

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, MARCH 02, 2021**

A Council Workshop was held in Council Chambers and called to order by Mayor Tom Nelson at 6:31 p.m. on March 02, 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
Nathan Herman, Utility Plants Superintendent
Matt Smith, KLJ

Public Input:

There were none.

General Items

Executive Review

1. Resolution - A Resolution Declaring Certain City Property "Surplus" Available For Sale Or Trade To The Public Or Other Governmental Entities Or Vendors.

Mayor Nelson stated that the Ambulance Director was unable to attend tonight's meeting as she is teaching a class. Recently the Ambulance got new cots. Their old cots need to be declared surplus so they can go up for auction.

2. Resolution - A Resolution Granting A Variance To The Minimum Lot Size Requirement For Property Located Within The City Of Laurel's Community Commercial Zoning District For Property Located At 503 Fir Avenue/1313 E. Main Street, Within The City Of Laurel. - PH 3.9.2021

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

It was questioned if both houses have separate utilities. Council noted that any shared utilities would need to be separated before variance at the property owner's expense. The Planning Director stated he believed the utilities were separate but that he would check on that.

It was questioned how these lots would be addressed in the future. For instance, if one should have a house fire, would the property owner be able to rebuild? It was clarified they could rebuild in the same footprint within six months' time frame. Should any issues arise, they would be dealt with at that time. A size change would need another variance.

Planning Board was concerned about the property becoming a commercial kennel. They would need a special review and come before Council for that to happen. The property owner is planning to move as soon as possible. The animals at the residence are licensed with the City.

3. Resolution - A Resolution Approving Zone Changes For Block 7, Lots 3-11 Iron Horse Station Subdivision, Phase II, An Addition To The City Of Laurel.- PH 3.9.2021

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report. He stated this zone change is part of the settlement agreement Council approved at the last meeting.

4. Resolution - A Resolution Of The City Council Approving A Task Order For KLJ Engineering Inc. To Authorize Work On The Water Storage Tank Roof Recoat Project For The City Of Laurel.

Nathan Herman, Utility Plants Superintendent, the coating is worn off the dome. There are areas worn down to the primer. The reservoir has not been recoated since the 1980s. The coating has been tested for lead. There is very little lead in the coating. They are just recoating the dome portion of the reservoir. Water will mess with the coating's ability to dry properly. The reservoir will be sandblasted to knock off any loose coating. They are not expecting much to come off. They have looked at the dome via a drone as it is not safe to send employees onto a curved surface to inspect the reservoir in person. The Contractor will go up and do an inspection before work begins. There are large patches where there is no coating on the roof. The coating will stop rust from occurring.

It was questioned if there was rust at this time. It was clarified that there is no rust from what they are able to see at this time. They cannot see metal peeling up, but it has been over 20 years since it was recoated. It is due. The tank is in good shape; it just needs maintenance to ensure it stays in good condition.

The inside of the tank needs to be relined but needs all the water out before doing that, looking to build a second reservoir.

Council Issues

5. Discussion of any funding mechanisms that may expire for Fire, Police, and Ambulance Departments.

Mayor Nelson stated that there were no funding sources that will be sunseting. The Fire, Police, and Ambulance operate out of General Fund. The Fire Department has a CIP fund set up approximately 12 years ago.

It was questioned if that CIP fund had an expiration date. It was clarified that it does not.

6. Ambulance Mill Levy Discussion

The Emergency Services Committee Chair stated that they need more planning on the improvements the Ambulance Service needs. They were asking for Council's feelings on the mill levy.

The Ambulance Services call volume increased, and the response rate was suffering. A partially paid department was implemented to increase the response rate. They currently have five employees and an Ambulance Director. The Ambulance Director recently compiled a report for the Mayor showing the response rate. They are doing a good job right now. However, we need to have a clear ask before moving forward with a mill levy. Those needs need to be identified and have the associated costs. Mayor Nelson stated that he hopes to bring forward someone to create a City-wide CIP Plan. Council agreed this would help identify the ask for the mill levy. It was further stated that other departments have needs as well, such as the Police have no private area to change. The firefighters have no lockers for their gears.

Mayor Nelson stated he and the Planning Director are also looking at the zoning reach with the County. He is also exploring the option of establishing Ambulance Districts similar to Fire Districts.

The County is making up 25% of the calls the Ambulance receives. The Ambulance Service receives approximately three calls per day. It is a well-used service. This is a growing area that will put more stress on the service.

Other Items

Review of Draft Council Agendas

7. Review of draft Council agenda for March 9, 2021.

There were no suggested changes.

Attendance at Upcoming Council Meeting

All present will be in attendance.

Announcements

The Senior Center has been closed for onsite activities for the last year. On March 18th, they are opening the doors to limited seating for meals. They can service 24 people at a time. They still have the Meals on Wheels and pick-up options available.

Park Board's next meeting is March 4th at 5:30 p.m. in Council Chambers.

It was requested at the next Workshop there be a discussion about LMC 6.16.010. Also, discussion if Council is interested in granting a variance.

The council workshop adjourned at 7:27 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Brittney Moorman', with a long horizontal flourish extending to the right.

Brittney Moorman
Administrative Assistant

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



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Johnson Variance Request for 503 Fir Ave
DATE: February 12, 2021

DESCRIPTION OF REQUEST

A variance to the Laurel Municipal Code was requested by Zene Johnson on behalf of Brian Johnson for 503 Fir Avenue/ 1313 E. Main Street. The variance application form and justification letter were submitted on January 22, 2021. The variance requested pertains to the minimum lot size requirement for a single dwelling unit on an individual lot. 503 Fir Avenue/ 1313 E. Main Street contains two detached single-family dwellings. The Applicant would like to split the lot and sell one of the parcels, due to a lack of time and ability to maintain the second unit as a rental.

The property is located within the Community Commercial (CC) zoning district. Single and two-family residences in the Community Commercial district follow the requirements of the Residential Limited Multi-Family district. A variance is required because the lots would not conform to the requirements of RLMF zoning. The district requires a minimum of 6,000sqft for a single dwelling unit. The lot is currently 10,593sqft, which is not enough area to accommodate two legal lots.

Owner: Brian R. Johnson
Legal Description: NUTTING SUBD, S10, T02 S, R24 E, BLOCK 14, Lot 10 - 12, LESS 198' FOR TURN LANE (07)
Address: 503 Fir Ave/1313 E. Main Street
Parcel Size: 10,593 sqft
Existing Land Use: Two Single Family Dwellings
Proposed Land Use: Two Single Family Dwellings (separation of parcels)
Existing Zoning: Community Commercial

BACKGROUND AND PROCEDURAL HISTORY

- The Planning Director met with the Applicant in the Summer and Autumn of 2020 to discuss the situation and available options.
- Variance Application submitted on January 22, 2021.
- A Public Hearing is scheduled at the February 17, 2021 Planning Board meeting to receive public comment and vote on recommendations to be provided to City Council.
- A Public Hearing is scheduled at the City Council meeting on March 9, 2021 to receive public comment and approve, approve with conditions, or deny the variance requests.

STAFF FINDINGS

The Applicant is requesting a variance to Table LMC 17.16.020 which presents the zoning requirements for Residential districts. The RLMF zoning jurisdiction (which the CC district uses as the requirements for one and two-family dwellings) requires a minimum of 6,000sqft for a single dwelling unit. The Applicant seeks to split the property, creating two lots each with a single-family home.

- ❖ The Applicant has provided a justification letter regarding the Variance request.
- ❖ Parcel contains two single-family dwellings on a 10,593sqft lot.
- ❖ The current owner would like to split the lots and sell 503 Fir Avenue to someone who can provide proper attention and care to the property.
- ❖ The current owner of the parcel does not have the time and ability to maintain both dwelling units due to family obligations.
- ❖ Dividing the lot would create two lots that are approximately 5,296sqft in size.
- ❖ This lot size is roughly equivalent to many lots in the neighboring area.
- ❖ The property deeded approximately 200sqft of the lot to the Montana Department of Transportation in 2006 for additional right-of-way.
- ❖ The public noticing requirements have been met.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

The City-County Planning Board shall act as a zoning commission in order to recommend the boundaries of the various districts and appropriate regulations to be enforced.

- A. It shall be the duty of the zoning commission to authorize, upon appeal in specific cases, such land use variances from the terms of the zoning ordinances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinances or regulations will result in unnecessary hardship, and so that the spirit of the ordinances shall be observed and substantial justice done. The zoning commission shall, after a public hearing, make a recommendation to the mayor and council concerning the land use variance application.
- B. The zoning commission shall not recommend that land use variances be granted:

1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
3. Unless the basis is something more than a mere financial loss to the owner;
4. Unless the hardship was created by someone other than the owner;
5. Unless the variance would be within the spirit, intent, purpose and general plan of this title;
6. Unless the variance would not affect adversely or injure or result in injustice to others; and
7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.

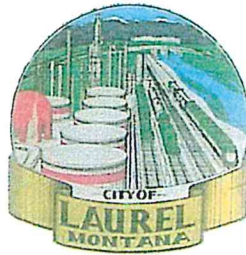
RECOMMENDATIONS

The Planning Director recommends that the Planning Board approve the variance request. The Planning Director has prepared drafted conditions of approval which are presented below.

1. Division of the lots of 503 Fir Ave and 1313 E. Main Street will be filed within six (6) months of variance approval.
2. Lots shall be maintained in good condition.
3. All applicable permits and approvals for construction, driveway accesses, and other ingress and egress points shall be applied for.
4. No residential or commercial uses shall take place on the subject properties that are in violation of Chapter 17 of the Laurel Municipal Code.
5. No commercial kennel or other pet-related enterprise shall be established on the parcel.

ATTACHMENTS

1. Variance Application
2. Justification Letter
3. Concept Plan for lot division
4. Overhead map with 300ft buffer
5. List of adjacent property owners
6. Public hearing notice
7. Bargain and Sale Deed (MDT)
8. LMC 17.16 – Residential Districts
9. LMC 17.20 – Commercial – Industrial Use Regulations



Laurel Variance Request Application

This application covers appeals from decisions of the Planning Department (and sometimes other officials) and for requests for variances concerning setbacks, structures, heights, lot coverage, etc.

The undersigned owner or agent of the owner of the following described property requests a variance to the Zoning Ordinances of the City of Laurel as outlined by the laws of the State of Montana.

1. Name of property owner: BRIAN JOHNSON
2. Name of Applicant if different from above: ZENE JOHNSON
3. Phone number of Applicant: 406-591-4774
4. Street address and general location: 503 FIR & 1317 E MAIN
5. Legal description of the property: NUTTING SUBD BLOCK 14 LOT 10
6. Current Zoning: COMMUNITY COMMERCIAL
7. Provide a copy of covenants or deed restrictions on property.

I understand that the filing fee accompanying this application is not refundable, that it pays part of the cost of process, and that the fee does not constitute a payment for a variance. I also understand I or my agent must appear at the hearing of this request before the Planning Board and all of the information presented by me is true and correct to the best of my knowledge.

Signature of Applicant: _____

Date of Submittal: _____

Zene Johnson
1-15-21

January 15, 2021

TO: City-County Planning

RE: Laurel Municipal Code Chapter 17.60.020

503 Fir – 1313 E. Main- Block 14, Lot 10, Nutting Subd.

I am asking that a variance be granted for this property. My mother Patty Johnson, who was well known in Laurel having lived there for more than 30 years, died May 12, 2020. I subsequently inherited the property, which consists of two houses and a couple of storage sheds. My family now lives in the house at 1313 E. Main. It had been extensively remodeled after a fire 6 or 7 years ago and a car crashing into it 3 or 4 years ago. Therefore, it is a better fit for me, my wife and 3 small children.

The house at 503 Fir has been used as a rental for many years and having a rental is something neither my wife nor I want or have time for. We have two special needs children and would like to split the property and sell the 503 Fir house to people who can devote time, attention and love to it.

Because the lot is 10,953 sq ft, it would make the lots slightly under the regular 6,000 sq. ft. lots consistent with the area. However, there are several lots in the area smaller so this should be hopefully an acceptable variance. It would certainly make our lives a lot easier.

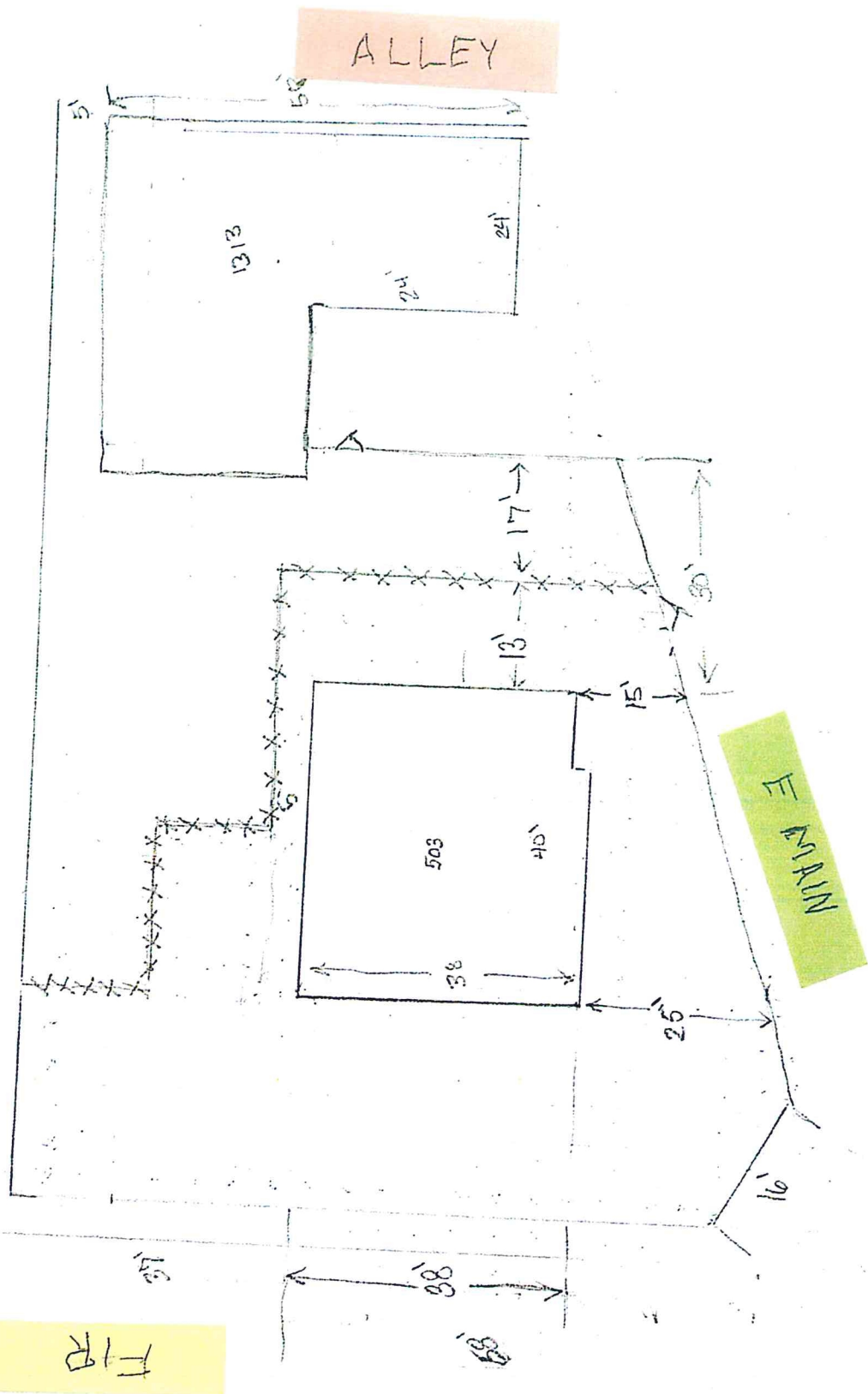
That being the case, we respectfully request that you recommend this variance to the Laurel City Council.

Thank you.

Brian Johnson

A handwritten signature in cursive script, appearing to read "Brian Johnson", is written over a horizontal line.

Approximate



- File
- Emergency
- Cemetery
- Imagery

- Legend
- Find
- Draw
- Measurement
- Print

- Google Street View
- Select and Buffer

By Attribute By Shape

Select A Layer:

Buffer: 300 Feet

Display Buffer Only:

- Select Features By:

Add To Existing Results:

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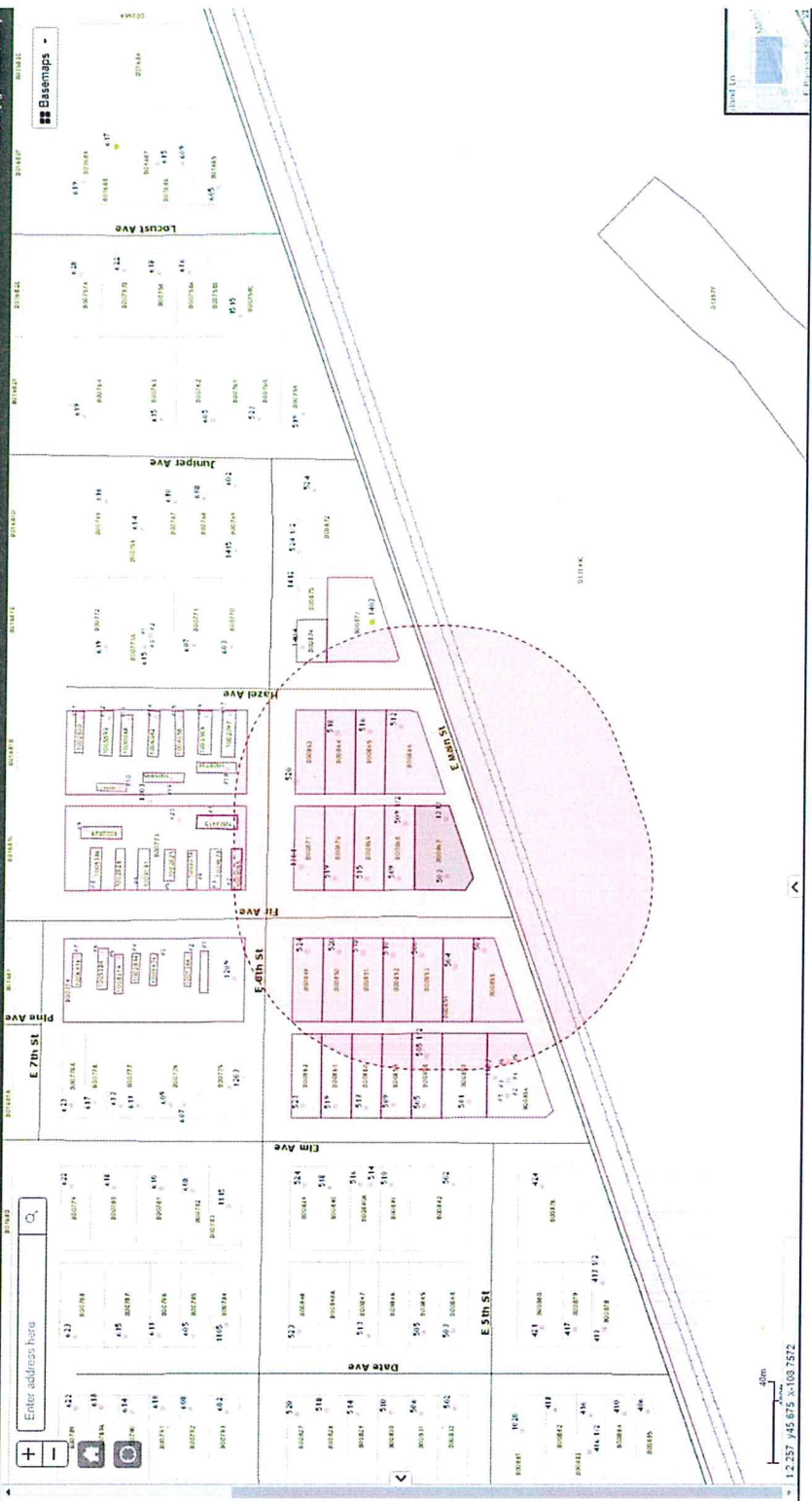
Basemaps

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MONTANA RAIL LINK
D13144C
PO BOX 16624
MISSOULA, MT 59808-6624

MONTANA RAIL LINK
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PO BOX 16624
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MONTANA RAIL LINK
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PO BOX 16624
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THIEL, LARRY V TRUSTEE
B00855
1328 RIDGE DR
LAUREL, MT 59044-1816

THIEL, LARRY V TRUSTEE
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1328 RIDGE DR
LAUREL, MT 59044-1816

THIEL, LARRY V TRUSTEE
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1328 RIDGE DR
LAUREL, MT 59044-1816

HINES, MICHAEL J
B00854
504 FIR AVE
LAUREL, MT 59044

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ROMEE, MICHAEL P & JUDY ANN
B00853
619 E 5TH ST
LAUREL, MT 59044-2710

ROMEE, MICHAEL P & JUDY ANN
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ROMEE, MICHAEL P & JUDY ANN
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LAUREL, MT 59044-2710

ATKINSON, RITA R
B00852
510 FIR AVE
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BUREAU, RONALD W & DARLA J
B00851
518 FIR AVE
LAUREL, MT 59044

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BUREAU, RONALD W & DARLA J
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FRANK, TANCY
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LAUREL, MT 59044-8317

SMITH, BRAD M
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524 FIR AVE
LAUREL, MT 59044

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SMITH, BRAD M
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524 FIR AVE
LAUREL, MT 59044

MEISNER, GLEN ALAN
B00862
523 ELM AVE
LAUREL, MT 59044

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YODER, JOHN ARLEN B00860 513 ELM AVE LAUREL, MT 59044	YODER, JOHN ARLEN B00860 513 ELM AVE LAUREL, MT 59044	YODER, JOHN ARLEN B00860 513 ELM AVE LAUREL, MT 59044
FOSTER, JEREMY B00859 509 ELM AVE LAUREL, MT 59044	FOSTER, JEREMY B00859 509 ELM AVE LAUREL, MT 59044	FOSTER, JEREMY B00859 509 ELM AVE LAUREL, MT 59044
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GEORGE, MIKE R & STEPHANIE A B00871 1304 E 6TH ST LAUREL, MT 59044	GEORGE, MIKE R & STEPHANIE A B00871 1304 E 6TH ST LAUREL, MT 59044	GEORGE, MIKE R & STEPHANIE A B00871 1304 E 6TH ST LAUREL, MT 59044
HOLYCROSS, DAVID A & FLORENCE B00870 801 E 4TH ST LAUREL, MT 59044-2801	HOLYCROSS, DAVID A & FLORENCE B00870 801 E 4TH ST LAUREL, MT 59044-2801	HOLYCROSS, DAVID A & FLORENCE B00870 801 E 4TH ST LAUREL, MT 59044-2801

THURMAN, MITCHELL R B00869 515 FIR AVE LAUREL, MT 59044	THURMAN, MITCHELL R B00869 515 FIR AVE LAUREL, MT 59044	THURMAN, MITCHELL R B00869 515 FIR AVE LAUREL, MT 59044
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FRANCO, CAROL B00874 1404 E 6TH ST LAUREL, MT 59044	FRANCO, CAROL B00874 1404 E 6TH ST LAUREL, MT 59044	FRANCO, CAROL B00874 1404 E 6TH ST LAUREL, MT 59044
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RATCLIFF, RANDALL C & RANA B00773 1003415 2807 LYNDAL LN BILLINGS, MT 59102-1439	RATCLIFF, RANDALL C & RANA B00773 1003415 2807 LYNDAL LN BILLINGS, MT 59102-1439	RATCLIFF, RANDALL C & RANA B00773 1003415 2807 LYNDAL LN BILLINGS, MT 59102-1439
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PUBLIC HEARING NOTICE

The Laurel City-County Planning Board and Zoning Commission will conduct a public hearing on a variance application submitted by Zene Johnson regarding the property at 503 Fir Ave for lot coverage requirements. The Zoning Commission hearing is scheduled for **5:35 P.M., in the City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Wednesday, February 17th, 2021.**

Additionally, the City Council has scheduled a public hearing for the consideration of the variance request. The City Council hearing is scheduled for **6:30 P.M., in the City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Tuesday, March 9th, 2021.**

The applicant seeks to split the parcel at 503 Fir Avenue into two parcels. The lot is 10,953 square feet in size. This property is zoned Community Commercial (CC). The Community Commercial zoning district requires a minimum lot size of 6,000 square feet. The splitting of the lot into two parcels would create a nonconforming lot and is not allowable. The applicant requires a variance approval by the Laurel City Council to have a lot which conforms to Laurel City Code.

It is the duty of the zoning commission to authorize, upon appeal in specific cases, such land use variances from the terms of the zoning ordinances as will not be contrary to the public interest where a literal enforcement of the provisions of the ordinances or regulations will result in unnecessary hardship.

Public comment is encouraged and can be provided in person at the public hearings on February 17th and March 9th. Public comment can also be made via email to the Planning Director, or via letter to the Planning Department office at 115 West 1st Street Laurel, MT 59044. A copy of the variance 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. 5302, or via email at cityplanner@laurel.mt.gov.



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Page: 1 of 3
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Yellowstone County

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ROWForms\Pin\521

Revised 9/29/06

**State of Montana
Department of Transportation**

Right-of-Way Bureau
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

Project ID: HSIP 4-2(32)55 Parcel No.: 13 County: Yellowstone
Designation: 2002 - TURN LANE - LAUREL
Project No.: 5304-032

Bargain and Sale Deed

This Deed, made this 7th day of JUNE, 2007, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration now paid, the receipt of which is acknowledged, **witnesses that,**

Patricia A. Johnson
503 Fir Ave. 1313 EAST MAIN ST.
Laurel, MT 59044-2828

does hereby grant, bargain, sell and convey to the City of Laurel, Montana, the following-described real property:

Parcel No. 13 on Montana Department of Transportation Project HSIP 4-2(32)55, as shown on the Right-of-Way plan for said project recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana. Said parcel is also described as a tract of land in Lot 10, in Block 14, of Nutting Subdivision, in the City of Laurel, Yellowstone County, Montana, according to the official plat thereof, on file and of record in the office of the Clerk and Recorder of Yellowstone County, Montana, as shown by the shaded area on the plat, consisting of 1 sheet, attached hereto and made a part hereof, containing an area of 198 sq. ft., more or less.

RW:D2:5304:p13:JC



Bargain And Sale Deed
Project ID: HSIP 4-2(32)55
Designation: 2002 - TURN LANE - LAUREL

Parcel No.: 13

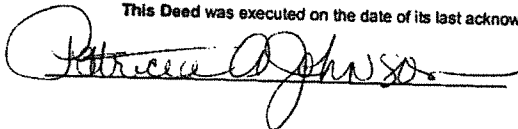
Excepting and reserving to Grantor(s), however, all gas, oil and minerals beneath the surface of the above-described and conveyed premises, together with the right to extract the same, provided that in the exercise of such right, the surface thereof shall not be disturbed, interfered with or damaged. This exception and reservation does not include sand, gravel and other road building materials, which are conveyed by this Deed.

Further excepting and reserving unto the Grantor(s), her heirs, successors and assigns, all water, water rights, ditches, canals, irrigation systems, existing or as relocated, if any, including but not limited to, water stock or shares, bonds, certificates, contracts and any and all other indicia of water, water right and ditch ownership, or any interest therein appurtenant to the land described therein, save and except groundwater for the use, benefit and purposes of the Grantee(s).

The Grantor(s) further expressly waives and relinquishes all rights, as owner or successor in interest provided under law, for any preference to repurchase all or a portion of this property should it be determined no longer to be necessary for highway purposes.

To have and to hold the above-described and conveyed premises, with all the reversions, remainders, tenements, hereditaments and appurtenances thereto, unto the City of Laurel, Montana, and to its successors and assigns forever.

This Deed was executed on the date of its last acknowledgment.



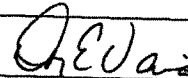
State of MONTANA)
County of YELLOWSTONE)

This instrument was acknowledged before me on JUNE 7, 2007
(date)

by PATRICIA A. JOHNSON
(Grantor(s))



(Seal)



Notary Signature Line

DON E. VANICA

Notary Printed Name

Notary Public for State of MONTANA

Residing at: BILLINGS, MONTANA

My Commission Expires: 5 MAY 4, 2008

State of _____)
County of _____)

This instrument was acknowledged before me on _____
(date)

by _____
(Grantor(s))

Notary Signature Line

Notary Printed Name

Notary Public for State of _____

Residing at: _____

My Commission Expires: _____

Recording Information

THIS PLAN IS PREPARED FROM THE MONTANA DEPARTMENT OF TRANSPORTATION RECORDS AND IS RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER.

NOTES:
1. THE EXISTING R/W LINE INDICATES A SPINAL CURVE THAT IS NOT TO BE CHANGED.
2. ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W BEGINNING.

FOR EXISTING R/W RETRACTION, SEE COS. NO. 3291

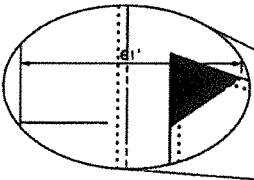
GRID STATE PLANE COORDINATES
THIS IS A STATE PLANE COORDINATE PROJECT. ALL DIMENSIONS, DISTANCES AND AREAS ON THIS PROJECT ARE GRID, EXCEPT FOR THE EXISTING R/W WIDTH DIMENSION, WHICH IS RECORD.
THE COMBINATION SCALE FACTOR IS 0.99950767

LEGEND
DASHED LINE: RIGHT OF WAY
SOLID LINE: TRAIL CORNER
R/W: R/W LINE
R/W: R/W LINE
DATE PREPARED: 3-1-07
DATE REVISED: _____

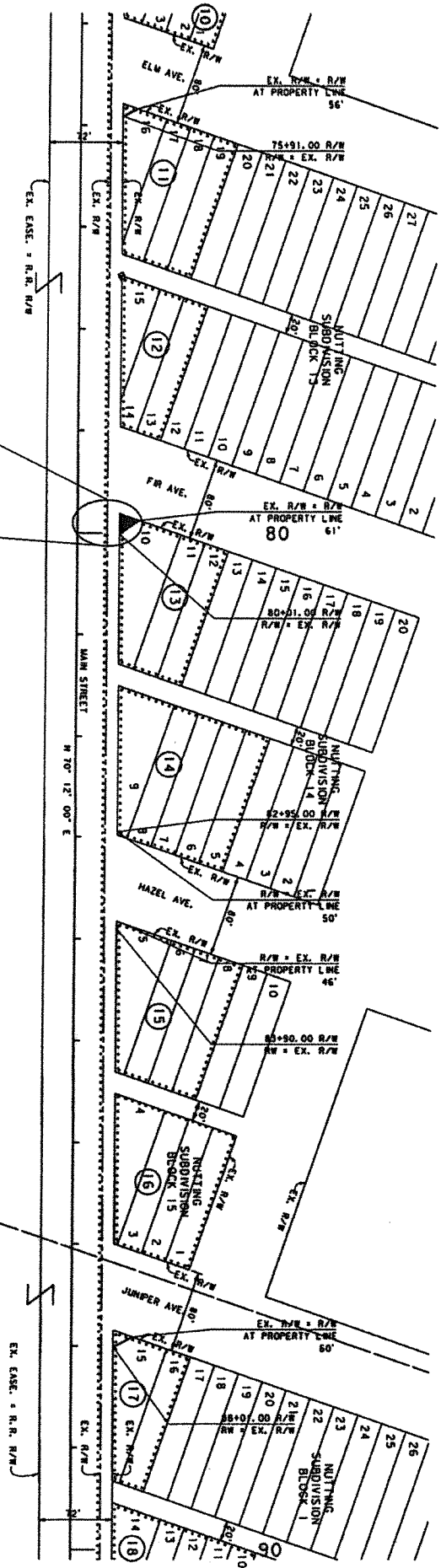
MONTANA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY EXHIBIT
YELLOWSTONE COUNTY
SCALE 1"=50'
0 50 100 150

PARCEL 13, SHEET 1 OF 1

PARCEL 13 DETAIL
NOT TO SCALE



P.O.T. 80+00.00 IS N 45° 41' 21" E
272+11.15 FROM THE SW CORNER
OF SECTION 10, (TMD. 2' ALONG, CAP)



LAUREL

STATE	RIGHT OF WAY	2007 0224
MONTANA	R/W D.	NSP 4-21225
UNIFORM PROJECT NO.	3304-032	
2002 - TURN LANE - LAUREL		

17.16.020 - Zoning classified in districts.

Zoning for residential districts is classified in and subject to the requirements of Table 17.16.020.

Table 17.16.020

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

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

² NA means not applicable

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

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

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



17.20.020 - Zoning classified in districts.

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

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

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

Laurel City Planner

From: RITA ATKINSON <ritarose71@msn.com>
Sent: Sunday, February 14, 2021 7:30 PM
To: Laurel City Planner
Subject: Fw: Variance application for 503 Fir

From: RITA ATKINSON
Sent: Sunday, February 14, 2021 7:20 PM
To: cityplanner@laurel.my.gov <cityplanner@laurel.my.gov>
Subject: Variance application for 503 Fir

I live at 510 Fir, across the street from this address. Although it has been zoned commercial for decades, I can see no reason for this variance. There are 2 residences on this lot. Exactly what commercial enterprise would be situated here? At the moment, there are 3 cars on what once was a lawn and 1 on the street that haven't moved in months. The small back yard is being used by large dogs that I believe is a breeding operation for a mix of Great Danes and German Shepards. There is usually between 4 to 8 large dogs and this fall also 3 puppies. There is now more chain link kennels and a shed in the back. The police have been called on these dogs numerous times for incessant barking and once for what appeared to be a deceased dog in the yard. The only thing that has changed since these calls are that the dogs are more restricted for space. If the variance is permitted, the lot gets even smaller. Having had German Shepards all of my life, this whole situation is so unfair to those dogs that I have considered calling the Humane Society and having them check to see if this breeding operation was reported in Nevada before it moved here to our neighborhood where everyone has a dog or even two, but they are never treated like this.

Decades ago, when the back building was a glass shop, there was only one residence there and I do understand that when the shop was converted to a house, the commercial zoning was probably grandfathered in but at this point in time, it has created a hardship for everyone in this whole neighborhood. We have residents that work at night, but the dogs bark at all different times of the day and well into the evening. Sometimes they are quiet for hours and sometimes they bark for hours. I have always thought that in the city of Laurel, you could only have 3 dogs unless you have a kennel license. After all the calls to the police, and nothing being done about the number of dogs at that residence, is it being allowed for that reason? And if the parcel is split, can they double the amount of dogs and cars on the lawn??

If it were allowed, the parcel should go back to residential, there is no reason to have a commercial business on that lot.

For this reason not only am I opposed to this variance, but vehemently opposed to this variance.

Sincerely,

Rita Atkinson
510 Fir
Laurel, Mont.

Laurel City Planner

From: Ron Bureau <RDBU1003@msn.com>
Sent: Sunday, February 7, 2021 1:19 PM
To: Laurel City Planner
Subject: Public hearing 503 Fir Ave.

Hello,

My husband and I are concerned with the idea of 503 Fir Ave being split into a nonconforming lot.

We have lived at 518 Fir Ave for 26 years. Our concern is, if allowing the variance change to occur, will this permit the current residents to establish a commercial dog kennel. This property does not conform to the zoning district requirements. The splitting of the lot into two lots will create, as the City had pointed out, a non-conforming lot and is not allowable. We have no problem with the splitting of lot as long the variance states these lots are to be residential rather than commercial.

Some of our neighbors as well as us have called the Laurel Police due to the constant noise from all the barking dogs. The barking goes on for hours at a time, literally all day and night. This being a residential area, will affect all residences within a two-block area if not more. At one point, Laurel had a City Ordinance that permitted no more than 3 dogs permitted at any one residence.

503 Fir Ave currently has approximately 10-11 dogs (that we have counted on a few occasions. The dogs are Great Dane and German Shepards). The barking is an annoyance for the current and future residents on Fir Ave to have to deal with.

Please decline the request for the variance change as stated in the notice to 503 Fir Ave.

Thank you.

Sincerely,
Ronald and Darla Bureau
518 Fir Ave

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LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board and Zoning Commission
FROM: Nicholas Altonaga, Planning Director
RE: Iron Horse Station Subdivision Zone Change
DATE: February 12, 2021

DESCRIPTION OF REQUEST

The owner/develop of Iron Horse Station Subdivision has requested a zone change for a portion of the subdivision known as "Phase Two." The area requested for a zone change includes Lots 3-11, Block 7, of Phase Two of the Iron Horse Station Subdivision.

This zone change was included in a settlement agreement made between the owner/developer of Iron Horse Station Subdivision and the City of Laurel. The owner/developer requests that Lots 3-11, Block 7 of the Iron Horse Station Subdivision be rezoned from Residential-6000 to Residential Multi-Family (RMF). This Zone Change is required as per the settlement agreement made between the Owner/Developer of Iron Horse Station Subdivision and the City of Laurel.

Owner: Iron Horse Station LLC
Legal Description: IRON HORSE STATION SUB, S09, T02 S, R24 E, BLOCK 7, Lot 3-10, (06)
Address: 1110 Great Northern Road
Parcel Size: 4 Acres
Existing Land Use: Vacant
Proposed Land Use: Multi-Family Residential use
Existing Zoning: Residential 6000
Proposed Zoning: Residential Multi-Family

BACKGROUND AND PROCEDURAL HISTORY

- The Planning Director met with the Public Works Director and City Attorney to discuss the capacity and specifics of the zone change request in December, 2020.
- The Zone Change is included in a settlement agreement between the owner/developer of the Iron Horse Station Subdivision and the City of Laurel.
- The settlement agreement was approved by the City of Laurel on February 9, 2021.

- The Zone Change application was prepared and submitted to the Laurel Planning Board for its February 17, 2021 meeting as part of the conditions of the settlement agreement.
- A public hearing for the Zone Change application will be held on March 9, 2021 at the Laurel City Council.

STAFF FINDINGS

The Applicant is requesting a variance to Table LMC 17.16.020 which presents the zoning requirements for Residential districts. The RLMF zoning jurisdiction (which the CC district uses as the requirements for one and two-family dwellings) requires a minimum of 6,000sqft for a single dwelling unit. The Applicant seeks to split the property, creating two lots each with a single-family home.

- ❖ The Applicant is requesting a zone change from Residential-6000 (R-6000) to Residential Multi-Family (RMF).
- ❖ The Zone Change shall be completed by March 15, 2021 as described in the settlement agreement between the owner/developer of Iron Horse Station Subdivision and the City of Laurel.
- ❖ The City of Laurel has the capacity to meet the flow/demand needs of the new zoning designation.
- ❖ The City of Laurel has a water line that runs through Lots 3-11, Block 7 of the subdivision.
- ❖ The public noticing requirements have been met.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

The zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application shall be presented to the zoning commission by the planning director together with his findings and conclusions on the matter. A report of the commission's recommendation and the planning director's findings and conclusions shall be submitted to the city council.

- A. The zoning commission shall make a recommendation to the city council to:
 1. Deny the application for amendment to the official map;
 2. Grant action on the application for a period not to exceed thirty days;
 3. Delay action on the application for a period not to exceed thirty days;
 4. Give reasons for the recommendation.
- B. The zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he has an interest directly or indirectly.

RECOMMENDATIONS

The Planning Director recommends that the Planning Board approve the zone change. The Planning Director has prepared drafted conditions of approval which are presented below.

1. The Owner/Developer shall comply with all the requirements of LMC Chapter 17.72
2. The Owner/Developer shall submit any and all applicable and necessary permits and fees for development of the parcels subject to this zone change approval.
3. The Owner/Developer shall not install and/or operate any uses on parcels subject to this zone change which are not allowable under LMC Chapter 17.16.

ATTACHMENTS

1. Exhibit A.
2. Overhead Map with 300ft buffer
3. Iron Horse Station Subdivision plat (2005)
4. List of Adjacent Property Owners
5. Public Hearing Notice
6. LMC 17.72 – Amendments
7. LMC 17.16 – Residential Districts

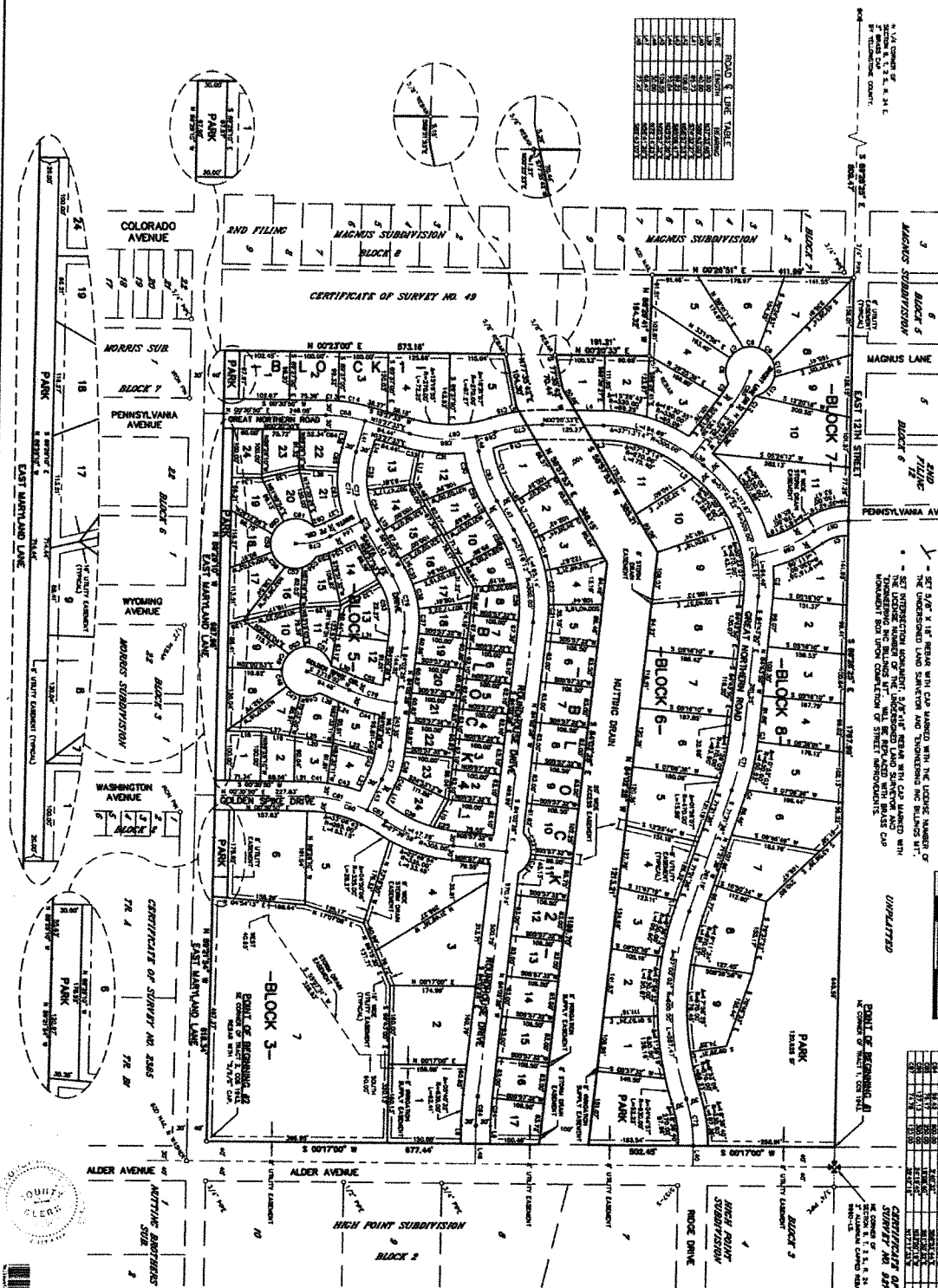
AN ADDITION TO THE CITY OF LAUREL,
SITUATED IN THE NE 1/4 OF SECTION 9, T. 2 S., R. 24 E., P.M.M.
CITY OF LAUREL, YELLOWSTONE COUNTY, MONTANA

BASES OF BEARING: CERTIFICATE OF SURVEY No 1943

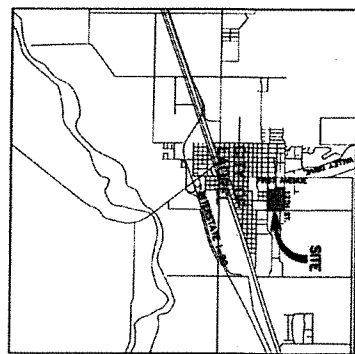
FEBRUARY, 2005
BILLINGS, MONTANA

- SET INTERSECTION MONUMENT, 5/8"x1/8" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER
- SET 3/4" X 1/8" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER
- SET SURVEYOR LAND SURVEYOR AND ENGINEERING AND BILLINGS W/ OTHER MONUMENT AS NOTED.
- SET MONUMENT, REBAR W/YELLOW CAP MARKED AS NOTED

LINE	LENGTH	REMARKS
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1.00	40.00	RT 22.00
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COST DATA		ROAD & CURVE TABLE		COST DATA	
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165	165	165	165	165	165



VICINITY MAP

[illegible][illegible]

SCOTT J CHESTER TRUST
D02522
405 E 13TH ST
LAUREL, MT 59044

WAYNE, JOHNNY
B01544
1115 MONTANA AVE
LAUREL, MT 59044

EVANS, WAYNE & NORMAN
& ESTHER P
B01526
938 ARONSON AVE
BILLINGS, MT 59105-2331

MAGNUS, DARRELL D &
MAYBELLE
B01557
1131 COLORADO AVE
LAUREL, MT 59044

WOLLMAN, JUNIA JOYCE
B01550
PO BOX 272
LAUREL, MT 59044-0272

WILMETH, MATTHEW K &
SHERRY L
B01547A B01555 B01554
B01557
2110 CHATTO DRIVE
BELGRADE, MT 59714

BOUCHER, RONALD C &
NATALIE L
B03033
130 E 13TH ST
LAUREL, MT 59044-1828

NUTTING DRAIN DISTRICT
D02623
1366 CLARHILL RD
LAUREL, MT 59044-8334

OLSON, WILTON B
B03034
PO BOX 1116
LAUREL, MT 59044-1116

RESIDENTIAL SUPPORT
SERVICES INC
C14953
2110 OVERLAND AVE # 128
BILLINGS, MT 59102-6480

FRANK, TODD K
B03035
350 E 13TH ST
LAUREL, MT 59044

IRON HORSE STATION LLC
C14955M
PO BOX 80661
BILLINGS, MT 59108-0661

METZGER, G M & LORETTA
B01558
215 E MARYLAND LN
LAUREL, MT 59044-2123

NESSAN, RICK
D12716
2432 HOWARD AVE
BILLINGS, MT 59102-4623

MEADOWOOD APARTMENTS
LP
D02625
136 BURLINGTON AVE
BILLINGS, MT 59101-6029

LOUCKS, DALE W
B01543
201 E 12TH ST
LAUREL, MT 59044

PUBLIC HEARING NOTICE

The Laurel City-County Planning Board and Zoning Commission will conduct a public hearing on a zone change requested for parcels within Iron Horse Station Subdivision submitted by Representatives of Iron Horse Station LLC. The Zoning Commission hearing is scheduled for **5:35 P.M., in the City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Wednesday, February 17th, 2021.**

Additionally, the City Council has scheduled a public hearing for the consideration of the zone change request. The City Council hearing is scheduled for **6:30 P.M., in the City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Tuesday, March 9th, 2021.**

The applicant is requesting a zone change from the R-6000 zoning district to Residential Multi-Family (RMF) for Lots 3 to 11, Block 7 of the Iron Horse Station Subdivision. The Residential-6000 district 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. The requested Residential Multi-Family (RMF) zoning is intended to provide a suitable residential environment for medium to high density residential dwellings, and to establish a buffer between residential and commercial areas.

Public comment is encouraged and can be provided in person at the public hearings on February 17th and March 9th. Public comment can also be made via email to the Planning Director, or via letter to the Planning Department office at 115 West 1st Street Laurel, MT 59044. A copy of the zone change 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. 5302, or via email at cityplanner@laurel.mt.gov.

Chapter 17.72 - AMENDMENTS

Sections:

17.72.010 - Purpose of provisions.

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the city council may amend, supplement, or change the regulations in this title, or the zoning boundaries or classification of property on the zoning map, as set forth in this chapter.

(Prior code § 17.84.010)

17.72.020 - Amendment procedure.

Amendments to the text of the title and/or changes in the zoning boundaries or classification of properties shown on the zoning map may be initiated by the city council on their own motion, or upon recommendation of the planning board but no amendment shall become effective unless it shall have been submitted to the zoning commission for review and recommendation. Before enacting an amendment to this title, the city council shall give public notice and hold a public hearing thereon.

(Ord. 96-5 (part), 1996; prior code § 17.84.020 (part))

17.72.025 - Amendment by private property owner.

Amendments to the zoning boundaries or classification of property shown on the zoning map may be initiated by property owners of the land proposed to be rezoned, by the filing with the zoning commission secretary of a zoning change application, which application shall be provided by the zoning commission secretary, and accompanied by all other materials and data required in the application.

(Ord. 01-4 (part), 2001; Ord 96-5 (part), 1996; prior code § 17.84.020 (part))

17.72.030 - Preapplication conference required.

Persons or parties interested in submitting an application for a zoning change shall consult with the planning director and the building inspector, at a joint meeting, if possible, concerning a proposed zoning change, its relation to and effect upon the comprehensive plan, any applicable specific plans or any plans being prepared by the planning department, and whether the proposed change is in conformance with public necessity, convenience, general welfare and good zoning practice.

(Prior code § 17.84.030)

17.72.040 - Application requirements.

A. Unless initiated by the city council or planning board, all applications for official map amendments must be submitted by the owner of such property, the contract purchaser, or the authorized agent of the owner. An application for an amendment affecting the same property shall not be submitted more often than once every twelve months. The zoning change application shall contain the following information:

1. Name of applicant;
2. Mailing address;
3. Telephone number;

4. Accurate legal description of location;
 5. Nature of zoning change requested;
 6. Description of present land uses;
 7. Description of adjacent land uses;
 8. Statement of intended land use;
 9. Statement concerning any expected effect upon the adjacent neighborhood;
 10. Date of preapplication conference;
 11. Names and addresses of adjacent property owners, within three hundred feet;
 12. Signature of applicant;
 13. Payment of all applicable fees.
- B. An application for amendment to the official map shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before five p.m.
- C. An application for a zone change may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for final public hearing before the city council. An applicant may be allowed to withdraw at the time of the zoning commission hearing by a majority vote of the members present without requiring council approval of the withdrawal and without prejudice with respect to the twelve month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve month period after application shall have first been submitted.

(Prior code § 17.84.040)

17.72.050 - Planning department evaluation responsibility.

The planning director, upon receiving an application for rezoning of an area or a particular place of property shall do the following:

- A. Consult with other departments of the city or county to fully evaluate the impact of any zoning change upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;
- C. In the case of a protest petition filed in the matter of any application for rezoning determine the validity of such petition;
- D. Advertise twice in a newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
- E. Notify, by mail, the applicant or his authorized agent five days prior to the date of the public hearing of the time and place of such hearing;
- F. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the rezoning; of the time, date, place of the public hearing and the existing and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have substantial environmental impact on surrounding land uses;
- G. The planning director shall report his findings and conclusions in writing to the zoning commission, which report shall be a matter of public record.

(Ord. 01-4 (part), 2001; prior code § 17.84.050)

17.72.060 - Zoning commission action.

- A. The zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application shall be presented to the zoning commission by the planning director together with his findings and conclusions on the matter. A report of the commission's recommendation and the planning director's findings and conclusions shall be submitted to the city council.
- B. The zoning commission shall make a recommendation to the city council to:
 - 1. Deny the application for amendment to the official map;
 - 2. Grant action on the application for a period not to exceed thirty days;
 - 3. Delay action on the application for a period not to exceed thirty days;
 - 4. Give reasons for the recommendation.
- C. The zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he has an interest directly or indirectly.

(Prior code § 17.84.060)

17.72.070 - Public hearing—Notice required.

- A. Before taking action on an application for an amendment to the official map, and after presentation of the zoning commission's recommendation, the city council shall hold a public hearing on the application.
- B. The recommendations of the zoning commission shall be published twice in a newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board, and not less than fifteen days after the first publication of such notice, a final hearing shall be held at the next regular meeting of the city council.
- C. When such proposed amendment has been denied by the city council neither it nor one involving the same tract(s) shall be offered for adoption within one year after such denial.
- D. In case, however, of a valid protest petition against such change signed by the owners of twenty per centum or more either of the lot included in such proposed change, or of those immediately adjacent in the rear of extending one hundred fifty feet therefrom or of those adjacent on either side thereof within the same block, or of those directly opposite thereof extending one hundred fifty feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council.

(Ord. 01-4 (part), 2001; prior code § 17.84.070)

17.16.010 - List of uses.

Table [17.16.010](#) designates the special review (SR) and allowed uses (A) in residential districts.

Table 17.16.010

[illegible]

17.16.020 - Zoning classified in districts.

Zoning for residential districts is classified in and subject to the requirements of Table 17.16.020.

Table 17.16.020

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

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

² NA means not applicable

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

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

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