

# MINUTES OF THE CITY COUNCIL OF LAUREL

September 9, 2025

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Dave Waggoner at 6:28 pm on September 9, 2025.

COUNCIL MEMBERS PRESENT:

Thomas Canape	Heidi Sparks
Michelle Mize	Jessica Banks
Casey Wheeler	Irv Wilke
Richard Klose	Jodi Mackay

COUNCIL MEMBERS ABSENT:

None

OTHER STAFF PRESENT:

Michele, Braukmann, Civil City Attorney  
Brittney Harakal, Administrative Assistant  
Kurt Markegard, CAO  
JW Hopper, Fire Chief  
Sarah Naylor, Firefighter  
Susan Canape, Dispatcher

Mayor Waggoner led the Pledge of Allegiance to the American flag.

MINUTES:

Motion by Council Member Wilke to approve the minutes of the regular meeting of August 26, 2025, as presented, seconded by Council Member Sparks. There was no public comment.

Council noted two typos. The cost of the water reservoir is swapped. It should say that the cost is expected to be 20 million, not 20k. Additionally, the roll call vote is listed correctly, but it incorrectly states that the motion passed 7-0; it should be 6-1.

Motion by Council Member Mackay to table the minutes of the regular meeting of August 26, 2025, until the next Council meeting, seconded by Council Member Sparks. There was no public comment or Council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

CORRESPONDENCE:

- Police Monthly Report - July 2025
- Irwin Resignation Letter
- Police Monthly Report - August 2025.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- On-premise sale and consumption of alcohol at 203 E. Main Street.

Mayor Waggoner opened the public hearing and asked Staff to present the item.

Mayor Waggoner opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the Council chambers.

Forrest Sanderson, Contracted Planner, reviewed the attached Staff report. The Zoning Commission voted 5-2 to recommend approval.

Council questioned whether this is an additional liquor license in the City or if it is an existing liquor license already in use in the City. It was clarified that this liquor license has existed in the City for a long time and has moved between buildings a number of times.

Council questioned what discussions the City/County Planning Board had on this item that led to the 5-2 vote. It was clarified that there were discussions of the appropriateness of the surrounding uses, but that it did pass with a vote of 5-2 to recommend approval.

The Council questioned whether this was the liquor license that originated from Sonny Oday and was subsequently transferred to the Pelican. It was further questioned why it keeps moving locations. It was clarified that yes, this is the same license that has moved to various buildings in town, and as to why, the owners of the license would need to answer that.

Council asked for clarification on what their role is here this evening. It was clarified that there are legal and civil issues. All of the boxes for the City have been checked. The civil matters are between the parties. It was further questioned if there is a liability for the City on this vote. It was clarified that all land use issues involve risk. Anytime a governing body makes a decision outside the nexus test, there is risk. Council is to consider the information that is presented and the factors set out by law when making its decisions. It is not proper to consider issues between a private seller and purchaser.

Mayor Waggoner asked if there were any proponents.

Mr. Sanderson read the attached letter from Paul Thomaе, 1013 Jenaе Drive.

Mayor Waggoner asked again if there were any proponents.

Jodi Roberg, 902 10<sup>th</sup> Avenue, stated she is one of the owners of the proposed Redemption Off The Rails. They want to do good for the community. She currently owns a bar in Ballantine. She acknowledged the concerns regarding being located next to AA. They plan to have mocktails available as well. They plan to have a higher-end menu and a lower-end menu. They have hired the chief from the Rib and Chop.

Mayor Waggoner asked again if there were any proponents. There were no additional proponents.

Mayor Waggoner asked if there were any opponents.

Samantha Decker, 512 Hazel Avenue, stated the Owl has never been a bar; when it was owned by Linda Frickle, it was not a bar. They have not gotten the issues with the license fixed.

Mayor Waggoner asked two (2) more times if there were any opponents. There were no additional opponents.

Mayor Waggoner stated that he would not have Staff respond to questions as there were none.

Mayor Waggoner closed the public hearing.

- Zone Change from R-6000 to RMF Ironhorse Subdivision.

Mayor Waggoner opened the public hearing and asked Staff to present the item.

Mayor Waggoner opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the Council chambers.

Forrest Sanderson, Contracted Planner, reviewed the attached staff report. This request is for all of block 6 and lots 1&2 of block 7. The Zoning Commission recommends that the request is inconsistent with the Growth Management Plan. Their vote was 4-3.

Council asked if Mr. Sanderson could describe the reason for the decision. He clarified that his role is to represent what the majority of the Zone Commission voted for. There were discussions on infrastructure concerns.

Council questioned what the concerns were regarding infrastructure. The concerns were regarding sidewalks, streets, and concerns that RMF allows for fourplexes. The developer's agent did not present fourplexes; they would like to do similar development to what is directly below the ditch. It was further clarified that the Ironhorse Subdivision was built in 2 phases. Below the Nutting Drain was built in phase 1. During that process, the developer ran a water line from 1<sup>st</sup> Avenue to create water redundancy to the subdivision. They also have a water line coming up from E. Maryland Lane.

Mr. Brown installed water, sewer, and street infrastructure for Phase 2 a few years ago. Sidewalks, curbs, and gutters get built when the homes are built. The request is in regards to density. This subdivision was approved in 2005. Currently, the City does not have many lots available to build on. The developer is requesting a change in zoning. It was noted that the Council will not be voting on this item tonight. Staff's recommendation is to approve the request. The Zone Commission's recommendation is to deny the request. Council gets to choose how they would like to proceed.

Council noted that R-6000 allows for duplexes. It was clarified that the issue is the setback requirements of R-6000, which make it difficult or impossible to build on certain lots in certain situations.

Council questioned whether there were height restrictions. It was clarified that all zoning types have height restrictions. It was further questioned what the height restrictions are. It was clarified that RMF limits are 44 or 45 feet. R-6000 height restriction is 35 feet.

The Council questioned whether there were fourplexes in the area. It was clarified that there are adjacent properties to the requested lots. It was further questioned if the infrastructure can keep up with the current buildings. It was clarified that the infrastructure is sufficient for the subdivision.

The Council questioned whether allowing for the zone change could also allow for larger streets. It was further questioned if there would be congestion on the street. It was clarified that the streets are built to the urban standards. There is no excess right-of-way.

Mayor Waggoner asked if there were any proponents.

Kolton Knatlerod, IMEG, stated he is the agent for the developer. The primary purpose of this request is for the lot coverage. The request is for the same zoning designation as directly below the ditch. There are 8in water and sewer mains throughout the development.

Marvin Brown, Iron Horse Subdivision Developer, stated in 2010 that the cost of a lot was \$50k and could be built for \$ 130 per square foot. In 2025, the infrastructure cost per lot was 50k. The cost of the lot is now much higher. The cost per square foot has also increased substantially. To create affordable housing, a higher density and larger units are required. The state legislator has identified the need for affordable housing options. He has put a lot of money into this investment. He will be working with St. John's in the area closest to them. He handed out the attached plan for the lots he is being asked to rezoned.

Mayor Waggoner asked again if there were any proponents.

Council questioned whether these will be sold or if they will be rentals. It was clarified that these will be townhomes and will be sold separately. Council noted that many have a dream of owning their own home. Will these be separated into smaller homes, or will they share a wall? It was clarified that there will be a common wall. The RMF zoning allows for 40% lot coverage. The developer plans to incorporate water features throughout the development.

Mayor Waggoner asked again if there were any proponents. There were no additional proponents.

Mayor Waggoner asked if there were any opponents.

Ron Benner, 1408 E. Maryland Lane stated that there were different comments presented tonight than what were present during the City/County Planning Board meeting. The City/County Planning Board was told these would be threeplexes. Once the lot is zoned RMF, the City is out of the picture. He wants duplexes as there are bad streets on E. Maryland Lane, Ridge Drive, and Alder Avenue. There are now two schools adjacent to this subdivision, and no sidewalks. This is not safe for kids. He questioned where cars would park. RMF does not require two parking spots per dwelling unit. He personally has been blessed by the trailer courts built near him. He wants affordable housing, just in another area of town. He does not want the increased traffic by the school. He does agree that the water and sewer are sufficient. Once the zoning is changed to RMF, they cannot limit the size of the development.

Mayor Waggoner asked two (2) additional times if there were any opponents. There were no additional opponents.

Mayor Waggoner stated that he would not have Staff respond to questions as there were none.



Mayor Waggoner closed the public hearing.

- Annexation of Cherry Hill Fourth Filing and Zoning R7500

Mayor Waggoner opened the public hearing and asked Staff to present the item.

Mayor Waggoner opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the Council chambers.

Forrest Sanderson, Contract Planner, reviewed the attached Staff report. The Zoning Commission is recommending both annexation and zoning designation of R-7500. The Zoning Commission is also recommending three advisory recommendations, using the cash in lieu money to create a park near the subdivision, create an SID to connect W. Maryland Lane to NW Maryland Lane, and allowing a variance to the public works standards to allow a curb walk to improve the wetlands area.

Council questioned who would be paying for the installation of the bridge. It was clarified that any benefited properties would be included in a Special Improvement District to cover the cost of the bridge. It was further questioned if properties in the County could be included in the SID. It was clarified that it would need to be coordinated with the County. It was further questioned how many properties would be affected by this SID. It was clarified that the specific number of properties has not been identified yet. It was further clarified that the bridge is a separate issue from the annexation.

Council questioned how they could add the advisory recommendation to be included in this resolution. It was clarified that each of those items was separate from the annexation and zoning designation request. The Council reiterated that these advisory recommendations are excellent and did not want them to be lost or left incomplete.

Council questioned if there is a safe way for the Fire Department to get in and out of the development. It was clarified that the Fire Department is part of the review process. The only comment they provided was that they would like to see the bridge installed; however, there is sufficient space to accommodate their needs.

Mayor Waggoner asked three (3) times if there were any proponents. There were none.

Mayor Waggoner asked if there were any opponents.

The Contract Planner read the attached email from Alina Pederson.

Mayor Waggoner asked two (2) additional times if there were any opponents. There were no additional opponents.

Council questioned whether there is a flood report. It was clarified that there are designated wetlands in the area. This is a preliminary plot. This is permission to proceed. They will have to meet the public works standards. There will also be a development agreement to come before the Council as well. This allows Staff to move forward with meeting with the developer to work out all of these details. If there is a valid concern with flooding, it will be dealt with appropriately. DEQ will review and approve stormwater. This is a jurisdictional wetland, which DEQ will take into account through its approval process.

Mayor Waggoner stated that he would not have Staff respond to questions as there were none.

Mayor Waggoner closed the public hearing.

- Variance for signage of Loves Travel Stops and Country Stores.

Mayor Waggoner opened the public hearing and asked Staff to present the item.

Mayor Waggoner opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the Council chambers.

Forrest Sanderson, Contracted Planner, reviewed the attached Staff report.

Council questioned why the City has a height limit and why do we need short signs. Our ordinance limits the height of a structure. A sign is a structure. However, special circumstances may warrant a much taller structure. In this instance so it is visible to the traveling public.

Mayor Waggoner asked if there were any proponents.

The Contracted Planner read the attached letter from Paul Thomae of 1013 Jenea Drive.

Mayor Waggoner asked again if there were any proponents.

Shawn Baker, Loves Truck Stops, reviewed the attached handouts. Large traveling traffic takes much longer to be able to safely change lanes and exit the interstate. They follow the recommendations of the US Safety Council, which recommends signs be visible at .8 miles from the exit.

Council questioned whether there would be additional signage, like billboards. Mr. Baker stated that at this point, there are no billboards before the exit that are available. The waitlist is two years out. They are the wait list for those billboards; however, the existing business has first dibs on renewing their contract before the waitlist is offered the space.

Mayor Waggoner asked again if there were any proponents. There were no additional proponents.

Mayor Waggoner asked if there were any opponents.

Ron Benner, 1408 E. Maryland Lane stated there are zoning rules for a reason. This is a 300% increase in the variance. 120 feet to 150 feet is a 12-story building. He agreed that traffic patterns are important; however, what will the surrounding community going to see? This will impact all homeowners on a daily basis. The tallest flagpole in Montana is 130 feet. That flag is 40 feet by 50 feet and can be seen from far away. The tallest tree in Montana is 163 feet in height. He handed out the attached diagram showing the homes that will be affected by this decision. The applicant purchased the land knowing of this issue. He stated that we do not need a 145-foot sign; it can be reduced to 100 feet. He also noted that there is a billboard currently advertising the Hardin location and questioned why that billboard could not be used to advertise this location.

Mayor Waggoner asked again if there were any opponents.

Bill Tiefenthaler, 2331 US Highway 10 W, stated he lives half a mile from this intersection. This sign will be visible 24/7 and will be an eyesore. It will be in his backyard. He encouraged them to get some billboards instead. He understood that 45 feet was not enough, but 145 feet was too much; this sign could be much less. They are building whether they get the sign or not.

Mayor Waggoner asked again if there were any opponents.

Contrella Peterson, 39 Figgins Circle, stated that this sign will be in her backyard. It will affect the visibility and light. She is not opposed to them having a sign; however, this extreme variance is her issue. There is nothing between where they are building and the interstate. There are no trees between their location and the interstate either. She understands that they need a sign for business, but they have other ways of advertising. Many people have it mapped out before they leave for a trip, where they plan to stop. There will also be more development in the area. If the City gives the first one, then everyone else will want equally high signs. She cannot look across the pond without seeing the sign. She has also spoken to Randy Remington, who relayed to her that she was also in opposition to this sign. She also questioned whether the installation of water and sewer would affect the irrigation ditch.

The Mayor clarified tonight that the item is the sign.

Mayor Waggoner asked again if there were any opponents.

Cody Love, 15 19th Ave W, stated he is both an opponent and a proponent. They have invested 22 million into developing this property. They need to advertise in order to recover their investment. This area is going to become commercial. Does he like it? No. Will it hurt his Airbnb? He does not know. It is a commercial property. They lived in the home for 20 years and moved because they knew progress was coming. This is no different than the power plant or the refinery. He is both for and against this action.

Mayor Waggoner asked again if there were any opponents.

Gloria Alwin, who lives on Golf Course Road, stated she is opposed to having the sign that tall. She will be able to see the sign. It is hard enough having a truck stop coming in. She understands that progress is coming, but once you put the sign up, everyone else is coming too.

Mayor Waggoner asked again if there were any opponents.

Cody Love, 15 19<sup>th</sup> Ave W, asked if the interstate is a State highway.

It was clarified that they use federal funding to improve the interstate, but the State is in charge of the funding.

Mr. Love questioned whether semis could not use their Jake brakes; he would want to see that implemented rather than having an issue with the sign.

Mayor Waggoner asked again if there were any opponents.

Denis Alwin, who lives on Golf Course Road, questioned whether the sign would be lit all night or if the sign would be flashing.

It was clarified that the sign will be lit all night, but there will be no flashing components.

Mayor Waggoner asked again if there were any opponents.

Mike Murphy, 10 Figgins Circle, asked to please have the sign lowered. This sign will be obnoxious.

Mayor Waggoner asked again if there were any opponents.

Dan Hughes, 15 Figgins Circle, stated he likes to sit on the pond and look at the mountains. This sign will be an eyesore.

Mayor Waggoner asked again if there were any opponents. There were no additional opponents.

Mayor Waggoner asked Staff to clarify if Council could choose a different sign height.

Mr. Sanderson stated the Council could choose to reduce the height of the sign. The Zoning Commission recommended the height be 145 feet with a vote of 6-1.

The Council questioned whether, if they chose to reduce the sign height, they would table this resolution and request the change be made for the next Council cycle. It was clarified that yes, that would be the appropriate process.

Mayor Waggoner closed the public hearing.

#### **CONSENT ITEMS:**

- **Claims entered through September 5, 2025.**  
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 8/31/2025 totaling \$279,256.38.**

The Mayor asked if there was any separation of consent items. There was none.

Motion by Council Member Klose to approve the consent items as presented, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried or Council discussion.

**CEREMONIAL CALENDAR:** None.

#### **REPORTS OF BOARDS AND COMMISSIONS:**

- Budget/Finance Committee Minutes of August 26, 2025.



- Park Board Minutes of August 7, 2025.
- Laurel Urban Renewal Agency Minutes of August 25, 2025.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):** None.

**SCHEDULED MATTERS:**

- **Appointment of Michelle Mize to the Tree/Park Board for a four-year term ending December 31, 2028.**

Motion by Council Member Banks to approve the Mayor's appointment of Michelle Mize to the Tree/Park Board for a four-year term ending December 31, 2028, seconded by Council Member Canape. There was no public comment or Council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

- **Appointments of Cody Olvera, Keith Guy, Justin Lackore, and Jarit Fitchener to the Laurel Volunteer Fire Department.**

Motion by Council Member Wheeler to approve the Mayor's appointment of Cody Olvera, Keith Guy, Justin Lackore, and Jarit Fitchener to the Laurel Volunteer Fire Department, seconded by Council Member Mize. There was no public comment or Council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

- **Appointment of Kay Wilcox to the Library Board for a five-year term ending June 30, 2030.**

Motion by Council Member Mize to approve the Mayor's appointment of Kay Wilcox to the Library Board for a five-year term ending June 30, 2025, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

- **Resolution No. R25-78: Resolution Of The City Council To Approve A Conditional Use Permit For The Owl Café To Allow On-Site Sale And Consumption Of Alcohol At 203 East Main, Laurel, Montana**

Motion by Council Member Sparks to approve Resolution No. R25-78, seconded by Council Member Wilke. There was no public comment or Council discussion. A roll call vote was taken on the motion. Council Members Sparks, Banks, Mackay, Wheeler, and Mize voted aye. Council Members Wilke, Klose, and Canape voted no. The motion carried 5-3.

- **Resolution No. R25-79: Resolution Of The City Council Approving The Preliminary Plat Of The Property Legally Described As Parcel 1a Of Certificate Of Survey 3034, Amended (24), Being The Proposed Cherry Hill Subdivision, 4th Filing, Adjacent To The City Of Laurel, As An Addition To The City Of Laurel, Yellowstone County, Montana, With Initial Annexation And Concurrent Approval Of Zoning Designation Upon Annexation Of The Property**

Motion by Council Member Canape to approve Resolution No. R25-79, seconded by Council Member Wilke. There was no public comment or Council discussion. A roll call vote was taken on the motion. Council Members Sparks, Banks, Wilke, Mackay, Klose, Wheeler, Mize, and Canape voted aye. Motion carried 8-0.

- **Resolution No. R25-80: A Resolution Of The City Council Approving The Variance Requested By Love's Travel Stops & Country Stores To Allow Signage Exceeding The Height Limitations Of The Highway Commercial Zoning District.**

Motion by Council Member Mackay to approve Resolution No. R25-80, seconded by Council Member Wilke. There was no public comment.

Council questioned if the sign is visible .8 miles out, a recommendation or law. It was clarified that it is a recommendation to allow traffic to exit the roadway safely.

Council noted that it was stated during the public hearing that there is concern that approving this sign sets a precedent for future variance requests. It was clarified that similar variance will need to have a

heightened level of scrutiny. It is imperative to list specific reasons for issuing the variance so that it cannot be seen as discriminatory later on.

The Council noted that during the public hearing, it was mentioned that a billboard currently advertising the Hardin location is available; why can't it be used? It was clarified that the billboard is located off the eastbound lane past the exit, so it cannot be used to advertise this location.

Council questioned if there was consideration for a lower sign. It was clarified that the range recommended to offer a safe exit was still 105 feet to 145 feet.

A roll call vote was taken on the motion. Council Members Sparks, Banks, Wilke, Mackay, Klose, Wheeler, and Canape voted aye. Council Member Mize voted no. Motion carried 7-1.

- **Resolution No. R25-81: A Resolution Of The City Council Approving A Conditional Use Permit For Love's Travel Stops & Country Stores, Based Upon The Recommendation Of The Laurel Zoning Commission.**

Motion by Council Member Mize to approve Resolution No. R25-81, seconded by Council Member Wilke.

The Contracted Planner reminded Council that a formal public hear was not needed on this item. The Zoning Commission unanimously voted a favorable recommendation for this item.

There was no public comment or Council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

- **Resolution No. R25-82: A Resolution Of The City Council Authorizing The Mayor To Execute An Independent Contractor Service Contract With True North Contracting**

Motion by Council Member Wilke to approve Resolution No. R25-82, seconded by Council Member Mize. There was no public comment or Council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

**ITEMS REMOVED FROM THE CONSENT AGENDA:** None.

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):**

There is a meet the candidates event tomorrow at 6:00 pm at The Yogurt Shop. It is an opportunity for the community to interact with the candidates who are running for various elected positions.

Fall Festival will be this Saturday. The street in front of City Hall will be closed.

On Thursday, there will be a 9/11 Memorial Service at 11:00 am at the Montana Firefighters Memorial.

Also, the Theo Fitchner Foundation donated 16k to the Montana Firemen's Memorial last week.

**COUNCIL DISCUSSION:**

The next Public Works Committee meeting will be on Monday at 6:00 pm in Council Chambers.

**MAYOR UPDATES:**

The paving on the Southside will start soon.

Also, Council Member Klose was recently recognized by the District Commander of the American Legion for his recruitment and participation in the National Legion.

**UNSCHEDULED MATTERS:** None.

**ADJOURNMENT:**

Motion by Council Member Mackay to adjourn the Council meeting, seconded by Council Member Canape. There was no public comment or Council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

There being no further business to come before the Council at this time, the meeting was adjourned at 8:31 pm.



  
Britney Harakal, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 23<sup>rd</sup> day of September, 2025.

  
Dave Waggoner, Mayor

Attest:

  
Kelly Strycker, Clerk/Treasurer



Sept 9<sup>th</sup> S. 9<sup>th</sup> in Sheet

Sharon Baker - Loves Travel Slog

Body Love - See 16

Centauri Pittman

Tony Roberts

Nodi Roberts

Brendon Ellis

Samantha Dickler

Bill Treferthaler

Kirsten Knatterud - IMEG

du island of Iceland - 1506 01 & Hwy 10.40 west

BRET ACKERLEY

Ron Beumer - Loves Iron Horse

MARVIN BRADY IRON HORSE DEED.

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

# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the Director of Public  
Works

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**Zoning Commission Recommendation**  
**CONDITIONAL USE PERMIT REPORT CUP-25-02**  
**Owl Café – On Premise Alcohol Sales and Consumption**  
**August 25, 2025**

## **INTRODUCTION**

On Friday, June 27, 2025, Shelly Van Atta submitted a Special Review Application for onsite sales and consumption of alcohol within the Laurel Central Business Zoning District (CBZD). The property involved in the request is the Owl Café owned by Jodi Roberg, 203 East Main, and is described as Laurel Realty Subdivision, Block 2 Lots 7, 8, and 9, Section 09, Township 02 South, Range 24 East, P.M.M., City of Laurel, Yellowstone County, Montana.

The project will be presented to the Laurel – Yellowstone City County Planning Board on August 20, 2025, with a recommendation to the Laurel City Council for final decision in late September.

## **PLANNER RESPONSIBILITY**

- A. Consult with other departments of the City or County to evaluate the impact of the special review upon public facilities and services; **ACCOMPLISHED**
- B. Study each application with reference to it appropriateness and effect on existing and proposed land use, and reference to the comprehensive plan; **ACCOMPLISHED**
- C. Advertise twice in a newspaper of general circulation in the jurisdictional area of the Laurel – Yellowstone City County Planning Board; **ACCOMPLISHED**
- D. Notify by mail, the applicant or his agent at least five days prior to the date of the public hearing of the date, time and place of such hearing; **ACCOMPLISHED**
- E. Notify, by mail, all property owners within 300 feet of the exterior boundaries of the property subject to the special review of the date, time and location of the public hearing; **ACCOMPLISHED**
- F. After the public hearing and as part of the public record, report findings and conclusions and recommendations to the Zoning Commission. **ACCOMPLISHED**



## **STANDARD OF REVIEW Zoning Commission/City Council**

- The request complies with the requirements of §17.68.040 of the City of Laurel Zoning;
- The request is consistent with the objectives and purpose of Title 17 of the Laurel Municipal Code;
- The proposed use is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
- The zoning commission shall consider and may impose modification or conditions concerning, but not limited to:
  - Street and road capacity,
  - Ingress and egress to adjoining streets,
  - Off-street parking,
  - Fencing, screening and landscaping.
  - Building bulk and location,
  - Usable open space,
  - Signs and lighting,
  - Noise, vibration, air pollution and similar environmental influences.

## **VARIANCES REQUESTED**

N/A. None Requested.

## **RECOMMENDATION:**

The Zoning Commission (on a 5-2 Vote) finds that the application, supporting documentation meet or exceeds the Standard of Review and Recommends that the City Council approve the Conditional Use for the onsite sale and consumption of alcohol at the Owl Café (203 East Main, and is described as Laurel Realty Subdivision, Block 2 Lots 7, 8, and 9, Section 09, Township 02 South, Range 24 East, P.M.M., City of Laurel, Yellowstone County, Montana).

## **Brittney Harakal**

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**From:** Paul Thomae <ptthomae48@gmail.com>  
**Sent:** Tuesday, September 9, 2025 11:25 AM  
**To:** Brittney Harakal  
**Subject:** on premise sale and consumption of alcohol

My name is Paul Thomae 1013 Jenea Dr Laurel For the people at 203 E Main street who are asking to be able to sell alcohol in their Restaurant and also have gaming machines. This is an old liquor license that has been around for years, it just hasn't been used for awhile. The lady said that they are going to serve bar food as well as steaks and other good meals and they hope in time that they will serve breakfast. Laurel needs more choices to eat at. The Edgar bar is one of my favorite places to eat. They serve alcohol and have gaming machines. I go there for the great food, and you need a reservation to get in most times. You look around Sids, Fowl play, The Palace, the Carlton they all serve alcohol all but one have gaming machines. As a past business owner I feel these people need to be given all the tools to help them succeed. They need your approval to be able to make their dream a reality, they say that they have hired a good cook. Maybe this can be the next Edgar Bar, or Grizzly Bar, we'll never know if they don't get a chance to succeed. Please keep in mind this is not a casino like the five in the vicinity of the corner of 1st ave and south 4th who do not serve food. To my understanding it's a restaurant with the ability to serve alcohol and have some gaming machines, verify that with them. I was a businessman for 25 yrs here and 43 years later what we started is still here providing a service for Laurel. I know what it is to have a dream and want to succeed. Thank You so much for your time.

CITY HALL  
115 W. 1<sup>ST</sup> ST.  
PLANNING: 628-4796  
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# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the City Planner

## ZONING COMMISSION RECOMMENDATION ZC-25-01

**Marvin Brown - Iron Horse Station Subdivision Zone Change Request**

**August 27, 2025**

**R-6000 to RMF**

### BACKGROUND:

The City of Laurel is an incorporated City within the State of Montana with powers established under the Constitution of Montana XI.4. The power and processes for the City to establish zoning regulations are found in §76-2-301 et. seq. M.C.A.

Mr. Brown was the original developer for the Iron Horse Station Subdivision. The original intent was to create a mixture of lots and lot sizes that would accommodate a wide array of housing opportunities with the primary focus being on one- and two-family dwellings. Over time, the perceived demand for new lots within the City of Laurel have changed in the opinion of the owner but it is important to remember that just because the property is zoned multi-family that a purchaser of any given lot may construct a single family residence. Our charge is to consider the rational nexus for the adoption of zoning in the City of Laurel.

The application materials address several other points that outline the anticipated benefits of the project. The application materials are incorporated into this report by reference.

### LEGAL DESCRIPTION:

All of Block 6, Lots 1 and 2, Block 7 Iron Horse Station Subdivision located in Section 9, Township 24 East, Range 2 South, P.M.M., City of Laurel, Yellowstone County, Montana. In general, the properties front along Great Northern Road.

### APPLICANT(S):

Marvin Brown – Iron Horse LLC  
PO Box 80661  
Billings MT 59108



### EXISTING CONDITION:

The subject property is a platted residential subdivision. The property is served by public water, sewer, streets, solid waste, is surrounded by RMF and CC Zoning Designations, and is greater than 2.07 acres in size.

### PROCESS:

- The application for a Zoning Map Amendment (Zone Change) was submitted on June 30, 2025, and is scheduled for a public hearing on August 20, 2025 by the Laurel Zoning Commission.
- The Zoning Commission following the Public Hearing may not make changes to or conditional modifications to the zoning and map. The change may only be recommended for approval or denial. In either case, the decision must be supported by findings of fact and conclusions related to the rational nexus for the adoption of zoning or zoning amendments.
- Those findings of fact and conclusions as well as the record minutes of the public hearing will be submitted to the City Council for consideration, hearing and final decision.
- The City Council will conduct a duly noticed Public Hearing on the Zoning Commission recommendation and an Ordinance of the City Council on First Reading.
  - Should the Zoning Commission recommendation be denial and it is upheld by the City Council on First Reading, the request is deemed denied.
  - Should the Zoning Commission recommendation for approval pass on First Reading, another public hearing and Second Reading and adoption will be scheduled.
- If passed on Second Reading, the new zoning map assignment would become effective 30-days post Second Reading.

### ZONES INVOLVED: Existing and Proposed

- R-6000 - Residential 6000 District.
  - The residential-6000 zone is intended to promote an area for a high, urban-density, duplex residential environment on lots that are usually served by a public water and sewer system.
- RMF – Residential Multifamily District.
  - The residential multifamily zone is intended to provide a suitable residential environment for medium to high density residential dwellings; and to establish, where possible, a buffer between residential and commercial zones.
- CC – Community Commercial District.
  - The community commercial classification 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. Facilities within the classification will generally serve an area within a one-and-one-half-mile radius and are commensurate with the purchasing power and needs of the present and potential population within the trade area. It is intended that these business facilities

be provided in business corridors or islands rather than a strip development along arterials.

### RATIONAL BASIS OF ZONING:

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must issue findings of fact on a twelve-point test that constitute the rational nexus/legal basis for the adoption of a zoning district, zoning regulations, or changes to zoning or zoning regulations. This rational nexus is called the "Lowe Test".

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

##### Findings of Fact:

- Both the RMF and R-6000 are generally applicable, City Established, zoning districts.
- The requested zoning is based in the Growth Policy. A simple look at the Growth Policy and future land use map will verify that the requested zone assignment is consistent with the text and mapping components of the Growth Policy.
- The Growth Policy, Future Land Use Map, designates the property as Residential. The Residential designation supports zoning assignment from R-7500 to RMF.
- The RMF designation is typically reserved for areas of proposed development, redevelopment or in areas where adaptive reuse of existing structures that are associated with significant land ownership is contemplated.
- Both the R-6000 and RMF have provisions for the creation of a Planned Unit Development (PUD). The proposed development could be proposed in the R-6000 via the PUD process.
- The requested zoning accomplishes several residential neighborhood goals and strategies are implemented. Diversity of Neighborhoods, historic to modern; accommodation of a diverse population both age and economic condition; Creation of zones where expansion of non-motorized routes and access to the core of the community. Residential districts protected from excessive noise and commercial impacts and the conversion of structures to new uses is encouraged.

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

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

##### Findings of Fact:

- The proposed zoning encourages compact walkable development as well as expanded opportunities for new uses.
- The property is located within reasonable walking distance of the Central Business District and adjacent to Community Commercial. As such, the residents would be able to walk or bicycle to essential services which would by default reduce the vehicular traffic on the streets.
- The proposed zoning encourages compact urban development as such the need for vehicular travel is limited.

- The property is located where all the necessary public infrastructure exists.
- The proposed zoning in conjunction with the development standards adopted with the Subdivision Regulations will provide for flow through development, logical extension of the gridded infrastructure network, and encourage pedestrian- friendly growth.

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

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

Findings of Fact:

- The proposed zoning will provide for consistency in development along with provision of police and fire protection.
- The proposed zoning incorporates enforcement of development standards, setbacks and compliance with the other development standards adopted by the City of Laurel.
- In addition to the zoning, the City of Laurel enforces the International Building Codes. The combination of regulations are life safety driven.
- The proposed zoning has restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous. The difference between R-6000 and RMF is minimal.

Conclusion: The requested zoning along with other regulatory standards should provide safety for residents and visitors to the city from fire, panic and other dangers.

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

Findings of Fact:

- The proposed zoning imposes setbacks, height limits and building restrictions.
- The proposed zoning groups together like and consistent uses within existing neighborhoods.
- The overall development standards of the RMF do not convey a significant benefit to the subject property that is not available in the R-6000.
- In addition to the zoning, the City of Laurel enforces the International Building Codes. The combination of regulations are life safety driven.
- The RMF and R-6000 are compatible residential districts. In fact, the RMF and R-6000 are adjacent to one another in multiple examples within the City of Laurel.
- The current zoning regulations restrict development in hazardous areas.

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



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

Findings of Fact:

- The proposed zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
- The only difference between the existing and proposed zoning is the building height limit and lot coverage.
- The issue of lot coverage was diminished, in part, by the passage of legislation in the 2023 session.
- The proposed zoning implements the concept that the City of Laurel was developed historically on a gridded network. Both the existing and proposed zoning requires the perpetuation of this pattern. In doing so as the City plans for growth, the spacing and layout of new development will facilitate provision of light and air to new development.

Conclusion: The proposed zoning ensures the provision of adequate light and air to residents of the City through a continuation of the dimensional standards and other development limitations.

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

Findings of Fact:

- The proposed zoning imposes minimum lot size, use regulations and other limitations on development.
- The amenities and parking associated with the proposed zoning can be contained within the subject property.
- The RMF is a generally applicable zoning district within the City of Laurel with a minimum district size of 2.07 acres.
- The area involved in the proposed rezoning is in excess of 2.07 acres.

Conclusion: The existing development standards of the requested zoning prevents overcrowding of land.

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

Findings of Fact:

- The requested zoning is one of the generally applicable Laurel residential districts that represents a holistic approach to land use regulation for the entirety of the City of Laurel and is not focused on any single special interest.
- The overall maximum development densities are substantially similar between the R-600 and RMF.
- The requested zoning is one of four residential zoning districts that provide a continuum of residential densities and manage development to create land use compatibility.
- The requested zoning imposes minimum lot sizes, maximum number of residences on a .single parcel and setback standards.
- The RMF is a generally applicable zoning district within the City of Laurel with a minimum district size of 2.07 acres.

- The area involved in the proposed rezoning is in excess of 2.07 acres.

Conclusion: The proposed zoning prevent the undue concentration of population by encouraging the most appropriate use and residential density at any given location within the jurisdiction.

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

Findings of Fact:

- The requested zoning establishes minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
- The requested zoning encourages compact urban scale development and groups together similar uses that will not detract from the quality of life expected in Laurel while providing the economies of scale to extend water, sewer, streets, parks, quality schools and other public requirements.
- The property for the requested zoning is served by City streets, water and wastewater systems.
- The parent subdivision provided parkland as provided by the Laurel Subdivision Regulations and the city has numerous developed parks and recreational opportunities.

Conclusion: The area affected by the requested zoning is served by insure the adequate transportation, water, sewerage, school, parks, and other public requirements.

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

Findings of Fact:

- The RMF is a generally applicable zoning district within the City of Laurel with a minimum district size of 2.07 acres.
- The area involved in the proposed rezoning is in excess of 2.07 acres. The property abuts additional RMF zoning designations.
- The uses and development patterns between R-6000 and RMF are subtle. It is for this reason that the Growth Policy supports a wide range of residential zoning designations within the City.
- The requested zoning is one of the generally applicable Laurel residential districts that represents a holistic approach to land use regulation for the entirety of the City of Laurel and is not focused on any single special interest.
- The overall development standards of the RMF do not convey a significant benefit to the subject property that is not available in the R-6000.
- The RMF and R-6000 are compatible residential districts. In fact, the RMF and R-6000 are adjacent to one another in multiple examples within the City of Laurel.

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

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

Findings of Fact:

- The RMF is a generally applicable zoning district within the City of Laurel.
- The requested zoning is one of the generally applicable Laurel residential districts that represents a holistic approach to land use regulation for the entirety of the City of Laurel and is not focused on any single special interest.
- The overall maximum development densities are substantially similar between the R-6000 and RMF.
- The overall development standards of the RMF do not convey a significant benefit to the subject property that is not available in the R-6000.
- The RMF and R-6000 are compatible residential districts. In fact, the RMF and R-6000 are adjacent to one another in multiple examples within the City of Laurel.
- Both the R-6000 and RMF have provisions for the creation of a Planned Unit Development (PUD). The proposed development could be proposed in the R-6000 via the PUD process.
- The requested zoning accomplishes several residential neighborhood goals and strategies are implemented. Diversity of Neighborhoods, historic to modern; accommodation of a diverse population both age and economic condition; Creation of zones where expansion of non-motorized routes and access to the core of the community. Residential districts protected from excessive noise and commercial impacts and the conversion of structures to new uses is encouraged.

Conclusion: The requested zone gives reasonable consideration to the peculiar suitability of the property for its particular uses.

- XI. Will the zoning conserve the value of buildings;

Findings of Fact:

- The requested zone groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The RMF and R-6000 are compatible residential districts. In fact, the RMF and R-6000 are adjacent to one another in multiple examples within the City of Laurel.
- Both the R-6000 and RMF have provisions for the creation of a Planned Unit Development (PUD). The proposed development could be proposed in the R-6000 via the PUD process.
- The requested zoning accomplishes several residential neighborhood goals and strategies are implemented. Diversity of Neighborhoods, historic to modern; accommodation of a diverse population both age and economic condition; Creation of zones where expansion of non-motorized routes and access to the core of the community. Residential districts protected from excessive noise and commercial impacts and the conversion of structures to new uses is encouraged.
- The proposed zoning reinforces that residential buildings will continue to be used for equal or greater potential residential purposes.

Conclusion: The requested zoning will conserve or in many cases enhance the value of buildings.

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

Findings of Fact:

- The proposed zoning and zoning map provide for transitional areas between uses that may be incompatible.
- The requested zoning expands an existing mixed-use residential district that is specifically intended to ease the transition between residential and commercial uses.
- The requested zoning is consistent with the type of development that exists and is occurring in the surrounding neighborhood.
- Providing a healthy mix of residential properties is in the best interest of the city, property owners and potential buyers.
- The requested zoning accomplishes several residential neighborhood goals and strategies are implemented. Diversity of Neighborhoods, historic to modern; accommodation of a diverse population both age and economic condition; Creation of zones where expansion of non-motorized routes and access to the core of the community. Residential districts protected from excessive noise and commercial impacts and the conversion of structures to new uses is encouraged.
- RMF is and has been assigned adjacent to both the R-7500 and R-6000 zoning assignments. With all but one of the current assignments being adjacent to R-6000.

Conclusion: The requested zoning should encourage the most appropriate use of land not only in the neighborhood but throughout the City of Laurel.

OTHER NOTABLE FACTORS:

- The mandates associated with SB 382 and other legislation passed during the 2023 Legislative Session requiring communities with greater than 5,000 population to increase opportunities and options for housing within the community.

RECOMMENDATION:

The Zoning Commission finds that the requested zoning is INCONSISTENT with the Laurel-Yellowstone Growth Policy; that the rational nexus for the adoption of zoning is not met, due to expressed concerns with traffic, lack of adequate infrastructure to support the increased density, and that the citizens of Laurel have participated in the creation of the proposed rezoning process. Further, that the Zoning Commission recommend that the City Council DENY the Zoning Classification of RMF on all of Block 6, Lots 1 and 2, Block 7 Iron Horse Station Subdivision located in Section 9, Township 24 East, Range 2 South, P.M.M., City of Laurel, Yellowstone County, Montana (on a 4-3 vote).



**IRON HORSE STATION**  
**A New Senior Living Community**

Great Northern Road

Laurel, Montana

[illegible]



View from Entrance-36 Units



Overall View of 36 Units



A303

8-30-2025

IRON HORSE STATION  
A New Senior Living Community  
Great Northern Road  
Laurel, Montana

NO.	REVISION	DATE	BY
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## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### ZONING COMMISSION RECOMMENDATION

TO: Laurel City Council  
FROM: Laurel-Yellowstone Planning Board and Zoning Commission  
RE: Annexation, Initial Zoning, and Preliminary Plat of the Cherry Hill Subdivision, 4<sup>th</sup> Filing  
DATE: August 26, 2025

### DESCRIPTION OF REQUEST

Morrison-Maierle has submitted an annexation application, request for initial zoning and preliminary plat application for the Cherry Hill Subdivision, 4thFiling on behalf of the property owner/developer. The proposed Cherry Hill Subdivision 4thFiling is a 48-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 18.07 acres of land into the City of Laurel and enable the proposed Cherry Hill Subdivision, 4thFiling to connect to the City water, wastewater, and street system.

Agent:	Martin Gagnon PE – Morison – Maierle Inc
Owner:	Robert Stoltz
Legal Description:	S08, T02 S, R24 E, C.O.S. 3034, PARCEL 1A, AMD(24)
Address:	Approximately 1800 West Maryland Lane
Parcel Size:	18.07 acres
Existing Land Use:	Agricultural, vacant.
Proposed Land Use:	Residential Subdivision, 48 Lots
Existing Zoning:	County - Residential Tracts
Proposed Zoning:	Residential 7500 (R-7500)

### BACKGROUND AND PROCEDURAL HISTORY

- April 16, 2025 - Pre-Application meeting with Morrison-Maierle and City/County Staff
- July 2, 2025 – Cherry Hill Subdivision, 4thFiling Annexation application and preliminary plat application submitted to the City.
- July 2-7, 2021 –Element Review letter to Morrison-Maierle. All elements required by LMC Chapter 16, Appendix F were present in the application.

- July 15, 2025 – 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 20, 2025 – A Public Hearing is scheduled by the Planning Board on the proposed Annexation, Initial Zoning, and Subdivision 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.
  - a. The annexation petition is consistent with the City of Laurel Annexation Policy.
  - b. The requested Zoning Assignment is R-7500.
    - i. The R-7500 assignment is consistent with the Growth Policy, surrounding land uses, zoning, and is the minimum required by the Laurel Annexation Policy.
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 choose 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

### **Advisory Recommendations to the City Council:**

1. The Planning Board encourages the City Council to use the Cash-in-lieu of Parkland for the 4<sup>th</sup> Filing to improve the dedicated Parkland associated with the Cherry Hill Subdivision developments. Such improvements could include, irrigation systems and playground equipment.
2. That the City Council accept the offer to prepare all of the documentation to create a Special Improvement District for the installation of the bridge across the Big Ditch. The Planning Board recognizes that there are significant challenges that must be overcome, but the east -west connection of West Maryland and NW Maryland from 1<sup>st</sup> Ave to Golf Course Road are crucial to the future growth and development of the City of Laurel.
3. That the City Council accepts the minor street design modifications and allow for curb walk in those portions of the subdivision where the road network is located within regulated wetlands. This minor modification has been requested by the US Army Corps of Engineers and would require that the owners within the 4<sup>th</sup> filing ensure that the snow is removed from the sidewalks in addition to their individual lots.

The Planning Board recommends that the City Council approve the Annexation and Initial Zoning, and Preliminary Plat of the proposed Cherry Hill Subdivision, 4th 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 recommended mitigations contained in the subdivision application and supporting materials submitted for public review shall be required for Final Plat approval.
3. The Final Plat, plans and specifications shall substantially comply with what has been submitted and reviewed during preliminary plat review. The only exceptions would be to comply with stricter requirements in the MDEQ approval or imposed by the Laurel City Council either by condition or adopted city ordinance.
4. All construction and installation of public improvements must conform to the standards of the Laurel Department of Public Works and Montana Public Works standards.
5. All construction and installation of public improvements must be completed within two years of annexation or bonded for as provided by the Laurel Subdivision Regulations.
6. 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.
7. As discussed in the geotechnical report, the soils within the subdivision are variable and not well suited for standard construction protocols. As such, any construction of public infrastructure or residential structures on the resulting lots will first require site specific geotechnical reports prior to the start of construction. In the case of residential



construction, a building permit should not be issued until a site-specific geotechnical report has been prepared and submitted along with the building permit application.

The Planning Board recommends that the City Council approve the preliminary plat for the Cherry Hill Subdivision 4th Filing with the following conditions:

1. The Preliminary Plat and supporting water and wastewater design will be approved by Montana Department of Environmental Quality (MDEQ).
2. 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.
3. The Roadways and Right-of-Ways shall be constructed to the specifications presented in the plat plan and supporting documentation except as modified by these conditions.
4. This Preliminary Approval shall be valid for 3 calendar years from the date of approval.
5. Hydrant flow tests must be approved by the City and its contracted engineer.
6. Verification must be provided to the City for the water modelling noted by the engineer in the field
7. Water model exhibits must be provided to and approved by the City showing the system characteristics and modeled properties compared to measured properties
8. Wastewater/Sewer analysis must be provided to and approved by the City.
9. A map of pre-developed stormwater conditions including the boundary, routing, and calculations must be provided to and approved by the City.
10. Water quality storm volumes and calculation sheets shall be provided to the City.
11. Any construction of public infrastructure or residential structures on the resulting lots will first require site specific geotechnical reports prior to the start of construction. In the case of residential construction, a building permit should not be issued until a site-specific geotechnical report has been prepared and submitted along with the building permit application.
12. The conditions of the Geotechnical report shall be followed during the construction of the public infrastructure.
13. A Weed Management Plan shall be prepared for the project and approved by the Yellowstone County Weed District.

#### ATTACHMENTS

**Annexation and Zone Change:**

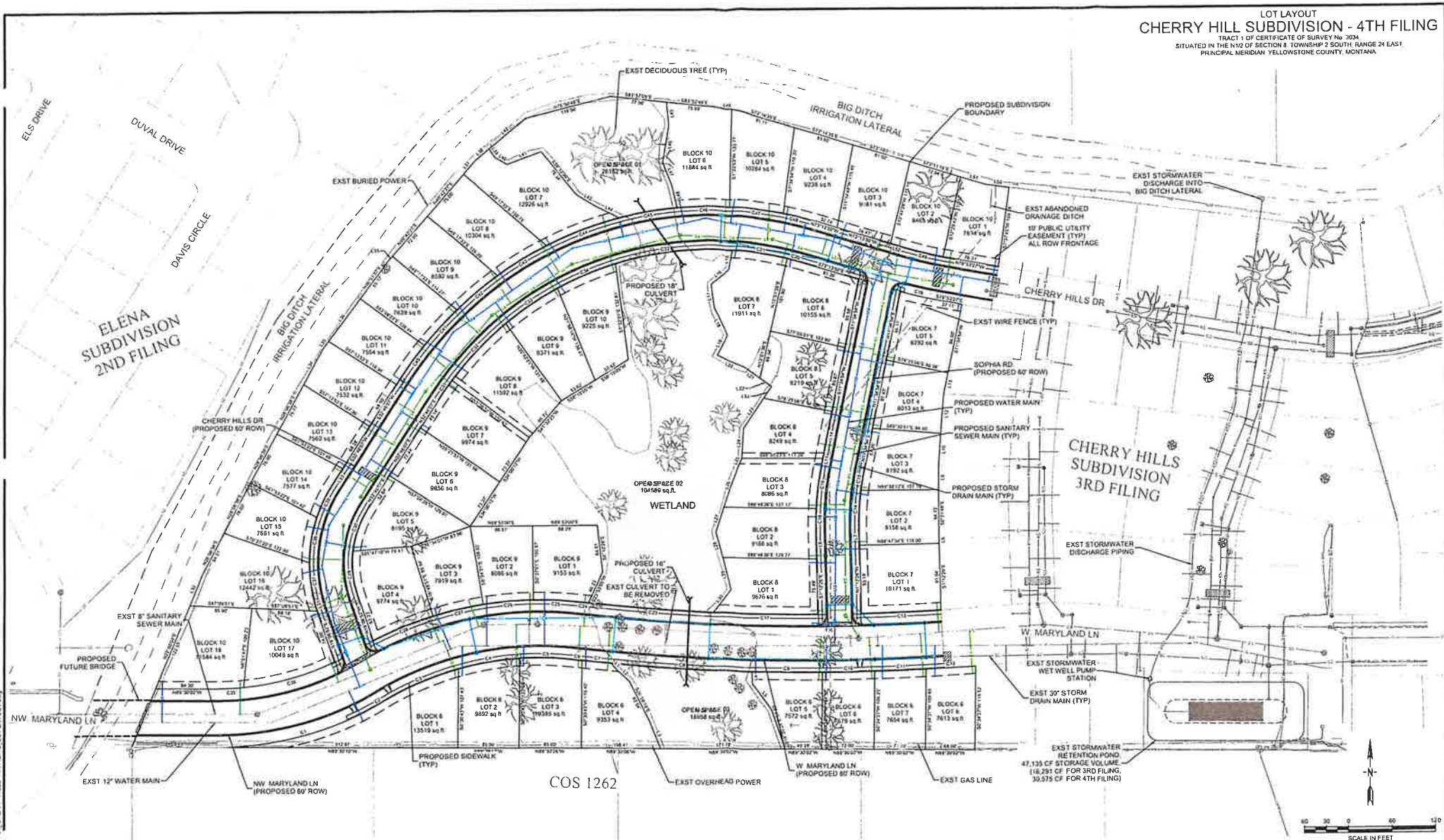
1. Annexation Application cover Letter
2. Annexation Application Form
3. Annexation Agreement
4. Waiver of Right to Protest

**Cherry Hill Subdivision, 4th Filing:**

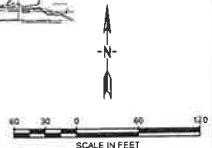
1. Cover Sheet
2. Preliminary Plat Application

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. KJL Inc Preliminary Plat Review Comments letter (July 2025)

LOT LAYOUT  
**CHERRY HILL SUBDIVISION - 4TH FILING**  
 TRACT 1 OF CERTIFICATE OF SURVEY No. 3034  
 SITUATED IN THE N1/2 OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 24 EAST  
 PRINCIPAL MERIDIAN, YELLOWSTONE COUNTY, MONTANA



COS 1262



## Kurt Markegard

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**From:** Alina Pederson <linap1421@gmail.com>  
**Sent:** Wednesday, August 20, 2025 7:22 PM  
**To:** Laurel City Planner  
**Subject:** Cherry hills subdivision 4th filling

Hello,

My name is Alina Blaesusius and I live at 1020 Jenea Drive Laurel Mt. I am here to express my concerns with the new Cherry Hills subdivision. I am worried that messing with the wetlands that are back there will cause flooding into our homes in the surrounding subdivisions as during the winter and wetter months there is a lot of water that accumulates back there. There is also a lot of wildlife such as hawks and pheasants that live back there along with many other animals and that can have negative impacts on the environment and ecosystems.

Thank you for your time,

Alina Blaesusius.

**CITY HALL**  
115 W. 1<sup>ST</sup> ST.  
PLANNING: 628-4796  
WATER OFC.: 628-7431  
COURT: 628-1964  
FAX 628-2241

# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the City Planner

**Zoning Commission Recommendation  
VARIANCE REPORT VAR-25-01  
Love's Travel Stops & Country Stores  
Height of Outdoor Advertising  
August 25, 2025**

## BACKGROUND:

The City of Laurel has had zoning since the early 1970's as authorized by §76-2-301 et. seq MCA. These regulations set minimum and maximum standards for all lands located with the jurisdiction of the City of Laurel. These regulations establish standards for the height, bulk, and location of structures (including outdoor advertising signs).

The subject property was recently annexed into the City of Laurel and was assigned the initial zoning of Highway Commercial (HC). The HC District imposes a maximum structure height of 45 feet. The applicant was aware of this standard at the time of annexation and has requested a variance as outlined in their application.

The application materials address several other points that outline the anticipated benefits of the project. The application materials are incorporated into this report by reference.

## LEGAL DESCRIPTION:

Westbrook Subdivision, Lot 7A1, Amended Tract 6A and 7A and a portion of Tract 5 less Highway right-of-way in Section 17, Township 02 South, Range 24 East, P.M.M., City of Laurel, Yellowstone County, Montana.

## APPLICANT(S):

Love's Travel Stops & Community Stores, Corporate Office  
10601 N Pennsylvania Ave  
Oklahoma City, OK 73120

## AGENT:

Effective Images, Inc  
Kevin Keup  
1027 5<sup>th</sup> Ave NW  
Watertown, SD 57201



### EXISTING CONDITION:

The subject property is a platted subdivision within the City of Laurel. The property is undeveloped and is intended to be served by public water, sewer, streets, and solid waste collection. The property is 34.239 acres in size.

### PROCESS:

- The application for a Variance was submitted on July 25, 2025, and is scheduled for a public hearing on August 20, 2025 by the Laurel Zoning Commission.
- The Zoning Commission following the Public Hearing must adopt findings of fact and issue a formal recommendation to the City Council on the requested variance. The Zoning Commission may propose conditions or modifications to the request so long as the findings of fact support the condition(s).
- Those findings of fact and conclusions as well as the record minutes of the public hearing will be submitted to the City Council for consideration, hearing and final decision.
- The City Council will conduct a duly noticed Public Hearing on the Zoning Commission recommendation, findings of fact, and any conditions mitigating the impacts associated with the request. This hearing will occur later in September.

### ZONES INVOLVED: Existing and Proposed

- HC – Highway Commercial District.
  - The maximum height for a structure in the HC District is 45 feet.

### RATIONAL BASIS FOR VARIANCE:

**“Variance” means an adjustment in the application of the specific regulations of this title to a particular piece of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity or zone.**

Findings of Fact: Standard of Review

A recommendation for Approval or Conditional Approval of a Variance shall require the Board of Adjustment making each of the following Findings of Fact:

1. Special Conditions  
There are special circumstances or conditions that are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the neighborhood; and
2. Not Result of Applicant  
The special circumstances or conditions have not resulted from an act of the applicant or been established to circumvent this Ordinance; and

3. Strict Application Unreasonable

Due to the special circumstances or conditions, the strict application of this Ordinance would deprive the applicant of reasonable use of the land or building or create an undue hardship on the landowner; and

4. Necessary to Provide Reasonable Use

Granting the Variance is necessary to provide a reasonable use of the land or building; and

5. Minimum Variance

The Variance is the minimum variance necessary to allow a reasonable use of the land or building; and

6. Not Injurious

Granting the Variance will not be injurious to the neighborhood or detrimental to the public welfare; and

7. Consistent with Ordinance

Granting the Variance is consistent with the purposes and intent of this Ordinance. A variance to the Allowed Uses of a zoning district is prohibited.

**CONDITIONS**

Conditions or restrictions may be placed on the approval of a Variance.

**EXPIRATION**

A Variance shall expire one (1) year from the date of approval if the next logical step in the development process is not commenced. The next step in the development process includes but is not limited to applying for a building permit, commencing the use, or applying for a Development Permit.

Findings of Fact:

**RECOMMENDATION:**

The Zoning Commission (on a 6-1 Vote) Recommends that the City Council APPROVE the variance request and allow for signage at the Love's Travel Stops and Country Store that exceeds the limits of the Highway Commercial Zoning District.

# LAUREL, MT



★ = BLIMP & RECOMMENDED SIGN LOCATION



**WESTBOUND  
1.0 MILES FROM EXIT**



**WESTBOUND  
0.9 MILES FROM EXIT**



**WESTBOUND  
0.8 MILES FROM EXIT**



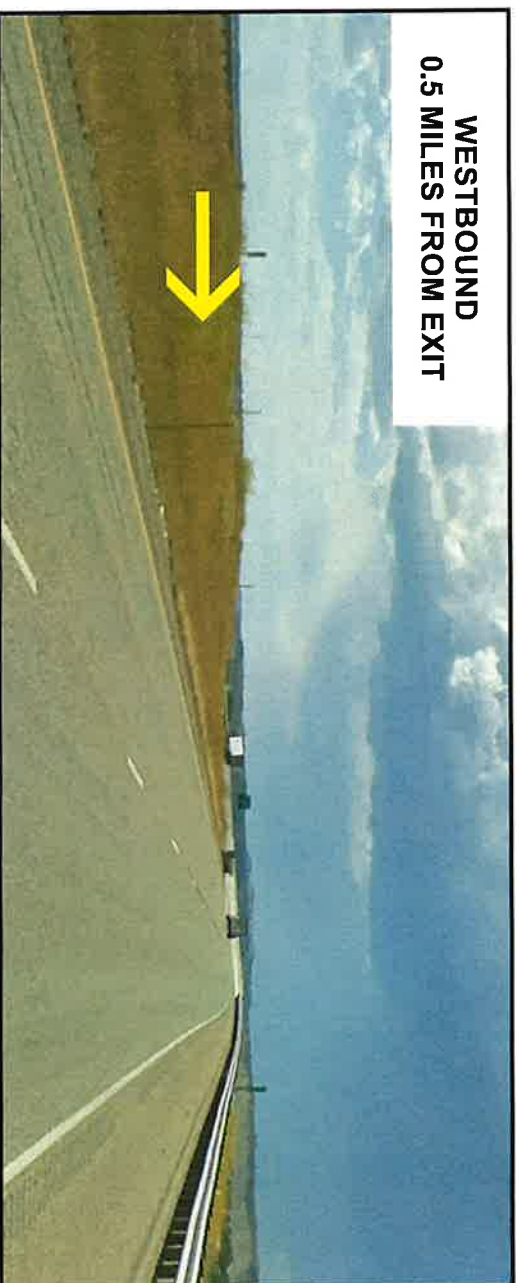
**WESTBOUND  
0.7 MILES FROM EXIT**



**WESTBOUND  
0.6 MILES FROM EXIT**



**WESTBOUND  
0.5 MILES FROM EXIT**





**WESTBOUND  
0.4 MILES FROM EXIT**



**WESTBOUND  
0.3 MILES FROM EXIT**



**WESTBOUND  
0.2 MILES FROM EXIT**



**WESTBOUND  
0.1 MILES FROM EXIT**



**WESTBOUND  
AT EXIT**





**EASTBOUND  
1.0 MILES FROM EXIT**



**EASTBOUND  
0.9 MILES FROM EXIT**



**EASTBOUND  
0.8 MILES FROM EXIT**

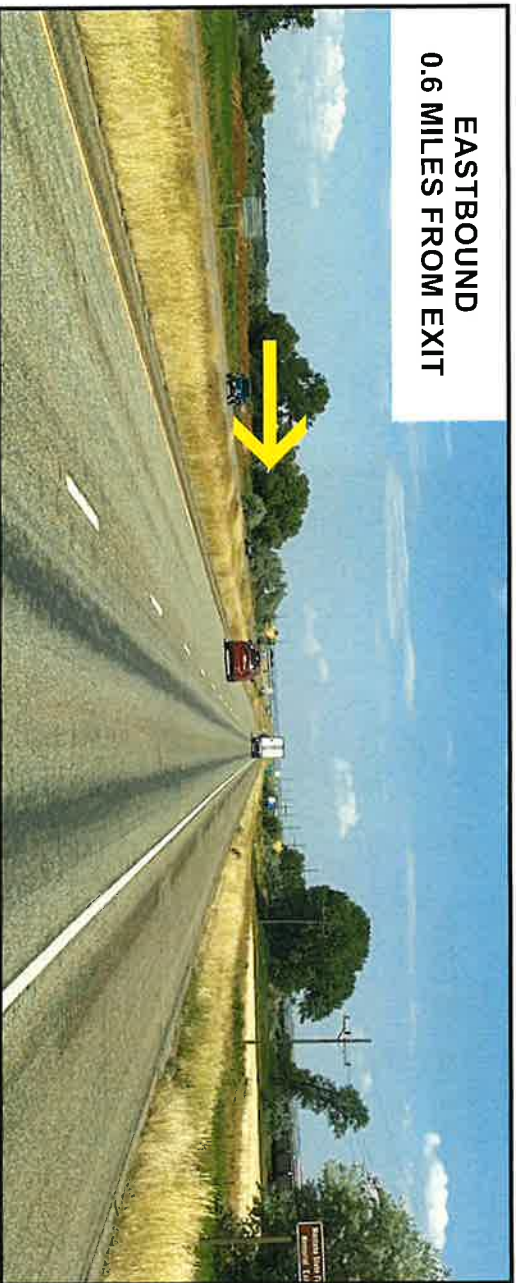




**EASTBOUND  
0.7 MILES FROM EXIT**



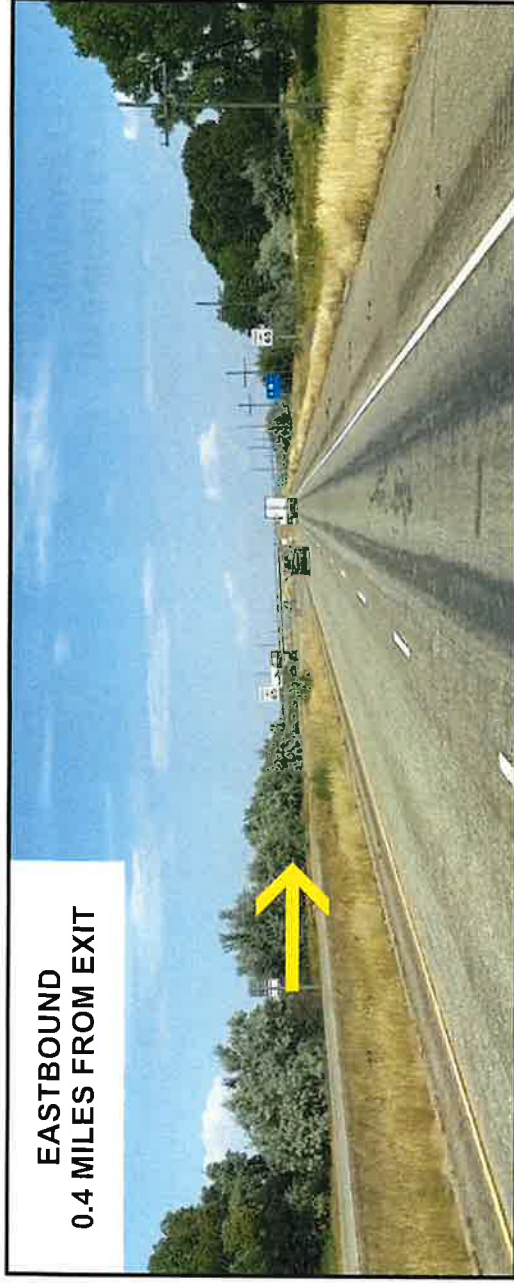
**EASTBOUND  
0.6 MILES FROM EXIT**



**EASTBOUND  
0.5 MILES FROM EXIT**









**EASTBOUND  
0.1 MILES FROM EXIT**

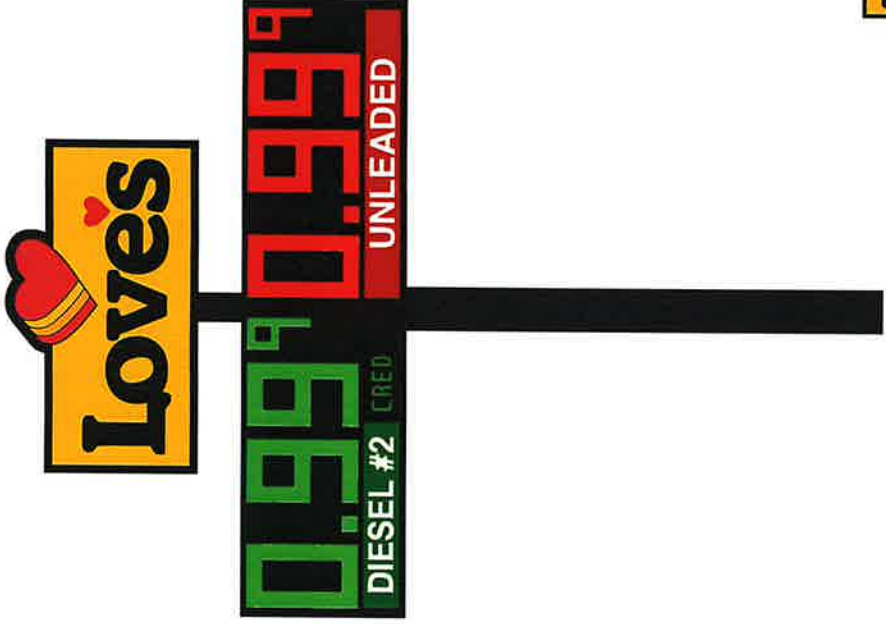


**EASTBOUND  
AT EXIT**



Overall Height: 40'  
Total Square Feet: 337.21

Love's Hi Rise

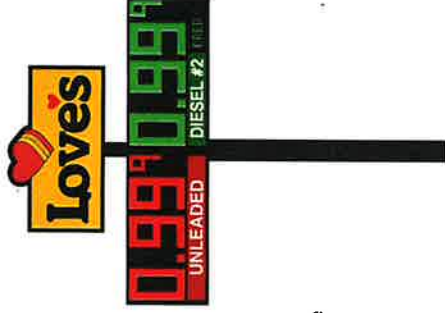


8' 10" x 15' 3" LOVE'S  
(134.71 SQ. FEET)

2' SEPARATION

7' 6" x 27' PRICER  
BY SUNSHINE  
61" NUMERALS  
(202.5 SQ. FEET)

21' 8" from Grade to  
Bottom of Price Sign



Side B - Not to Scale

**effective**  
**images** inc.  
Phone: 605/53.9700

**Client:** Love's  
**Location:** Laurel, MT  
**Drawing #:**  
**Date:** 8/12/2025  
**Revision:**  
**Drawn By:**  
**Scale:** 3/32" = 1'  
**Sales Order #:**

**APPROVAL:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Computer generated colors in this artwork are not an exact match to the finished sign colors. Material samples are available upon request. This drawing is the property of Effective Images. Any reproduction is prohibited.



# JSA CIVIL

Engineering, Surveying & Construction



VICINITY MAP (NTS)

## SITE DATA

TAX ID	012101
NEW PARCEL SIZE	8.22 ACRES

## LANDUSE DATA

USE	TRUCK STOP
ZONING	HIGHWAY COMMERCIAL
C-STOP SIZE	± 17,000 SF
TIRE CARE	± 11,000 SF

## PARKING DATA

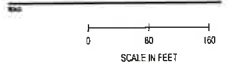
TIRE	100%	100%
TRUCK	127	
ALTO	100	5
PV PARKING	4	

REV	DATE	COMMENT	BY
0	06/02/22	ISSUED FOR REVIEW	B.J.

DESIGNED BY	C. SEYMERS
CHECKED BY	B. JOHNSON

DATE

PRELIMINARY



PROJECT NAME

TRAVEL STOP  
LAUREL, MT

DATE

SITE PLAN

DATE

SP-01

August 25<sup>th</sup>, 2023; revised 8/12/2025

**Re:** Sign Survey – Laurel, MT

**Property Location:** Northeast quadrant of I-90 and Hwy 90 Intersection; Exit 432

**Survey Date:** July 25<sup>th</sup>, 2023

**Blimp Information:** Located on the Southwest corner of the property, 105' OAH  
Latitude: 45.664800 / Longitude: 108.798960 / Google Earth Elevation: 3322'

The blimp used in this survey was at 105' OAH located at the Southwest corner of the property. The Hi-Rise sign superimposed in this survey reflects a structure that is 145' OAH located at the spot of the property.

Westbound traffic will have a full read on the sign 0.8 miles from the exit and will continue to have a full read on the sign until they reach the off-ramp exit.

Eastbound traffic will have their initial read on the Hi-Rise sign at 1 mile from the exit. They will have a read on the top portion of the sign as they head over a bridge. As they approach 0.9 miles from the exit, they will have a full read on the sign. Traffic will continue to have a full read on the sign until they reach a stretch of trees between 0.7 and 0.4 miles where the sign will intermittently appear from the tree obstructions. Once they reach 0.3 miles from the exit they will have a full read on the sign until they approach the off-ramp exit.

The property has been annexed into the city limits and their sign code is as follows:

**Freestanding signs:**

- 40ft OAH and 350 sq. ft. of sign area
- 10ft setback to leading edge of sign.
- 1 sign allowed per 500 lineal feet of street frontage.

**Wall Signs:**

- Not to exceed 20% of wall area of which they are installed.

**Ground/Directional signs:**

- No permit required for signs 12 sq. ft. or less or 6 ft. in height.

**Variance:**

- They have a variance process

We would recommend a sign that is 145' OAH located at the Southwest corner of the property. This will provide a good read on the sign for both Westbound and Eastbound traffic. 145' OAH will allow better visibility over the trees and billboard while traveling Eastbound.

A preliminary filing with the FAA was submitted and we were given a no-hazard determination for the proposed sign structure's height and location. No additional follow-up will be required, however, any height and/or location change of the structure would require a new filing to confirm compliance with the FAA requirements.

Once you have had a chance to review the information, please let us know if you have any questions.

Thank You,



Kevin Keup

Effective Images, Inc.

Emailed: Greg Love, Chad Bruner, Frank Ille, Shawn Baker, Kari Keup



# LAUREL, MT



★ = BLIMP & RECOMMENDED SIGN LOCATION



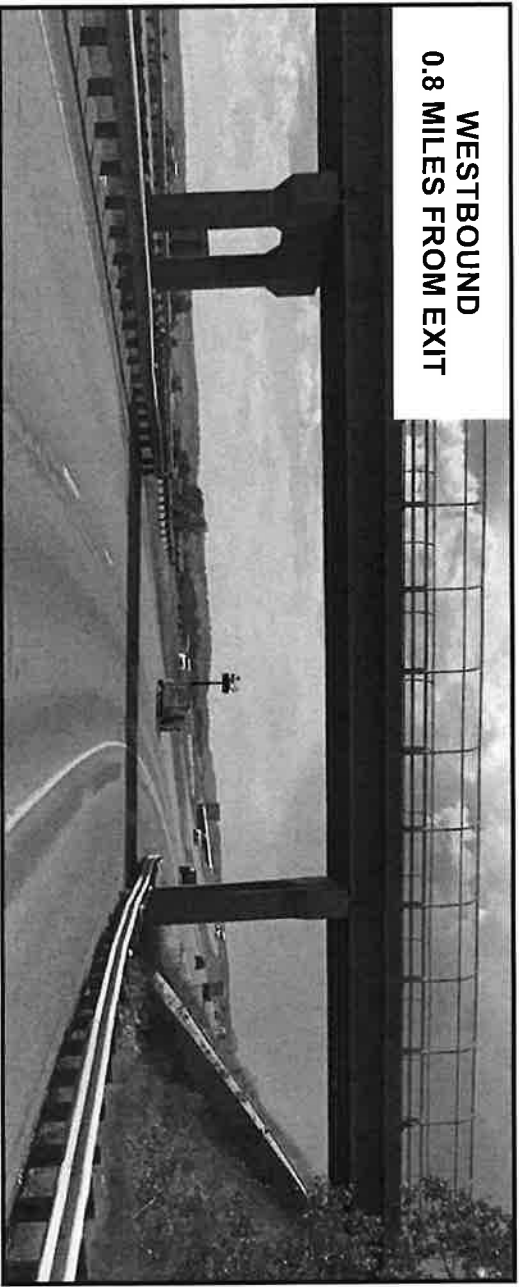
**WESTBOUND  
1.0 MILES FROM EXIT**



**WESTBOUND  
0.9 MILES FROM EXIT**



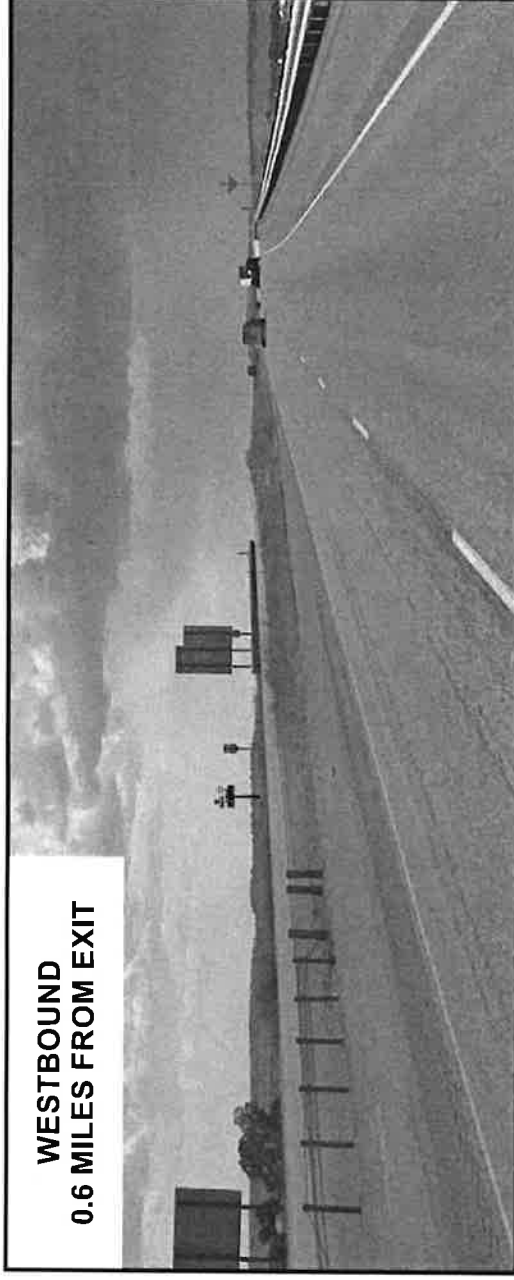
**WESTBOUND  
0.8 MILES FROM EXIT**



**WESTBOUND  
0.7 MILES FROM EXIT**



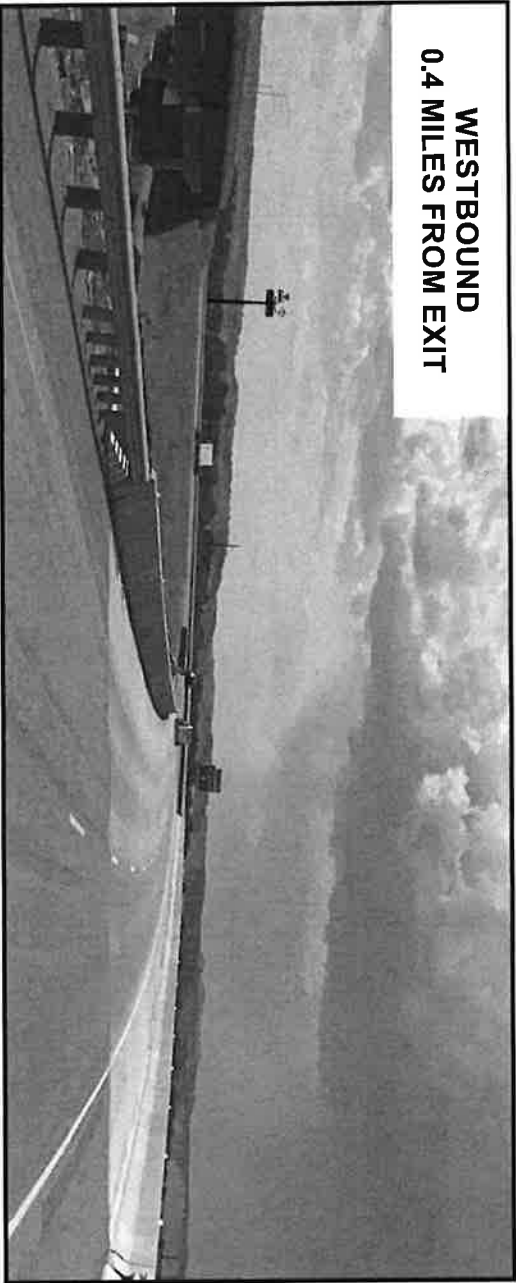
**WESTBOUND  
0.6 MILES FROM EXIT**



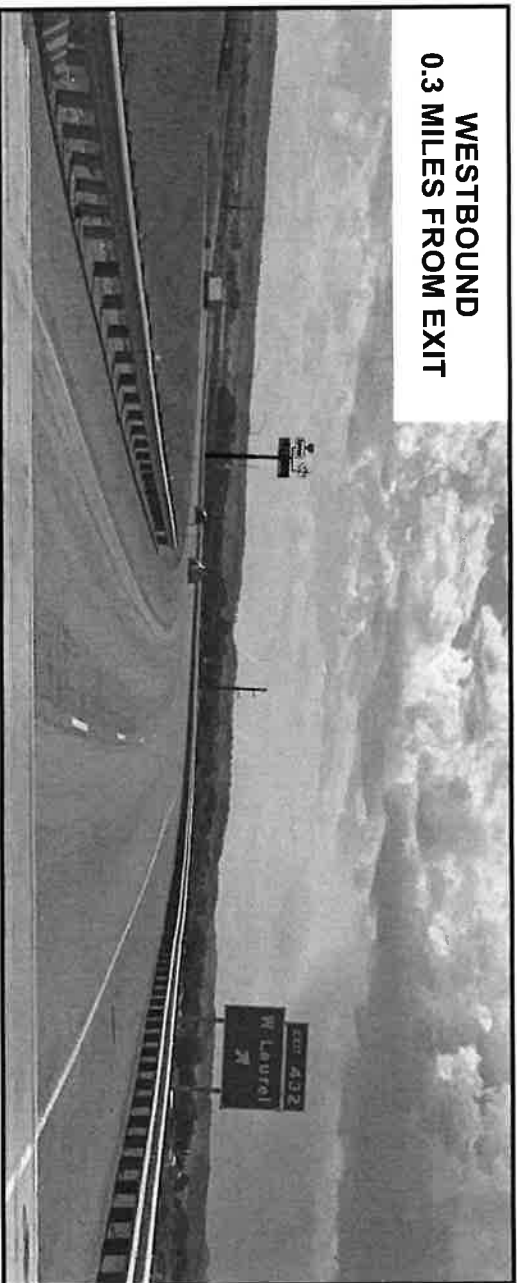
**WESTBOUND  
0.5 MILES FROM EXIT**



**WESTBOUND  
0.4 MILES FROM EXIT**



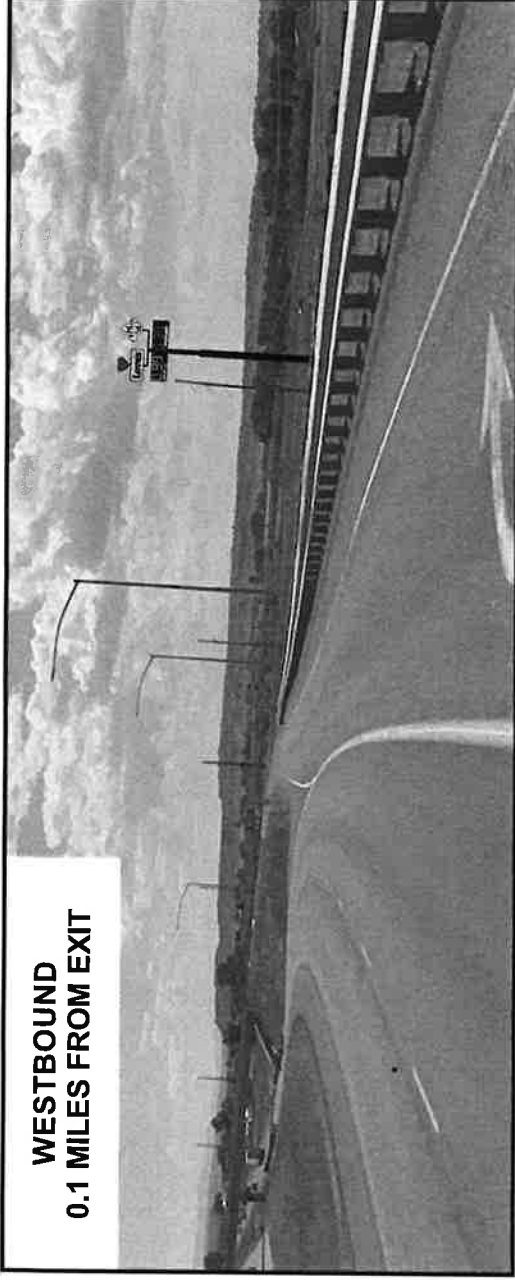
**WESTBOUND  
0.3 MILES FROM EXIT**



**WESTBOUND  
0.2 MILES FROM EXIT**



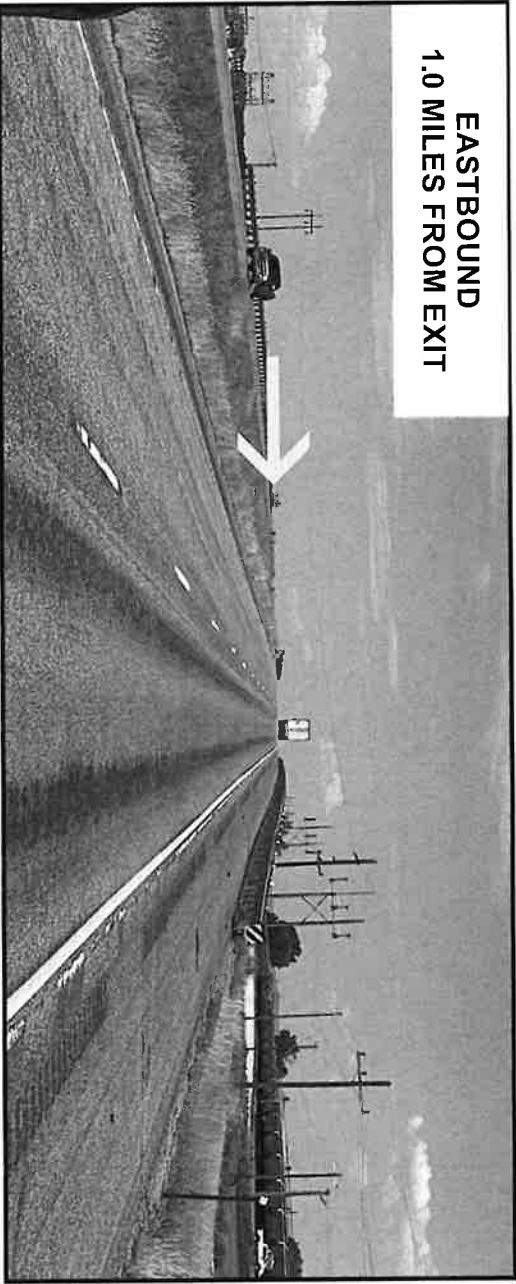
**WESTBOUND  
0.1 MILES FROM EXIT**



**WESTBOUND  
AT EXIT**



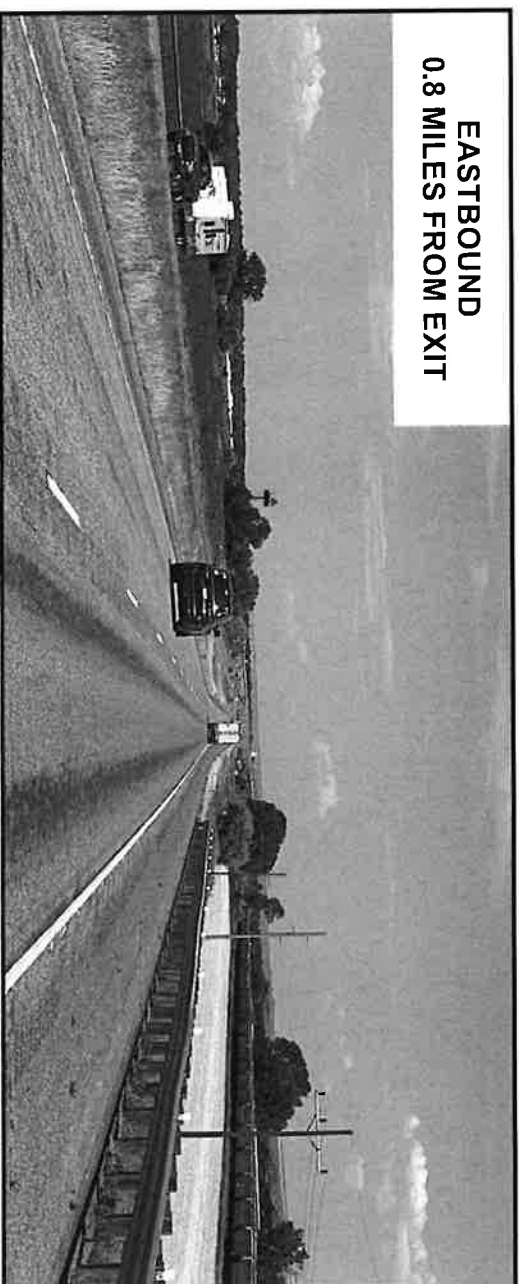
**EASTBOUND  
1.0 MILES FROM EXIT**



**EASTBOUND  
0.9 MILES FROM EXIT**



**EASTBOUND  
0.8 MILES FROM EXIT**





**EASTBOUND  
0.7 MILES FROM EXIT**



**EASTBOUND  
0.6 MILES FROM EXIT**



**EASTBOUND  
0.5 MILES FROM EXIT**



**EASTBOUND  
0.4 MILES FROM EXIT**



**EASTBOUND  
0.3 MILES FROM EXIT**



**EASTBOUND  
0.2 MILES FROM EXIT**



**EASTBOUND  
0.1 MILES FROM EXIT**



**EASTBOUND  
AT EXIT**



Overall Height: 145'  
Total Square Feet: 982.63

Love's Hi Rise

**effective**  
**images** inc.  
Phone: 605.753.9700

**Client:**

Love's

**Location:**

Laurel, MT

**Drawing #:**

E23551

**Date:**

08/24/23

**Revision:**

1 - 2/13/25 (TB)

**Drawn By:**

MP

**Scale:**

3/32" = 1'

**Sales Order #:**

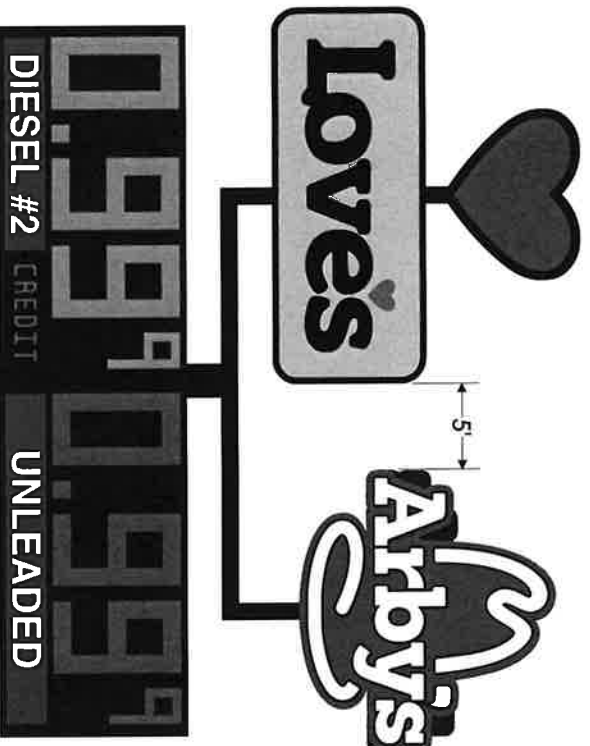
8' x 10' Love's  
Led Heart  
(80 Sq. Ft.)

1' Separation

9' x 22' Love's  
(198 Sq. Ft.)

5' Separation

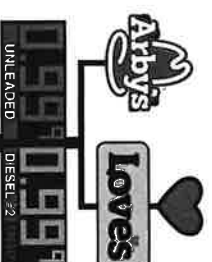
1' x 4' 6"  
Price Sign  
By Sunshine  
89" Numerals  
(456.5 Sq. Ft.)



15' x 16' 6 1/2"  
Arby's B-18 Concept  
Drawing Only  
(248.13 Sq. Ft.)

6' 6" Separation

111' From Grade to  
Bottom of Price Sign



Side B - Not To Scale

Diesel, Love's & Led Heart to be Installed Toward Interstate/Highway  
\*\* Note: Product panel copy and numeral details to be confirmed by others.

**APPROVAL:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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VICINITY MAP INSET

SITE DATA

TAX ID 07751

NET PROJECT SIZE 1.2247 ACRES

LANDUSE DATA

USE TRUCK STOP

ZONING HIGHWAY CORRIDOR

C-1/2000 SITE 1.17000 AC

TITLE CODE 111000 SF

PARKING DATA

TOTAL 127

TRUCK 127

TRUCK 127

TRUCK 127

TRUCK 127

TRUCK 127

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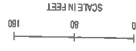
TRUCK 127

TRUCK 127

TRUCK 127

REV	DATE	COMMENTS	BY
0	06/02/22	ISSUED FOR REVIEW	W.J.
DESIGNED BY	C. STANIS		
CHECKED BY	B. JOHNSON		

PRELIMINARY

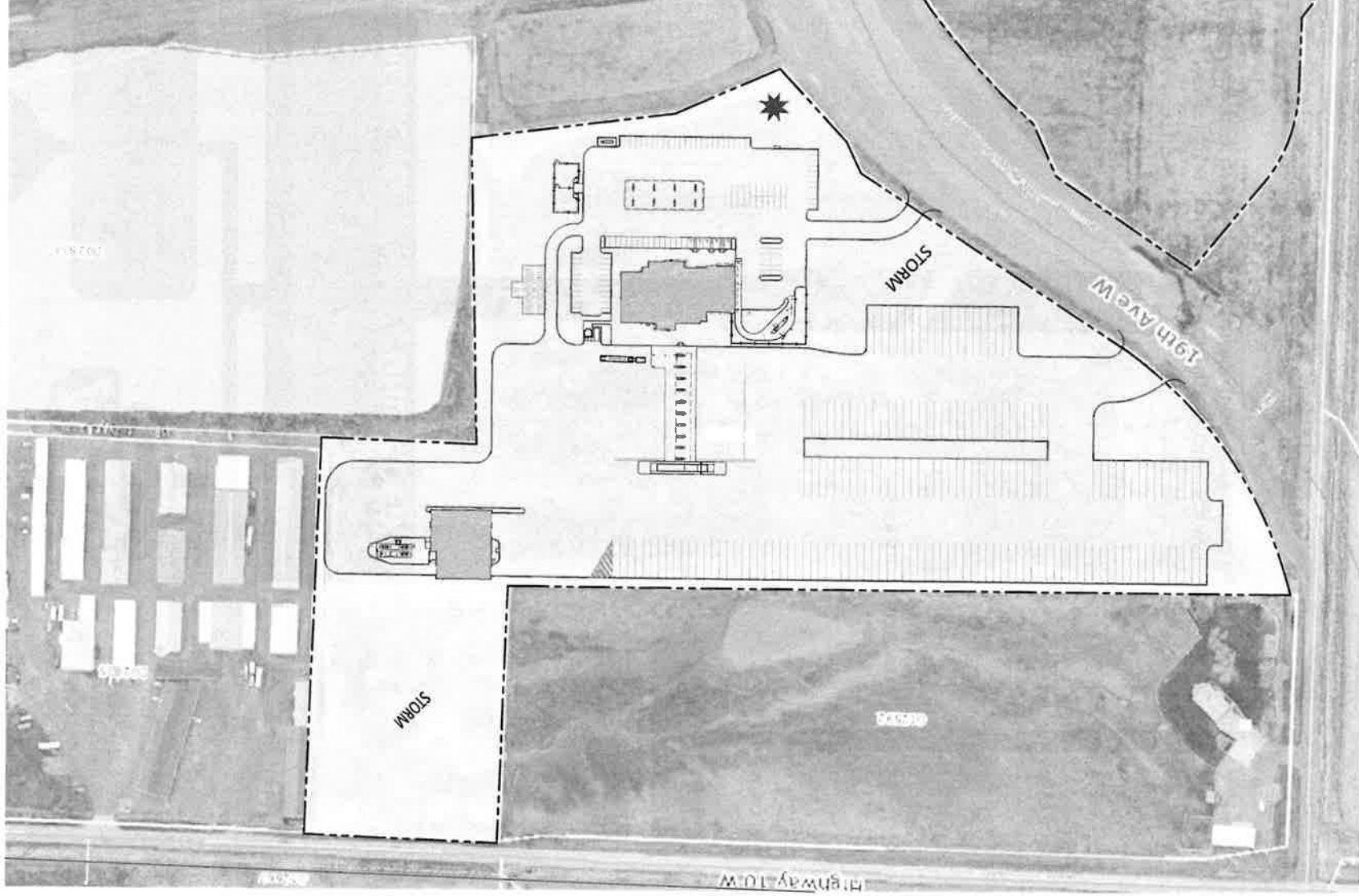


SCALE IN FEET

TRAVEL STOP  
LAUREL, MT

SITE PLAN

SP-01



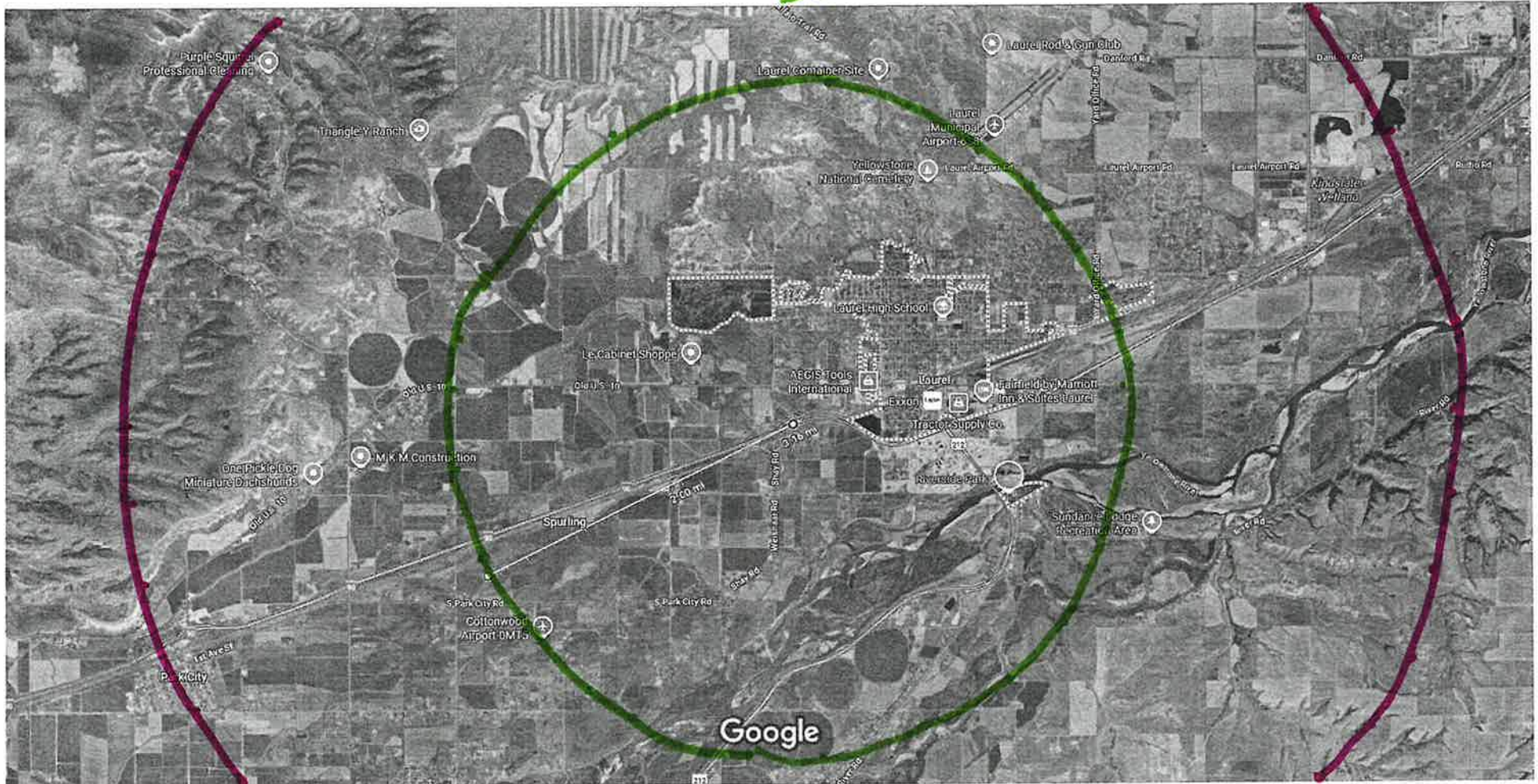


Google Maps

6 miles

Laurel

3 miles



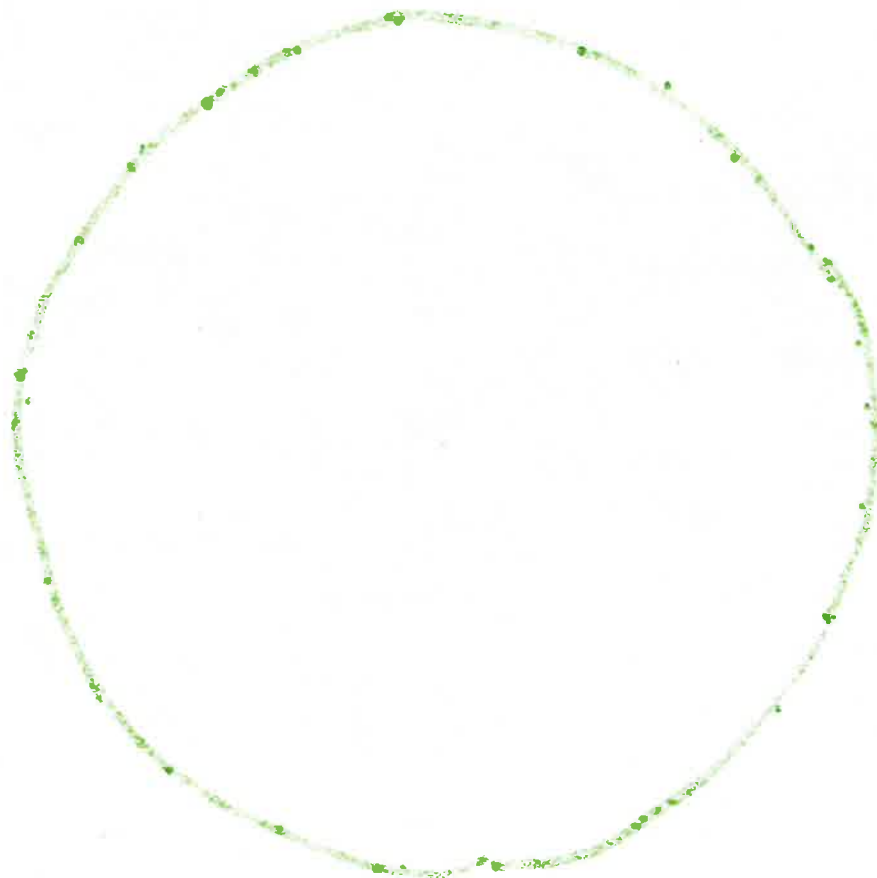
Imagery ©2025 Airbus, Landsat / Copernicus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2025 Google 2000 ft

Measure distance

Total distance: 3.16 mi (5.09 km)

win

win



# Kurt Markegard

---

**From:** Ps Thomae <psthomae@yahoo.com>  
**Sent:** Saturday, September 6, 2025 11:13 AM  
**To:** Laurel City Planner  
**Subject:** Loves sign: City council members,

My name is Paul Thomae I live at 1013 Jenea Dr.

Pertaining to the Love's sign, during our meeting a lady who lives on 12th had stated that she was opposed to the sign because they have a great view of the Beartooth mountains and didn't want a sign blocking their view, even one of City County Planning Board member said he didn't want to go to the golf course and have to look at a big sign. The sign faces East and West they will be looking south so the only part of the sign facing north and south are the ends which will be very narrow. I'm not saying that at a certain angle on the golf course a person wouldn't be able to see the sign, they possibly will, but they will be looking southeast so the only thing that it would block a view of would-be part of the refinery. The sign even at the 145 ft which is what the representative of Love's requested faces East and West he gave a report on a study done on how much time a driver would have to move from the passing lane to the exit lane and the safest for all drivers not only semi drivers, there are many people pulling large camper trailers, ranchers pulling large stock trailers, the off ramp going east comes up on a person really quick, so they need the most time as possible. The westbound traffic is just after a curve so even shorter lead time if the sign is shorter. Where Love's is located, I do not believe the sign is going to affect anyone in town at 145 feet they are farther out of town, and many things will block the view of the people in town from seeing it. just to give you a perspective on the height Hageman elevator is 90' with the flagpole its 150' the Coker plant at the refinery is 300' from what I have read. So, it's 5 ft shorter than Hageman's with the flagpole and less than half the height of the Coker plant. I believe safety should be your first concern, if it saves one accident or 1 death to me it's worth it. During the winter that curve has always had accidents even after they straightened it a little. Thank you for your time and consideration.