

**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, FEBRUARY 16, 2021**

A Council Workshop was held via Zoom and called to order by Mayor Thomas Nelson at 6:31 p.m. on February 16, 2021.

**COUNCIL MEMBERS PRESENT:**

<input checked="" 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:**

Nick Altonaga, Planning Director  
Kurt Markegard, Public Works Director  
Matt Smith, KLJ

**Public Input:**

There were none.

**General Items**

**Executive Review**

1. Resolution - A Resolution To Approve The Conditional Use Of Property For The Operation Of "Soda Station" A Beverage Kiosk On A Portion Of Property Located At 720 1st Avenue Within The City Of Laurel. (PH 2.23.2021)

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

It was questioned how traffic would flow through the area. It was clarified that the area is not paved currently. Once the kiosk is built, it will make more sense.

Amie Larsen, Soda Station, stated they understood that nobody wanted any traffic coming from 2<sup>nd</sup> Avenue. That was discussed during the meeting. Instead, the kiosk will be brought more into the lot so that when trucks are loading and unloading, there will be room. The kiosk will not be on the pavement. Once this site is built, they plan to be the structure at the very end where the cars are lined up. That drive will come into the lot more than it is right now. The paved area will remain clear for loading and unloading.

It was questioned if the people on 2<sup>nd</sup> Avenue complained about traffic coming in from 2<sup>nd</sup> Avenue. It was clarified the one complaint received was from someone closer to the corner of 1<sup>st</sup>

Avenue and steamed from when Dominos came in; delivery drivers were parked all over the street.

It was questioned if the temporary structure would be susceptible to high winds. It was clarified once all the equipment is in the structure, the build is very heavy. The structure will be similar to the ones located in Billings; neither location had issues in the recent windstorm. The business owner eventually wants to build a permanent building.

2. Resolution - A Resolution Of The City Council Selecting RDO Equipment As The Successful Bidder For The City's Purchase Of A Backhoe.

Kurt Markegard, Public Works Director, stated this resolution is to accept the bid for the new backhoe. The City went out for competitive bids. The bids were opened last Friday. There were two bids, one from RDO Equipment and the other was from Tractor and Equipment. Tractor and Equipment bid \$178,515 for a 450 CAT. RDO Equipment bid \$165,500 for a John Deer 710. The Utilities Departments will use this backhoe to maintain water and sewer lines. The John Deer had the correct digging depth with a larger bucket so it can load more. It will be able to dig down to the deeper sewer lines. So of the City's sewer lines are very deep. With aging infrastructure, this piece of equipment will be needed.

It was questioned why the City is going with John Deer vs. CAT. A Council Member mentioned their personal experience was that CAT held up better than John Deer did. They were simply built better and more sturdy.

The Public Works Director stated that they compared the specs for both loaders. He had suggested a new Holland that can crab crawl. Overall they found the John Deer to have more horsepower and be significantly cheaper. In the past, the City has taken the lowest reasonable bidder.

It was questioned if this was a budgeted item. It was clarified that they had budgeted \$150,000, but that was the best guess before receiving bids. The bid came in \$15,000 more. The Public Works Director stated he checked with the Clerk/Treasurer, and funds are available in the Water Fund. In the past, the City has needed to contract out for deeper digging situations. They are usually an emergent situation. Both of these backhoes met most requirements. The CAT was under the specified horsepower. John Deer met all specifications for less money.

It was questioned how the City would get replacement parts when needed for this backhoe. It was clarified that there is a local John Deer who can get parts when needed. The City is keeping its old backhoe as a backup when needed.

3. Resolution - A Resolution Of The City Council Approving A Task Order Between The City Of Laurel And KLJ Engineering Inc. To Authorize Service For The 2021 Pavement Maintenance Project.

Kurt Markegard, Public Works Director, stated this is the task order for the annual street maintenance program. They will determine what streets to do off the pavement rating system.

Matt Smith, KLJ, stated that they plan to do more chip and crack sealing of streets this year. The focus this year will be streets rated as a 7. The estimated budget for this project will be \$600,000.

The goal is to save streets from further deterioration. After all, the simple crack and chip seal streets are addressed will work into the more difficult streets. With oil and gas prices starting to increase, hoping to lock into a reasonable price rate before those prices start to go up. They need to measure the streets once the snow is gone, and then it can go out to bid. The goal is to have bids back towards the end of March or the beginning of April.

4. Resolution - A Resolution Of The City Council Approving A Task Order For KLJ Engineering Inc. To Authorize Them To Prepare An Updated Water System Preliminary Engineering Report (PER) For The City Of Laurel.

Kurt Markegard, Public Works Director, stated this task order is to update the Preliminary Engineering Report. This document will help identify water improvement projects. The City has updated the system since the last PER update. The goal is that this document will help the City apply for TSEP grants. The City can apply in April 2022 for the 2023 legislature. The City would apply for a new water reservoir. The current reservoir holds 4 million gallons. It is a steel tank from 1964. In the next five to seven years, the City needs to discuss painting the inside. In order to paint the inside the reservoir must be drained. That is nearly impossible to do currently.

Matt Smith, KLJ, stated the ultimate goal is to build a second tank as the City expands; that second reservoir will become critical. As new subdivisions come into the City, the City needs to make sure it has the capacity to handle the additional usage. Eventually, a PER for sewer will come down the pipeline.

A new reservoir may help with some of the water pressure issues in various areas of the City. Currently, the City uses booster stations to boost water pressure.

5. Resolution - A Resolution Of The City Council Creating Fees And Charges For Riverside Hall To Be Incorporated Into The City Of Laurel's Schedule Of Fees And Charges.

Mayor Nelson stated he had been asked to pull this agenda item. It will come forward in a more comprehensive package. A rental agreement, rules, and fees will all come together.

### **Council Issues**

6. Electronic Recycling Discussion.

Kurt Markegard, Public Works Director, stated he recently was sent a letter about a request to place electronic recycling at the transfer site. He spoke with the City Attorney, who suggested reaching out to MMIA about required insurance for this. It was questioned the value of the recyclables and whether the City should look at all companies in the area. The transfer site does have room for these bins.

Anthony Overcast, Green Technology Solutions, stated they are looking to set up four bins, each four feet in length. These bins are designed to sit out in the weather. They are 20 feet in length. People can drop off everything except tube TVs. They do carry insurance (\$2 million). They also have vehicle insurance for when they pick up the bins. This service is free of charge for the City.

Mayor Nelson stated the City is not near entering into an agreement at this time as some questions still need to be asked and answered. But it would be nice to keep these things out of the landfill.

Council noted it is fantastic that a recycler of this magnitude is willing to come into Laurel. Council is willing to explore the idea of having electronic recycling at the transfer site.

The Public Works Director stated he would work with Mr. Overcast to answer some of those questions this week. He had questions about signage and if people could drive up to them.

Mr. Overcast clarified there is a front door that people can open to drop items off.

### **Other Items**

#### **Review of Draft Council Agendas**

7. Review Draft Council Agenda for February 23, 2021

Item 9 will be removed from next week's Council agenda.

### **Attendance at Upcoming Council Meeting**

All Council Members present will be at next week's meeting. Next week's meeting will be held in Council Chambers.

### **Announcements**

There were no announcements made.

The council workshop adjourned at 7:27 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 / Zoning Commission  
FROM: Nicholas Altonaga, Planning Director  
RE: Conditional Use Permit – Soda Station – 714 1<sup>st</sup> Ave  
DATE: February 10, 2021

#### DESCRIPTION OF REQUEST

A Conditional Land Use application was submitted by Ann Pugmire on behalf of Soda Station to construct and operate a beverage kiosk on the rear portion of the property at 714 1<sup>st</sup> Avenue. An approval of a conditional land use is required to build and operate a beverage kiosk because this use is not described or defined within the zoning district it resides in.

Owner: FIRST AVENUE CENTER LLC  
Legal Description: RICCI MINOR SUB, S09, T02 S, R24 E, Lot 2, (13)  
Address: 714 N. 1<sup>st</sup> Avenue  
Parcel Size: 45,000 sqft.  
Existing Land Use: Dominos Pizza, rear of parcel is vacant.  
Proposed Land Use: Non-Alcoholic Beverage Stand/Kiosk (Soda and Pop)  
Existing Zoning: Community Commercial (CC), Community Entryway Zoning District (CEZD)

#### BACKGROUND AND PROCEDURAL HISTORY

- Planning Director spoke with the applicant in November of 2020 to discuss the requirements of the application and the process.
- An application was provided to the Planning Department on November 13, 2020
- The Applicant provided additional information to the Planning Department on December 6, 2020.
- A public hearing for the Conditional Land Use took place on December 16, 2020 Planning Board meeting.
- The Planning Board tabled the Conditional Land Use discussion until the January meeting to allow the applicant to be present and provide additional details.
- The Planning Board discussed the matter on January 20, 2021 with the applicant present.

- Planning Board voted to recommend approval of the Conditional Land Use with conditions.
- A public hearing for the Conditional Land Use is scheduled for the City Council Meeting on February 23, 2021.
- The public hearing requirements of 1762.030 have been met.

### **STAFF FINDINGS:**

The applicant is requesting approval of a conditional land use to construct and operate a beverage kiosk on the rear portion of 714 N. 1<sup>st</sup> Ave in Laurel. This use is not specifically delineated or defined within Chapter 17 of the Laurel Municipal Code. As such, a Conditional Land Use application is required. The following findings have been noted by the Planning Department after reviewing the Conditional Land Use application and supplementary documents.

- The location of the proposed beverage kiosk is zoned as Community Commercial (CC)
- The Purpose of Community Commercial zoning is primarily to “accommodate community retail, service and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development.”
- The Applicant has contacted the neighboring property owner to discuss driveway access for site traffic flow.
- The Applicant has received approval for two parking spaces, with more allocated if necessary.
- The applicant has provided a concept site plan and photos of the proposed kiosk.
- The concept plan and proposed stand pictures do not appear as if they will negatively impact the surrounding neighborhood by changing community character, lighting, or noise.
- The only mention of kiosks in the Laurel Municipal Zoning Code is within the Off-Street Parking Code.

### **PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA:**

*“17.62.020 – Requirements” contains the review criteria for the Zoning Commission to discuss and recommend actions on conditional land uses. The text of this subchapter is included below.*

*No structure or land use may be used for any purpose other than those allowed within a zoning district as specified in the zoning ordinance unless either a variance has been granted (under Chapter 17.60 or 17.64 of this code) or a conditional land use permit therefor has been provided. The zoning commission may recommend and the city can require any information that will allow the decision makers to comprehensively evaluate and decide on applications for conditional uses brought before them. The zoning commission may recommend and the city can require, after consideration of the application for conditional use, those conditions under which such land use may be allowed to include but not be necessarily limited to the following:*

- A. *Adequate ingress and egress with concern for vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access as reviewed and approved by the city public works director;*
- B. *Adequate off-street parking and loading with attention to vehicular and pedestrian safety and traffic flow;*
- C. *Conditions that control, specify, or plan for the generation of odors, noise, hours of operation, signage, or impact on the neighborhood of natural systems;*
- D. *Adequate landscaping, screening, mitigation of impact on adjacent property and buffering; and*
- E. *Compatibility with adjacent and neighborhood land uses and Laurel's GMP.*

**STAFF SUGGESTED CONDITIONS:**

The Planning Director recommends the approval of the Conditional Land Use application to operate a non-alcoholic beverage kiosk on 714 N. 1<sup>st</sup> Ave. The Planning Director suggests the Planning Board/Zoning Commission and City Council consider adopting the following conditions of approval.

- 1. No land uses shall be established on site that are not specifically included in this approval.
- 2. Any land use not specifically included in this approval shall be considered a violation of the City of Laurel zoning ordinance.
- 3. New construction regarding the approved conditional use shall apply for building permits when applicable.
- 4. The approved land use shall comply with the zoning requirements of the district or districts the property falls within.
- 5. The approved land use shall comply to the City of Laurel Sign Code
- 6. The approved land use shall comply with the City of Laurel off-street parking requirements.
- 7. The Applicant shall apply for all necessary permits and licenses prior to operating the beverage stand.
- 8. The kiosk/stand will be constructed in the interior of the lot.
- 9. The applicant must begin construction on the future permanent structure within 12 months of the Conditional Land Use approval.
- 10. The applicant shall establish a bathroom agreement for kiosk employees with a nearby business.
- 11. The kiosk will be served by City Water and Sewer services.

**ATTACHMENTS:**

- 1. Conditional Land Use Application
- 2. Map of 714 N. 1<sup>st</sup> Ave with 150ft buffer
- 3. List of property Owners within 150ft of 714 N. 1<sup>st</sup> Ave
- 4. Minutes from January 17, 2021 Planning Board meeting.
- 5. Public Hearing Notice – December 16, 2021 Planning Board
- 6. Public Hearing Notice – February 23, 2021 City Council
- 7. Soda Station Kiosk Concept Site Plan & Images
- 8. LMC 17.20 – Commercial – Industrial use Regulations
- 9. LMC 17.26 – Community Entryway Zoning District
- 10. LMC 17.62 – Conditional Land Uses
- 11. Additional Comments/Information provided by the Applicant.

# CITY OF LAUREL, MONTANA CONDITIONAL USE APPLICATION

Date received: \_\_\_\_\_

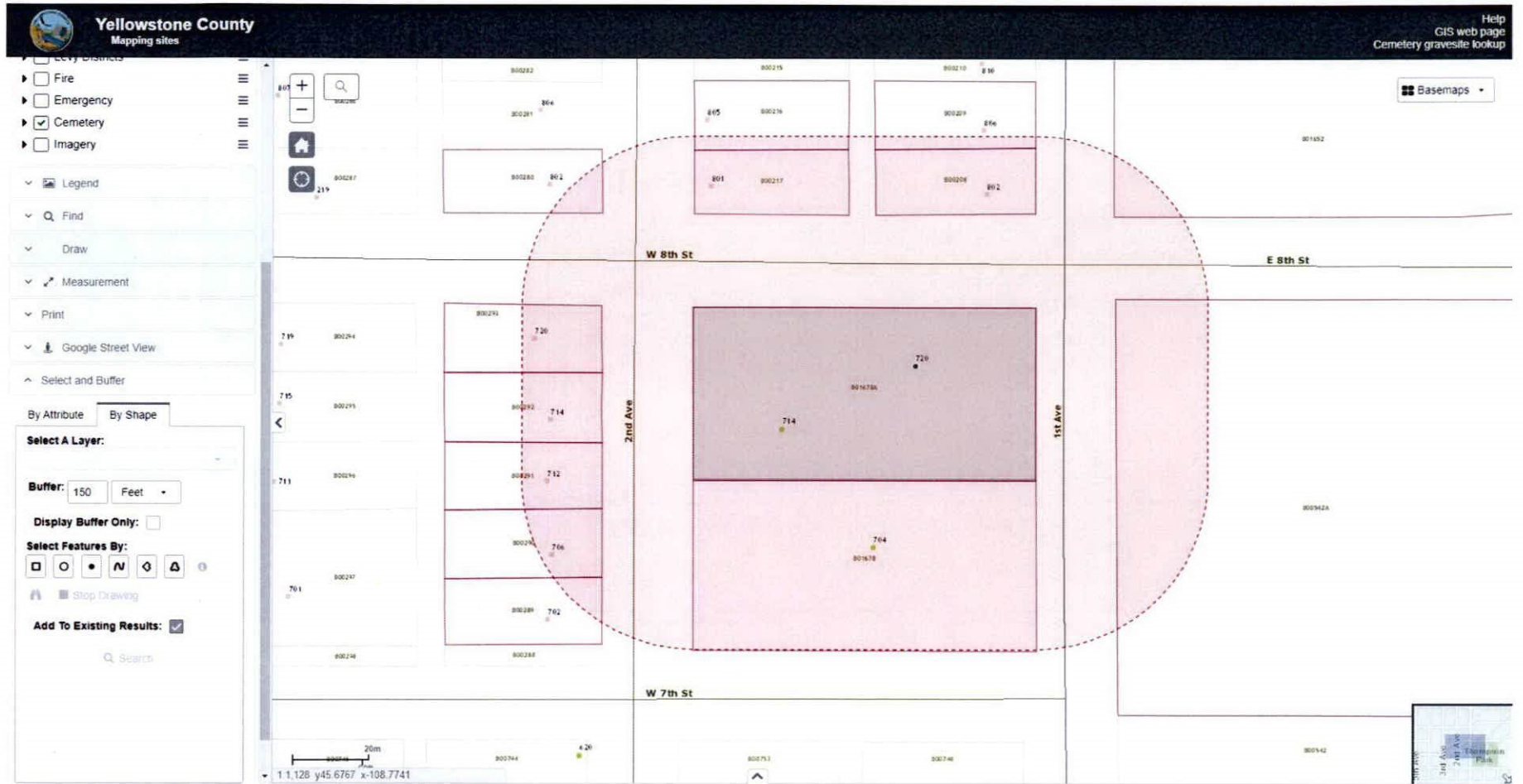
Twelve copies of this form, along with the appropriate fee, shall be submitted to the Planning Board Secretary on the first day of the month prior to the month in which the application shall be heard by the Zoning Commission. The Planning Board Secretary shall note the time of receipt, keep one copy, send one copy to the Planning Director, and forward the remainder to the members of the Zoning Commission. The Planning Board Secretary shall publish notice of a public hearing in the local newspaper at least 15 days prior to the Zoning Commission meeting at which the application will be considered; adjacent property owners of record within 150 feet of the application property shall also be notified by mail by the Zoning Commission. **The applicant or the authorized agent must attend the public hearing before both the Zoning Commission and the City Council.**

1. Name of Land Owner: 1st Ave Center LLC
2. Address: 720 1st Ave
3. Phone #: 406 670 7236
4. Legal Description of Property asking for Conditional Use:  
RICCI MINOR SUB, S09, T02S, R24E, LOT 2, (13)
  
5. Address of property or general location: 720 1st Ave. Laurel, MT 59044
6. Map Showing Property Location with Circle Drawn within 150' thereof: \_\_\_\_\_
7. List of Property Owners of Record within the 150' Perimeters. (Obtained from the County Clerk and Recorder's Office first (4<sup>th</sup> floor of County Courthouse) and the Department of Revenue Office second (14<sup>th</sup> floor of Wells Fargo Bank Building in downtown Billings).
8. Existing Zoning: Commercial
9. Specific Land being Requested: SE corner of lot - see attached photos
  
10. Reason for Request: To put a temporary Beverage Kiosk on property, called Soda Station
11. Scaled Drawing of the property showing the proposed use and improvements, adjacent land use, fences, driveways, etc.: attached pictures
12. Other Information as may be required by the City. \_\_\_\_\_
13. Review fee paid and date paid: \_\_\_\_\_ \$550 residential  
\_\_\_\_\_ \$1,100 commercial

After the public hearing for the conditional use, the Zoning Commission shall delay its recommendation to the City Council no longer than 30 working days. The City Council shall publish notice of and conduct a second public hearing before the Council, consider the recommendation of the Zoning Commission, and make its decision.

Scheduled before Planning Board: \_\_\_\_\_ Scheduled before City Council: \_\_\_\_\_  
Final Approval: \_\_\_\_\_

# Soda Station Kiosk – Overhead Map with 150ft Buffer







- City Boundaries
- Fire
- Emergency
- Cemetery
- Imagery
- 
- Legend
- Find
- Draw
- Measurement
- Print
- Google Street View
- Select and Buffer

By Attribute    **By Shape**

Select A Layer:

Buffer:  Feet

Display Buffer Only:

Select Features By:

Stop Drawing

Add To Existing Results:

Search



Soda Station – List of Property Owners within 150ft of 714 N. 1<sup>st</sup> Ave

Owner Name	Tax Code	Legal Description	Address
CITY OF LAUREL	B00542A	S09, T02 S, R24 E, PARK IN NE4	E 8TH ST
SCHOOL DISTRICT #7	B01652	MORRIS SUBD 1ST FILING, S09, T02 S, R24 E, BLOCK 7, Lot 12 - 22, & LTS 11-20 BL*	203-208-210-300 E MARYLAND LN
FLOHR, CHAD &	B00289	FIRST AVE SUBD, S09, T02 S, R24 E, BLOCK 7, Lot 2, & N37.5 FT LT 1	702 2ND AVE
SCHREINER, ALICE E &	B00290	FIRST AVE SUBD, S09, T02 S, R24 E, BLOCK 7, Lot 3 - 4	706 2ND AVE
WRIGG, HELEN A & CARLIN K	B00291	FIRST AVE SUBD, S09, T02 S, R24 E, BLOCK 7, Lot 5 - 6	712 2ND AVE
KING, ROBERT J & BERNICE	B00292	FIRST AVE SUBD, S09, T02 S, R24 E, BLOCK 7, Lot 7 - 8	714 2ND AVE
REIBER, DOUGLAS	B00293	FIRST AVE SUBD, S09, T02 S, R24 E, BLOCK 7, Lot 9 - 10	720 2ND AVE
LAUREL OPPORTUNITIES LLC	B01678	RICCI MINOR SUB, S09, T02 S, R24 E, Lot 1, (13)	704 1ST AVE
FIRST AVENUE CENTER LLC	B01678A	RICCI MINOR SUB, S09, T02 S, R24 E, Lot 2, (13)	714 1ST AVE
WILLIS, DONNA M	B00280	FIRST AVE SUBD, S09, T02 S, R24 E, BLOCK 6, Lot 1 - 2	802 2ND AVE
ZIMMERMAN, JOE JR & ALETTA	B00208	FIRST AVE SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 1 - 2	802 1ST AVE
SIEGEL, NANCY J	B00209	FIRST AVE SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 3 - 4	806 1ST AVE
LAVELY, STEVEN R	B00216	FIRST AVE SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 17 - 18	805 2ND AVE
BARRETT, JASON H & PAMELA LEE	B00217	FIRST AVE SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 19 - 20	801 2ND AVE



**MINUTES  
CITY OF LAUREL  
CITY/COUNTY PLANNING BOARD  
WEDNESDAY, JANUARY 20, 2021  
5:35 PM  
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.*

1. Roll Call

The Chair called the meeting to order at 5:36pm

Jon Klasna  
Evan Bruce  
Roger Giese  
Dan Koch  
Judy Goldsby  
Ron Benner (Arrived at 5:37pm)  
Nick Altonaga (City of Laurel)

**General Items**

2. Approve Meeting Minutes: December 16, 2020

Dan Motioned to Approve the meeting minutes from the December 16 2020 meeting as presented  
Evan seconded.  
Motion Carried.

**New Business**

**Old Business**

3. Conditional Land Use: Soda Station Kiosk

Nick provided a summary of the previous planning board meeting and public hearing. The Applicant Annie Larson and associates were present (Cassie, Ed (owner of the property), and Randy (business owner, landlord for current location)).

Ron had concerns about the driveway and traffic direction. Suggested moving the stand to the interior of the lot

- The future plan is to build another full structure on the back of the lot, with a drive through off of 2<sup>nd</sup> Avenue. The Soda Station operation will then be located within the building.

Ron remembered a previous discussion at City Council about ingress/egress and the issues it poses.

- The plan with the second building is to have a parking lot to the west of the building, which will have the cars stacked for the drive-thru within the parking lot.



Roger: There is a lot of traffic at various times through that area. Is the kiosk moveable?

- The building will be tied to city services but is a temporary structure. Plan to have a water and sewer line to the future building.

Where is the current location?

- Off of Shiloh, with another location planned in the Heights.
- It will be a new building.

Plan to trench over to the kiosk, as if building 2 was already there.

Will the building have bathrooms?

- No, we have agreements with nearby businesses to utilize restrooms for employees at this time.

Judy: Status of garbage collection?

- The dumpster for the lot is behind the Chiropractor office/Dominos.

Discussion of timeline of getting the second building constructed.

- 6-12 months
- Will place an extra bin behind Town Pump to utilize.

Discussion of utilities

- There is one utility meter for the whole small complex. The tenants and owner pay the bill through that.

Ron discussed his worry about temporary businesses and kiosks that don't have to pay full taxes like other major brick and mortar operations.

- Cassie: The flip side of not paying full taxes/fees for full brick and mortar is a limited scope of operations.
- Plan to create up to 12 jobs within the community.
- Have gotten good feedback from Laurel high school students who like working at the existing Billings kiosk and are excited to work locally.

Judy: would the 2<sup>nd</sup> building be a full drive through and walk-in service?

- The structure would be mostly geared towards drive-thru but would have limited walk-in service.

Members discussed the different issues at hand and certain added conditions of approval.

Nick restated the conditions of approval:

- Moving the structure to the interior of the lot
- Must begin construction of future permanent structure within 12 months of Conditional Land Use approval.
- Establish a bathroom agreement with nearby business.
- Hook-up to city services (Water and Sewer)

Ron Motioned to approve the conditional land use application for the Soda Station beverage kiosk with the conditions included in the staff report as well as those additional conditions established by Planning Board.

Dan Seconded.

Motion Carried.

## **Other Items**

### 4. Uniquities Sign Review

Planning Board members reviewed the sign design and Laurel zoning code.

Ron Motioned to approve the Uniquities Sign as designed.

Jon Seconded.

Motion Carried.

### 5. Upcoming Projects

Discussion of Cherry Hills 3<sup>rd</sup> Filing.

Discussion of the status of Goldberg Sporting Estates.

Follow up with Dan Wells for Regal Community Park?

- Nick will be following up on the multiple issues that Planning Board and City Council have noted.

SE 4<sup>th</sup> Variance upcoming at February or March meetings.

Iron Horse Station 2<sup>nd</sup> Phase discussion. Should be finalized soon.

Nick will also be following up on the affordable housing project off 8<sup>th</sup> Ave.

## **Announcements**

### 6. Adjourn

The Chair adjourned the meeting at 6:35pm.

### 7. Next Meeting: February 17, 2021

**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**

## PUBLIC HEARING NOTICE

The Laurel City-County Planning Board and Zoning Commission will conduct a public hearing on a conditional land use application submitted by Annie Pugmire on behalf of Soda Station to operate a soda stand at 720 1<sup>st</sup> Avenue. This property is zoned Community Commercial (CC) and is within the Community Entryway Zoning district (CEZD). The Zoning Commission hearing is scheduled for **5:35PM on Wednesday, December 16, 2020 Via Zoom Meeting.** The meeting log-in details will be available on the meeting agenda. Additionally, the City Council has scheduled a public hearing and consideration of approval for the conditional use that is scheduled for **6:30 P.M. on Tuesday, January 12, 2021 Via Zoom Meeting.**

A Conditional Land Use Application is required to operate a soda stand at 720 1<sup>st</sup> Avenue because that type of use and structure is not described in Chapter 17.20 – Commercial – Industrial Use Regulations. The conditional land use permitting process is intended to provide a detailed and comprehensive review of the proposed use and ensure that the interest of the public, the community, and surrounding neighborhood are protected. Conditional uses that are granted by the city are site specific and run with the land. Land use changes not specifically included in the approval of the conditional use are a violation of the city zoning ordinance.

Public comment is encouraged and can be provided at the public hearings on December 16<sup>th</sup> and January 12<sup>th</sup>. Public comment can also be made via email to the Planning Director, or via letter to the Planning Department office at 115 West 1<sup>st</sup> Street Laurel, MT 59044. A copy of the conditional use application and supporting documentation is available for review upon request at the Planning Department office. Questions regarding this public hearing may be directed to the Planning Director at 628-4796 ext. 5, or via email at [cityplanner@laurel.mt.gov](mailto:cityplanner@laurel.mt.gov).

## PUBLIC HEARING NOTICE

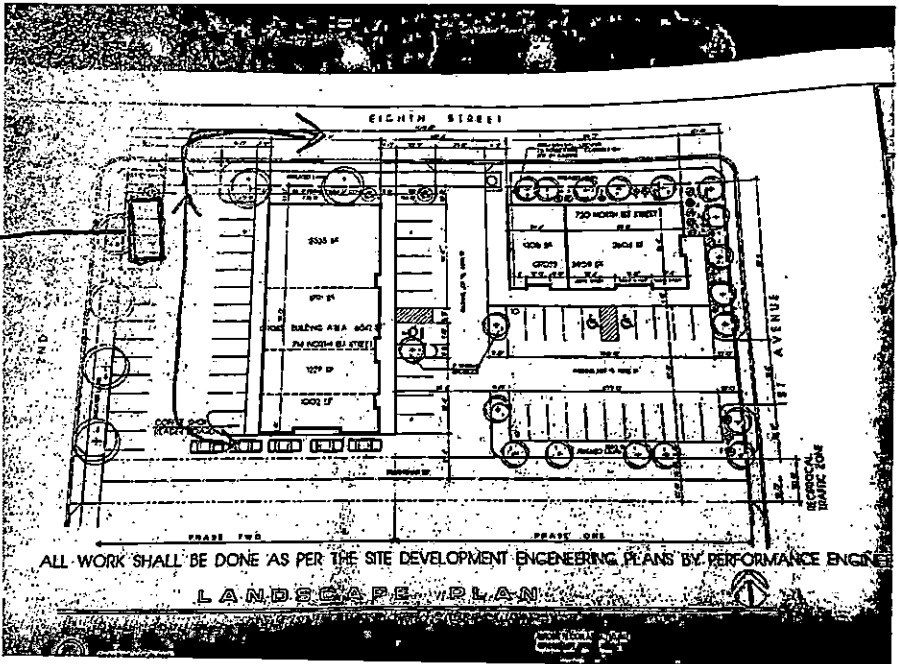
The Laurel City Council will conduct a public hearing on a conditional land use application submitted by Anne Pugmire on behalf of Soda Station to operate a soda stand at 720 1<sup>st</sup> Avenue. This property is zoned Community Commercial (CC) and is within the Community Entryway Zoning district (CEZD). **The City Council has scheduled a public hearing and consideration of approval for the conditional use for 6:30 P.M. on Tuesday, February 23<sup>rd</sup>, 2021 Via Zoom Meeting.** The meeting log-in details will be available on the meeting agenda.

A Conditional Land Use Application is required to operate a soda stand at 720 1<sup>st</sup> Avenue because that type of use and structure is not described in Chapter 17.20 – Commercial – Industrial Use Regulations. The conditional land use permitting process is intended to provide a detailed and comprehensive review of the proposed use and ensure that the interest of the public, the community, and surrounding neighborhood are protected. Conditional uses that are granted by the city are site specific and run with the land. Land use changes not specifically included in the approval of the conditional use are a violation of the city zoning ordinance.

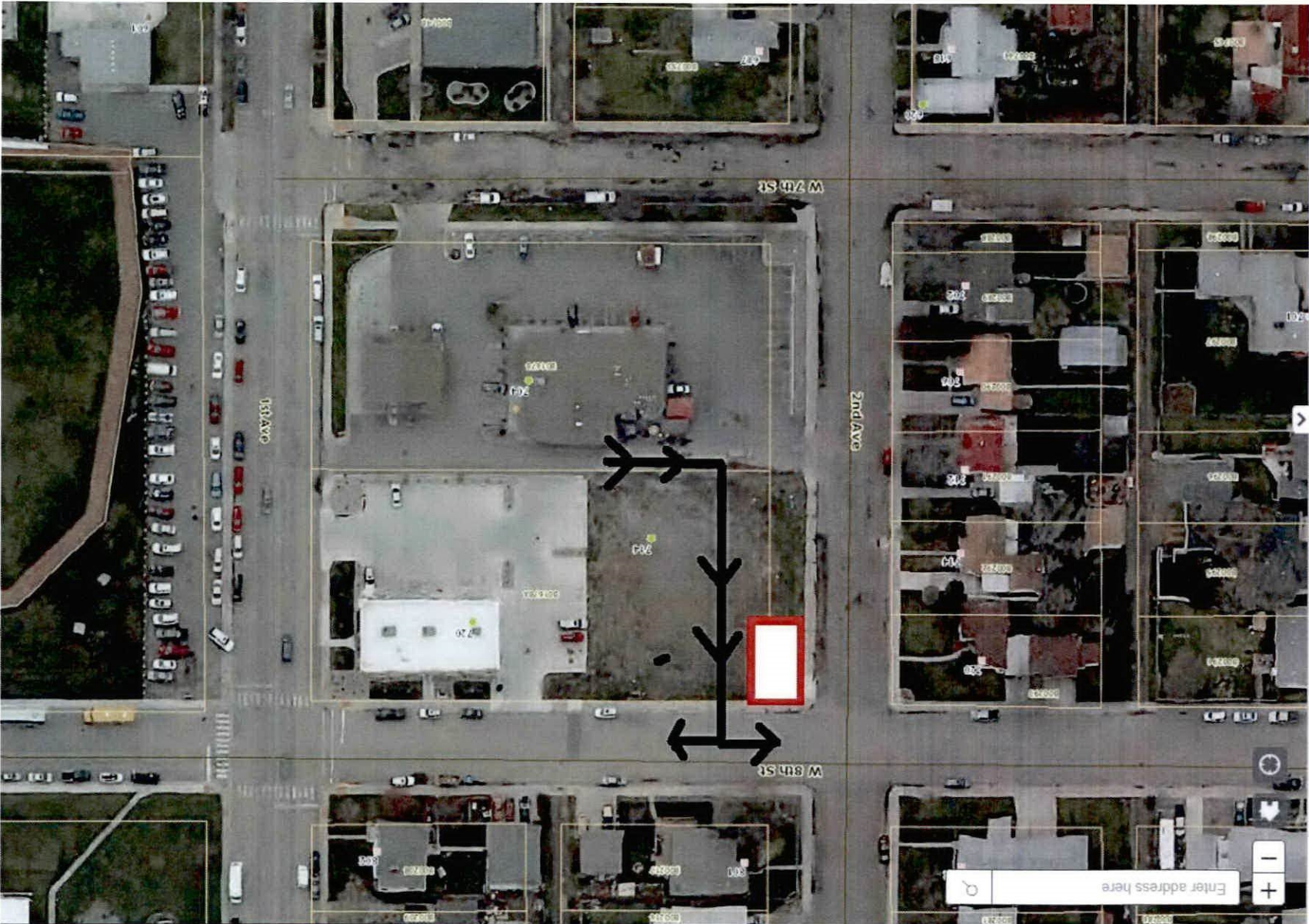
**Public comment is encouraged and can be provided at the public hearing on February 23<sup>rd</sup>.** Public comment can also be made via email to the Planning Director, or via letter to the Planning Department office at 115 West 1<sup>st</sup> Street Laurel, MT 59044. A copy of the conditional use application and supporting documentation is available for review upon request at the Planning Department office. Questions regarding this public hearing may be directed to the Planning Director at 628-4796 ext. 5, or via email at [cityplanner@laurel.mt.gov](mailto:cityplanner@laurel.mt.gov).

• Bathroom Agreement with  
Don Jones at Dickey's BBQ

Temp spot for Soda Station kiosk









17.20.010 - List of uses.



Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

	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		
Bus repair and storage terminals						A	A	A	
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





17.20.010 - List of uses.



Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

	AG	RP	NC	CBD	CC	HC	LI	HI	P
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 dry-cleaning plants							A	A	
Laundries, steam pressing, dry-cleaning 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			
Music stores			A	A	A	A	A		
Office building, professional government and private office buildings in which no activity is carried on catering to retail trade and no stock of goods is maintained for sale	SR	SR	A	A	A	A	A	A	SR
Office equipment, supplies and service			A	A	A	A	A		
Optician and optical supplies and sales			A	A	A	A	A		
Oxygen manufacturing and/or storage								A	
Paint and body shops				A	A	A	A	A	
Paint and retail sales			A	A	A	A	A		
Parking, public		SR	A	A	A	A	A	A	A

17.20.010 - List of uses.

Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.



	AG	RP	NC	CBD	CC	HC	LI	HI	P
Parks, playgrounds, playfields and golf courses, community center buildings - operated by public agency, neighborhood or homeowner's association	A	SR							A
Pawn shops				A	A	A	A		
Pet shops			A	A	A	A	A		
Photographic studios		SR	A	A	A	A	A		
Planing or saw mills								A	
Post-secondary school	A	A	A	A	A	A			A
Prefabricated building materials assembly and manufactures						SR	A	A	
Preschool	A	SR	SR	SR					
Printing, publishing, reproduction and lithography				A	A	A	A	A	
Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners					A	A	A	A	
Public utilities service installations	SR	SR	SR	A	A	A	A	A	SR
Public utilities storage yard						A	A	A	SR
Radio and TV broadcasting stations				A	A	A	A	A	
Radio and TV tower						A	A	A	SR
Railroad yard							A	A	
Real estate office			A	A	A	A	A		
Rental service store and yard					A	A	A		
Repair and servicing of industrial equipment and machinery						A	A	A	
School, commercial			A	A	A	A			A
Scrap yards - storage and processing								A	
Secondhand stores and/or antique store				A	A	A	A		
Sheet metal shops and processing							A	A	
Shoe repair				A	A	A	A	A	
Sign manufacturing, painting and maintenance						A	A	A	
Sign									
Billboards	SR					SR	SR	SR	
On premises	A	SR	A	A	A	A	A	A	
Off premises	SR			SR	SR	SR	SR	SR	
Slaughterhouse	SR							SR	
Sporting goods sales				A	A	A	A		
Storage, compartmentalized storage for commercial rent							SR	SR	
Storage and warehouse and yards							SR	A	
Stone cutting, monuments manufacturing and sales							SR	A	
Sugar and sugar beet refining								SR	
Swimming pools or beaches, public									A
Taxi stands				A	A	A	A		
Theaters, cinema, opera houses				A	A	A			
Drive-in theaters						SR			
Tire recapping and retreading						A	A	A	
Trailer and recreational vehicle sales area					A	A	A		
Travel trailer park (transient)						SR			
Truck terminals, repair shops, hauling and storage yards						A	A	A	
Water and sewage treatment plant	A								A
Wholesale and jobbing establishments						SR	A	A	
Woodworking shops, millwork						SR	A	A	
Zoo, arboretum	SR								A

(Ord. No. 009-01, 3-17-09; Ord. No. 009-07, 7-7-09; Ord. No. 011-01, 2-15-2011; Ord. No. 0-14-03, 8-5-2014)





## Chapter 17.62 - CONDITIONAL LAND USES

### 17.62.010 - Purpose.

The purpose of conditional land uses is to provide for specific uses, other than those already allowed in each zoning district, which may be compatible uses in the district under certain safeguards or conditions. The conditional land use permitting process is intended to provide a detailed and comprehensive review of such proposed, compatible developments and to insure the interest of the public, the community, and the larger neighborhood area are protected. Conditional uses, once granted by the city, are sight specific and run with the land. Land use changes not specifically included in the approval of a conditional use are a violation of the city zoning ordinance.

(Ord. 03-4 (part), 2003)

### 17.62.020 - Requirements.

No structure or land use may be used for any purpose other than those allowed within a zoning district as specified in the zoning ordinance unless either a variance has been granted (under Chapter 17.60 or 17.64 of this code) or a conditional land use permit therefor has been provided. The zoning commission may recommend and the city can require any information that will allow the decision makers to comprehensively evaluate and decide on applications for conditional uses brought before them. The zoning commission may recommend and the city can require, after consideration of the application for conditional use, those conditions under which such land use may be allowed to include but not be necessarily limited to the following:

- A. Adequate ingress and egress with concern for vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access as reviewed and approved by the city public works director;
- B. Adequate off-street parking and loading with attention to vehicular and pedestrian safety and traffic flow;
- C. Conditions that control, specify, or plan for the generation of odors, noise, hours of operation, signage, or impact on the neighborhood of natural systems;
- D. Adequate landscaping, screening, mitigation of impact on adjacent property and buffering; and
- E. Compatibility with adjacent and neighborhood land uses and Laurel's GMP.

(Ord. 03-4 (part), 2003)

### 17.62.030 - Application process.

Twelve copies of the conditional use application form and required review fee shall be submitted to the planning board secretary thirty working days prior to the regularly scheduled zoning commission/planning board meeting at which the application will be considered. The planning board secretary shall note the time of receipt, keep one copy, send one copy to the city planner, and forward the remainder to the members of the zoning commission.

- A. The zoning commission shall publish notice of public hearing in the local newspaper at least fifteen days prior to the zoning commission meeting at which the application will be considered; adjacent property owners of record within one hundred fifty feet of the application property shall also be notified by mail by the zoning commission. The applicant or

the authorized agent must attend the public hearings before both the zoning commission and the city council.

- B. The conditional use application shall include twelve copies of:
1. Conditional use application form;
  2. Legal description of the property;
  3. Address or general location of property;
  4. Existing zoning;
  5. Specific land use being requested;
  6. Reason for request;
  7. Scaled drawings of the subject property, proposed use, existing buildings and improvements, adjacent land use, fences, etc.;
  8. Other information as may be needed by the zoning commission;
  9. Name, address and telephone number of owner of record;
  10. Name, address and telephone number of agent of owner of record;
  11. List of current property owners adjacent to and within one hundred fifty feet of the parcel for which a conditional use permit is sought;
  12. Review fee.
- C. After the public hearing for the conditional use, the zoning commission shall delay its recommendation to city council no longer than thirty working days. The city council shall publish notice of and conduct a second public hearing before the council, consider the recommendation of the zoning commission and make its decision.

(Ord. 03-4 (part), 2003)