opened and enjoys watching movies in Laurel. Judy asked for additional proponents twice and no additional proponents came forward. Judy then asked for any opponents three times and no opponents came forward to speak. Forrest read into the record an email he received from Shannon Cole-

Merchen on October 30, 2018. This email was in support of the proposal to allow for the alcohol sale and consumption at the Vue and Brew. The Public Hearing was closed.

3. New Business

- a. Judy asked the Planning Board members if they had any questions about the special review for the Vue and Brew about the sale and consumption of alcohol. Roger asked about the location in the building where the alcohol will be served. Kris stated that there is a separate area as you walk in through a window is where the alcohol will be sold. Kris stated that it would be similar to what the Billing Exchange does at the Metra. Kris stated one of the stipulations is that you cannot have an area where minors can access the storage of alcohol. Kris said that the concession employees will not be in the same area as the sale of alcohol. Evan asked if the area was going to be in the area of ticket sales. Kris stated that the area would be right as you walk in the building off to the side, it will be its own separate area. Roger asked about the relationship between Sonny O'Days and the Owl Café and now with the Vue and Brew. Judy stated that it will be up to the State of Montana to decide. Kris stated there will be a concession agreement with Sonny O'Days and Sonny O'Days will have the responsibility to for all requirements including liability insurance. Roger asked Kris if he felt it was necessary for there to be another avenue to sell alcohol in this city. Kris stated that the word "necessary" may not be the word but he feels that many customers would like to have a beverage while they watch their movie. Roger asked if they can take it into the movie with them or do they have to consume it in a special area. Kris stated within the confines of the entire building. Evan asked about training of the employees that will serve the alcohol. Kris states that the shared employees will be trained per the state guidelines. Evan asked if they sought out the transfer of the license into the Vue and Brew name. Kris said no. John stated that Kris is providing a space for the continuance of Sonny O'Days to operate and Kris said yes. Roger asked if they have submitted this to the state yet and Kris said that they have not. Kris stated they needed to have the City signed off on the request before they submitted the application to the State. Jerry stated that he thinks it is a great idea personally. Jerry also stated that he can see that this will help this business stay open. Forrest read his statement of analysis and finds that the application and comments from the public hearing are adequate for the board's consideration of approval with two conditions. Those conditions are that the operation and management of the facility shall be in accordance with the application, plans and testimony to this board and that they comply with City of Laurel's Codes and they comply with State Rules and Regulations. John asked about the Church next door that uses the building for youth events. Forrest stated that the standard to be further than 600 feet from a place of worship is waived in the Central Business District. Judy said that they rarely use the building for youth activities. Judy stated that Roger made the motion to approve the Special Use and forward it onto City Council for approval and was needing a seconding on the motion. Evan seconded the motion and all board members were in favor with a roll call vote. Forrest stated that this recommendation would be forwarded onto the next City Council Workshop and posted as required.
- b. Forrest presented the final plat application for Russel Minor Subdivision that had been previously approved by this board and by the Yellowstone County Commissioners. John made

the motion to approve Judy signing the final plat for approval. Evan questioned the location of the subdivision and Forrest explained and showed the check print of the subdivision to the board. Jerry seconded the motion and all board members approved.

- c. Forrest explained the CDBG Grants and what they can be used for like Growth Management Policy or a Capital Improvement Plan. Subdivision regulations could also be reviewed with this type of grant. Forrest stated that these are really competitive grants and the City will be prepared to apply for a grant as to what the City Council will. Jerry asked about traffic issues and grants for a traffic study. Judy spoke of the previous transportation grant and Forrest stated that there are other ways to get funds for urban transportation plan. John asked if there are two grants to apply for and Forrest indicated that all plans are presented to City Council and the City Council then determines what the priority will be and they will vote for the highest priority for funding. Forrest stated you can only submit one application per funding application. Evan asked what the grant will applied for and Judy stated that is what has to be determined. Evan asked where the public hearings would take place and Forrest said it would be at the City Council meetings. Judy said that the planning board is an advisory committee. Jerry stated that if we are to grow that the traffic issues needs to be resolved. Judy asked the members to review the growth management plan and the traffic study that was previously prepared for the City.

4. Old Business

- a. Planner Update- Forrest said the City received one application so far.

5. Other- Jerry asked about improvements at Riverside Park. Judy briefed the board that the process is moving forward

6. Announcements- Next meeting scheduled December 6th, 2018. Forrest said so far there is nothing on the agenda.

7. Adjournment was called for by Judy, Roger motioned to adjourn with John seconding the motion, all were in favor and the meeting adjourned at 10:55am.

Respectfully Submitted,

Kurt Markegard

Backup material for agenda item:

Recommendation of Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.

**Corrected notice for City Council hearing date. Planning Board
time/date did not change.**

PUBLIC HEARING NOTICE

The Laurel – Yellowstone Planning Board and Zoning Commission will conduct a public hearing on a proposed annexation and initial zoning request submitted by Goldberg Investment LLP to the City of Laurel, Montana. The hearing is scheduled for **10:00 A.M., in the City Council Chambers at City Hall, 115 West First Street, Laurel, Montana, on Thursday, January 3, 2019.**

Additionally, the City Council has scheduled a public hearing and consideration of adoption, by Ordinance, on First Reading the proposed annexation and initial zoning request. The City Council public hearing is scheduled for **6:30 P.M., in the City Council Chambers at City Hall, 115 West First Street, Laurel, Montana, on Tuesday, February 5, 2019.**

Specifically, Goldberg Investment has proposed to annex Nutting Brothers 2nd Filing Lot 18 and Nutting Brothers 3rd Filing Lots 19 – 25 located in Section 10, Township 2 South, Range 24 East, into the City of Laurel, Yellowstone County, Montana.

Additionally, Goldberg Investments has proposed and initial zoning upon annexation of Residential Light Multi-Family (RLMF) on Nutting Brothers 2nd Filing Lot 18 and Nutting Brothers 3rd Filing Lots 19 – 24 and Community Commercial (CC) on Lot 25 Nutting Brothers 3rd Filing.

The RLMF is intended to provide a suitable residential environment for medium to high density residential dwellings and where possible a buffer between residential and commercial zones. The CC is intended to accommodate retail, service, and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development. Both the RLMF and CC zones exist on properties annexed into the City of Laurel that are adjacent to the proposed annexation and initial zoning request.

A copy of the annexation petition and initial zoning request are available for public review at The City Planners Office during regular business hours. Questions may be directed to the Laurel Public Works Department at 628-4796. Public comment is encouraged.



November 13, 2018

Mr. Forrest Sanderson, AICP
Laurel City Planner
City of Laurel
115 West 1st Street
Laurel, MT 59044

RE: Annexation and Zoning of Nutting Bros Subdivision Lots 5, 18-24

Dear Mr. Sanderson:

This letter is accompanying a full annexation application, with requested zoning, for Lots 5, and 18-24 of the Nutting Bros Subdivision on the eastern boundary of the City of Laurel. We are requesting specific zoning be applied at the time of annexation into the City of Laurel. The application, maps and supplementary information outline the request and satisfy the application requirements as laid out in our pre-application meeting and the application itself. Below is a summary of the discussions we've had as part of the application process, provided to memorialize and ensure all reviewing parties are informed of the application and properties past and proposed future.

This property has went through a formal Yellowstone County Zone Change application and City of Laurel Annexation application in the past with a prior development group. That application requested a zoning of Residential Manufactured Homes (RMH) over the entire property. Much of the discussion and opposition to that application revolved around the continuation of manufactured or mobile home units being placed on the property and its fit with adjacent neighborhoods. Much of the comment from the neighborhood suggested that this property should be developed with stick-built rooftops and family homes. As such the zoning and annexation into the City of Laurel were denied and the development did not occur.

The new development group, Goldberg Developments, is proposing a wholly different type of style of development for the property and the City's consideration. The developer is applying for annexation and requesting approximately 9 acres along the Yard Office Road be zoned Community Commercial (CC) and the remaining 23 acres north of Eleanor Roosevelt Drive be zoned Residential Light Multi-Family (RLMF). The intent is to allow for some light commercial development and business park along Yard Office Road while providing the community with buildable single family residential lots allowing for some multi-family development interspersed within the development. This request matches the requests of the



adjacent neighborhoods for single family, stick built housing in the area while still matching the zoning of adjacent properties to the south and east.

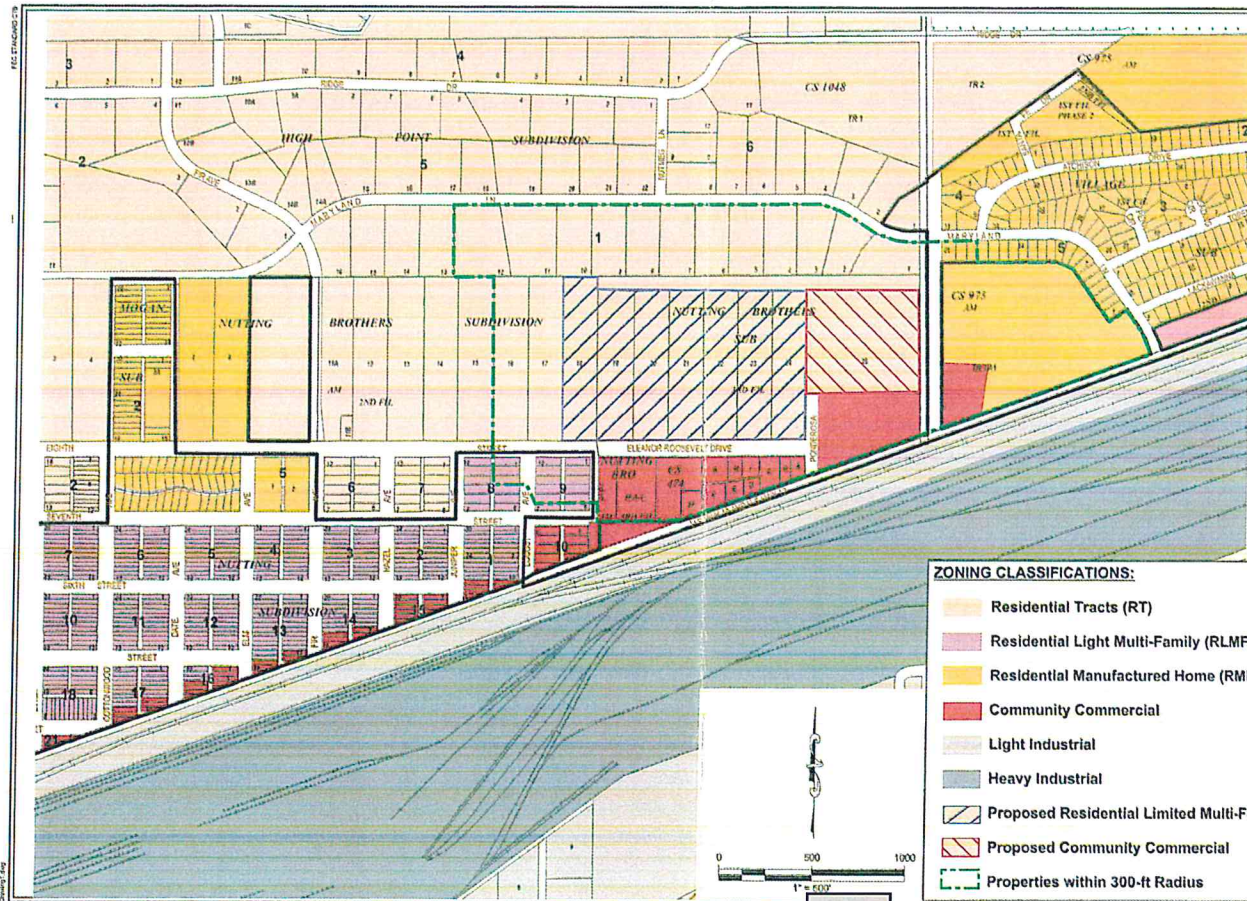
This project will help serve as an infill project for the City, tying to existing utilities located along its boundary. The proposed project will help to reduce the cost of basic services provided to the area by adding to the City's rate payer base. Commercial businesses along Yard Office Road will help to offset the cost of services to the area while addition to the tax base of the City. The proposed RLMF will add to the diversity of housing for the community and allow for the desired residential stick-built homes in the area. All of these items align with the goals of the City of Laurel Growth Policy.

During our pre-application meeting it was suggested that a meeting be set with Public Works Director Kurt Markegard to discuss system capacity of the water and wastewater facilities. Performance Engineering and the developer met with Mr. Markegard to discuss the proposed zoning and potential for development of the property. System capacities were specifically discussed in the meeting to which it was noted by Mr. Markegard that there is sufficient capacity in the treatment facilities to handle the potential demand from the development. There may be potential collection and distribution upgrades required of the developer along Eleanor Roosevelt/8th Ave. but those would be based on system modeling. At this time there were no major red flags for the development based on the capacity of the system.

We are excited about the proposed project annexation and zoning request as we believe it will start laying the ground work for continued expansion, growth, and prosperity on the eastern edge of Laurel. It is our hope that this application will receive favorable consideration from the City of Laurel and we look forward to working with the Planning Board and City Council through the process. Please do not hesitate to call should you have any questions at 406-384-0080.

Best Regards,


Scott Aspenlieder, PE
Project Manager



ZONING CLASSIFICATIONS:

- Residential Tracts (RT)
- Residential Light Multi-Family (RLMF)
- Residential Manufactured Home (RMH)
- Community Commercial
- Light Industrial
- Heavy Industrial
- Proposed Residential Limited Multi-Family
- Proposed Community Commercial
- Properties within 300-ft Radius



GOLDBERG INVESTMENTS

SHEET TITLE
YARD OFFICE SUBDIVISION
PROPOSED ZONING MAP

PROJECT NUMBER	2018-017
SHEET NUMBER	1 OF 1
DRAWING NUMBER	EX 1

**CITY OF LAUREL, MONTANA
REQUEST FOR ANNEXATION
AND PLAN OF ANNEXATION**

Applicant is required to meet with the City Planner prior to filling out this application. All blanks of this application are to be filled in with explanation by the applicant. Incomplete applications will not be accepted.

1. Only parcels of land adjacent to the City of Laurel municipal limits will be considered for annexation. "Adjacent to" also includes being across a public right of way. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in. Once the council approves the request, the applicant can apply for annexation.
2. Applicant landowner's name: Goldberg Investments, LLP
Address: P.O. Box 907, Laurel, MT 59044
Phone: (406) 360-6364
3. Parcel to be annexed: (If it is not surveyed or of public record, it must be of public record PRIOR to applying for annexation.) NOTTING BROS 2ND FILING, S16, T02 S, R24 E, LOT 18, & LTS 19-25
Legal description: NOTTING BROS 3RD 32.56 AC (07)
Lot size: 32.56 AC
Present use: AGRICULTURE
Planned use: RESIDENTIAL AND COMMERCIAL
Present zoning: RESIDENTIAL TRACTS
(Land which is being annexed automatically becomes zoned R-7500 when it is officially annexed [City ordinance 17.12.220])
4. City services: The extension of needed city services shall be at the cost of the applicant after annexation by the city has been approved. As part of the application process, each of the following city services must be addressed with an explanation:

Water Service:

Location of existing main: 4-inch water main located along southern and eastern boundaries of property.
Cost of extension of approved service: TBD
How cost determined: WILL BE BID BY CONTRACTORS
Timeframe for installation: 2019

Sewer Service:

Sewer located at both intersections of Yard Office/Maryland and 8th St./Lumpkin Ave. Likely to require force main connection west to system along 8th St.
Location of existing main: Ave. Likely to require force main connection west to system along 8th St.
Cost of extension of approved service: TBD
How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for installation: 2019

How financed: PRIVATE CONTRACT

Streets:

Is there any adjoining County ROW to the proposed

annexation: YES

Location of existing paved access: YARD OFFICE RD. & ELEANOR ROOSEVELT DR.

Cost of paving: TBD

How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for construction: 2019

Other required improvements: Provide above information on attached pages.

5. A map suitable for review of this application of the proposed area to be annexed must be submitted with this application.
6. A written Waiver of Protest must accompany this application, suitable for recording and containing a covenant to run with the land to be annexed, waiving all right of protest to the creation by the city of any needed improvement district for construction or maintenance of municipal services. This Waiver of Protest must be signed by the applicant prior to annexation by the city.
7. Requests for annexations are referred to the City-County Planning Board for recommendation to the City Council. Within 30 days after receiving the properly filled out application with all required accompaniments and after conducting a duly advertised public hearing, the City-County Planning Board shall make recommendation to the City Council as to this Request for Annexation. If more information is needed from the applicant during the review of the application, such application shall be deemed incomplete and the timeframe for reporting to the City Council extended accordingly, in needed.
8. A non-refundable application fee of \$300 + \$25.00 per acre (80 acres or less); \$300 + \$35.00 per acres (81 acres or more) must accompany the submission of this application.

The City Council of the City of Laurel, Montana, after review and consideration of this Application for Annexation, found such to be in the best interest of the City, that it complied with state code, and approved this request at its City Council meeting of _____.

AFFIDAVIT OF WAIVER OF PROTEST
BEFORE THE CITY COUNCIL
OF THE CITY OF LAUREL, MONTANA

FOR THE ANNEXATION OF THE HEREIN DESCRIBED PROPERTY AND CREATION OF
ANY FUTURE SPECIAL IMPROVEMENT DISTRICT

The undersigned hereby waives protest to the annexation of the property described below by the City of Laurel. Undersigned also waives their right to seek judicial review under M.C.A. § 7-2-4741 (2007), subsequent to the City's annexation of the below described property.

The undersigned hereby additionally waives protest to the creation of future Special Improvement District(s) created and/or formed for future street improvements including, but not limited to, paving, curbs, gutter, sidewalk and storm drainage or any other lawful purpose.

This Affidavit is submitted pursuant to and as a part of the Annexation Agreement and future contemplated Subdivision Improvement Agreement (SIA) with the City of Laurel.

This Affidavit of Waiver shall run with the land and shall forever be binding upon the Grantee, their transferees, successors and assigns.

LEGAL DESCRIPTION OF THE PROPERTY:

"NUTTING DRGS 2ND FILING, S10, T02 S, R24 E, LOT 18 & LOTS 19-25 (NUTTING DRGS 3RD (07))"

DATED this 7th day of November, 2018

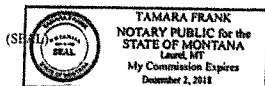
Amg J
Grantee Name
(Company..)

STATE OF Montana)

County of Yellowstone) ss.

On this day of 7th of November, 2018, personally appeared before me,
Anthony J. Golden proved to me on the basis of satisfactory evidence to be
the person(s) whose name(s) are subscribed to this instrument, and acknowledged the he/she/they executed
the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day
and year in this certificate first above written.

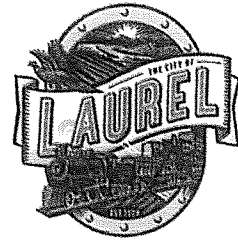


Tamara Frank
Notary Public for the State of Montana
Residing at: Laurel, MT
My Commission Expires: 12-02-2018

CITY HALL
115 W. 1ST ST.
PUB. WORKS: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
FAX 628-2241

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of Planning

Office of the Director of Public
Works

Date: November 21, 2018

To: Laurel – Yellowstone City – County Planning Board and Zoning Commission

From: Forrest Sanderson, AICP, CFM – Contract Planner

Re: Annexation Request, Goldberg Investment LLP

BACKGROUND:

On November 13, 2018, an annexation request for Lot 18 Nutting Brothers 2nd Filing and Lots 19 – 25 Nutting Brothers 3rd Filing in Section 10, Township 2 South, Range 24 East was submitted along with a request for initial zoning. The initial zoning request, which is analyzed in a separate Report is for Residential Limited Multi-Family (RLMF) and Community Commercial (CC).

ANALYSIS OF REQUEST

City Council Resolution #R08-22 (March 4, 2008) and the aforementioned Application Form establishes the criteria and requirements for the annexation of property.

Standard:

1. Only parcels of land adjacent to the City of Laurel will be considered for annexation. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in size. Once the council approves the request, the applicant can apply for annexation.

Findings:

- A. The property requested for consideration is adjacent to the existing Laurel city limits;
- B. The property requested for consideration is 32.56 acres in size;
- C. The property owner (Goldberg Investments LLP) owns or has been authorized to submit the annexation petition.;
- D. Should the request for annexation be denied by the City of Laurel the request for initial zoning will not proceed further;

- E. This is the type of comprehensive annexation and initial zoning requests that are desired under the City of Laurel Annexation Policy.
- F. The annexation and initial zoning appears to be consistent with your 2013 Growth Policy. (Infrastructure, Land Use, and Transportation Sections). These sections encourage comprehensive 'big picture' looks at development, growth and the extension of public infrastructure.

MOVING FORWARD

- 1. The application adequately addresses the following items as required by Council Policy:
 - a. An extension of City Streets, Water, Sewer, Sidewalks, Storm Water, Curb and Gutter and how the developer/owner intends to pay for these infrastructure extensions;
 - b. An executed waiver of the right to protest the creation of SID's;
 - c. Adequate discussion of the suitability of the proposed zoning for the property to be annexed;
 - d. A notarized signature from the record property owner authorizing the annexation and requested initial zoning;
 - e. Adequate discussion of the subdivision process to create lots that conform to the minimum district requirements and use limitations imposed by the Laurel Zoning Regulations.
- 2. The application did include a fee for the consideration of annexation and zoning.
 - a. The fee is adequate for the application as presented.
- 3. The annexation map, to be prepared at the developers expense shall include all adjacent public rights-of-way

RECOMMENDATION:

The request to proceed with annexation of Lot 18 Nutting Brothers 2nd Filing and Lots 19 – 25 Nutting Brothers 3rd Filing in Section 10, Township 2 South, Range 24 East Subdivision should be APPROVED for the following reasons:

- 1. The annexation request is consistent with the City of Laurel Annexation Policy.
- 2. The requested annexation is consistent with the 2013 Laurel Growth Policy.
- 3. The requested initial zoning for the properties is existing Laurel Zoning classifications.

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City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of Planning

Office of the Director of Public
Works

Date: November 30, 2018
To: Laurel – Yellowstone City – County Planning Board and Zoning Commission
From: Forrest Sanderson, AICP, CFM – Contract Planner
Re: Initial Zoning Request, Goldberg Investment LLP

BACKGROUND:

On November 13, 2018, an annexation request for Lot 18 Nutting Brothers 2nd Filing and Lots 19 – 25 Nutting Brothers 3rd Filing in Section 10, Township 2 South, Range 24 East was submitted along with a request for annexation.

The initial zoning request is for Residential Light Multi-Family (**RLMF**) on Nutting Brothers 2nd Filing Lot 18 and Nutting Brothers 3rd Filing Lots 19 – 24 and Community Commercial (**CC**) on Lot 25 Nutting Brothers 3rd Filing.

ANALYSIS OF REQUEST

LEGAL DESCRIPTION: Lot 18 Nutting Brothers 2nd Filing and Lots 19 – 25 Nutting Brothers 3rd Filing in Section 10, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana

GENERAL INFORMATION

1. The RLMF is intended to provide a suitable residential environment for medium to high density residential dwellings and where possible a buffer between residential and commercial zones.
2. The CC is intended to accommodate retail, service, and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development.
3. Both the RLMF and CC zones are generally applicable existing standard Zoning Districts within the City of Laurel. Further, the zoning classifications exist on properties annexed into the City of Laurel that are adjacent to the proposed annexation and initial zoning request.

FINDINGS OF FACT

The City of Laurel is an incorporated City within the State of Montana with powers established by the City Charter. The power and processes for the City to establish zoning regulations are found in §76-2-301 et. seq. M.C.A.

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must issue findings of fact on a twelve-point test that constitutes the rational nexus/legal basis for the adoption of or amendments to a zoning district or zoning regulations, as follows:

I. Is the zoning in accordance with the growth policy;

- The proposed zoning regulations and map are based on the 2013 Growth Policy. A quick comparison of the Future Land Use Map verifies that the proposed zoning is consistent with the anticipated future zoning for the area.
- The RLMF and CC zones are generally applicable existing standard Zoning Districts within the City of Laurel that are supported by the 2013 Growth Policy.
- The zoning classifications exist on properties annexed into the City of Laurel that are adjacent to the properties proposed annexation and initial zoning request.
- Several strategies from the Growth Policy pertaining to the residential development are met with the new zoning. Most notably; The regulations are designed to provide easier use, reuse and restoration of existing structures and properties and the regulations encourage infill development and expanded use opportunities.

Finding: The requested zoning is in accordance with the Growth Policy and other adopted rules and regulations of the City of Laurel.

II. Is the zoning designed to lessen congestion in the streets;

- The requested zoning encourages compact walkable development as well as expanded opportunities within new developments.
- The requested zoning encourages compact urban development as such the need for vehicular travel is limited.
- The requested zoning in conjunction with the development standards adopted with the Subdivision Regulations will provide for flow through development, logical extension of the gridded infrastructure network, and encourage pedestrian- friendly growth.

Finding: The requested zoning will lessen congestion in the streets by ensuring orderly growth and development of the property that is consistent with the zoning and other regulations adopted by the City of Laurel.

III. Is the zoning designed to secure safety from fire, panic, and other dangers;

- The requested zoning will provide for consistency in development along with provision of urban services including but not limited to water, sewer, police and fire protection.
- The requested zoning regulations incorporates enforcement of development standards, setbacks and compliance with the Building Code program adopted by the City of Laurel.

- The requested zoning has restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous.

Finding: The recommended zoning will provide safety to residents and visitors to the City from fire, panic and other dangers.

IV. Is the zoning designed to promote health and the general welfare;

- The requested zoning imposes limitations on uses, setbacks, height limits and building restrictions.
- The requested zoning groups together like and consistent uses within existing neighborhoods.
- The requested zoning is consistent with the prevailing zoning established by the City of Laurel on lands already located within the City limits.
- The proposed zoning implements the legislative intent of the City Council, provide consistency in the administration of the regulations and encourages responsible growth and development in and adjacent to the City of Laurel.

Finding: The grouping together of like and consistent uses promotes the health and general welfare of all citizens of the City of Laurel. Further, the requested zoning is substantially consistent with the land use in the neighborhood.

V. Is the zoning designed to provide adequate light and air;

- The requested zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
- The text of the regulations in the requested zones implement the concept that the City of Laurel was developed historically on a gridded network. The requested zoning requires the perpetuation of this pattern. In doing so as the City plans for growth, the spacing and layout of new development will facilitate provision of light and air to new development.

Finding: The requested zoning will ensure the provision of adequate light and air to residents of the City through various development limitations.

VI. Is the zoning designed to prevent the overcrowding of land;

- The zoning regulations impose minimum lot size, use regulations and other limitations on development.
- The minimum lot size established with the requested zoning provides for ease of transition from rural to urban development. These standards encourage annexation to the City and development at a scale that justifies the capital extension of water and sewer while spreading the costs out on an equitable basis.
- The text of the proposed regulations encourages compact urban scale development while preventing undue overcrowding in any given segment of the community.
- The regulations encourage the creation of adaptive open space uses in conjunction with more intensive uses of property.

Finding: The existing standards of the requested zoning will prevent the overcrowding of land.

VII. Is the zoning designed to avoid undue concentration of population;

- The requested zoning is part of the holistic approach to land use regulation for the entirety of the City of Laurel and is not focused on any single special interest.
- The requested zoning takes advantage of areas that were created and intended as suitable for residential and commercial uses.
- The existing RLMF regulations are a part of the City residential zoning districts that provide a continuum of residential densities and managed development to create land use compatibility.
- The existing CC regulations are a part of the City commercial zoning districts that provide a tiered set of commercial uses, bulk of structures, and densities to enhance land use compatibility within the City.
- The requested zoning imposes minimum lot sizes, reasonable use restrictions on the subject properties, fencing limitations and setback standards.

Finding: The existing standards of the requested zoning will prevent the undue concentration of population by encouraging the most appropriate use and development on the subject property.

VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

- The existing RLMF regulations are a part of the City residential zoning districts that provide a continuum of residential densities and managed development to create land use compatibility.
- The existing CC regulations are a part of the City commercial zoning districts that provide a tiered set of commercial uses, bulk and densities to enhance land uses within the City.
- The prevailing zoning along with the City Subdivision Regulations establishes minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
- The prevailing zoning encourages compact urban scale development and groups together similar uses that will not detract from the quality of life expected in Laurel while providing the economies of scale to extend water, sewer, streets, parks, quality schools and other public requirements.

Finding: The standards of the requested zoning will ensure the adequate provision of transportation, water, sewerage, school, parks and other public requirements.

IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;

- The requested zoning (CC and RLMF) specify development standards and solidify the legislative intent of the City Council that was stated in the initial adoption of the regulations and the 2013 Growth Policy.

- The proposed changes do not impact any of the adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.
- The petitioner has not proposed to change height limits and other building restrictions. These restrictions ensure compatible development.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods currently within the City of Laurel.

Finding: The requested zoning gives due consideration to the character of the existing neighborhoods, within the City as well as suitability for the particular uses.

X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;

- The requested zoning assignments are districts created by the City to implement the significant sections of the 2013 Growth Policy.
- The 2013 Growth Policy represented a major turning point in the theory of land use and land use regulation for the City of Laurel.
- The Growth Policy ties directly to and values the City's history and existing use of property and structures, the tools used to encourage development of property needed to be designed to reflect this change in direction.
- The proposed changes do not impact any of the currently adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods currently within the City of Laurel.

Finding: The recommended zoning gives reasonable consideration to the peculiar suitability of the property for its particular uses.

XI. Will the zoning conserve the value of buildings;

- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The requested zoning reinforces that RLMF (residential) and CC (commercial) flexibility in the location and development of the permitted and conditionally permitted uses. In doing so the value of both residential and commercial properties is enhanced.
- The RLMF and the CC are compatible adjoining land uses per the 2013 Growth Policy.
- The requested zoning was proposed by the property owner. Any consideration of the value of existing buildings on the property would have been considered in the selection of the available Laurel Zoning Districts.
- Where the requested zoning is currently in place on surrounding properties the value of existing buildings should not be impacted because of the development of property with the same land use restrictions as the adjoining property.

Finding: The recommended zoning will conserve or in many cases enhance the value of buildings.

XII. Will the zoning encourage the most appropriate use of land throughout the municipality?

- The requested zoning provides for grouping like and compatible uses.
- The proposed zoning recognizes that buildings that are in residential or commercial areas have options either to remain as they are or to be utilized in a manner that reflect the highest and best use, in the owner's opinion, for the subject property.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.

Finding: The recommended zoning will encourage the most appropriate use of land throughout the municipality.

RECOMMENDATIONS AND CONDITIONS OF APPROVAL

Staff Recommends that the Zoning Commission find that the proposed Zoning Assignment submitted by Goldberg LLP reflects the 2013 Growth Policy; that the rational nexus for the adoption of zoning has been met or exceeded by the proposed amendments; and that the citizens of Laurel have participated in the amendment of the Zoning Regulations.

The request to proceed with initial zoning of Lot 18 Nutting Brothers 2nd Filing and Lots 19 – 25 Nutting Brothers 3rd Filing in Section 10, Township 2 South, Range 24 East Subdivision should be APPROVED subject to the following conditions:

1. The annexation request is completed in accordance with Montana Law and the City of Laurel Annexation Policy.
2. The zoning shall be assigned at the time of filing the annexation map.
3. That all adjacent public road rights of way outside of the boundaries of the Goldberg LLP properties shall be included on the final annexation map and the exhibit prepared for final approval of the annexation by the City Council.

Chapter 17.16**RESIDENTIAL DISTRICTS****Sections:****17.16.010 List of uses.****17.16.020 Zoning classified in districts.****17.16.010 List of uses.**

Table 17.16.010 designates the special review (SR) and allowed uses (A) in residential districts. (Ord. 04-1 (part), 2004; Ord. 01-4 (part), 2001; Ord. 99-22, 1999: Ord.

96-5 (part), 1996; Ord. 1049, 1992; Ord. 1026, 1992; Ord. 997, 1991; prior code § 17.28.010)

17.16.020 Zoning classified in districts.

Zoning for residential districts is classified in and subject to the requirements of Table 17.16.020. (Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; Ord. 05-13, 2005; Ord. 99-23, 1999: Ord. 96-5 (part), 1996; Ord. 94-5, 1994: Ord. 1068, 1993; Ord. 1065, 1993; Ord. 820, 1985: prior code § 17.28.020)

Table 17.16.010

	RE 22,000	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Accessory building or use incidental to any permitted residential use customarily in connection with the principal building and located on the same land parcel as the permitted use		A	A	A	A	A	A	A	A
Animals (see zoning district description for specifics)								A	
Automobile parking in connection with a permitted residential use		A	A	A	A	A	A	A	A
Bed and breakfast inn		SR	SR	SR	SR	SR	SR	SR	SR
Boarding and lodging houses		SR	SR	SR	SR	SR	SR	SR	SR
Cell towers (see Sections 17.21.020—17.21.040)									
Cemetery		SR	SR	SR	SR	SR	SR	SR	
Child care facilities									
Family day care home		A	A	A	A	A	A	A	A
Group day care home		A	A	A	A	A	A	A	A
Day care center		SR	SR	SR	SR	SR	SR	SR	SR
Churches and other places of worship including parish house and Sunday school buildings		SR	SR	SR	SR	SR	SR	A	SR
Communication towers (see Sections 17.21.020—17.21.040)									
Community residential facilities serving eight or fewer persons		A	A	A	A	A	A	A	A
Community residential facilities serving nine or more persons		SR	SR	SR	SR	SR	SR	SR	SR
Orphanages and charitable institutions		SR	SR	SR	SR	SR	SR	A	SR
Convents and rectories		SR	SR	SR	SR	SR	SR	A	SR
Crop and tree farming, greenhouses and truck gardening									
Day care facilities		SR	SR	SR	SR	SR	SR	SR	SR
Kennels (noncommercial)		A	A	A	A	A	A	A	A
Dwellings Single-family		A	A	A	A	A	A	A	A
Two-family			A	A	A		A		
Multifamily				A	A		A		

	RE 22,000	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Manufactured homes									
Class A						A			
Class B						A			
Class C						A			
Row Housing				SR	SR		A		
Family day care homes		A	A	A	A	A	A	A	A
Greenhouses for domestic uses		A	A	A	A	A	A	A	A
Group day care homes		A	A	A	A	A	A	A	A
Home occupations		A	A	A	A	A	A	A	A
Parking, public		SR	SR	SR	SR	SR	SR	SR	SR
Parks, playgrounds, playfields, and golf courses community center buildings—operated by public agency, neighborhood or homeowners' associations		A	A	A	A	A	A	A	A
Planned developments							A		
Post-secondary school		A	A	A	A	A	A	A	A
Preschool		SR	SR	SR	SR	SR	SR	SR	SR
Public service installations		SR	SR	SR	SR	SR	SR	SR	SR
Schools, commercial		SR	SR	SR	SR	SR	SR	SR	SR
Schools, public elementary, junior and senior high schools		A	A	A	A	A	A	A	A
Towers (see Sections 17.21.020— 17.21.040)									

Chapter 17.20

COMMERCIAL—INDUSTRIAL USE
REGULATIONS

Sections:

17.20.010 List of uses.

17.20.020 Zoning classified in
districts.

17.20.010 List of uses.

Table 17.20.010 designates the special
review (SR) and allowed (A) uses as gov-erned by commercial — industrial use reg-
ulations. (Ord. 04-1 (part), 2004; Ord. 01-4
(part), 2001; Ord. 96-5 (part), 1996; Ord.
998, 1991; Ord. 923, 1987; Ord. 922, 1987;
Ord. 917, 1987; prior code § 17.32.010)

17.20.020 Zoning classified in districts.

Zoning for commercial — industrial use
is classified in and subject to the require-
ments of Table 17.20.020. (Prior code
§ 17.32.020)

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	A	A	A	A	A	A	A	A	A
Airports	A								A
Alcoholic beverages manufacturing and bottling (except below):							A	A	
1,500 to 5,000 31-gallon barrels per year				SR	SR	SR	A	A	
Less than 1,500 gallon barrels per year				A	A	A	A	A	
Ambulance service			A	A	A	A	A	A	
Antique store				A	A	A	A		
Appliance - (household) sales and service			A	A	A	A	A		
Assembly halls and stadium					SR	SR	SR		SR
Assembly of machines and appliances from previously prepared parts					SR	SR	SR		SR
Auction house, excluding livestock				SR	SR	A	A	A	
Auction, livestock	SR								
Automobile sales (new and used)				A	A	A	A		
Automobile - commercial parking enterprise				A	A	A	A	A	
Automobile and truck repair garage				A	A	A	A	A	
Automobile service station			A	A	A	A	A	A	
Automobile wrecking yard								SR	
Bakery products manufacturing					SR	A	A	A	
Bakery shops and confectioneries			A	A	A	A	A		
Banks, savings and loan, commercial credit unions			A	A	A	A	A		
Barber and beauty shops			A	A	A	A	A		
Bed and breakfast inns	A		A		A	A			
Bicycle sales and repair			A	A	A	A	A		
Blueprinting and photostating			A	A	A	A	A		
Boarding and lodging houses	A		A		A	A			
Boat building and repair						A	A	A	
Boat sales new and used					A	A	A	A	
Boiler works (manufacturing servicing)								A	
Boiler works (repair and servicing)							A	A	
Book and stationery store			A	A	A	A	A		
Bottling works							A	A	
Bowling alleys				A	A	A	A		
Brick, tile or terra cotta manufacture								A	
Bus passenger terminal buildings local and cross country			A	A	A	A	A		
Bus repair and storage terminals						A	A	A	

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Camera supply stores			A	A	A	A	A		
Camps, public					SR	A			A
Car washing and waxing					A	A	A		
Car wash - coin operated			A	A	A	A	A		
Cement, lime and plastic manufacture								A	
Ceramics shop		SR	A	A	A	A	A		
Chemical and allied products manufacture								A	
Child care facilities	A		A		A	A			
Churches and other places of worship including parish houses and Sunday school building	A	SR	A	A	A	A	A	A	
Clinic, animal	A		A	A	A	A	A		
Clinics, medical and dental		SR	A	A	A	A	A		
Clothing and apparel stores			A	A	A	A	A		
Coal or coke yard								A	
Cold storage					A	A	A		
Colleges or universities			A	A	A	A			A
Commercial recreation areas			SR	A	A				A
Commercial food products, storage and packaging						SR	A	A	
Communication towers (commercial)	A	A	A	A	A	A	A	A	SR
Concrete mixing plants and manufacturing of concrete products							A	A	
Construction contractors:									
Office			A	A	A	A	A	A	
Open storage of construction materials or equipment						SR	A	A	
Community residential facilities									
Adult foster family care home	A		A		A	A			
Community group home	A		A		A	A			
Halfway house	A		A		A	A			
Youth foster home	A		A		A	A			
Youth group home	A		A		A	A			
Nursing, homes, convalescent homes, orphanages, and charitable institutions	A		A		A	A			
Crematorium						SR	A	A	SR
Creameries, dairy products manufacturing							A	A	
Creosote manufacturing or treatment plants								A	

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Fuel oil, gasoline and petroleum products bulk storage or sale						A	A	A	
Furnace repair and cleaning					A	A	A	A	
Furniture and home furnishings, retail sales			A	A	A	A	A		
Furriers, retail sales and storage			A	A	A	A	A		
Gambling establishments				A	A	A	A		
Garbage, offal and animal reduction or processing							SR		
Garbage and waste incineration								SR	
Gas storage								SR	
Gases or liquified petroleum gases in approved portable metal containers for storage or sale						A	A	A	
Grain elevators	A					SR	SR	A	
Greenhouses	A				A	A	A	A	
Hardware, appliance and electrical supplies, retail sales				A	A	A	A		
Hatcheries	A						SR	SR	
Heliports				SR		SR	SR	SR	SR
Hobby and toy stores			A	A	A	A	A		
Hospitals (for the care of human patients)			A	A	A	A		A	
Hospital, animal		A		SR	SR	A	A	A	
Hotels				A	A	A			
Industrial chemical manufacture except highly corrosive, flammable or toxic materials								SR	
Irrigation equipment sales and service					A	A	A	A	
Jails and penal institutes									A
Janitor service				A	A	A	A		
Jewelry and watch sales			A	A	A	A	A		
Kennels - commercial	A				SR	A	A		
Laboratories for research and testing						SR	A	A	
Landfills - reclamation or sanitary									A
Laundries, steam and drycleaning plants							A	A	
Laundries, steam pressing, drycleaning and dyeing establishments in conjunction with a retail service counter under 2500 sq. ft. in size			A	A	A	A	A		
Laundries, pick up stations			A	A	A	A	A		
Laundries, self-service coin operated			A	A	A	A	A		
Libraries, museums, and art galleries			A	A	A	A	A		A
Lock and gunsmiths			A	A	A	A	A		
Lodges, clubs, fraternal and social organizations provided that any such club establishment shall not be conducted primarily for gain				A	A	A			
Lumber yards, building materials, storage and sales						A	A	A	
Machine shops						SR	A	A	
Manufacturing - light manufacturing not otherwise mentioned in which no excessive fumes, odors, smoke, noise or dust is created						SR	A	A	
Heavy manufacturing not otherwise mentioned or blending or mixing plants						SR	SR		
Meat processing - excluding slaughter plants						SR	A		
Meat processing, packing and slaughter								SR	
Medical marijuana cultivation facility or cultivation facility							A	A	
Medical marijuana dispensary or dispensary							A		
Metal fabrication						SR	SR	A	
Motorcycle sales and repair				A	A	A	A		
Mortuary			A	A	A	A	A		
Motels and motor courts				A	A	A	A		
Music stores			A	A	A	A	A		

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Woodworking shops, millwork						SR	A	A	
Zoo, arboretum	SR								A

(Ord. No. O09-01, 3-17-09; Ord. No. O09-07, 7-7-09; Ord. No. O11-01, 2-15-2011; Ord. No. O-14-03, 8-5-2014)

Table 17.20.020									
Zoning Requirements	A	RP*	NC*	CBD*	CC*	HC	LI	HI	P
Lot area requirements in square feet, except as noted, 20 acres	20 acres	NA	NA	NA	NA	NA	NA	NA	NA
Minimum yard requirements:									
Front ^(a)	NA	20	20	NA	20	20	20	20	20
Side ^(b)		0	0		0	0	0	0	0
Side adjacent to street		10	10		10	10	10	10	10
Rear ^(b)		0	0		0	0	0	0	0
Maximum height for all buildings ^(c)	NA	25	25	NA	25	45	70	NA	NA
Maximum lot coverage in percent	NA	50	50	NA	50	75	75	75	50
Minimum district size (expressed in acres)	20 acres	2.07	2.07	2.07	2.07	2.07	2.07	2.07	NA
(NA means not applicable)									
*The lot area, yard and lot coverage requirements for 1 and 2 single family dwellings in commercial zoning districts shall be the same as those in the RLMF residential zoning district.									
(a) Arterial setbacks									
(b) Side and rear yards									
(c) Except as provided in the airport zone									

(Ord. No. O-14-03,8-5-2014)

Table 17.16.020

Zoning Requirements	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Minimum lot area per dwelling unit in square feet								
One unit	7,500	6,000	6,000 ¹	6,000 ¹	6,000 ³	See	5 acres	1 acre
Two units		7,500	7,500	7,500 7,750		Chapter		
Three units		8,500	8,500	8,500 9,500		17.32		
Four units			10,000	10,000 11,250				
Five units				11,500 13,000				
Six units and more				Add 1,500- each 2,500 additional unit				
Minimum yard— setback requirements (expressed in feet) and measured from public right-of-way								
Front	20	20	20	20	10		25 ⁵	25
Side	5	5 ⁴	5 ⁴	5 ⁴	5		5 ⁵	5
Side adjacent to street	20	20	20	20	20		10 ⁵	10
Rear	5	5	5	5	5		25 ⁵	25
Maximum height for all buildings	30	35	35	NA ² 40	30		30	30
Maximum lot coverage (percentage)	30	30	40	55 45	40		15	30
Minimum district size (expressed in acres)	2.07	2.07	2.07	2.07	2.07		20	5

¹ Row housing may be permitted to be constructed on 3,000 square foot lots if approved through the special review process.

² NA means not applicable.

³ The requirements for the mobile homes contained herein relate only to a mobile home subdivision; see Chapter 17.44 of this code for the requirements for a mobile home park.

⁴ Zero side setbacks may be permitted if approved through the special review process.

⁵ All pens, coops, barns, stables, or permanent corrals shall be set back not less than 50 feet from any residence, public road, or water course, and any property line.

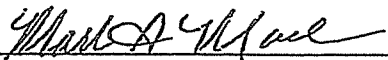
This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on July 7, 2015, by Council Member Poehls.

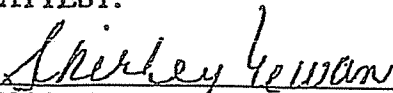
PASSED and ADOPTED by the Laurel City Council on second reading this 21st day of July, 2015, upon motion of Council Member Poehls.

APPROVED BY THE MAYOR this 21st day of July, 2015.

CITY OF LAUREL


Mark A. Mace, Mayor

ATTEST:


Shirley Ewan, Clerk/Treasurer

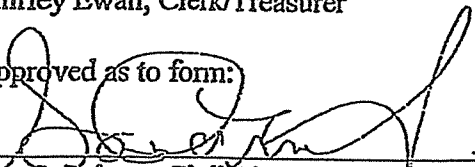
Approved as to form:

Sam S. Painter, Civil City Attorney

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Woodworking shops, millwork						SR	A	A	
Zoo, arboretum	SR								A

(Ord. No. O09-01, 3-17-09; Ord. No. O09-07, 7-7-09; Ord. No. O11-01, 2-15-2011; Ord. No. O-14-03, 8-5-2014)

Table 17.20.020									
Zoning Requirements	A	RP*	NC*	CBD*	CC*	HC	LI	HI	P
Lot area requirements in square feet, except as noted, 20 acres	20 acres	NA	NA	NA	NA	NA	NA	NA	NA
Minimum yard requirements:									
Front ^(a)	NA	20	20	NA	20	20	20	20	20
Side ^(b)		0	0		0	0	0	0	0
Side adjacent to street		10	10		10	10	10	10	10
Rear ^(b)		0	0		0	0	0	0	0
Maximum height for all buildings ^(c)	NA	25	25	NA	25	45	70	NA	NA
Maximum lot coverage in percent	NA	50	50	NA	50	75	75	75	50
Minimum district size (expressed in acres)	20 acres	2.07	2.07	2.07	2.07	2.07	2.07	2.07	NA
(NA means not applicable)									
*The lot area, yard and lot coverage requirements for 1 and 2 single family dwellings in commercial zoning districts shall be the same as those in the RLMF residential zoning district.									
(a) Arterial setbacks									
(b) Side and rear yards									
(c) Except as provided in the airport zone									

(Ord. No. O-14-03,8-5-2014)