

MINUTES OF THE CITY COUNCIL OF LAUREL

SEPTEMBER 8, 2020

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 Tom Nelson at 6:30 p.m. on September 8, 2020.

COUNCIL MEMBERS PRESENT: Emelie Eaton Heidi Sparks
 Bruce McGee Richard Herr
 Scot Stokes Irv Wilke
 Richard Klose Don Nelson

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: None

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

Mayor Nelson asked the Council to observe a moment of silence.

MINUTES:

Motion by Council Member McGee to approve the minutes of the regular meeting of August 25, 2020, as presented, seconded by Council Member Eaton. 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: None.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- **Public Hearing - Conditional Use of Property Leased From Montana Rail Link for the Operation of Koo Beans Coffee.**

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's Conditional Use of Property Leased From Montana Rail Link for the Operation of Koo Beans Coffee.

Mayor Nelson opened the public hearing and asked staff to present the item.

Nick Altonaga, Planning Director, gave a brief overview of the attached Staff report.

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

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

Mayor Nelson asked three (3) times if there were any opponents. There were none.

Mayor Nelson stated that he would not have staff respond to questions as there were none.

Mayor Nelson closed the public hearing.

CONSENT ITEMS:

- **Claims entered through 9/4/2020 in the amount of \$5000.00 for June 2020 and \$389,028.80 for August 2020.**

A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.

- **Approval of Payroll Register for PPE 8/23/2020, totaling \$189,946.31.**

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

Motion by Council Member Eaton to approve the consent items as presented, seconded by Council Member McGee. 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.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Appointment of David Brunz of the Laurel Volunteer Fire Department.**

Motion by Council Member Sparks to approve the Mayor's appointment of David Brunz to the Laurel Volunteer Fire Department, 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. R20-65: A Resolution To Approve The Conditional Use Of Property Leased From Montana Rail Link For To Operation Of Koo Beans Coffee, A Coffee Kiosk At 102 West Main Street, Within The City Of Laurel.**

Motion by Council Member Klose to approve Resolution No. R20-65, 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

This Friday (September 11th), there will be the Annual 9/11 Memorial Ceremony. It will take place at the Firemen's Memorial at noon. This ceremony is to honor those lost on 9/11 and solute our first responders.

It was requested the discussion about a 1-acre parking lot at the Cemetery be on the next Workshop agenda.

A Council Member noted that Council had discussed weeds in the new subdivision, but it is an issue all over town. He noted the 800 block of Pennsylvania, culvert ends, and grates on the southside of town. The Mayor requested a detailed list of places that need to be addressed.

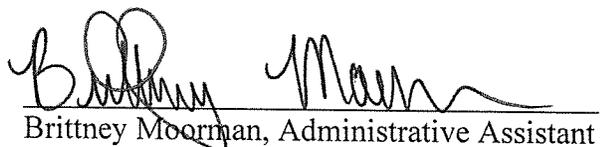
MAYOR UPDATES: None.

UNSCHEDULED MATTERS: None.

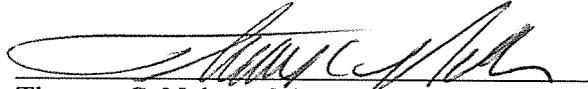
ADJOURNMENT:

Motion by Council Member Herr to adjourn the council meeting, seconded by Council Member McGee. 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 6:51 p.m.


Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 22nd day of September 2020.


Thomas C. Nelson, Mayor

Attest:


Bethany Langve, Clerk/Treasurer





LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board / Zoning Commission
FROM: Nicholas Altonaga, Planning Director
RE: Conditional Use Permit – Koo Beans Coffee Kiosk
DATE: August 25, 2020

DESCRIPTION/LOCATION:

The applicant Alania Eastman of Koo Beans Coffee submitted an application for a conditional use on July 17th, 2020. The proposed conditional use is located at 102 West Main St. The parcel is zoned as Light Industrial and is located within the Community Entryway Zoning District. The applicant is requesting a conditional use for the operation of a coffee kiosk. The property is owned by Montana Rail Link and is legally described as S09, T02 S, R24 E, ****INFORMATIONAL ONLY**** CENTRALLY ASSESSED PROPERTY IN SEC 9-2S-24E.

Application Data:

Owner: Montana Rail Link
Legal Description: S09, T02 S, R24 E, ****INFORMATIONAL ONLY**** CENTRALLY ASSESSED PROPERTY IN SEC 9-2S-24E
Address: 102 W. Main St.
Parcel Size: 45.386 acres (direct area is Southwest of intersection of N 1st Ave and Main St.)
Existing Land Use: Railroad, Vacant
Proposed Land Use: Coffee Kiosk and parking area
Existing Zoning: Light Industrial
Overlay District: Community Entryway Overlay District

Surrounding Land Use and Zoning (See Exhibits A & B)

North Zoning:	Central Business District (CBD)	Land Use:	Laurel Hearing Aid, King Koin
South Zoning:	Light Industrial/ Heavy Industrial	Land Use:	Railroad
East Zoning:	Light Industrial	Land Use:	Railroad, Chamber of Commerce
West Zoning:	Light Industrial /CBD	Land Use:	Railroad, Commercial

STAFF FINDINGS:

1. The applicant is requesting a conditional use to operate a coffee kiosk on a parcel adjacent to the Central Business District.
2. The application packet is attached and contains:
 - a. Application Form,
 - b. Site map
 - c. Map detail on leased area and adjacent uses
 - d. List of adjacent property owners
 - e. Lease agreement Between Alania Eastman, Mathew Pruett and Montana Rail Link
3. The parcel is zoned Light Industrial.
4. The parcel is within the Community Entryway Zoning District.
5. The parcel is within the Downtown Overlay District.
6. The Downtown Overlay District takes precedence over the Community Entryway Zoning District.
7. The only mention of "kiosks" in the Laurel Municipal Code is in LMC Chapter 17.40.130 – Off-Street Parking Requirements, Landscaping Standards, Part C.
8. LMC 17.25 – Downtown Overlay District is attached to this report in full.
9. LMC 17.62 – Conditional Land Uses is attached to this report in full.
10. The advertising requirements of LMC 17.62.030.A have been met.

ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:

The Zoning Commission shall review and make determinations on Chapter 17.62 – Conditional Land Uses, Section 020 – Requirements. This section is provided below.

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

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

STAFF SUGGESTED CONDITIONS:

The Planning Board-Zoning Commission recommends the following conditions for approval if the City Council votes to approve this application for Conditional Use.

1. The conditional use shall comply with the requirements of LMC Chapter 17.25 – Downtown Overlay District
2. The conditional use shall comply with the requirements of LMC Chapter 17.40 – Off-Street Parking Requirements
3. The conditional use shall comply with the requirements of LMC Chapter 17.42 – Sign Code
4. The conditional use shall comply with the requirements of LMC Chapter 17.62 – Conditional Land Uses

PROCEDURAL HISTORY:

- The applicant communicated with the laurel Planning Director in July 2020 regarding the need to apply for a conditional use permit and the procedural requirements.
- The conditional use application and review fee were submitted on July 17, 2020.
- A public hearing on the conditional use application took place at the August 19, 2020 meeting of the Laurel City-County Planning Board.
- Planning Board Members voted at the August 19, 2020 meeting to approve the Conditional Use Application with the conditions presented in the staff report.
- City Staff has forwarded the Conditional Use Application, Staff Report, and August 25, 2020 meeting minutes to the City Council.
- A Public Hearing regarding the conditional use application is scheduled for the September 8, 2020 meeting of the Laurel City Council.

Attachment 1. LMC Chapter 17.25 Downtown Overlay District

17.25.010 - Intent.

The city of Laurel hereinafter ("city"), in collaboration with the Laurel Urban Renewal Agency, prepared the following set of regulations to preserve and protect the unique nature of the Downtown core of the city of Laurel. These regulations are intended to promote, preserve, and enhance the character of the built environment while encouraging a cohesive identity.

In addition to building construction, further elements include, but are not limited to parking and pedestrian connectivity requirements, landscaping, and signage.

This district's requirements are in addition to the existing zoning ordinances found in Title 17 of the Laurel Municipal Code (LMC). Single-family and two-family residential uses in the district are exempt from the provisions herein.

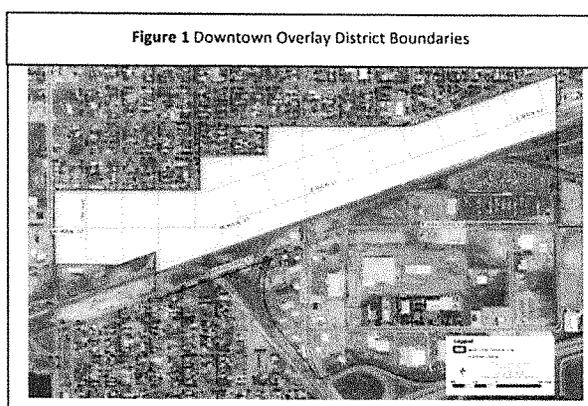
The intent of this section is to:

- A. Promote a physical landscape to make the District an attractive place to live and work;
- B. Encourage creativity in design and quality site planning;
- C. Promote development patterns in coordination with the goals and objectives of the city's growth management plan;
- D. Provide consistency to land uses and design that will protect the investment of property owners in the district.

(Ord. No. O15-01, 3-17-2015)

17.25.020 - District boundaries.

The boundaries of the district are identified in Figure 1.



(Ord. No. O15-01, 3-17-2015)

17.25.030 Application and Approval Process

- A. All building permit applications shall be submitted to the city's building official. All permit applications must be submitted and signed by the property owner or the authorized agent of the property owner. An approved building permit is required prior to any construction activity.
- B. Each building permit application must include, but not be limited to, the following information:
 - 1. The name and address of the property owner;
 - 2. The name and address of the applicant;

3. The legal description of the parcel;
 4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
 5. A complete site plan drawn to a scale of no less than 1"=40' showing the dimensions and height of the structure;
 6. A complete elevation drawings drawn to the scale 1"=40' including the dimensions and height of the structure;
 7. If applicable, signage plan specifications, location and ground lighting pattern; and
 8. Payment of application review fee.
- C. Within fifteen working days following the submittal of a complete application, the planning director, designee, or the public works department (in the case of signs) shall issue approval for development or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial. (Ord. No. 002-31, 2002)

(Ord. No. O15-01, 3-17-2015)

17.25.040 - Nonconformance.

- A. Any lawful characteristic of the properties existing prior to the effective date of the ordinance that would not be a permitted characteristic under these regulations is declared to constitute a nonconforming characteristic.
- B. Nonconforming structures shall not be enlarged, extended, reconstructed, or structurally altered in an amount greater than fifty percent of its assessed valuation, unless the characteristics of the building are changed to comply with the appropriate regulations.
- C. If any nonconforming structure is damaged by an event including, but not limited to, fire, flood, explosion, wind, or war, in an amount equal to or greater than fifty percent of its assessed valuation, reconstruction must comply with the appropriate regulations. In addition, repair and maintenance may be carried out each year in an amount not to exceed twenty-five percent of the assessed valuation of the structure for that year.
- D. A nonconforming structure may continue pursuant to these regulations, but it shall not be changed in any way except to conform to the regulations herein.

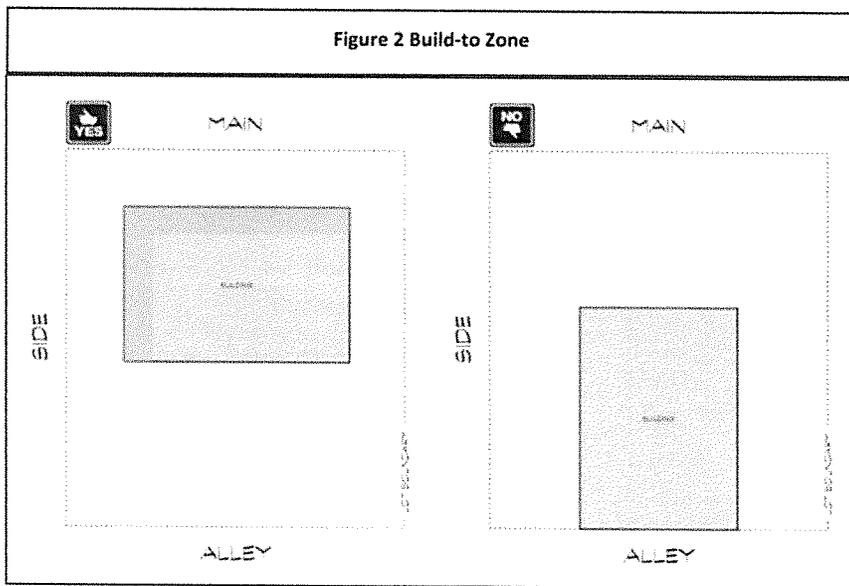
(Ord. No. O15-01, 3-17-2015)

17.25.050 - Definitions.

All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. For purposes of this title, certain words and terms used herein are defined in this chapter.

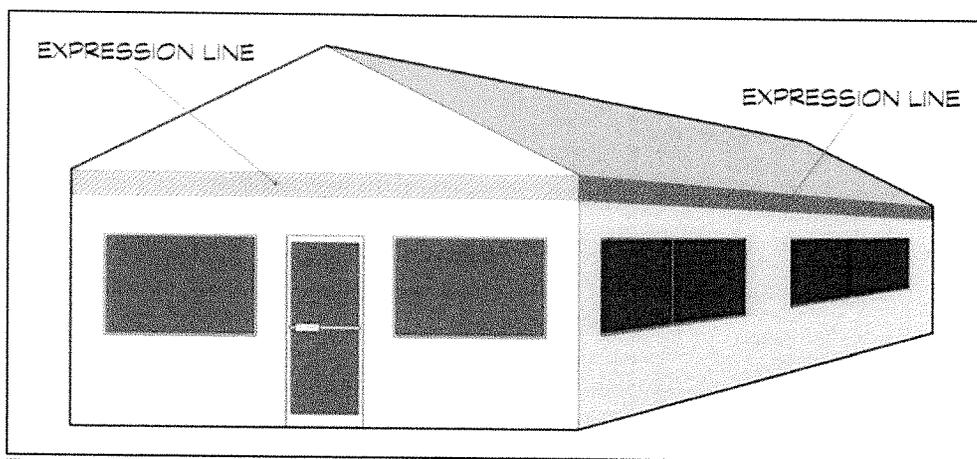
- A. "Architectural design elements" means an architectural feature consisting of a decorative, three dimensional element, horizontal or vertical, protruding or indented at least two inches from the exterior façade of a building typically utilized to provide additional aesthetic relief to a façade.

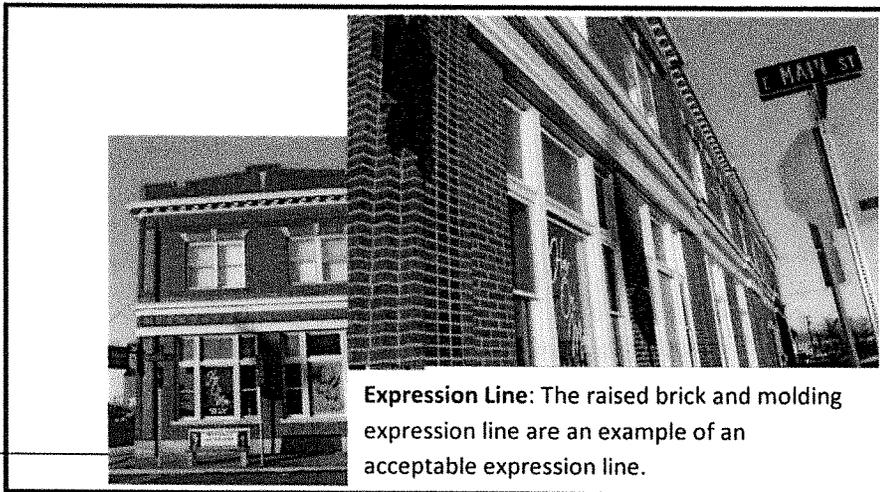
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- B. "Build-to zone means" an area of a lot designated for placement of a building façade along a street, located parallel to a front property line or a front and side property line in the case of a corner lot. The build-to zone defines an area in which the locations of building fronts can vary within a specified range. See Figure 2.



- C. "Expression line" means an architectural feature consisting of a decorative, three dimensional, linear element, horizontal or vertical, protruding or indented at least two inches from the exterior façade of a building typically utilized to delineate the top or bottom of floors or stories of a building or provide additional aesthetic relief to a façade. See Figure 3.

Figure 2 Expression Line



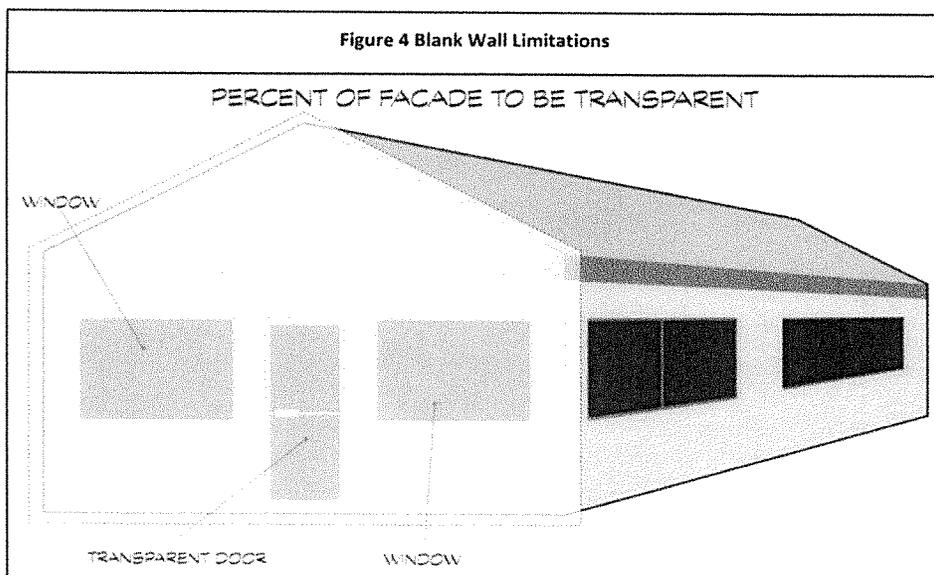


- D. "Façade" means the exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines.
- E. "Front façade" means any building face adjacent to the street. In the case of a corner lot, the front façade is the face that the building is addressed.
- F. "Lot line, front" means the boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured. The front lot line shall be to the street to which the building is addressed.
- G. "Lot line, side" means the boundary line adjacent to the front lot line and may or may not abut a right-of-way depending on lot location from which the required setback or build-to zone is measured.

(Ord. No. O15-01, 3-17-2015)

17.25.060 - Building design requirements.

- A. Exterior materials shall be sufficiently durable to ensure stability, maintainability, and long life. The use of natural and natural looking materials indigenous to the area signifying permanence, such as stone, stucco and masonry are encouraged.
 - 1. Buildings shall be finished with one or more of the following materials. Brick, fluted block, colored textured block, glass, stucco, or stone. Exposed seam metal buildings are prohibited unless covered with an acceptable finishing material.
 - 2. All front façades and sides adjacent to streets shall have a minimum of twenty-five percent masonry composed of natural materials such as stone, brick, brick veneer, or cast stone.
 - 3. Exterior cladding materials shall be of colors that compliment neighboring structures.
- B. Roof top mechanical equipment shall be screened from view with parapet walls, articulated roof designs or other architectural components.
- C. Expression lines are required on the front façade of all buildings.
- D. Blank walls on front facades or façades adjacent to street are not permitted. The amount of windowless or non-transparent area allowed on a front façade is measured per façade. No rectangular area greater than fifty percent of a front façade may be windowless. All other façades are encouraged to have transparent elements. See Figure 4.

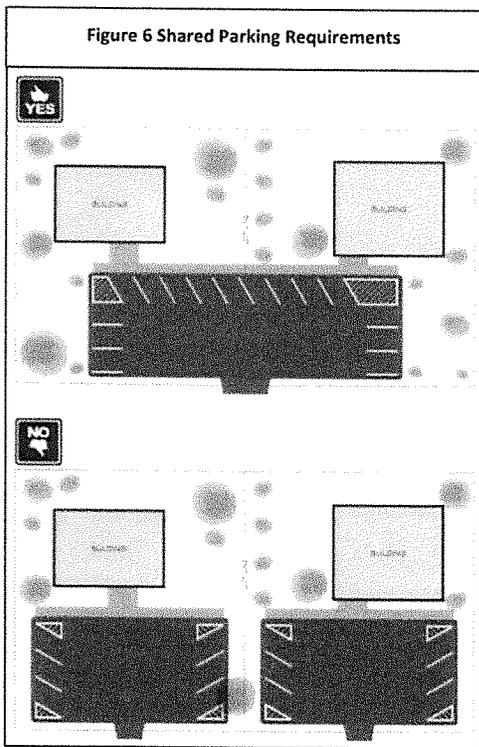
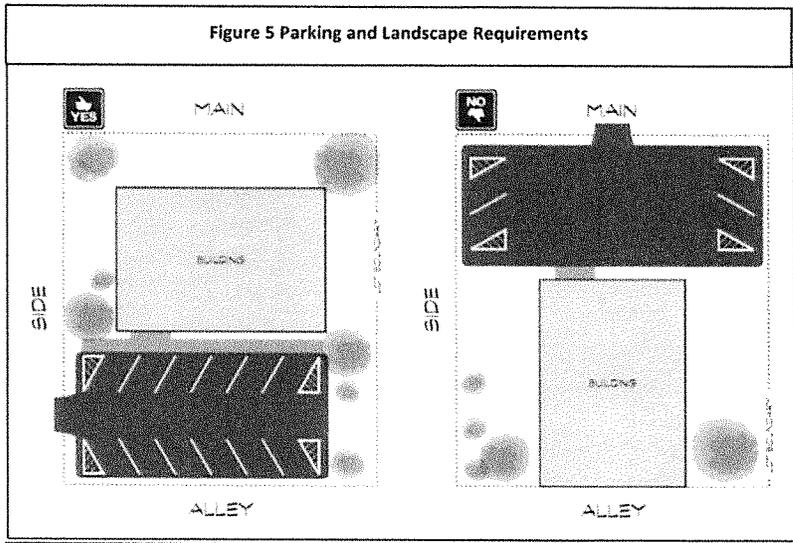


E. All front facades shall have a minimum of one entry door.

(Ord. No. O15-01, 3-17-2015)

17.25.070 - Site design requirements.

- A. When a building does not have one hundred percent lot coverage a build-to zone of at least five feet is required at the front lot line or a side adjacent to street. Exceptions to this include properties in the district that are zoned light industrial, heavy industrial, and highway commercial.
- B. If off-street parking is proposed it shall be located at the rear of the building. When parking cannot be located in the rear, the planning board shall make a recommendation. See Figure 5. Shared parking is encouraged when property owners have a written agreement. This agreement is not subject to approval by the city but should be presented if it is applicable to meeting off-street parking requirements. See Figure 6.
- C. Landscape islands are required at the terminal ends of all parking rows.
- D. If a property is located in this district and the entry way zoning district, parking and landscape requirements of the downtown overlay district shall apply.



(Ord. No. O15-01, 3-17-2015; Ord. No. O-15-06, 11-3-2015)

17.25.080 - Landscape requirements.

Landscaping in the form of trees, shrubs and groundcover serve several purposes: The softening of harsh building forms and paved areas, the absorption of groundwater, the reflection of seasonal color change, the provision of sound barriers, and urban wildlife habitat. If a property is located in this district and the entryway zoning district, parking and landscape requirements of the downtown overlay district shall apply.

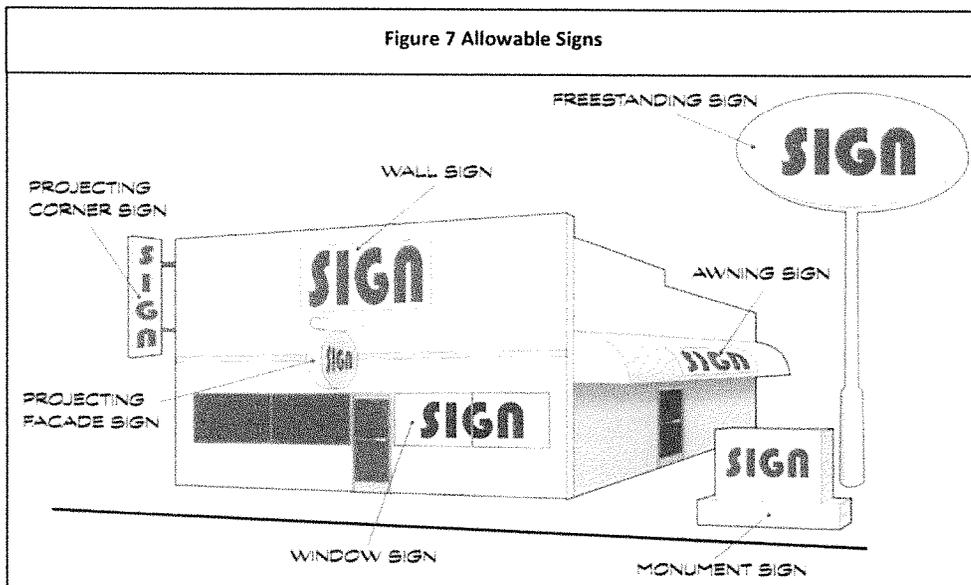
- A. Any site development where the building and parking area does not occupy one hundred percent of the parcel, the remaining property must be landscaped.
- B. Landscaping should be of an indigenous species or species that are acclimated to the city's climate.
- C. Landscaping shall include a mix of plants, shrubs, sod and trees. A minimum of fifty percent of the trees shall be at least 2.5 inch in caliper size.
- D. Landscaping shall not interfere with clear vision requirements.

(Ord. No. O15-01, 3-17-2015)

17.25.090 - Signage requirements.

Laurel Municipal Code Chapter 17.42 governs signage within the city of Laurel. Exceptions to LMC 17.42 occur only when a property is located in a special zoning district. If a property is located in this district and the entryway zoning district, signage requirements of the entryway zoning district shall apply.

- A. Allowable sign types include wall signs, window signs, awning signs, corner projecting signs, and projecting signs. See Figure 7.



- B. Illumination is encouraged to be internal. When external illumination is used, it must be focused only upon the sign face and must have cut off shields to prevent light spillage.
- C. Any projecting or corner projecting sign shall not extend above the roofline of the attached building.
- D. Any wall sign shall not exceed 30 percent of the area of any building façade.
- E. Electronic message boards are not permitted in this district.



Corner Projecting signs are allowable in this district. These two photos show examples of corner projecting signs. Similar signs are also allowable on any portion of the façade.

(Ord. No. O15-01, 3-17-2015)

Attachment 2. LMC Chapter 17.62 – Conditional Land Uses

17.62.010 - Purpose.

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

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

17.62.020 - Requirements.

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

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

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

17.62.030 - Application process.

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

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

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