

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, SEPTEMBER 07, 2021**

A Council Workshop was held in Council Chambers and called to order by Mayor Tom Nelson at 6:30 p.m. on September 7, 2021.

COUNCIL MEMBERS PRESENT:

<input type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Bruce McGee	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Scot Stokes	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input type="checkbox"/> Don Nelson

OTHERS PRESENT:

Bethany Langve, Clerk /Treasurer
Nick Altonaga, Planning Director
Sherri Phillips, Court Clerk
Stan Langve, Police Chief
Brent Peters, Fire Chief
Jaime Swecker, Firefighter
Shane Willis, Firefighter
Jono DeRudder, Firefighter
Armondo Hernandez

Public Input:

There were none.

General Items:

There were none.

Executive Review

1. Resolution - Budget Amendment Resolution Amending Appropriations And Revenues For The Federal Equitable Sharing Fund For Fiscal Year 2020-2021

Stan Langve, Police Chief, stated these are monies received back from the feds from our work with the Drug Task Force.

Bethany Langve, Clerk/Treasurer, stated per the Department of Justice, the City is not allowed to budget revenues or expenditures. There is a budget amendment each year.

It was questioned if they knew the actual dollars the City would be receiving. It was clarified that the budget amendment contained the actual dollars received from that fiscal year. This year those amounts were \$12,798.52 and \$6,071.38.

2. Resolution - A Resolution Adopting An Official Schedule Of Fees And Charges For The City Of Laurel Repealing All Previous Resolutions That Set Fees Or Charges That Conflict With The Schedule Attached Hereto.

Nick Altonaga, Planning Director, briefly reviewed the changes to the Schedule of Fees. These fees should bring in a lot more revenue for the Planning Department and get it moving in the right direction.

It was clarified that there were additional changes made since the intent was passed. Those changes are noted in yellow.

3. Resolution - A Resolution Of The City Council Approving An Application For Special Review For Project Telephone Authorizing The Construction Of A Fiberoptic Hut At 1013 8th Avenue, City Of Laurel.

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

It was questioned if there were any comments from neighbors in that area. It was clarified there have been no comments received by the Planning Director.

4. Resolution No. R21-50: Resolution Of Intent To Approve The Application For Bitterroot Grove Townhomes, A Sixty Unit Planned Unit Development As An Addition To The City Of Laurel With Changes.

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report. There will be minor changes to the Staff report as this is a resolution of intent.

Council had no questions.

5. Resolution - Resolution Of Annexation And Zoning For Nutting Brothers Subdivision, Block 6, Lots 1-12 And Block 7, Lots 1-12 And The Abandoned Portion Of Hazel Avenue Located Between Blocks 6 And 7, As An Addition To The City Of Laurel, Yellowstone County, Montana.

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

It was questioned what the timeline is for this project. It was clarified that a Planned Unit Development is put into an ordinance and added to our Municipal Code. Once all those things are in place, the developer can build. It was further questioned if the developer could take as much time as they please to build this development. It was clarified that yes, they could, but they would be held to the initial agreement should another developer come in. It was questioned who would enforce these stipulations. It was clarified that Code Enforcement would enforce these stipulations.

The developer wants to get started on this project as soon as possible and plans to complete a good chunk in the next year.

6. Resolution - A Resolution Of Annexation And Approval Of Zone Change For The Cherry Hills Subdivision, Third Filing, An Addition To The City Of Laurel, Subject To Conditions Imposed By The City

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

7. Resolution - A Resolution To Approve The Preliminary Plat Of Cherry Hills Subdivision, Third Filing, An Addition To The City Of Laurel Subject To Conditions

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

8. Resolution - A Resolution Of The City Council Granting A Variance From Certain Sections Of Chapter 17 Of The City's Sign Code For The Property Located At 202 SE 4th Street To Allow The Removal And Replacement Of A Freestanding Pole Sign With An Electronic Controlled Sign Which Is Currently Prohibited.

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

Council Issues

9. Ambulance PayScale Discussion

Council Member McGee asked that this item be moved to a future Workshop due to time constraints. He will bring this forward at Emergency Services Committee and bring it forward when ready to come forward.

10. 3rd Avenue Diagonal Parking Update

Police Chief Langve: Mr. Mayor and members of the Council, thank you. Regarding the illegal parking on 3rd Avenue, notice was given, warning...an opportunity to remediate the issue. That was completed, a citation has been issued, those charges are pending in Laurel City Court. So, I can't speak too much beyond that. It was requested at the time...that notification was given at the time that if it is not fixed, then we are going to go ahead and fix it, and it is not to this date. So, with the schedule this week, I am working with Public Works, and we are going to get vehicles moved this week or next and then take that striping off.

Public comment: "Boo."

Mayor Nelson: Any Council questions or comments for Police Chief Langve? None, no questions. K... Is that all you wanted was to hear from the Police Chief, I take it?

Council Member McGee: – Was there a specific Council Member that brought this up, Mr. Mayor?

Mayor Nelson: A couple had brought it up that wanted to talk about it, and one's not here tonight.

Council Member McGee: – ok, well if the other one has something to say, if they don't...they don't.

Mayor Nelson: I'll ask if the other Staff member, Fire Chief, would like to bring anything...is there anything you would like to bring forward or not?

Fire Chief Peters: Thank you, Mayor and Council. I see the cause for the people sitting here in the room for parking downtown; I know we have a lot for parking. Unfortunately, I am not the one tasked to fix that problem; that's why we have a planning department. I do know that when I look at any situation, such as diagonal parking, I look at what's safe for the citizens as well as the first responders. 3rd Ave is our direct roadway to West Main in responding to the West. So, it does concern me that we have this diagonal parking on 3rd Ave. I tasked a couple of my firefighters to go out there and measure the distances, and it is pretty tight if you put two large vehicles side by side. One thing I noticed while we respond is on-coming traffic has a tendency not yield to emergency response vehicles. So, if you put two large vehicles, one responding to an emergency side-by-side in that area, there is a chance of somebody colliding and possibly getting hurt. That is my biggest concern. I know that we have striped parking over by the Palace and everything. We don't respond through there unless we have an incident at the Palace or the Pawn Shop or the Liquor Store. But we do respond on a constant basis going down 3rd Ave when we have less. The other concern I have, and I understand the passion of creating this parking. I'm going to tell you a little story...I was stationed in Fairbanks, Alaska, many years ago, and I lived off post, I lived in an apartment complex. And by the time I got off duty and got to my apartment complex, there was no parking in front of my apartment. Most of my parking was five, six blocks away at 70 below zero. So, I understand the, you know, what you guys have to go through not having parking right in front of their residence. Ok...I went through it also...it's the way it is. What my biggest concern is that this parking was designed with the approval of the City. And I say that, as I have several laws, codes, and rules out there, and it's for public safety if we don't do something about this and go through proper channels of putting in diagonal parking or anything else. Where is this going to stop...next week? Are we going to have cows in everyone's back yards? Because they feel they deserve to have cows and not follow the codes and laws of the City of Laurel...that's a concern of mine. I stood up here in front of the Council ten years ago to allow recreational burning within the City limits. I determined that it was safe enough as long as all the rules and laws were followed. Minimized the size of the burn permit...burn pit...they had to have a water source for combustible materials. If you allow this to go on, the residents in the community may look at it and go, "we don't have to follow code anymore." So, it's nothing against you guys; back here, it's about following the right procedures to get this done. K...I applaud the motivation to get it done. I'm kind of like you...I try to make things happen...but there is a process to make it happen, but this isn't it...K?

Public comment: Can I ask what the process is?

Fire Chief Peters: You can ask that man right back there.

City Planner Nick Altonaga: I don't know what the process is.

Fire Chief Peters: I help with the health and safety of the City of Laurel, the health and safety of responders that respond to that location. And I thought of questions that I thought maybe asked. And one of the questions was, "Why can we just respond down 4th, 5th Ave, all the way down to 8th Ave?". If we allow this to go on without the proper channels, who's to say next week, they aren't going to spray paint stripes on 4th, 5th, 6th? And now it becomes a problem if we get called out to an emergency and delaying our response because we don't have direct access to West Main...K? I am fine with the process, going through these people to approve diagonal striping. I believe that's what happened over on wherever street the Palace is on. It was approved by the Council to make it happen. That's all I ask of you, people; let's go through the process and do it right. Because it can create a huge problem for City of Laurel...possibly Billings, Billings can handle their own thing, but the City of Laurel it can create a problem of what laws and codes are followed from here on out. So, any questions from Council...any questions from you guys...audience?

Public comment: My point is...You guys are putting all this money into the historical district...

Mayor Nelson: Could you come up and state your name and address real quick, please.

My name is Ron Seder; I've glad to introduce myself to you...I own the King Coin Laundry Mat. And you guys are putting all this money into the historical district, but you have not created one more parking spot for anybody to get more consumers down there in the area. So, all this money you're putting out there is really not doing any good for the owners of the properties. Yes, the town is looking better, but you cannot bring any more consumers to make your income beneficial for the City. I am planning on putting a three-story in right next to the laundry mat. And I need more parking if I have...for tenants upstairs. So, somehow, we need to come to a compromise so everyone can benefit from the improvements of the City. So...that's what I have to say. Thank you.

Fire Chief Peters: I believe the right process is starting with that man right back there.

Fire Chief Peters: I get that...but I have seen several plans come through here. I can't speak from, I can't speak from Nick. But all I can say is this is where it all starts to do the right thing. So. Do you guys have anything else for me? Thank you.

Mayor Nelson: Do you want to make a comment, Nick?

City Planner Nick Altonaga: So right now, we have nothing on the books, changing the parking, no process, no nothing. So, generally, it would fall to City Council. So, they would need to submit something to City Council. I've worked with Ron, and I've talked to Leslie before. And I believe I have forwarded these things on to Police Chief Langve and Chief Peters. And so that's almost as best I can do right now. As I mentioned previously, I want to update our zoning code, and I am going to try to actually put in place specific processes for change in parking. So right now, I usually, for the...I am 100% for parking, parking plans, updating parking. Still, right now it falls, the actual enforcement and management for parking, it's really Police Department, Public

Works and you know, EMS to make sure to get the vehicles through and move their trucks and everything. So, that's just my take. Is that, yes, it is me, but right now what technically is out there, we've got nothing for me for guidance, to...so just...normally I would suggest...like right now...I'd suggest submitting a letter and having it at City Council to come here as an agenda item for the design. That's my thought. I think I've gone through this with Ron that we need EMS and emergency services sign off, so that's from my point of view, that is the thing that was stopping it. Is that they viewed those streets as West 2nd and West 3rd, is that those are major routes for Police, Ambulance, and Fire. So that is why it kinda never got off the ground...but.

Mayor Nelson: Any Council questions or comments? Chief Langve, before we ask for public comment.

Police Chief Langve: Yes, thank you. There is a law...Laurel Municipal Code out there and coming across some things, but that the Chief of Police may have worked decades ago. Parking and signage of all of this and maintaining of boulevards, I'm thinking that's because you had four or five employees and you wore more hats. I would like to see proposed going forward that we take some of those responsibilities, especially when it comes to planning on streets what is admissible, permissible best practice...I should go to our engineers, and when this process did go through, and I stood up here and spoke...and just having research it because we are getting multiple requests for trying to find parking space. I can spend some considerable time researching it for best practice, and historically, when you are backing out into traffic and narrowing up those roads, it is a little bit more hazardous, and it's definitely more hazardous here. I flashback to multiple calls going over to the Palace, and you know you have to slow your response for people walking out from the end of their vehicles and backing out and not paying attention, so that is a legitimate concern. The other point being that you look at it; these are engineers; they're the ones making suggestions along with departments, especially emergency services input, and having a voice in that process. In as far as when we were speaking of that if you go over and look at how Colorado and Montana is marked, whatever is out there now wouldn't suffice. You're going to have to make room for handicap parking. And there again, they know when you are going to have to have handicap, you are going to give up two spots for a van...so if you look at it, and what our engineer comment that day when his was here with Kurt, was talking about different issues. You don't really gain much of anything...you might gain one more spot. So, I would like to see that going forward because parking is more meaningful to you. Everyone wants to buy the property and maximize the return. But we can't stretch the street. We can't make more space as a city. That would be great if we could, but we don't own that property. We have the public right-of-way; we have the roads that were laid down. Take it toward South of town, where you have carriage width roads. Just the issues we're going to have there. Luckily, we have modernized and moving forward with new developments; these things are for consideration. But we recall this part of town...it's model-t's and what-not. It's been an issue for a long time. If there is a fair optical way moving forward, it would think it would be best. But even having said that, without prejudice, without biased...my task is to enforce the law, and I work hard to do that judiciously, and fairly, and relevantly, and that is what we are going to continue to do here. Thank you.

Mayor Nelson: Do you have yours that you want to read now?

Clerk/Treasurer Langve: This did come before Council on June 15, 2021. Your Police Chief did speak about it as to the safety aspect of it over there for Fire, Ambulance, and Police. Your Public Works director did speak about his concerns, and he was against this. He spoke regarding the new guidelines for corners and alley approaches. And Ryan Welsh with KLJ did speak about this to Council, and he was concerned that it would be taking 18-20 feet off each side of the street; he said there were concerns on regarding straight-in parking versus this diagonal parking because there are some new guidelines. So, this did come before Council on June 15th, and those three did speak to you about this. So, this has been brought before Council.

Mayor Nelson: Any public comment, if you would like to come up and make sure the microphone is on and state your name and address for the record, please. Thank you.
Folks...My name is Sam Johnson; I live at 103 East Main; I have resided there for eight years. I work in Billings, varied shifts, and a lot of time. I am very sympathetic and patronize many of the business owners downtown. They have frustrations; as far as apartment buildings with the 103 East Main block there, not everybody needs cars. But quite a few of us do, and you know. She mentioned 18-20 feet on each side; let's do one side, it doesn't necessarily have to be both, you know. But and somewhere, somebody mentioned that down there by the pawnshop got angled parking, and I don't know when that was approved or anything like that but some of the side streets. I know up by Yellowstone Bank and the park, on 1st Street there it's pretty narrow...very sympathetic, when I lived down there, I heard constant sirens, Fire Department, Police Department there is a lot of traffic there, completely understand...but some people aren't. I'm respectful of that, I'm mindful of that, sometimes when they park, like that, all hours of the day [talking away from microphone] ...

Mayor Nelson: We can't hear you.

Sam Johnson: All I am saying is that you guys...I guess one of my things on a time frame is the gentlemen said there is no established policy on how to do this exactly, officially. So, my question to him would be, "what kind of time frame are we looking at to establish some kind of policy or procedure on modifying the parking?"

Nick Altonaga: four months...three months?

Sam Johnson: It's something to work with...it's something to work with...if you don't set a date and a goal, you might never reach it, you know. But I appreciate your time, appreciate you guys taking the opportunity and to recognize the issues so we can start moving forward in the right way to maybe resolve a couple of problems. Thank you.

Mayor Nelson: Thank you.

Leslie Atkins: I have something to say to this...your website says that it started at 7:00 and not 6:30.

Mayor Nelson: Oh...that was at the City Council meeting, not the workshop.

Leslie Atkins: Oops...I have some things I would like to say...because I'm sure you've all...

Mayor Nelson: If you could state your name and address for the record.

Leslie Atkins: Sorry...Leslie Atkins, I live at seven 3rd Ave. I own the building, the Lennox Hotel. We're at the corner of West Main and 3rd Ave. Hi. So, first thing I want to say is that I am sorry for the way I went about the parking. I thought that I had reasonable permission to do what I did. Apparently, that was not the case, and I apologize that I didn't harass the City more than I should have. I did hear somebody tell me that if you ask for something over, and over, and over and over and over again, eventually...the City will get around to it. And after all of the tenants got ticketed on Main Street, there was no way for me to say I can't do this. It has to be done. Because I know the parking study is done, so there is space to do the parking. It's just never been implemented. So, I do apologize, I should have not jumped the gun there like I did, but I did. So, the parking in the Central Business District is a nightmare. It's a nightmare; it's a nightmare for my tenants, it a nightmare for everybody who wants to shop downtown. Because Laurel is growing, like exponentially growing. And people need parking, and I don't think the way the parking is there right now is wrong. I've got letters, emails, and letters from community members who said to just fight for it, just keep fighting for it, what you did was right. And I'm like, "that's great!". But now I have to go to court to stand up for what I did when I didn't think what I did was wrong. So, again I apologize that I went about it kinda sideways. But my hope is that if we can get a permanent process done faster than four months, please...I would be happy to pay for a permit. I would be happy to submit to whatever needed to happen. And if that means that I have to erase the lines and then move them over a little bit. But...technically, you can erase the lines all you want; I do apologize for that...I don't apologize that much...I'm so sorry. So, you can erase the lines all you want. But I cannot promise you that my tenants will not continue to park exactly like we are doing right now. I can't promise, but I can stop them from that. Because there were else for them to go. So, I hope that there will actually be a process, actual legal process, for that to happen. And I do understand that allowing everybody, it's like the wild West...I didn't think about it when it I did it. I probably should have thought about it a little better. But it has to happen; it has to happen...our City is growing; it needs to happen. So...thank you...I'm sorry, please do not make me remove my parking.

Mayor Nelson: Any other public comment on the parking? Go ahead, if you could state your name and address, please...

Hi, my name is Brandon Ellis; I own Dirty Paws of Montana in Leslie's building here at 221 West Main Street. I've lived in Laurel; I live on the other side of town for about 13 years now. And I know through about quite a few times about the parking issues of downtown. When I went to open my business, I had to decide if I was going to open my business in Billings and get a lot of business or in Laurel, and you know I am going to have a little less business. But, like she said, the town is growing exponentially. But my business is also getting busier. I've even had people coming from Billings down here. I've had...speaking on the safety side of things; there is no crosswalk there on 3rd Avenue, crossing that. That's a safety concern. A lot of my clients, because of the way parking was to drop their dogs off, they had to get off at Main Street, which was dangerous for the dogs to do the way there were parked. Or they pulled into the yellow zone on the corner. Otherwise, they had to go blocks away. No one is going to support a business when they have to quickly just drop a dog in and go to work themselves when they have to go blocks away. There's plenty of other places in Billings they can go to. My business is actually picking up quite a bit; I have letters as well about the parking is and how great the parking is there, and how helpful it is. They've written letters that their kids are safer getting out

of the car. I've been hit; I've been almost hit a couple times crossing the street getting to my car because people from Main Street whip around that corner. I've got to say that parking on the right side there has slowed that traffic down. And people aren't getting out of their car right into that traffic right there. I don't know the exact history of that corner what happened right there, but I do see it. My windows are right on the corner, so I see all the cars whip by it all day long. It has slowed it down quite a bit, so it has slightly helped with safety in some way. So, if there is just a way that we can just get this resolved and a process to get it taken care of. Cause I, you know, if winter comes and the parking is that bad, and my business is booming, I might just have to move to Billings. I hate to see that happen because all of the other people that have rented these spots in the building for retail have all moved because of the parking. And because no resolution has ever been made about it. That's all that I have to say. Thank you.

Mayor Nelson: Thank you. There anyone else who would like to...Nick.

City Planner Altonaga: I just want to clarify couple things...so when I said three to four months, that's for the ordinance to go into effect for zoning and putting something in place. Right now, if things aren't in code...like this has come up in Public Works items for some developments and things. If it's not in our code, it defaults to City Council for review and approval. So, if we don't have in the zoning code or the Public Works standards, if we don't have it in our guidance standards, City staff nearly could not, clearly should not, for liability sake, approve something. So, it falls on City Council for their review and approval. So, I think, three months because if we roll something into the zoning code, it will be basically stating a permit should be applied for, XYZ departments will be involved, that type of thing. But going through City Council is the default. So that's just in general...wanted to put that out there. That's what I meant. So, this body is the governing body, that is, the final decider. So, anything can be brought here and made a decision on, generally. So just want to throw that out there. Thank you.

Mayor Nelson: Thank you. Are there any other public input? If not, there's three letters that I've been asked to be read into the record...that you have Bethany?

Clerk/Treasurer Langve: Read the attached letter from Brian Roat, 1415 Beartooth Drive.

Clerk/Treasurer Langve: Read the attached letter from Nancy Schmidt, Library Director.

Clerk/Treasurer Langve: Read the attached letter from Lyndy Gurchiek, Ambulance Director.

Mayor Nelson: I'll conclude with my comment because I would like to make a comment. Everyone of my department heads know I've spoken to them many, many times about parking and the problem with parking in the City. And I've often said parking is a double edge sword. You don't have a parking problem; then you have a problem. You've got a growth problem; you've got some problem. And so, parking is a problem that you always want to have, but you always want to have some solution to attend to it at each step when you run in to that stretch where we need more parking. And as a city, that's very difficult to do from the thought of City parking lot versus a private parking lot. Where a certain amount of tenants allowed to park free, and then other people that want to go to City businesses if their parking is full along the streets in front of businesses can park and pay something. Obviously, it's a property issue that doesn't

come free, most of the time, as you see in Billings, parking garages, parking lots. There's creative ways to generate parking. Your TIF District Funds are one of those areas can be looked at and, to be determined, can be utilized there to take on parking. Along with engineers and studies to find and determine what's the best way to solve this problem. So, there's no problem that can be...that has no solution, in my mind. It's just a solution that hasn't been uncovered yet. And I hope everyone, you and I hope the Council, will continue to do my part all work together to find the solution. I'm a big proponent of diagonal parking. And we did East 6th; I wanted diagonal parking. We got the engineer to show diagonal parking and Council to sign off it. I believe in it...there's a lot of people that don't, and there's a lot of reasons for pros & cons of diagonal parking. My Police Chief can tell you there is more accidents in diagonal parking than none. It's just a fact of life. Anyway, I think all of us together can constructively work on this situation on this issue, and I believe there is a resolution to be found; it's just going to take a lot of work and cooperation with all of us. I'm glad everybody showed up tonight. With that, then we will move on to other items. Oh, go ahead, yes sir...

Public Comment Brandon Ellis: If we end up removing the parking that was put in improperly and it goes back to the Main Street in front of our buildings, is there a way we can get rid of the 2-hour parking right there for the people that live all upstairs? Is there some solution we can also try to find for that? What solution process we would go through for such a thing for that too?

Mayor Nelson: Again, I will start with the Planning Department...and...

Brandon Ellis: I know...It's not easy...

City Planner/Nick Altonaga: Honestly...to speak frankly...It beats the hell out of me. So...

Brandon Ellis: I'll do my due diligence and will look to see if there is a process for that; if not, then I guess leave it up to you guys...

City Planner: ...Public Works...and you know...

Mayor Nelson: I'll take it up as well. I'll talk to my Public Works Director, and we'll start that discussion as well.

Brandon Ellis: ok...thank you.

Mayor Nelson: Yep...you're welcome. Police Chief Langve.

Police Chief Langve: Just speaking to that issue, the 2-hour parking is there for the businesses, and they're the ones that call to complain that people are camping out or over-turning it. So, that's where all of our complaints are coming from. They want traffic coming in and traffic moving out. And that is why that district is there. The same as the sweeping district, they pay, they want it monitored, cars moved so they can be clean and presentable. So, the 2-hour parking was brought in for the businesses.

Mayor Nelson: We'll have some discussions on that; I'll have some inner department head talks, so we'll just continue to have that conversation. Alright? Thank you all. Now we will move on to all other items...for which I have none...

Other Items

Review of Draft Council Agendas

11. Review Draft Council Agenda for September 14, 2021.
There were non suggested changes.

Attendance at Upcoming Council Meeting

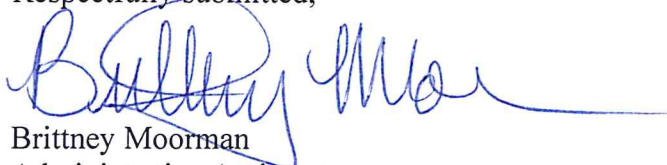
All present should be at next week's meeting.

Announcements

The American Legion will be doing their annual 9/11 ceremony at the Firefighters Memorial at 10:00 a.m. This year's guest speaker is Governor Gianforte. This year is the 20th anniversary of 9/11.

The council workshop adjourned at 8:13 p.m.

Respectfully submitted,



Brittney Moorman
Administrative Assistant

NOTE: This meeting is open to the public. This meeting is for information and discussion of the Council for the listed workshop agenda items.



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
PROJECT: Project Telephone Fiberoptic Hut Special Review
DATE: August 25, 2021

DESCRIPTION OF REQUEST

An application for Special Review was applied for by Project Telephone for the installation and operation of a fiberoptic utility hut within a residential district. The proposed location of the hut is 1013 8th Avenue. This property is located within the Laurel City Limits. Project Telephone has entered into a lease agreement with the property owner of 1013 8th Avenue to install and operate the fiberoptic utility shed.

The Laurel Municipal Code Chapter 17.21 states directly that utility operators should work to locate telecommunications infrastructure away from residential areas whenever possible. It further states that any Telecommunications huts and support buildings to be approved by Special Review if they do not meet the requirements of that chapter. An approval of this special review application would enable Project Telephone to install and operate a fiberoptic utility shed within a residential district.

Owner: Karl Morledge
Legal Description: S09, T02 S, R24 E, C.O.S. 68, (.77 ACRES)
Address: 1013 8th Avenue, Laurel, MT
Parcel Size: 0.77 Acres (Special Review to include only 50'x50' of southern portion of property)
Existing Land Use: Residential, vacant/unused southern portion of property
Proposed Land Use: Residential, Fiberoptic utility tract on southern portion of property
Existing Zoning: Residential 7500 (R-7500)

BACKGROUND AND PROCEDURAL HISTORY

- Initial conversations between Planning and Jim Tuell, the representative for the applicant, began on January 19, 2021

- Planning Director met with Jim Tuell on June 14, 2021, to visit sites to possibly locate the proposed fiberoptic utility hut.
- July 29, 2021: Planning Director provided information regarding the Zoning Code regulations on Telecommunications facilities and the Special Review Process.
- July 29, 2021: Applicant requested a Special Review application be placed on the Laurel City-County Planning Board and Laurel City Council agenda.
- The Applicant provided a Special Review application to the Planning Department on August 10, 2021.
- The Special Review Application has been placed on the agenda for the Planning Board meeting on August 18, 2021
- August 18, 2021 – Planning Board voted to approve the Special Review application for Project Telephone with the stated staff conditions.
- The Special Review Application has a public hearing scheduled in front of City Council on September 14, 2021. The City Council shall approve, conditionally approve, or deny the special review request.

STAFF FINDINGS

The Planning Director determined that while the fiberoptic utility facility does not fully conform to the requirements of LMC 17.21 – Telecommunications Towers and Antennae, it closely aligns with the spirit of the code in the type, scope, and scale of the specific projects regulated within said code.

A Special Review process is required as the proposed development is located in close proximity to residential parcels, as well as does not meet the requirements of

- 1) LMC 17.21.030 – Standards for Wireless Communications Facilities,
 - a. Part A, 1 states: “Encourage the location of antenna support structures in non-residential areas and minimize the total number of antenna support structures throughout the community;”
 - b. Part A, 3 states: Require wireless communication facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;”

- 2) LMC 17.21.030.D – Commercial Antenna Support Structures and Antennae located in Residential Zoning Codes, Part 1 states: “Antenna support structures and antennae shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:
 - a. Alternative antenna support structures conforming to all applicable provisions of this chapter and roof-mounted antennae that do not add more than twenty feet to the total height of the building on which they are mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites.

Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of these zoning regulations. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.”

The proposed fiberoptic utility shed is not located on a school, government-owned utility, or other government site.

The proposed fiberoptic utility shed is within a residential zoning district.

The Applicant has provided a Special Review application including:

- Justification and Scope of Work letter
- Building Site Map
- Utility hut Location drawing

The applicant has paid the required fee for the Special Review application.

The public noticing provisions of LMC 17.68 have been met.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC 17.68 – Special Review Procedures, contains the review criteria for the decision-making process for Special Review applications.

- A. After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:
 1. Grant the application for special review;
 2. Deny the application;
 3. Delay action on the application for a period not to exceed thirty days; or
 4. Grant the application subject to conditions and recommendations and give the reasons therefor.
- B. Before approving a special review use, the zoning commission shall find that the contemplated use(s):
 1. Complies with all requirements of this section;
 2. Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;
 3. Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
 4. Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:
 - a. Street and road capacity,
 - b. Ingress and egress to adjoining streets,
 - c. Off-street parking,
 - d. Fencing, screening and landscaping,
 - e. Building bulk and location,
 - f. Usable open space,
 - g. Signs and lighting,

- h. Noise, vibration, air pollution and similar environmental influences.

The following actions are to be taken by City Council:

17.68.50 - City council action.

- A. Before taking action on an application for special review, and after presentation of the zoning commission's report, the city council may hold a public hearing on the application.
- B. The zoning commission may recommend to the council whether to hold a public hearing or not. In the event the city council holds its own public hearing on the application, then the recommendations of the zoning commission and the notice of public hearing before the city council shall both be published twice in the newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board with the first publication being at least fifteen days prior to the hearing.

RECOMMENDATIONS

The Planning Director recommends the Planning Board and Zoning Commission approve the Special Review with the following conditions:

1. Any applicable permits, including but not limited to building permits must be applied for within six (6) months of special review approval.
2. Construction of the structure and site must be completed within one (1) calendar year of special review approval.
3. The operation of the site shall not be done in such a manner as to be a nuisance.
4. The site shall be screened by an appropriate landscaping or site obscuring material as approved by City Staff.
5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.
7. Curb, gutter, and sidewalk shall be constructed along the road frontage of the 50'x50' area developed as part of the special review.

ATTACHMENTS

1. Project Telephone Justification Letter
2. Special Review Application Form
3. Site Overview
4. Landscaping Plan
5. Adjacent Property Owners List (300ft)
6. Adjacent Property Owners Map (300ft)
7. LMC 17.21 – Telecommunications Towers and Antennae
8. LMC 17.68 – Special Review Procedures



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT & FINDINGS OF FACT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Planned Unit Development – Bitterroot Grove Townhomes
DATE: August 25, 2021

DESCRIPTION OF REQUEST

A Planned Unit Development (PUD) application and supplemental was submitted by Forrest Mandeville of Forrest Mandeville Consulting and Engineering West on behalf of Darrel Dyer for the parcels at 1304 E. 8th Street, between Fir and Juniper Avenues. The Applicant has proposed the Bitterroot Grove Townhomes, a 60-unit Planned Unit Development with age-restricted units for those 55 and older. This PUD application also includes a request for annexation and a variance. The Application contains all the necessary components of the PUD, Variance, and Annexation applications. The property is currently owned by Elvira and James Cotter, with purchasing agreements in place. The property currently has a great deal of personal property, debris, and materials on site and is an overgrown state.

The Planning Board shall consider the Annexation and zoning of the parcels in question, as well as the preliminary plan approval of the PUD application with the related variance for project size.

Owner: James Cotter, Elvira Cotter (Under Contract for sale)
Legal Description: NUTTING BROS SUBD, S10, T02 S, R24 E, BLOCK 6, Lots 1 - 12, BLOCK 6, Lots 1 - 12
Subdivision size: 4.68 Acres
Existing Land Use: Residential, Vacant
Proposed Land Use: Residential Planned Unit Development

BACKGROUND AND PROCEDURAL HISTORY

1. A pre-application meeting for the Planned Unit Development took place on June 23, 2020 between the Applicant, their engineers, and City Staff.

2. The Application for the Planned Unit Development, Annexation, and Variance and their supporting documentation was submitted on March 15, 2021.
3. The City Staff Design Conference took place on April 27, 2021.
4. The Planning Director transmitted a letter of findings to the Applicant and their developer on May 7, 2021.
5. The Applicant and their developer resubmitted documents to the Planning Department on May 17, 2021.
6. The Planning Board held a public hearing on the proposed Planned Unit Development, Annexation, and Variance applications on May 19, 2021.
7. The Planning Director worked with the Applicant and their contractor to update the Annexation Agreement and HOA Bylaws as discussed at the May 19th meeting.
8. The Planning Board has scheduled a second public hearing on the proposed Planned Unit Development, Annexation, and Variance applications for June 16, 2021.
9. The Planning Board lacked a quorum at the scheduled public hearing on June 16, 2021.
10. The Planning Director forwarded the materials and documentation for the Bitterroot Grove Townhomes Annexation, Variance, and Planned Unit Development to the City Council on June 25, 2021.
11. The City Council held a public hearing on the Planned Unit Development, Annexation, and Variance applications on July 13, 2021.
12. The City Council decided that the information provided was insufficient to approve the application and returned it to Planning Board for further review.
13. August 18, 2021 – Public Hearing Held for Planned Unit Development at Planning Board. Planning Board Members recommended the approval of annexation and preliminary approval of the Bitterroot Grove Townhomes Planned Unit Development with the stated conditions of approval.
14. September 14, 2021 – Laurel City Council shall hold a public hearing on the applications for Annexation and Zone Change, Planned Unit Development, and Variance.

STAFF FINDINGS

1. The Application for PUD, Annexation, and Variance contain all the necessary items.
2. Annexation has been requested to hook the property into the municipal water and wastewater system, as well as garbage pick-up.
3. A variance has been sought for the minimum size requirements of a Planned Unit Development stated in the Laurel Municipal Code.
 - a. Laurel Municipal Code requires a minimum of 5 acres for a PUD
 - b. The proposed PUD is 4.68 acres.
4. The Applicant has proposed private interior streets with gated entrances.
5. Gated entrances shall be accessible by all Laurel EMS, Fire, and Police departments, as well as code enforcement and public works where necessary.
6. The Applicant has proposed private internal water and sewer connections.
7. The Applicant has proposed a water meter building, to manage the interior water system of the development.

8. The proposed project would improve a largely vacant, blighted lot with a dense residential development.
9. The application includes bylaws for a townhouse association to manage the property.
10. The subsequent submittal of documents on May 17 included a landscaping plan and weed management plan.
11. An Annexation Agreement was provided with the application which specifies adjacent public improvements, development standards, and other requirements for annexation into the City of Laurel.
12. Updated site plans were submitted to the City detailing the water and sewer lines to be installed.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC 17.32.020 – Review and Approval, Part D states:

“Within thirty days after the design conference, the application shall be reviewed by the city-county planning board and recommendations based on the comments from the design conference and the criteria contained in the subdivision regulations shall be forwarded to the zoning commission. The comments from the design conference shall be forwarded to the planning board, zoning commission and developer within five working days after the conference.”

RECOMMENDATIONS

The Planning Director recommends approval for the Annexation and Zone Change to PUD – 1 Planned Unit Development 1 with the following conditions.

1. The property and adjacent rights-of-way shall be cleared of personal property, debris, and refuse within 90-days of annexation approval.
2. The Annexation Agreement, Waiver of Right to Protest, and the City Council Resolution approving annexation shall be filed with the Yellowstone County Clerk & Recorder within 90-days of annexation approval.
3. All construction and installation of public improvements must be completed within two years of annexation.
4. If the public improvements are not constructed at the time of annexation, the property owner shall provide the city a bond or letter of credit that equals 125% of the estimated engineering costs for the construction of improvements. If the property owner fails to construct the improvements or to obtain the agreed upon engineering, the city shall utilize the bond or letter of credit to pay for the construction, including engineering; In accordance with GASB-34, the Developer of Landowner shall provide the city the total cost and/or value of the improvements including, but not limited to, parks, sidewalks, curb and gutter, lift stations, and sewer and water lines, that are conveyed to the city.

The Planning Director recommends that Planning Board grant preliminary approval to the Planned Unit Development plan and variance with the following conditions:

1. The Property shall be cleared of personal property, debris, and refuse prior to final approval of the PUD and Variance application.
2. A landscaping and maintenance plan shall be submitted to and approved by the City after it finds the plan sufficient enough to ensure the development does not operate or become a nuisance.
3. The proposed Water system shall be approved by the contracted city engineer, KLJ Inc. and the Laurel Department of Public Works.
4. The proposed Wastewater system shall be approved by the contracted city engineer, KLJ Inc. and the Laurel Department of Public Works.
5. The proposed Stormwater system shall be approved by the contract city engineer, KLJ Inc. and the Laurel Department of Public Works.
6. Weed Management Plan shall be completed and approved by the Yellowstone County Weed District.
7. The alleyways within Blocks 6 and 7 of the Nutting Brothers Subdivision shall be abandoned via a petition to abandon.
8. Utility access easement documents shall be filed for the abandoned portions of Blocks 6 and 7 of the Nutting Brothers Subdivision.
9. A survey shall be filed aggregating the lots within Blocks 6 and 7 of the Nutting Brothers Subdivision.
10. Details on the legal description of the lots in the northwest corner of Block 6, Nutting Brothers Subdivision, shall be provided to the City in order to determine the scope of project.

ATTACHMENTS

1. PUD Written Statement
2. Annexation Application
3. Annexation Agreement (updated)
4. Waiver of Right to Protest (updated)
5. Variance Application and Request Letter
6. PUD Layout/Design
7. PUD Landscaping Plan
8. Bylaws of Bitterroot Grove Townhomes Association (updated)
9. Images of proposed townhome design
10. Planner Letter to the Applicant (dated 5/17/2021)
11. Comments from Ryan Welsh, Engineer at KLJ, on proposed Water/Sewer expansion (dated June 8, 2021)



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Annexation and Preliminary Plat of the Cherry Hills Subdivision, 3rd Filing
DATE: August 25, 2021

DESCRIPTION OF REQUEST

Morrison-Maierle has submitted an annexation application and preliminary plat application for the Cherry Hills Subdivision, 3rd Filing on behalf of the property owner/developer. The proposed Cherry Hills Subdivision 3rd Filing is a 28-lot residential subdivision located on property west of Cherry Hills Drive and W. Maryland Lane in north-west Laurel. Approval of annexation and zone change would bring 9.37 acres of land into the City of Laurel and enable the proposed Cherry Hills Subdivision, 3rd Filing to connect to the City water, wastewater, and street system.

Owner: Goldberg Investments LLP
Legal Description: S08, T02 S, R24 E, C.O.S. 3034, PARCEL 1, IN N2 (01)
Address: Approximately 1850 East 8th Street
Parcel Size: 9.37 acres
Existing Land Use: Agricultural, vacant.
Proposed Land Use: Residential Subdivision
Existing Zoning: Residential Tracts
Proposed Zoning: Residential 7500 (R-7500)

BACKGROUND AND PROCEDURAL HISTORY

- December 18, 2021 – Morrison-Maierle submit documents for annexation and subdivision pre-application meeting.
- January 7, 2021 - Pre-Application meeting with Morrison-Maierle and City Staff
- January 12, 2021 – Staff transmitted Pre-Application meeting summary letter to Morrison-Maierle staff.
- May 25, 2021 – Cherry Hills Subdivision, 3rd Filing Annexation application and preliminary plat application submitted to the City.

- June 11, 2021 – Laurel Planning Department transmitted the Element Review letter to Morrison-Maierle. All elements required by LMC Chapter 16, Appendix F were present in the application.
- July 8, 2021 – Laurel Planning Department transmitted the Sufficiency Review letter to Morrison-Maierle. All elements required by LMC Chapter 16, Appendix F were deemed sufficient to move the application forward. Certain comments were noted by the Planning Director from city various departments.
- August 18, 2021 – A Public Hearing was held at Planning Board. The Planning Board recommended the approval of the Annexation and Preliminary plat approval of the Cherry hills Subdivision, 3rd filing with the presented staff conditions.
- September 14, 2021 – Public hearing scheduled at City Council to review the annexation application and preliminary plat application to approve, conditionally approve, or deny the applications.

STAFF FINDINGS

1. Applicant has submitted an application for annexation and preliminary plat containing all the necessary components needed for both to move forward.
2. Applicant has provided additional details of subdivision plans and documents where necessary.
3. Applicant has worked with multiple city departments to determine effectiveness of the proposed utilities for the property.
4. Applicant has provided updated documents whenever required by City departments.
5. City staff determined that the applications for annexation and preliminary plat were sufficient to move forward to Planning Board and City Council.
6. City staff have found only minor issues with the applications that require conditions of approval prior to the final plat approval stage.
7. The public noticing requirements of LMC 16.03.030 have been met.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC Chapter 16.03.040 - Staff and Agency Review:

- A. Review Procedure Schedule. Upon receipt of a complete and sufficient major preliminary plat application, the planning director or designee shall schedule the plat before the city-county planning board.
- B. Submittal Distribution. Planning staff shall distribute the application to all affected city and county departments, local, state, and federal agencies, school districts and public utilities for review as appropriate and indicate the review timeframe. Failure of any agency to complete a review of a plat will not be the basis for denial of the plat by the AGB.
- C. Plat Review. The planner shall review the major subdivision plat submittal and make a staff report of issues, concerns, conditions, or recommendations and send out the list to the

planning board members with the agenda of the meeting at which the plat is to reviewed; a copy must also be sent to the subdivider or his representative.

- D. **Hearing Notice.** The planning board shall hold a public hearing on all major and applicable subsequent minor preliminary plat applications, placing a notice in a newspaper of general circulation in Laurel not less than fifteen days prior to the date of a public hearing. The planner shall also notify the subdivider and each property owner of record, and each purchaser under contract for deed of record of property immediately adjoining land included in the plat and located within three hundred feet of the proposed subdivision by certified mail not less than fifteen days prior to the date of hearing (MCA § 76-3-605(3)).
- E. **Planner's Report.** The planner shall prepare a draft findings of fact (the effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety as per MCA § 76-3-608(3)(a)) for review by the planning board. The planner shall also forward the recommendation of the planning board to the AGB including basis for such recommendation and its compliance with adopted Growth Management Plan, the Bike/Ped Plan, and other adopted city and county plans and policies in writing no later than ten days after the public hearing (MCA § 76-3-605(4)).
- F. **Subsequent Hearing.** Before acting on the subdivision application, the AGB shall determine whether, subsequent to the public hearing, new information has become available or information that the public has not had a reasonable opportunity to examine. If so, the AGB may act on the subdivision application in accordance with this chapter or schedule a subsequent public hearing for consideration of only the new information that may have an impact on the findings and conclusions that the AGB will rely upon in making its decision on the proposed subdivision. The AGB may chose to hold the subsequent public hearing or may direct the planning board to hold it. In either case, the subsequent public hearing shall be held at the next scheduled meeting for which proper notice for the public hearing on the subdivision application can be provided.

If a subsequent hearing is held, the sixty- or eighty-day working day review period is suspended, and the new hearing must be noticed and held within forty-five days of the AGB's determination to hold a subsequent public hearing. The sixty- or eighty- working day review period will resume from the date of the subsequent public hearing. The governing body may not consider any information that is presented after the subsequent hearing (MCA § 76-3-615).

- G. **Subdivider's Preference.** The AGB shall give due weight and consideration to the subdivider's expressed preferences if the AGB requires mitigation of significant adverse impacts (MCA § 76-3-608(5)(b)).

In reviewing a subdivision and when requiring mitigation, the AGB may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the plat (MCA §76-3-608(5)(a)).

The AGB shall send the subdivider written notice of its decision and the reason therefore. (MCA § 76-3-608(4)).

RECOMMENDATIONS

The Planning Director recommends approval for the Annexation and Zone Change of the proposed Cherry Hills Subdivision, 3rd Filing to Residential R-7500 with the following conditions.

1. The Annexation Agreement, Waiver of Right to Protest, and the City Council Resolution approving annexation shall be filed with the Yellowstone County Clerk & Recorder within 90-days of annexation approval.
2. All construction and installation of public improvements must conform to the standards of the Laurel Department of Public Works and Montana Public Works standards.
3. All construction and installation of public improvements must be completed within two years of annexation.
4. If the public improvements are not constructed at the time of annexation, the property owner shall provide the city a bond or letter of credit that equals 125% of the estimated engineering costs for the construction of improvements. If the property owner fails to construct the improvements or to obtain the agreed upon engineering, the city shall utilize the bond or letter of credit to pay for the construction, including engineering; In accordance with GASB-34, the Developer of Landowner shall provide the city the total cost and/or value of the improvements including, but not limited to, parks, sidewalks, curb and gutter, lift stations, and sewer and water lines, that are conveyed to the city.

The Planning Director recommends that the Planning Board approve the preliminary plat for the Cherry Hills Subdivision 3rd Filing with the following conditions:

1. Preliminary Plat shall be updated with the comments noted in the Sufficiency letter dated July 8, 2021 prior to recording.
2. Subdivision Improvement Agreement shall be updated with the notes from the Sufficiency letter dated July 8, 2021, and the annotated SIA provided to the applicant prior to recording.
3. The Preliminary Plat and supporting water and wastewater design will be approved by Montana Department of Environmental Quality (MDEQ).
4. The Preliminary Plat, Subdivision Improvements Agreement, and City Council Resolution granting approval shall be filed with the Yellowstone County Clerk & Recorder within 90-days of preliminary plat approval.
5. The Roadways and Right-of-Ways shall be constructed to the specifications presented in the plat plan and supporting documentation.
6. This Preliminary Approval shall be valid for 3 calendar years.
7. Hydrant flow tests must be approved by the City and its contracted engineer.
8. Verification must be provided to the City for the water modelling noted by the engineer in the field
9. Water model exhibits must be provided to and approved by the City showing the system characteristics and modeled properties compared to measured properties
10. Wastewater/Sewer analysis must be provided to and approved by the City.

11. A map of pre-developed stormwater conditions including the boundary, routing, and calculations must be provided to and approved by the City.
12. Water quality storm volumes and calculation sheets shall be provided to the City.
13. An Updated cost estimate for the Geotechnical report shall be provided to the City for verification.
14. The conditions of the Geotechnical report shall be followed during the construction of the public infrastructure.
15. The Wetland delineation report dated March 2021 shall be provided to the city for verification with stated plans.
16. A Weed Management Plan shall be prepared for the project and approved by the Yellowstone County Weed District.

ATTACHMENTS

Annexation and Zone Change:

1. Annexation Application cover Letter
2. Annexation Application Form
3. Annexation Agreement
4. Waiver of Right to Protest

Cherry Hills Subdivision, 3rd Filing:

1. Cover Sheet
2. Preliminary Plat Application
3. Adjacent Property owners list
4. Draft Subdivision Improvements Agreement
5. Environmental Assessment
6. Traffic Impact Study
7. Lot Layout
8. Geotechnical Report
9. Subdivision Bylaws
10. Homeowners Association Bylaw
11. ROW Easement documents
12. LMC 16.03 – Subdivision Review Procedures
13. LMC 16.04 – Development Requirements
14. Element Review letter - Cherry Hills Subdivision, 3rd Filing (June 11, 2021)
15. Sufficiency Review letter – Cherry Hills Subdivision, 3rd Filing (July 8, 2021)
16. KLJ. Inc Preliminary Plat Review Comments letter (July 6, 2021)



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: 202 SE 4th Street - Laurel Chevrolet Sign Variances
DATE: August 25, 2021

DESCRIPTION OF REQUEST

Ken Fichtner of Laurel Chevrolet submitted a request for variances to the Laurel Municipal Code for the property at 202 SE 4th Street. These include requests for variances for having multiple principal signs on a parcel, sign size, and sign type (pictographic changeable copy signs).

Laurel Chevrolet was recently sold to a new owner who has worked to clean up some of the issues of the previous owner. Laurel Chevrolet previously applied for and was granted a permit to relocate the "Chevrolet" branded sign to their property with the stated condition that a variance would be applied for to clear up the three issues now under review.

Ken Fichtner has provided a variance application packet containing all the necessary items. Approval of the variances for multiple signs, sign size, and sign type are required for the continued operation of the electronic pictographic changeable copy sign.

Owner: SPARTAN LAUREL 2 REAL ESTATE LLC
Legal Description: HAGEMAN SUBD 3RD FILING, S16, T02 S, R24 E, BLOCK 11A, Lot 1A1, AMD (12)
Address: 202 SE 4th Street
Parcel Size: 3.093 acres
Existing Land Use: Automobile sales
Existing Zoning: Highway Commercial, Community Entryway Zoning District

BACKGROUND AND PROCEDURAL HISTORY

- July 30, 2020 – Planning Director Met with Applicant Ken Fichtner to discuss the signage situation and proposed plans to relocate "Chevrolet" Sign back to property from off-site and the impact it would have.

- July 19, 2021 – Planning Director met with Ken Fichtner to discuss the Variance application and the process for Planning Board and City Council.
- The Variance application was submitted on July 22, 2021.
- Planning Board held a public hearing on the Variance application on August 18, 2021. Planning Board voted to recommend approval of the Sign variance with the conditions stated in this report.
- City Council has scheduled a public hearing on the variance application at the meeting on September 14, 2021.
- City Council shall receive public comment and approve, approve with conditions, or deny the variance request at the meeting on September 14, 2021.

STAFF FINDINGS

Three variances are required to continue the operation of the pictographic changeable copy sign currently on the Laurel Chevrolet property. The variances are for LMC 17.26.052.A.2 and for LMC 17.42.050 – Table. These two sections of code are provided below.

LMC 17.26 – Community Entryway Zoning District, provides requirements for properties within the zoning district on height and size. 17.26.052 – Development Standards, Part A includes:

- **2. Only one sign is allowed per parcel of record and there shall be at least one thousand feet between signs.**
- **4. Signs shall be limited to one hundred sixty square feet in copy area.**

The table in 17.42.050 states the signs which are **Not Allowable** within the CEZD. Prohibited signs include but are not limited to:

- Animated Sign (Including Flashing, Blinking, Scrolling)
- **Pictographic Changeable Copy Signs which depict only still frames and change not less than 60 seconds**
- Pictographic Changeable Copy Signs which depict motion, flashing and blinking of any kind
- Off Premise Sign

The Planning Director has provided his direct findings on the items presented in LMC 17.60.020 – Land Use Variances Issuance and Denial – Determination Procedure.

1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
 - The construction of the current Electronic sign was done in violation of a previous Variance application by the former owner of the property.
 - Prohibit
2. Unless the grant relates to a condition or situation special and peculiar to the applicant;

- The situation is not peculiar to the applicant, as new owners/managers obtaining properties that are out-of-compliance is common.
 - The level of mishandling by the previous owner should be noted, as there were many issues with the processing of the original sign variance, as well as the subsequent construction of the electronic sign and multiple dealings with the City.
3. Unless the basis is something more than a mere financial loss to the owner;
- The electronic pictographic changeable copy sign is seen by the owner as a community asset.
 - The applicant has stated his goal to utilize the electronic sign to announce news and information about Laurel and local events taking place.
4. Unless the hardship was created by someone other than the owner;
- The current use of the electronic pictographic changeable copy sign that is oriented for highway traffic was installed against the official decision of the Laurel City Council. A variance was applied for that requested that the Rimrock Chevrolet be allowed to install this sign, as it was not allowable under the zoning at the time. On May 5, 2015, the City Council held a public hearing and subsequently voted 6-1 against the "...granting of a variance form Chapter 15.40 of the City's Sign Code for the property located at 202 SE 4th Street to allow the removal and replacement of a freestanding pole sign with an animated sign which is currently prohibited."
 - A building permit was subsequently applied for and granted by the Building Official at that time. This building permit should not have been approved and was updated with stipulations in 2016 and the property was given a notice of violation in 2017 regarding its animation. This sign does not count as pre-existing non-conforming as it was deemed to not be allowed by City Council through the variance process.
 - I have attached both the meeting minutes in which the variance was discussed and the two notices discussing the issues with the electronic sign.
5. Unless the variance would be within the spirit, intent, purpose and general plan of this title;
- The Applicant has a proven, positive history with the Laurel community.
 - Laurel Chevrolet has been a good partner and community asset to the people of Laurel for many years.
 - The applicant has stated their desire to use the sign for displaying community news, information and other announcements by civic and local groups.
6. Unless the variance would not affect adversely or injure or result in injustice to others; and
- The sign was erected in 2016 and has operated since that time.
 - The sign has not caused any noticeable community concern or issues.
 - Granting of a variance would make official the status quo of sign operations.
7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.
- The applicant was the previous owner of the property prior to the 2015 variance process and eventual sign construction.
 - The applicant seeks to make right some of the existing issues with the property to ensure compliance with the City.

17.60.020 - Land use variances issuance and denial—Determination procedure.

- A. It shall be the duty of the zoning commission to authorize, upon appeal in specific cases, such land use variances from the terms of the zoning ordinances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinances or regulations will result in unnecessary hardship, and so that the spirit of the ordinances shall be observed and substantial justice done. The zoning commission shall, after a public hearing, make a recommendation to the mayor and council concerning the land use variance application.
- B. The zoning commission shall not recommend that land use variances be granted:
 - 1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
 - 2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
 - 3. Unless the basis is something more than a mere financial loss to the owner;
 - 4. Unless the hardship was created by someone other than the owner;
 - 5. Unless the variance would be within the spirit, intent, purpose and general plan of this title;
 - 6. Unless the variance would not affect adversely or injure or result in injustice to others; and
 - 7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.

RECOMMENDATIONS

The Planning Director recommends that the Planning Board approve the variance requests with the following conditions of approval. These conditions may be amended, added to, or removed as the Planning Board sees fit.

- 1. Any future alteration of the Electronic pictographic changeable copy sign shall be reviewed and approved by the City.
- 2. The new digital sign shall only display still framed images and text. No video or motion shall be displayed. Still displays shall not change less than every 30 seconds, as per Planning Board discussion.
- 3. The variance shall only apply to the sign and location identified in the application. Any alteration will be considered a zoning violation.
- 4. The variance approval shall only apply to the sign in its current identified location.
- 5. Any alteration to the electronic pictographic changeable copy sign done without City approval shall be considered a violation of the Laurel Municipal Code.
- 6. The owner of the property shall work with local groups to advertise and/or announce events within the community. A percentage of time should be decided upon for use by local groups.

ATTACHMENTS

1. Variance Justification Letter
2. Variance Application Form
3. 202 SE 4th Street Site Plan
4. Electronic Sign specifications
5. Adjacent property owners list (300ft radius)
6. Adjacent property owners map (300ft)
7. LMC 17.26 – Community Entryway Zoning District
8. LMC 17.42 – Sign Code
9. May 5, 2015, Laurel City Council Meeting Minutes
10. 202 SE 4th Street Notices of Violation (2016 and 2017)



LAUREL FIRE/EMS

215 WEST 1ST STREET • LAUREL, MT • 59044
OFFICE 406.628.4911 • FAX 406.628.2185

Re: 3rd Avenue Diagonal Parking

There is no disagreement from the Fire Department that there needs to be more parking downtown but there needs to be an overall picture looked at, not just how it affects a few. Proper assessments and studies need to be conducted and the approval by resolution from the City Council must be obtained before any changes are made. Changes also need to be communicated to city residents and city staff to avoid confusion and a possible safety hazard. Two strong concerns of the Fire Chief are the safety of citizens and first responders and following proper process according to LMC, MCA and any other regulatory program.

1. The current situation poses a safety concern for responding emergency apparatus gaining access to west bound calls on Main Street. It narrows the driving lane for oversized trucks. The distance from curb to curb is 59'. Normal curb parking would give 47- 49' of roadway access. Currently the diagonal lines extend 16' on each side of 3rd Avenue limiting roadway access to 29- 32'. Since this is the main access for emergency vehicles when responding to Main Street and to the west is there enough room for an oversized apparatus and an oncoming vehicle not yielding to the apparatus. Apparatus widths are between 9 and 11'. In theory there is enough room however, that is only true if on coming motorist yields right away to the apparatus. Several times when responding with lights and siren oncoming motorist do not yield to emergency responders.
2. If it is allowed for changes in traffic patterns to include parking without the approval of changes by the City Council, then it opens up allowing anyone to change anything without proper authorization. That includes changing parking to the very narrow streets on the South and East sides of Laurel, livestock within city limits, unapproved fires and so forth. Since the streets are the property of the City of Laurel proper authorization must be obtained from the City of Laurel. There has to be a process with a study and approval before allowing such changes. Where would the limits end? Today it's parking, tomorrow it may be another issue.

I completely understand the frustrations of lack of parking but as I have been informed several times that public on street parking is just that, public. Not private to do as one feels to. There is lack of parking situations throughout the city to include parking for responding emergency responders.

Brent Peters
Fire Chief



LAUREL FIRE/EMS

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City of Laurel Fire

Reference material

12.04.030 - Streets.

A. Supervision. All maintenance and repairs of public streets, alleys, sidewalks, and other public ways shall be under the supervision of the city engineer. He shall be charged with the enforcement of all ordinances and provisions relating to such public places (except traffic ordinances) and is authorized to enforce such ordinances.

B. Construction. It is unlawful to construct or lay any pavement on any public street, sidewalk, alley, or other public way, or to repair the same, without having first secured a permit therefor. Applications for such permits shall be made to the city clerk-treasurer, and approved by the city engineer, and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. No such permit shall be issued except where the work will conform to the ordinances of the city.

C. Engineer Plans.

1. Each applicant for construction or reconstruction of any public street, alley or other public way, shall file with the city engineer engineering plans and specifications prepared by an engineer certified by the state. No permit shall be issued until the engineering plans and specifications are approved by the city engineer.

2. The city engineer or any certified engineer may prepare the engineering plans and specifications for construction or reconstruction of any public street. Engineering plans and specifications preparation costs of the city engineer shall be paid by the applicant. The engineering plans and specifications preparation costs to be based on the reasonable, customary charges for such services.

D. Inspection. All street improvements shall be inspected during the course of construction by an inspector appointed by the city engineer, salaries and other costs in connection with such inspections to be paid by the applicant, such costs to be based on the reasonable, customary charges for such services.

E. Bond. Each contractor for construction or reconstruction of any public street shall file a bond in the amount equal to the estimated cost of construction of the improvement and conditioned to indemnify the city for any loss or damage resulting from the work undertaken or the manner of doing the same.

F. Specifications. All street and sidewalk pavements shall be made in conformity with specifications laid down or approved from time to time by the city council.

12.16.030 - Sign placement—Permit required.



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No person shall place or maintain any shafts of wood, iron or other material, billboards, signs, fences, poles, rods, cables, or wires in any of the streets, public places or alleys of the city without having first obtained a permit from the city council.

12.16.040 - Encroachment permit—Required.

No encroachment on any public right-of-way, public sidewalk or other public property shall be allowed except by authority of an encroachment permit issued by the city council. Applications for an encroachment permit shall be made on the forms and in accordance with the procedure prescribed by the city engineer. A fee for the permit application shall be charged to cover the administrative costs of processing as prescribed by council resolution. If the issuance of the permit is approved, the city council shall issue the permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefor, which reasons shall be entered in writing on the application.

"Street or highway" means the entire width between the boundary lines of every street, highway and related structure as have been, or shall be, built and maintained with appropriated funds of the United States and which have been, or shall be, built and maintained with funds of the state of Montana, or the city, or which have been or shall be dedicated to public use or have been acquired by eminent domain.

10.04.040 - Authority.

The chief of police and any policemen are authorized and empowered to direct, control, restrict, and regulate, in the interest of public safety, health, and convenience, the movement of pedestrians, vehicles, and traffic of every kind within the city, and may when necessary to protect the safety or welfare of the inhabitants of the city, temporarily divert or exclude all such traffic from any public highway within the city.

10.04.070 - Police and authorized emergency vehicles. (MCA § 61-8-107)

- A. The driver of a police vehicle or authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.
- B. The driver of a police vehicle or authorized emergency vehicle may:
 1. Park or stand, irrespective of the provisions of this title;
 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 3. Exceed the speed limits so long as he does not endanger life or property;
 4. Disregard regulations governing direction of movement or turning in specified directions.



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- C. The exemptions granted to a police vehicle or authorized emergency vehicle apply only when such vehicle is making use of an audible or visual signal, or both, meeting the requirements of Section 10.28.070.D. The foregoing provisions shall not relieve the driver of a police vehicle or authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

10.12.110 - Driving on divided streets. (MCA § 61-8-330)

Whenever any street or highway has been divided into two roadways by leaving an intervening space or by physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only on the right-hand side of the roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier or section except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

10.12.230 - Operation of vehicles on approach of police or authorized emergency vehicles. (MCA § 61-8-346)

- A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirement of Section 10.28.070, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right hand side edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the police vehicle or authorized emergency vehicle has passed, except when otherwise directed by a police officer or highway patrolman.
- B. This section shall not operate to relieve the driver of a police vehicle or authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Montana Code Annotated 2019
TITLE 7. LOCAL GOVERNMENT

CHAPTER 14. TRANSPORTATION

Part 45. Municipal Parking

Acquisition, Construction, And Maintenance Of Parking Areas



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7-14-4501. Acquisition, construction, and maintenance of parking areas. A city or town council may:

- (1) acquire by lease, gift, purchase, or condemnation pursuant to Title 70, chapter 30, lots or lands for use as parking areas for motor vehicles;
- (2) construct and maintain on the acquired land or on any premises owned or under lease by the city or town suitable parking facilities for the use of the public and for general traffic control; and
- (3) charge for the use of parking facilities.

September 3, 2021

Laurel Mayor and City Council
City Hall
Laurel, MT

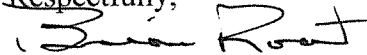
Re: 3rd Ave. Parking

I believe the diagonal parking that Leslie Atkins took upon herself to implement is a logical solution to limited curbside parking in the area. Third Avenue is certainly wide enough to accommodate this type of parking. It certainly is a safer solution than the back in diagonal parking in Billings. The arrangement obviously accommodates the parking for more vehicles.

I request that the Council take action in assisting and making this type of parking in this area legal.

Thank you.

Respectfully,



Brian Roat
1415 Beartooth Drive
Laurel



Laurel Public Library

720 West 3rd St. • P.O. Box 68 • Laurel, MT 59044
(406) 628-4961 • library@laurelpubliclibrary.org • www.laurelpubliclibrary.org

September 7, 2021

Mayor Nelson & Council Members,

The issue before the Council tonight regarding parking has garnered a lot of emotion for residents of this city. I would like to show my support for the Emergency Services departments that feel using diagonal parking on the side streets would be a hazard to emergency personnel when answering calls. This is an issue that needs to be revisited in the proper manner, not just allowing citizens to do as they please when it comes to parking.

Is there an easy answer? I don't think so, but I do trust the Directors/Chiefs of our emergency personnel to know what would make their jobs harder to do in the long run. In the interest of keeping everyone safe, I feel the diagonal parking on 3rd Ave should be removed until a parking study can be updated.

Sincerely,

A handwritten signature in cursive script that reads "Nancy L Schmidt".

Nancy L Schmidt
Director
Laurel Public Library



CITY OF LAUREL
MONTANA
EMERGENCY MEDICAL SERVICES
215 W 1ST ST
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Mayor and City Council Members,

I apologize I cannot attend the meeting, however would like to voice my concerns as the EMS Director for establishing diagonal parking on 3rd Avenue without a proper study.

I completely understand the frustration of limited parking especially in an area that is busy. However, I do have safety concerns with changing the current structure to diagonal parking:

- This will narrow the lane which is a direct path to Main Street, this can be concern for all of the emergency vehicles, particularly the larger ambulance and fire trucks, not having adequate room to safely pass if there is is/are vehicles that try to properly yield to the emergency response. This could possibly make it impassable for the emergency vehicle. This may also cause potential panic in the driver of the non-emergency car which may cause them to run into a parked car in the narrow street.
- I honestly don't know what pedestrian traffic is in this area, however I do know that there is a pre school around the corner and if parking is increased, there is a potential for heavy foot traffic. Although we always hope that people use the sidewalks and crosswalks, we know that they often walk in the street or across a non crossing area. If diagonal parking is in place, there will be more vehicles backing out of the parking spaces. An increase in backing means a potential increase in auto vs pedestrian accidents.
- An increase in vehicle backing also means an increase in backing into other vehicles which could increase the needed response of our emergency services.

I understand that there needs to be a solution for the lack of parking spaces, however I don't think creating diagonal parking without a proper study for the best/safest plan is not the best answer.

Thank you for the opportunity to discuss our concerns.

Lyndy Gurchiek, NRP, Director
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