



**AGENDA
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, DECEMBER 15, 2021
5:35 PM
CITY COUNCIL CHAMBERS**

Public Input: *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

1. Roll Call

General Items

2. Approve Meeting Minutes: November 17, 2021
3. Public Hearing: Lucky Louie's Special Review
4. Discussion: North Western Energy Zone Change

New Business

Old Business

5. Plan Review: City-Brew / Chen's Express

Other Items

6. Staff Update
7. Adjourn

Announcements

8. Next Meeting: January 19, 2022

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.

DATES TO REMEMBER

File Attachments for Item:

2. Approve Meeting Minutes: November 17, 2021



**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, NOVEMBER 17, 2021
5:35 PM
CITY COUNCIL CHAMBERS**

Public Input: *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

1. Roll Call

The Meeting was called to order at 5:36PM.

Jon Klasna
Ron Benner
Evan Bruce
Roger Geise
Dan Koch
Nick Altonaga (City of Laurel)

Public Input:

Steve Krum 249 4th Ave Laurel, MT

Here to ask the PB to remove its recommendation for the approval of the zone change for the NWE Power Plant. Was after the October City Council meeting that I first heard of the process. Thought that it was tabled by NWE. Was notified by the Sierra Club about the plans and process. NWE planned to move forward with the permitting process even though there was a lack of due diligence.

The proposed plant is across from where my daughter and family live. This would have a dangerous impact on my daughter and her family. Have attended the public meetings since then to keep up with what is going on with those issues. The word has been spread around to get people involved.

Retired from CHS refinery and has some experience with the equipment the plant plans to install. The equipment in question (RICE). Will be the equivalent of 50 BN locomotives sitting on that location, running constantly. It will have some serious noise.

The Electrical generators are to be massive as well. Ones I have experience with 2.5MW were loud, and these will be bigger.

Intake exhausts will be sucking in air making noise. 45Db mufflers proposed but not sure how it will truly impact. This plant will run 24/7/365 and will cause a major impact for the city for noise and exhaust.

Just because people will get used to it doesn't mean it doesn't cause a health impact. The footprint of the plant is very small and will be a very concentrated output. The stack gases could drift into

neighborhoods and directly impact the health of kids and families. The stacks proposed are much shorter than other similar plants.

One thing I found in the LMC is that the safety, health, and welfare of the community should be applied to the development in most codes. *List of codes that mention health and welfare of the community as a focus* (Provided a copy of comments to Planning Director containing specific code references). These are very important for the creation of Subdivisions and looking at Zoning projects. The board is looking very hard at items and is very busy. NWE has been working hard to move the project through the process as quickly as possible including DEQ and PSC.

Zone Change has been removed from the 11/23/2021 agenda after public input by community and other representatives. The noise levels were an estimate. It appears that the information provided to the board was inaccurate or misleading. The plant will be less than an half mile from parts of the city (North and South). The nearby residences are very close to the proposed plant where the zone change will take place.

NWE has not given special consideration about the proximity to the Yellowstone River. This is why I suggest you re-evaluate the recommendations

Dan Koch: Would like to compliment you on the remarks you have made on the subject at multiple meetings.

Evan Bruce: Have you submitted an application to sit on the board?

Kasey Felder 1434 McMullan Lane.

I live nearby and also am here to request you to rescind your recommendation to approve the Zone Change for the proposed NWE plant. Would strongly urge you to rescind the recommendation and suggest we wait until the special committee to make a decision

Aaron Felder, 1434 McMullan Lane.

There is always something to learn. And there is always something to grow. Tonight, is about awareness to you about where we are at in the process. Please take a look at the notes you might have on the project in order to come up with questions on the project. Not here by any means to kick you. There is a lot there. But the river is something that has a lot of meaning. To be able to have a commercial business in such a location so close to the banks of the river. Just want you to think about how it will impact businesses and people nearby.

General Items

2. Approve Meeting Minutes: September 15, 2021

Dan Motioned to approve the meeting minutes from September 15, 2021

Roger Seconded

Motion Carried.

3. Approve Meeting Minutes: October 20, 2021

Ron Motioned to approve the meeting minutes from October 20, 2021.

Jon Seconded.

Motion Carried.

New Business

4. Public Hearing: Annexation Request for 306 W. 12th St (Reschedule)

Jon motioned to table the item until the December

Dan Seconded.

Motion Carried.

5. Sign Review: Canyon Creek Brewing

Nick Presented the item and its reason for inclusion on the agenda.

Ron: Are there plans to continue adding signs to that façade? Will they just be able to add to it?

Questions were raised about the brewery and requiring them to apply for a special review due to serving alcohol.

- Nick will attend to that when their request for a building permit comes in to work on the space.

Ron Motioned to approve the non-illuminated single sign for Canyon Creek Brewing.

Evan Seconded.

Motion Carried.

Old Business

6. Project Review: City Brew / Chen's Express

Scott Worthington, here representing the applicant and general contractor.

Sheet 2.0 – Shared access between Gas station to the north (gas station), dual access. The fact of access to S. Montana Ave to the rear ameliorates traffic headaches. Longer drive thru is for City Brew, shorter one is for Chens. Imagine that the East portion of the site is the problem.

Ron: There are a lot of points of contact with lines of traffic. The bigger issue is the trash enclosure within the ROW, it is a detriment to adjacent property owners, despite being a positive aspect to you.

Dan: It is actually within the street.

Ron: it will be a nightmare to move a garbage truck in that position.

Jon: if the truck is in there, will there be room for the regular vehicles to

Nick presented an idea to shift the building north and build a bypass lane between S 1st and S Montana.

Scott agreed that this could be a good way to remove traffic collision points.

Dan: What about the culvert that was utilized for the old A&W.

Discussion of where the ditches should be and what the drainage looks like in that area.

Discussion of the median in S. 1st Ave and the problems it poses.

Nick clarified that people will have to turn Right (North) on S. 1st Avenue.

Dan suggested that we motion to table until the next meeting when we can have updated plans.

Scott: would be good for Nick to set up a meeting with all parties involved.

Dan motioned to table the sign plan review for the City Brew/Chen's Express until the December 15, 2021, Planning Board Meeting.

Roger Seconded.

Motion Carried.

Ron suggested Scott and the team develop a signage plan for directional traffic. Scott agreed to run that by his colleagues.

Other Items

Nick provided an update on Upcoming meeting items and projects.

Roger: Question on Goldberg Sporting Estates

Dan: Question on Bitterroot Grove PUD?

7. Adjourn

Ron Motioned to Adjourn the meeting.

Roger Seconded.

Motion Carried.

Meeting adjourned at 6:33pm.

Announcements

8. Next Meeting: December 15, 2021

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DATES TO REMEMBER

File Attachments for Item:

3. Public Hearing: Lucky Louie's Special Review



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board and Zoning Commission
FROM: Nicholas Altonaga, Planning Director
PROJECT: Special Review Application for Lucky Louie's (305 S. 1st Ave)
DATE: December 3, 2021

DESCRIPTION OF REQUEST

An application for Special Review was submitted by J Johnson Properties for the property at 305 S. 1st Avenue in Laurel. The property owner plans to renovate the currently vacant commercial building to operate a bar and casino. The property is located within the Highway Commercial (HC) zoning district, as well as the Community Entryway Zoning District (CEZD) and the SE 4th Street Overlay District. The Laurel Municipal Code requires all cocktail lounges, restaurants, bars and taverns located in the Highway Commercial (HC) zoning district to go through the Special Review process prior to the start of operations. An approval of the special review application would allow the operation of a cocktail lounge, bar, or tavern on the location in addition to the proposed casino.

Owner: J Johnson Properties LLC
Legal Description: HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 15 - 18, W100' LTS 15-18 & 30' X 100' VAC 3RD ST S
Address: 305 S 1st Ave, Laurel, MT 59044
Parcel Size: 15,000sqft
Existing Land Use: Commercial, currently vacant building
Proposed Land Use: Casino and Bar with full-service liquor license.
Existing Zoning: Highway Commercial (HC), Community Entryway Zoning District (CEZD), SE 4th Street Overlay District

BACKGROUND AND PROCEDURAL HISTORY

- Autumn, 2020: Initial conversations begin between Planning Department and Louie Carranco, of Lucky Louie's (located at 117 E. Main Street) about relocating his business to 305 S. 1st Avenue.

- Intermittent discussions take place between Planning Department and Louie Carranco regarding the requirements for relocating his business to 305 S. 1st Ave.
- Planning Department review codes and provide clarification to Louie regarding the procedural requirements.
- September 8, 2021: Planning Department contacted by assistant for developer regarding the land use requirements of the property at 305 S. 1st Ave.
- September 9, 2021: Planning Department provide the codes and forms regarding the special review procedure including the application form, commercial zoning and use requirements, and schedule of fees.
- October 20, 2021: Special Review Application submitted to the Laurel Planning Department.
- December 15, 2021: Public Hearing scheduled at the Planning Board and Zoning Commission for the Special Review.

STAFF FINDINGS

- The applicant has submitted an application for the operation of a bar and tavern at the property of 305 S 1st Avenue in conjunction with the operation of a casino.
- The application contains all the necessary information to move forward to review by Planning Board and City Council.
- The proposed used of the building as a bar and/or tavern conforms with a previous use as a restaurant that offered beer and wine to customers.
- The building is located in close proximity to other establishments operating as casinos with beverage licenses.
- The applicant seeks to relocate their current gaming and bar operation from 117 E. Main St. to 305 S. 1st Ave.
- The applicant seeks to renovate a currently vacant commercial building and place it into productive use.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

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

- A. *After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:*
 1. *Grant the application for special review;*
 2. *Deny the application;*
 3. *Delay action on the application for a period not to exceed thirty days; or*
 4. *Grant the application subject to conditions and recommendations and give the reasons therefor.*
- B. *Before approving a special review use, the zoning commission shall find that the contemplated use(s):*

1. *Complies with all requirements of this section;*
2. *Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;*
3. *Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;*
4. ***Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:***
 - a. ***Street and road capacity,***
 - b. ***Ingress and egress to adjoining streets,***
 - c. ***Off-street parking,***
 - d. ***Fencing, screening and landscaping,***
 - e. ***Building bulk and location,***
 - f. ***Usable open space,***
 - g. ***Signs and lighting,***
 - h. ***Noise, vibration, air pollution and similar environmental influences.***

The following actions are to be taken by City Council:

17.68.50 - *City council action.*

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

RECOMMENDATIONS

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

1. Any applicable permits, including but not limited to building permits, sign permits, and right-of-way permits must be applied for within six (6) months of special review approval.
2. A signage plan shall be provided to the Planning Department and Building Department that conforms to the requirements of the Laurel Sign Code and signage requirements of the overlay districts wherein the property is located.
3. Construction of any improvements to the site and building must be completed within six (6) months of special review approval.
4. The operation of the site shall not be done in such a manner as to be a nuisance.

5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.

ATTACHMENTS

1. *Special Review Application Packet and Form*
2. *Site Overview*
3. *Adjacent Property Owners List (300ft)*
4. *Adjacent Property Owners Map (300ft)*
5. *Mailing Labels*
6. LMC 17.68 – Special Review Procedures
7. Public Notice for Special Review Public Hearing

CITY HALL
115 W. 1ST 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

Application for Special Review

The undersigned as owner or agent of the following described property requests a Special Review as outlined in Chapter 17 of the Laurel Municipal Code.

Applicant: Tavern Partners, Inc. dba Lucky Louie's Tavern and Casino
Legal Description: HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 15 - 18, W100' LTS 15-18 & 30' X 100' VAC 3RD ST S
General Address: 305 S 1st Ave; Laurel, MT 59044
Owner of Tract: J Johnson Properties, LLC
Mailing Address: PO Box 50630; Casper, WY 82605-0630
Phone Number: 307-265-3029
Email Address: accounting@jrgrestaurants.com

General Description of the requested Special Review:

We want to relocate our business from 117-1/2 E. Main St; Laurel, MT 59044 to 305 S. 1st Ave; Laurel, MT 59044. Our business includes a Liquor license and a Gambling license.

Timeline for development:

Once this zoning issue has been settled, the remodel of the property will begin. The remodel will take approximately 6 months to complete.

Attachments:

- ☒ Site Map (printed on at least 11"x17" in paper size showing dimensions, acreage and location of tracts in question)
- ☒ Site Plan (printed on at least 11"x17" paper size including: property boundaries and lot line dimensions, the location of proposed/existing structures, off-street parking, site elevations, service and refuse areas, means of ingress and egress, landscaping, screening, signs and open space areas, and latitude and longitude of the site.)
- ☒ Justification letter describing the special review requested and reasoning
- ☒ Map of all properties within 300 feet of the property
- ☒ List of the names and addresses of the property owners and/or agents for all parcels within 300 feet of the parcel under Special Review. (City staff can assist with this process)
- ☒ Special Review fee as per Laurel Schedule of Fees.

Applicant Signature: _____

Date: _____

John W. Johnson
10/20/21

CITY HALL
115 W. 1ST ST.
PLANNING: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
FAX 628-2241

City of Laurel

P.O. Box 10
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Office of the City Planner

Instructions for Special Review Applications

Special Review applications are reviewed by the Laurel City-County Planning Board, which acts as the City Zoning Commission for Special Reviews. The Zoning Commission shall make a recommendation to the Laurel City Council for final approval, approval with conditions, or denial of the application. The City Council has the final authority to grant or deny application requests.

1. Applications must be received on or before the 1st of the month to be considered at the following month's meeting.
2. Application forms and supporting documents must be completely filled out, printed legibly or typed, with sufficient detail for the Zoning Commission and City Council to make a decision on the matter.
3. If new construction or a change in the use of the property is contemplated, building and/or development plans shall be submitted with the application.
4. Applications must be submitted to the Planning Department with the applicable fee as noted in the most recent Schedule of Fees.
5. A public hearing is required to be held for all Special Review applications.
6. The City will notify all property owners listed within the 300-foot radius and a legal ad will be published at least 15 days prior to the public hearing.
7. The Laurel Zoning Commission meets the 3rd Wednesday of the month at 5:35PM at the Laurel City Council Chambers. The applicant or a representative of the applicant must be present at the public hearing.
8. Recommendations of the Laurel City-County Planning Board shall be provided to the Laurel City Council for their review and final Approval, Conditional Approval, or Denial of the application.

October 20, 2021

City of Laurel

Application For Special Review for Tavern Partners, Inc. dba Lucky Louie's Tavern & Casino

RE: Justification Letter

In regard to the attached Application for Special Review for the City of Laurel, MT, we request that the zoning with respect to the property located at 305 S. 1st Ave, Laurel, MT 59044 be reviewed. We understand that the zoning for the property currently allows gambling establishments, but does not allow alcoholic beverage businesses. We ask that the zoning be updated to allow alcoholic beverage businesses.

Tavern Partners, Inc. dba Lucky Louie's Tavern & Casino currently operates at 117-1/2 E. Main St, Laurel, MT 59044. The operation consists of alcoholic beverage service and operates 14 gaming machines on the premises. The property is leased from 117 Properties, LLC.

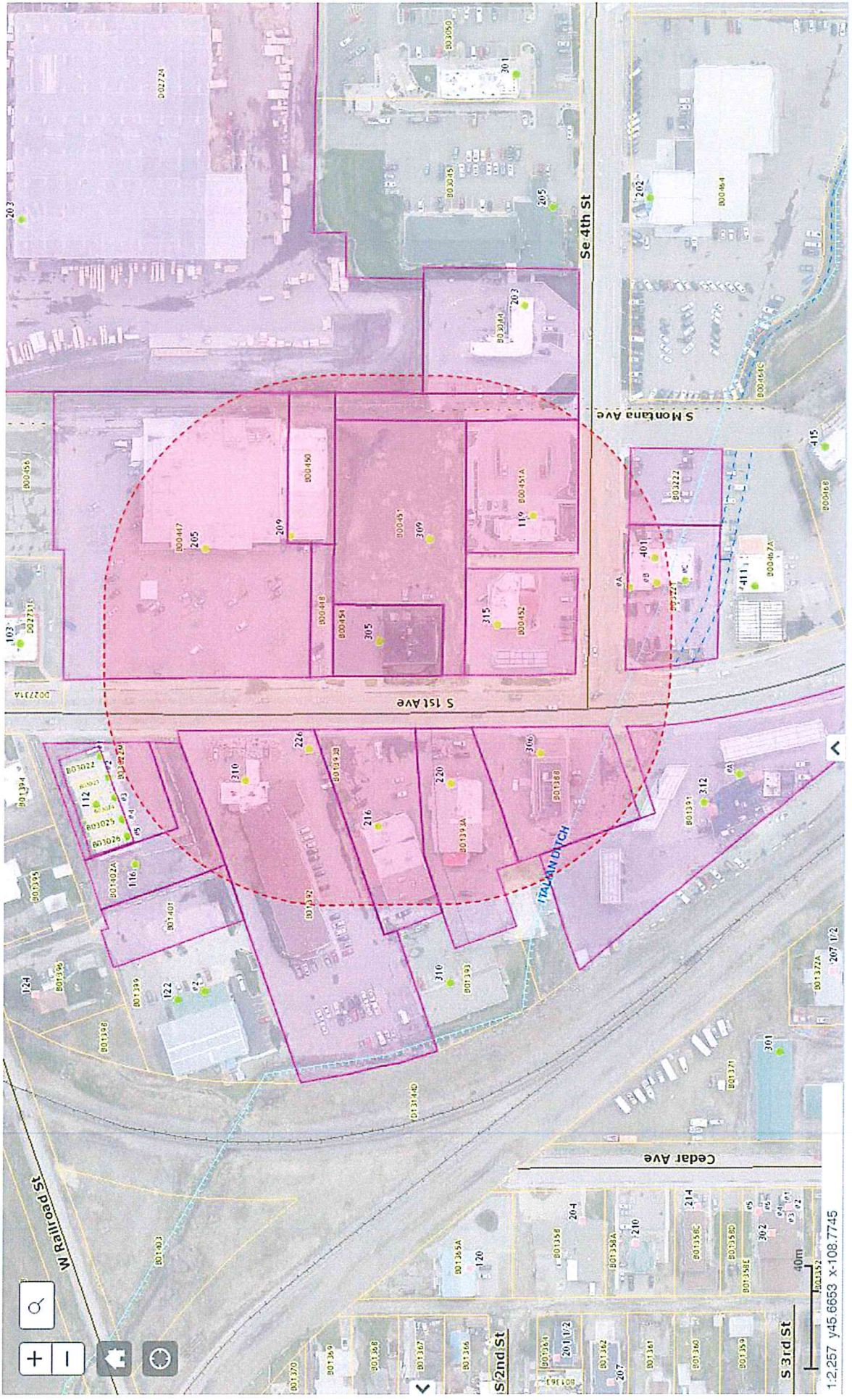
Tavern Partners would like to relocate its business to the 305 S. 1st Ave property, owned by J Johnson Properties, LLC. However, to do so, the property zoning needs to allow alcoholic beverage service. We believe the new property is in a better location and will help increase business revenues.

Ownership of the businesses in question are as follows:

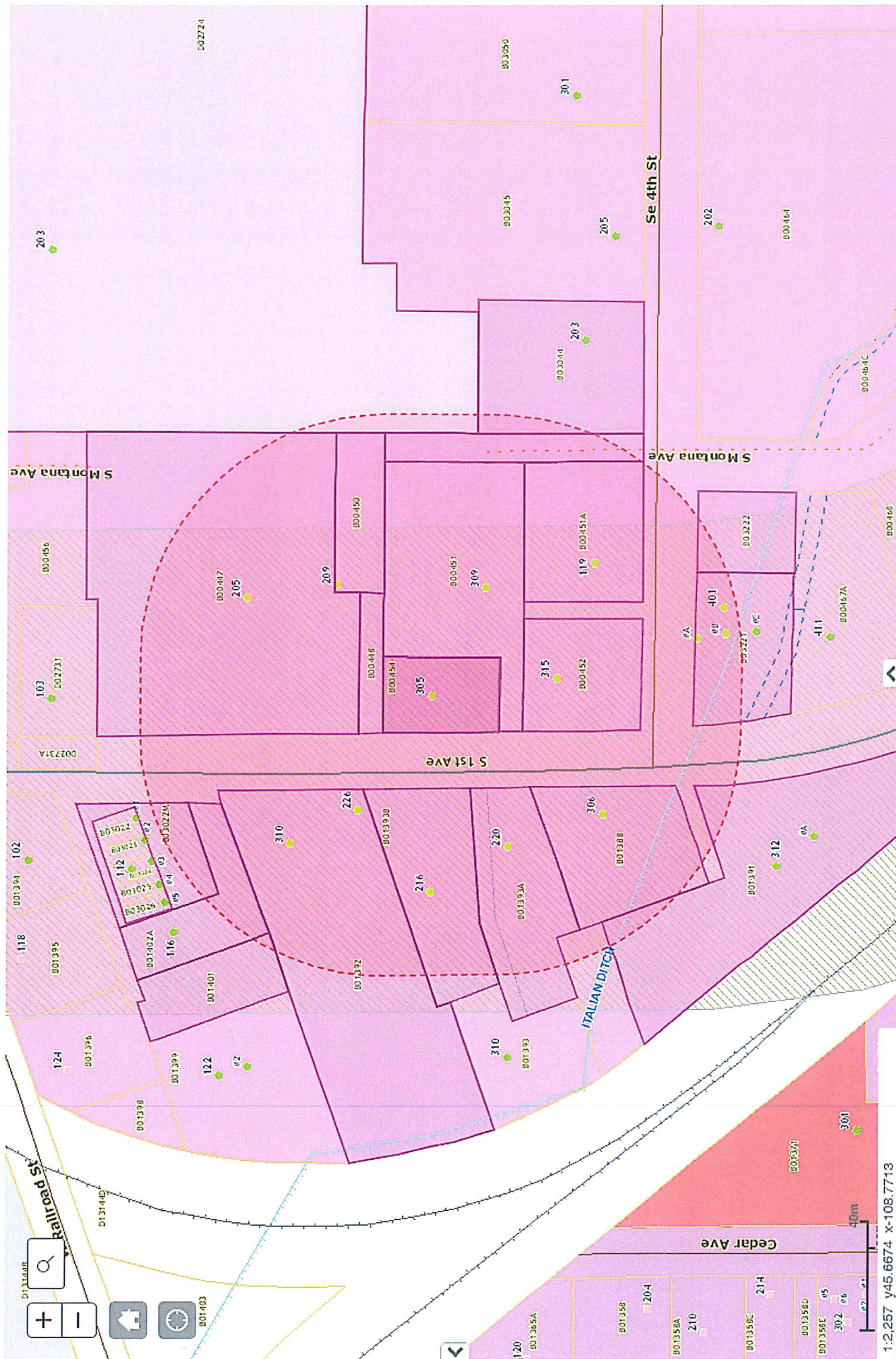
- 1) Tavern Partners, Inc. dba Lucky Louie's Tavern & Casino
 - a. Louis J. Carranco – 50%
2233 Interlachen
Billings, MT 59105
 - b. John D. Johnson – 50%
1917 Rustic Ct
Casper, WY 82609
- 2) J Johnson Properties, LLC (100% owner of 305 S. 1st Ave., Laurel, MT 59044)
 - a. John D. Johnson – 50%
1917 Rustic Ct
Casper, WY 82609
- 3) 117 Properties, LLC (100% owner of 117 E. Main St., Laurel, MT 59044)
 - a. Louis J. Carranco – 50%
2233 Interlachen
Billings, MT 59105
 - b. John D. Johnson – 50%
1917 Rustic Ct
Casper, WY 82609

Thank you.

Regards.....Louis J. Carranco and John D. Johnson



1:2,257 y45.6653 x-108.7745



Owner name	Tax Code	Legal Description	Address
MARVIN DEVELOPMENT OF MONTANA LLC	B00451A	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 6 - 9, & LT 19 BLK 4 HAGEMAN SUB *	119 SE 4TH ST
J JOHNSON PROPERTIES LLC	B00454	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 15 - 18, W100' LTS 15-18 & 30' X*	305 S 1ST AVE
TOWN & COUNTRY SUPPLY ASSOCIATION	B00452	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 10 - 13, & LT 20 BLK 4 HAGEMAN S*	315 S 1ST AVE
WENDAUREL LLC	B00451	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 1 - 5, LT14, E40' LTS15-18, VAC A*	309 S 1ST AVE
SUPERPUMPER INC	B00448	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 1, Lot 3, AMD	S 1ST AVE
WELLS, COLLEEN A &	B00450	S16, T02 S, R24 E, C.O.S. 1752, PARCEL B, & C	209 S 1ST AVE
ABS MT-O LLC	B00447	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 1, Lot 1 - 2, & LT 4 AMD (I-656 LOCATED*	205 S 1ST AVE
FOX LUMBER SALES INC	D02724	S16, T02 S, R24 E, C.O.S. 1423, PARCEL A1A1, AMND A1A 19.120 ACRES	203 E RAILROAD ST
S&G COMMERCIAL HOLDINGS LLC	B03044	CANYON CREEK STATION SUBD, S16, T02 S, R24 E, Lot 1, (98)	203 SE 4TH ST
INNOVATIVE PROPERTIES LLC	B03221	HAGEMAN SUBD 5TH FIL (07), S16, T02 S, R24 E, BLOCK 1, Lot 1, 22000 SQUARE FEET	401 S 1ST AVE
INNOVATIVE PROPERTIES LLC	B03222	HAGEMAN SUBD 5TH FIL (07), S16, T02 S, R24 E, BLOCK 1, Lot 2, 11887 SQUARE FEET	S 1ST AVE
LAUREL 1 RE2 LLC	B01391	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 29, Lot 7 - 21, ADJ VAC ALLEY &*	312 S 1ST AVE
LAUREL 2 RE LLC	B01388	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 29, Lot 1 - 6, & ADJ 30 FT ABND*	306 S 1ST AVE
PEKOVICH, GREG & BECKY	B01393B	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 30, Lot 37, AMD (09) (I00791)*	216 S 1ST AVE
LOCOMOTIVE INN & CASINO INC	B01392	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 30, Lot 18A, (09)	310 S 1ST AVE
JOE-JOE'S LLC	B01393A	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 30, Lot 27A, & LT 35 AMND & W30*	220 S 1ST AVE
LOCOMOTION FITNESS CENTER INC	B01401	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 31, Lot 26 - 28, & N30 FT ABND *	
STOKKE, SAMUEL & LORNA	B01402A	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 31, Lot B, AMD & ADJ VAC S 2ND *	116 S 1ST AVE
PIONEER PLAZA CONDOMINIUM	B03022M	PIONEER PLAZA CONDOS (84), S16, T02 S, R24 E, MASTER CARD LOC @ LT A BLK 31 E*	112 S FIRST AVE

NOTE: This is the list of all properties within 300 feet of our property at 305 S. 1st Ave., Laurel, MT 59044. It was prepared by Nick Altonaga, the Planning Director for the City of Laurel.

Jim Hinton

From: John Atkinson <john@atarchitecture.com>
Sent: Thursday, September 30, 2021 9:11 AM
To: Jim Hinton
Cc: John Johnson
Subject: Re: City of Laurel Special Review
Attachments: FloorPlan.pdf; SitePlan.pdf

Hi Jim,

Attached are the plan on 8.5x11 and the site plan on 11x17 that are requested. This should be good for the site map/site plan mentioned. Usually the city provides the names and addresses of the property owners within 300', so I would check with them on that.

I'm not a surveyor, so I'm not sure I can do anything with the survey affidavit. Please let me know if I can help with anything else.

thanks,

John Atkinson
AT Architecture
p 406.245.2724
cell 406.697.0651
john@atarchitecture.com

On 9/28/2021 1:15 PM, Jim Hinton wrote:

John,

I have attached all the documents our attorney needs us to have completed.

On page 1, I have completed what I could. I do not yet know the "Timeline for development", but will have that later.

This page says we need a "Site Map", "Site Plan", "Map of properties within 300 feet", and "Names and addresses of these property owners".

Page 3 is the "Certified Survey Affidavit".

Pages 4 through 10 are printouts that I got on the Yellowstone County Assessor's website concerning the property we will be moving to – 305 S. 1st Ave.

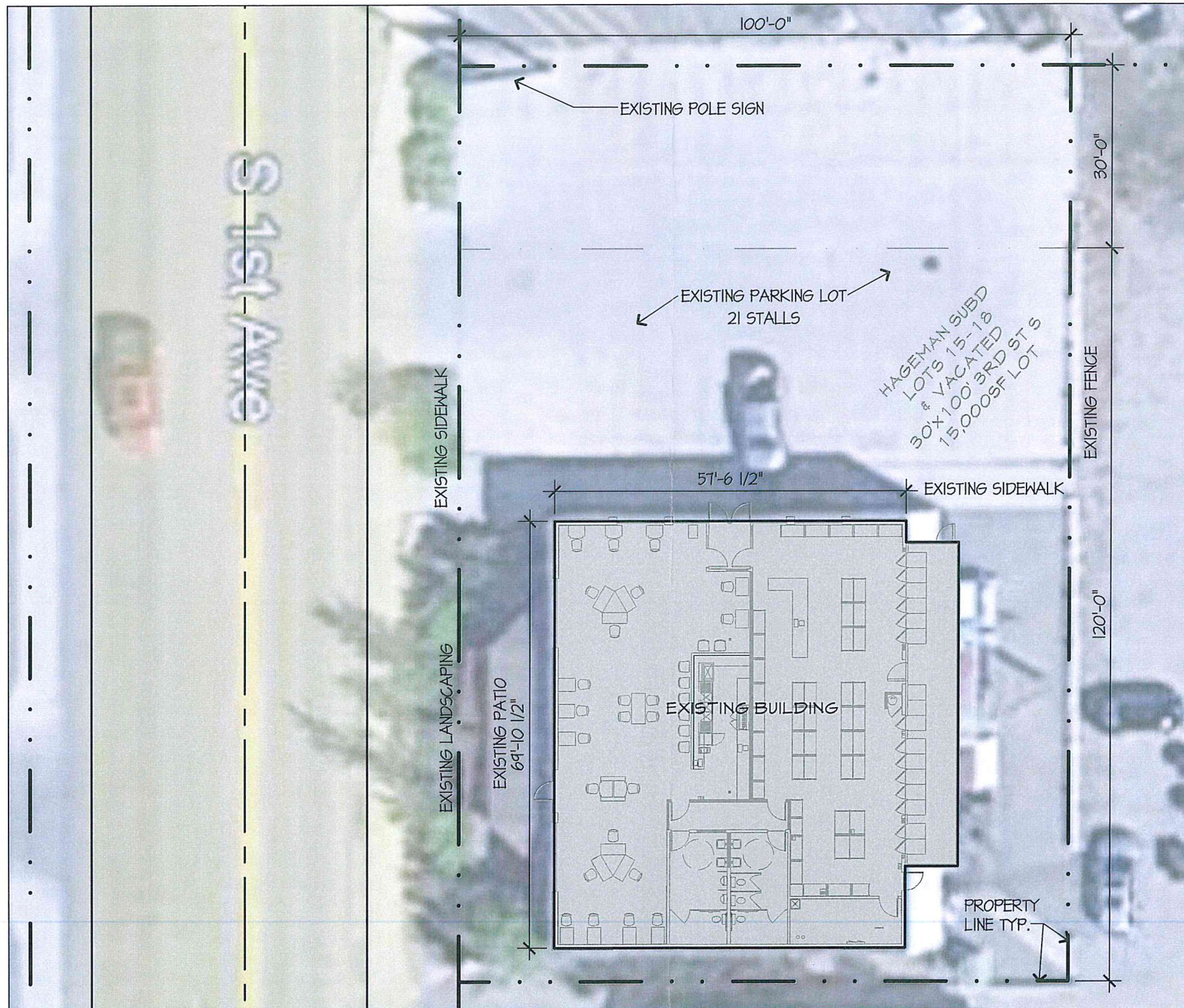
Page 11 states that we need a floor plan (I will take care of the lease).

The remaining pages came from our attorney, including ordinances and fees, for your information.

Let me know if you have any questions for me or John Johnson.

Thank you.

Regards,



ABS MT-O LLC
B00447
205 S 1ST AVE
LAUREL, MT 59044

ABS MT-O LLC
B00447
205 S 1ST AVE
LAUREL, MT 59044

ABS MT-O LLC
B00447
205 S 1ST AVE
LAUREL, MT 59044

FOX LUMBER SALES INC
D02724
203 E RAILROAD ST
LAUREL, MT 59044

FOX LUMBER SALES INC
D02724
203 E RAILROAD ST
LAUREL, MT 59044

FOX LUMBER SALES INC
D02724
203 E RAILROAD ST
LAUREL, MT 59044

INNOVATIVE PROPERTIES LLC
B03221 B03222
2040 CLAIM CREEK RD
BOZEMAN, MT 59715-6718

INNOVATIVE PROPERTIES LLC
B03221 B03222
2040 CLAIM CREEK RD
BOZEMAN, MT 59715-6718

INNOVATIVE PROPERTIES LLC
B03221 B03222
2040 CLAIM CREEK RD
BOZEMAN, MT 59715-6718

J JOHNSON PROPERTIES LLC
B00454
305 S 1ST AVE
LAUREL, MT 59044

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B00454
305 S 1ST AVE
LAUREL, MT 59044

J JOHNSON PROPERTIES LLC
B00454
305 S 1ST AVE
LAUREL, MT 59044

JOE-JOE'S LLC
B01393A
220 S 1ST AVE
LAUREL, MT 59044

JOE-JOE'S LLC
B01393A
220 S 1ST AVE
LAUREL, MT 59044

JOE-JOE'S LLC
B01393A
220 S 1ST AVE
LAUREL, MT 59044

LAUREL 1 RE2 LLC
B01391
312 S 1ST AVE
LAUREL, MT 59044

LAUREL 1 RE2 LLC
B01391
312 S 1ST AVE
LAUREL, MT 59044

LAUREL 1 RE2 LLC
B01391
312 S 1ST AVE
LAUREL, MT 59044

LAUREL 2 RE LLC
B01388
306 S 1ST AVE
LAUREL, MT 59044

LAUREL 2 RE LLC
B01388
306 S 1ST AVE
LAUREL, MT 59044

LAUREL 2 RE LLC
B01388
306 S 1ST AVE
LAUREL, MT 59044

LOCOMOTION FITNESS CENTER INC
B01401
122 S 1ST AVE
LAUREL, MT 59044

LOCOMOTION FITNESS CENTER INC
B01401
122 S 1ST AVE
LAUREL, MT 59044

LOCOMOTION FITNESS CENTER INC
B01401
122 S 1ST AVE
LAUREL, MT 59044

LOCOMOTIVE INN & CASINO INC
B01392
310 S 1ST AVE
LAUREL, MT 59044

LOCOMOTIVE INN & CASINO INC
B01392
310 S 1ST AVE
LAUREL, MT 59044

LOCOMOTIVE INN & CASINO INC
B01392
310 S 1ST AVE
LAUREL, MT 59044

MARVIN DEVELOPMENT OF MONTANA
B00451A
119 SE 4TH ST
LAUREL, MT 59044

MARVIN DEVELOPMENT OF MONTANA
B00451A
119 SE 4TH ST
LAUREL, MT 59044

MARVIN DEVELOPMENT OF MONTANA
B00451A
119 SE 4TH ST
LAUREL, MT 59044

PEKOVICH, GREG & BECKY
B01393B
216 S 1ST AVE
LAUREL, MT 59044

PEKOVICH, GREG & BECKY
B01393B
216 S 1ST AVE
LAUREL, MT 59044

PEKOVICH, GREG & BECKY
B01393B
216 S 1ST AVE
LAUREL, MT 59044

PIONEER PLAZA CONDOMINIUM
B03022M
112 S FIRST AVE
LAUREL, MT 59044

PIONEER PLAZA CONDOMINIUM
B03022M
112 S FIRST AVE
LAUREL, MT 59044

PIONEER PLAZA CONDOMINIUM
B03022M
112 S FIRST AVE
LAUREL, MT 59044

S&G COMMERCIAL HOLDINGS LLC
B03044
203 SE 4TH ST
LAUREL, MT 59044

S&G COMMERCIAL HOLDINGS LLC
B03044
203 SE 4TH ST
LAUREL, MT 59044

S&G COMMERCIAL HOLDINGS LLC
B03044
203 SE 4TH ST
LAUREL, MT 59044

STOKKE, SAMUEL & LORNA
B01402A
116 S 1ST AVE
LAUREL, MT 59044

STOKKE, SAMUEL & LORNA
B01402A
116 S 1ST AVE
LAUREL, MT 59044

STOKKE, SAMUEL & LORNA
B01402A
116 S 1ST AVE
LAUREL, MT 59044

SUPERPUMPER INC
B00448
411 S 1ST AVE
LAUREL, MT 59044

SUPERPUMPER INC
B00448
411 S 1ST AVE
LAUREL, MT 59044

SUPERPUMPER INC
B00448
411 S 1ST AVE
LAUREL, MT 59044

TOWN & COUNTRY SUPPLY ASSOCIATION
B00452
315 S 1ST AVE
LAUREL, MT 59044

TOWN & COUNTRY SUPPLY ASSOCIATION
B00452
315 S 1ST AVE
LAUREL, MT 59044

TOWN & COUNTRY SUPPLY ASSOCIATION
B00452
315 S 1ST AVE
LAUREL, MT 59044

WELLS, COLLEEN A &
B00450
209 S 1ST AVE
LAUREL, MT 59044

WELLS, COLLEEN A &
B00450
209 S 1ST AVE
LAUREL, MT 59044

WELLS, COLLEEN A &
B00450
209 S 1ST AVE
LAUREL, MT 59044

WENDAUREL LLC
B00451
309 S 1ST AVE
LAUREL, MT 59044

WENDAUREL LLC
B00451
309 S 1ST AVE
LAUREL, MT 59044

WENDAUREL LLC
B00451
309 S 1ST AVE
LAUREL, MT 59044

Laurel Planning Department
115 W. 1st St.
Laurel, MT 59044

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PUBLIC HEARING NOTICE

The Laurel City-County Planning Board and Zoning Commission will conduct a public hearing on a Special Review Application submitted by Tavern Partners, DBA Lucky Louie's Tavern and Casino. The Planning Board has scheduled the public hearing for **5:35 P.M., in the City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Wednesday, December 15, 2021.**

Tavern Partners plans to relocate the current Lucky Louie's Tavern from its location at 117 E. Main Street to 305 S. 1st Avenue. A Special Review Approval by the City Council is required for any cocktail lounge, restaurant, bar, or tavern within the Highway Commercial (HC) zoning district that the property in questions is located.

Additionally, the City Council shall schedule a subsequent public hearing to make a final decision on the Special Review application after Planning Board has met and submitted their recommendations to the City Council.

Public comment is encouraged and can be provided in person at the public hearing on **December 15th.** 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 Special Review 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.

Chapter 17.68 - SPECIAL REVIEW PROCEDURE

Sections:

17.68.010 - Purpose of provisions.

Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this title and the objectives of the Laurel comprehensive planning process.

(Prior code § 17.88.010)

17.68.020 - Application requirements.

An application for a special review may be filed by the property owner, contract purchaser, or his authorized agent. The application shall be filed with the zoning commission secretary and shall be submitted under the following conditions:

- A. The application shall include, but not be limited to the following information:
 - 1. A legal and general description of the tract(s) upon the special review use is sought;
 - 2. A map showing the dimensions, acreage and location of the tract(s);
 - 3. The name and addresses of the owner(s) of the tract(s) and their agents, if any and the names and addresses of property owners of record within three hundred feet of the property for which a special review has been requested; such list of property owners shall be so certified by the county clerk and recorder's office;
 - 4. A site plan showing major details of the proposed development including but not limited to, the location of proposed and existing buildings and structures; off-street parking and loading; service and refuse areas; means of ingress and egress; landscaping; screening; signs and open space areas;
 - 5. A time schedule for development;
 - 6. Any other information the applicant believes will support his request.
- B. An application for a special review 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.

(Ord. 94-15, 1994; prior code § 17.88.020)

17.68.030 - Evaluation responsibility—Consultation—Notification.

The planning director, upon receiving an application for a special review 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 special review 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. Advertise twice in a newspaper of general circulation in the jurisdictional of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
- D. Notify, by mail, the applicant or his authorized agent at least five days prior to the date of the public hearing of the time and place of such hearing;
- E. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the special review 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 a substantial environmental impact on surrounding land uses;
- F. After the public hearing and as part of the public record, the planning director shall report his findings, conclusions and recommendations to the zoning commission.

(Ord. 94-16, 1994; prior code § 17.88.030)

17.68.040 - Zoning commission action.

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

(Ord. 94-17, 1994; Ord. 953, 1989; prior code § 17.88.040)

17.68.050 - City council action.

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

(Ord. 94-18, 1994; prior code § 17.88.050)

File Attachments for Item:

4. Discussion: North Western Energy Zone Change

CITY HALL
115 W. 1ST 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

DECEMBER 10, 2021

INSTRUCTIONS TO ZONING COMMISSION REGARDING THE ZONE CHANGE REQUESTED BY NORTHWESTERN ENERGY

Background:

The power and processes for the City to establish zoning regulations are found in §76-2-301 et. seq. M.C.A. and the Laurel Municipal Code.

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must consider the rational nexus/legal basis for the adoption of or amendments to a zoning district or zoning regulations as enumerated in 76-2-304 M.C.A.

Specific Tasking:

The Governing Body of the City of Laurel, Directs the Planning Board and Zoning Commission to consider the following review criteria as they relate to the requested Zoning Change submitted by North Western Energy.

NOTE:

Merely restating the question as your conclusion/answer unsupported by findings to the City Council is unacceptable and may result in the matter being returned for further consideration by the Planning Board and Zoning Commission.

- I. Is the zoning in accordance with the growth policy?

Findings:

- The Laurel Growth Policy was last updated in 2020 and was adopted by the Laurel City Council in January 2021.
- The existing land use map designates the property, within the jurisdiction as Industrial, Agricultural, and outside of the jurisdiction.
- The future land use map does not identify the property within the jurisdiction as industrial.

- The Growth Policy in Chapter 6, Existing Land Uses, requires areas designated as Heavy Industrial to have two (2) or more major transportation routes. The proposed site does not have access to two major transportation routes.
- It is possible that Lindy Lane and Strauch Road could be extended and improved to comply with the ‘major’ transportation route requirement found in the Growth Policy.
- At the time the Growth Policy was under consideration, the change in ownership of much of the lands used for Agricultural Production to CHS (Refinery) or other industrial end users was not fully accounted for or addressed through the process.
- The Proposed Land Use Map in the Growth Policy does not identify the subject property as being classified as Industrial.
- The Proposed Land Use Map does not identify the following EXISTING USES as industrial:
 - i. The City of Laurel Water Treatment Plant.
 - ii. The City of Laurel Wastewater Treatment Plant and Extension.
 - iii. The New CHS Power Substation.
 - iv. The Existing CHS Product Tank Farm and Settling Ponds
 - v. The Existing North Western Energy Laurel Power Substation.
 - vi. That portion of the North Western Energy property that is currently zoned Heavy Industrial.
- The adopted Growth Policy deprioritizes and discourages the growth of the City of Laurel to the south. This is due to the costs associated with the large industrial ownership of land (CHS), floodplain limitations, and the costs associated with the extension of infrastructure to the area in question as well as areas south of the Yellowstone River.
- Montana annexation laws prohibit the involuntary annexation of properties used for industrial purposes by municipalities.
- It is important to remember that this request is to apply a specific zone to the property. The requested zone accommodates a wide array of uses in addition to a gas fired power plant. It is important to remember that once zoned, other uses contemplated by the zone become possible on the subject property. These other uses may, in fact, be more or less objectionable/impactful than a gas fired power plant.
- At the public hearing (Nov 23) questions related to access to the property was raised. Lindy Lane does not extend to the subject property and Sewer Plant Road is not a Public road. The property does not appear to have legal access to Lindy Lane but does appear to have access via Strauch Road.
- Lindy Lane appears to dead end at the Laurel power substation. The sub station is owned by North Western Energy. The extension of Lindy Lane through the substation property could be easily accomplished as North Western owns both properties.
-

Conclusion:

II. Is the zoning designed to secure safety from fire and other dangers?

Findings:

- The existing zoning regulations and standards provides for consistency in development along with provision of police and fire protection.
- The existing zoning regulations incorporates enforcement of development standards, setbacks and compliance with the Building Code program adopted by the City of Laurel and the State of Montana.
- The existing zoning has restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous.
- The proposed industrial zoning is consistent with the zoning designation of adjacent parcels used by CHS (Refinery) and the City of Laurel (Water Treatment Plant and Wastewater Treatment Plant).
- .

Conclusion:

- III. Is the zoning designed to promote public health, public safety, and the general welfare?

Findings:

- During the City Council Public Hearing conducted on November 23, 2021, several commentors addressed the issue of noise associated with the proposed facility.
- The noise, while not beyond what one would expect from a heavy industrial application, would be steady, constant and in addition to what already exists from other industrial uses near the property. CHS Refinery, I-90, and the Rail Siding.
- Information was provided that the scale used to measure the noise (dBa) generated by the facility may not accurately address all the noise impacts. These included harmonics and noise generated vibrations.
- During the City Council Public Hearing conducted on November 23, 2021, several commentors addressed the issue of potential pollution (Ammonia and Sulfur). Several of the emissions from the facility are alleged contributors to climate change.
- It also has been alleged that the air quality for the City of Laurel does not meet current EPA and DEQ standards particularly for sulfur.
- Sulfur is an artificial add to the fuel for the proposed facility. The sulfur is added as an odorant to help protect the public health and safety by making gas leaks detectable.
- It is important to remember that this request is to apply a specific zone to the property. The requested zone accommodates a wide array of uses in addition to a gas fired power plant. It is important to remember that once zoned other uses contemplated by the zone become possible on the subject property. These other uses may, in fact, be more or less objectionable/impactful than a gas fired power plant.

Conclusion:

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

Findings:

- A zoning designation of Heavy Industrial requires the provision of two (2) major transportation routes to provide access.
 - Per Montana Subdivision Law, Industrial development is not required to provide for parks as part of the subdivision and therefore the development process.
 - Industrial uses typically pay far more in local taxes than they demand in local services. This is especially true with respect to schools, parks, and most general fund items.
 - The facility is not currently proposed for annexation into the City of Laurel and the owners have not proposed the extension of City water and sewer to serve the facility.
- V. The prevailing zoning and other regulations established by the City Council establish minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
- The prevailing 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.
 - State Statute prohibits the involuntary annexation of industrial property into an incorporated municipality.
 - The City of Laurel cannot force the annexation of industrial properties. The only path to annexation is for the owner to request city services or by formal petition for annexation.
 - Many commenters asserted that the City would be motivated to approve the request as a tax revenue generator. Where the property is located outside of the City and coupled with annexation restrictions discussed above, the City is clearly the entity with the least benefit from the development of the property. The entities that would be the largest tax beneficiaries of approval are the County of Yellowstone and the Laurel School District.
 - It is important to remember that this request is to apply a specific zone to the property. The requested zone accommodates a wide array of uses in addition to a gas fired power plant. It is important to remember that once zoned other uses contemplated by the zone become possible on the subject property. These other uses may, in fact, be more or less objectionable/impactful than a gas fired power plant.

Conclusion:

- VI. Does the zoning consider the reasonable provision of light and air?

Findings:

- The requested zoning has community wide accepted development and performance standards. These standards include density, height limits, setbacks. Development that meets these standards is deemed acceptable by default.
- It is important to remember that this request is to apply a specific zone to the property. The requested zone accommodates a wide array of uses in addition to a gas fired power plant. It is important to remember that once zoned other uses contemplated by the zone become possible on the subject property. These other uses may, in fact, be more or less objectionable/impactful than a gas fired power plant.
- .

Conclusion:

- VII. Does the zoning consider the effect on motorized and non-motorized transportation systems?

Findings:

- At the public hearing (Nov 23) questions related to access to the property was raised. Lindy Lane does not extend to the subject property and Sewer Plant Road is not a Public road. The property does not appear to have legal access to Lindy Lane but does appear to have access via Strauch Road.
- Lindy Lane appears to dead end at the Laurel power substation. The sub station is owned by North Western Energy. The extension of Lindy Lane through the substation property could be easily accomplished as North Western owns both properties.
- The existing zoning and subdivision regulations encourages compact urban development and multi-modal approaches to travel.
- The existing 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.
- The prevailing zoning and other regulations established by the City Council establish minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
- The prevailing 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 services.
-

Conclusion:

- VIII. Is the zoning designed to promote compatible urban growth?

Findings:

- Compatible urban growth is typically considered as part of the updates and modifications of the Growth Policy for the jurisdiction. The Laurel Growth Policy was last updated in 2020.
- The existing zoning and subdivision regulations encourages compact urban development and multi-modal approaches to travel.
- The existing 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.
- The prevailing zoning and other regulations established by the City Council establish minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
- The prevailing 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 services.
- It is important to remember that this request is to apply a specific zone to the property. The requested zone accommodates a wide array of uses in addition to a gas fired power plant. It is important to remember that once zoned other uses contemplated by the zone become possible on the subject property. These other uses may, in fact, be more or less objectionable/impactful than a gas fired power plant.
- The property subject to the proposed change of zoning to industrial is co-located to other industrial uses.
- The property subject to the proposed change of zoning is located approximately one-half mile away from dense residential and commercial uses.
- Industrial zoning is suggested to be isolated away from non-compatible land uses such as residential neighborhoods and general commercial establishments.

Conclusion:

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

Findings:

- The existing zoning groups together like and consistent uses and is consistent with the existing zoning in the surrounding neighborhoods.
- The land surrounding the area proposed for zoning is largely vacant or industrial property, removing it from intensely impacting dense residential areas.
- It is important to remember that this request is to apply a specific zone to the property. The requested zone accommodates a wide array of uses in addition to a gas fired power plant. It is important to remember that once zoned other uses contemplated by the zone become possible on the subject property. These other

- uses may, in fact, be more or less objectionable/impactful than a gas fired power plant.
- .

Conclusion:

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

Findings:

- At the City Council public hearing conducted on November 23, 2021, a comment was made that the subject property is in the floodplain of the Yellowstone River. According to National Flood Insurance Program, Flood Insurance Rate Map Number 30111C1440E the subject property is NOT located within the regulated flood hazard of the Yellowstone River.
- It is important to remember that this request is to apply a specific zone to the property. The requested zone accommodates a wide array of uses in addition to a gas fired power plant. It is important to remember that once zoned other uses contemplated by the zone become possible on the subject property. These other uses may, in fact, be more or less objectionable/impactful than a gas fired power plant.
- The city recognizes that the impacts of certain land uses stretch well beyond property boundaries and that the benefits of the new use may be offset by adverse impacts to other properties.
- The City believes that the proposed zoning accomplishes this delicate balancing act between the benefits of the new use and impacts to other properties.

Conclusion:

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

Findings:

- Courts in Montana have determined that property owners outside of the Zoning District are benefited by adjacent Zoning and Land Use Decisions. As such, the impacts on surrounding properties in or out of the Laurel Planning Jurisdiction must be considered in the decision-making process.
- Conservation of the value of buildings is a two-edged sword as discussed at the November 23 City Council public hearing several commenters were concerned about impacts to property values located several hundred feet from the proposed zoning change. The inverse of this discussion is also true. Lands directly adjacent to the proposed zoning changed are either owned by industrial users or are developed with industrial uses (CHS Refinery, Power Sub Station, Laurel Water and Wastewater Plant). A large component of the value of industrial land both

developed or intended for development is predicated on like and compatible uses on adjacent properties.

- The requested zoning is consistent with existing zoning on a portion of the property.
- The requested zoning is consistent with existing zoning on adjacent parcels to the South, West, and North.
- One of the primary tenants of zoning is to group together like and consistent uses that are complementary to the various neighborhoods of the City of Laurel.
- The proposed zone change is on a parcel co-located to properties close by and is isolated from other zoning districts.

Conclusion:

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

Findings:

- Adjacent land uses and ownership include: CHS Inc., Interstate 90, and Ronald Walter to the North. The City of Laurel Water/Wastewater Plants, and CHS Inc. to the West. Circle Land Management to the East, and Circle Land Management, Yellowstone River, Dale and Gayle Frey to South
- Conservation of the value of buildings is a two-edged sword as discussed at the November 23 City Council public hearing several commenters were concerned about impacts to property values located several hundred feet from the proposed zoning change. The inverse of this discussion is also true. Lands directly adjacent to the proposed zoning changed are either owned by industrial users or are developed with industrial uses (CHS Refinery, Power Sub Station, Laurel Wastewater Plant). A large component of the value of industrial land both developed or intended for development is predicated on like and compatible uses on adjacent properties.
- The requested zoning is consistent with existing zoning on a portion of the property.
- The requested zoning is consistent with existing zoning on adjacent parcels to the South, West, and North.
- One of the primary tenants of zoning is to group together like and consistent uses that are complementary to the various neighborhoods of the City of Laurel.
- .

Conclusion:

Other Questions to address issues raised by the Laurel City Council:

1. What is the limit of the Laurel Planning Jurisdiction?
 - a. Unless the limit was expanded or was specifically intended by the application to be expanded prior to the submittal of the application, those portions of the

property outside of the Jurisdiction should not be considered as part of this Zone Change Request.

2. Does the Interlocal Agreement between the City of Laurel and the County of Yellowstone grant exclusive zoning authority over lands outside of the City Limits to the City of Laurel?
 - a. If NO, what if any authority does the Interlocal Agreement contain with respect to zoning?
3. Has the County of Yellowstone adopted under 76-2-201et.seq., zoning regulations outside of the City of Laurel limits?
4. Has the County of Yellowstone adopted the 2020 Laurel Growth Policy for those areas outside of the City of Laurel but within the City County Planning Jurisdiction?
5. Has the County of Yellowstone adopted Subdivision Regulations for those areas outside of the City of Laurel but within the City County Planning Jurisdiction?
6. Has the County of Yellowstone addressed the Zoning powers limitations set forth in the requirements of §76-2-310 and §76-2-311 MCA?

This document was prepared by the Laurel Planning Department with assistance from approved city contractors. Please contact the Laurel Planning Department with any questions or comments regarding this item and the process by which it was created. Thank you for your consideration of this matter.

Regards,

Nicholas Altonaga, CFM



Planning Director

File Attachments for Item:

5. Plan Review: City-Brew / Chen's Express

PLAN NOTES

- 1 NEW CURB & GUTTER
- 2 NEW ASPHALT PAVING ON SITE
- 3 NEW THICKENED EDGE CONCRETE SIDEWALK
- 4 NEW DRIVABLE CONCRETE - SEE DETAILS
- 5 NEW ACCESSIBILITY RAMP
- 6 NEW 4" PAINTED YELLOW STRIPE AT 3' O.C.
- 7 NEW PAINTED INTERNATIONAL DISABLED SYMBOL
- 8 NEW 4" PAINTED YELLOW PARKING STRIPE
- 9 NEW PAINTED TRAFFIC ARROW
- 10 NEW ADA SIGNAGE - SEE DETAILS (SIGN 1)
- 11 NEW DRIVE THROUGH MENU BOARD SIGNAGE - SEE SHEET E0.2
- 12 NEW GARBAGE CANS
- 13 NEW ASPHALT PAVING ON S. MONTANA AVE. RIGHT OF WAY
- 14 NEW SIGN 2 PER DETAIL
- 15 NEW SIGN 3 PER DETAIL
- 16 NEW SIGN 4 PER DETAIL
- 17 NEW GROUND LOOPS - SEE ELECTRICAL PLANS
- 18 NEW KEEP RIGHT SIGN 5 PER DETAIL

4 PARKING COUNT

SITE DATA

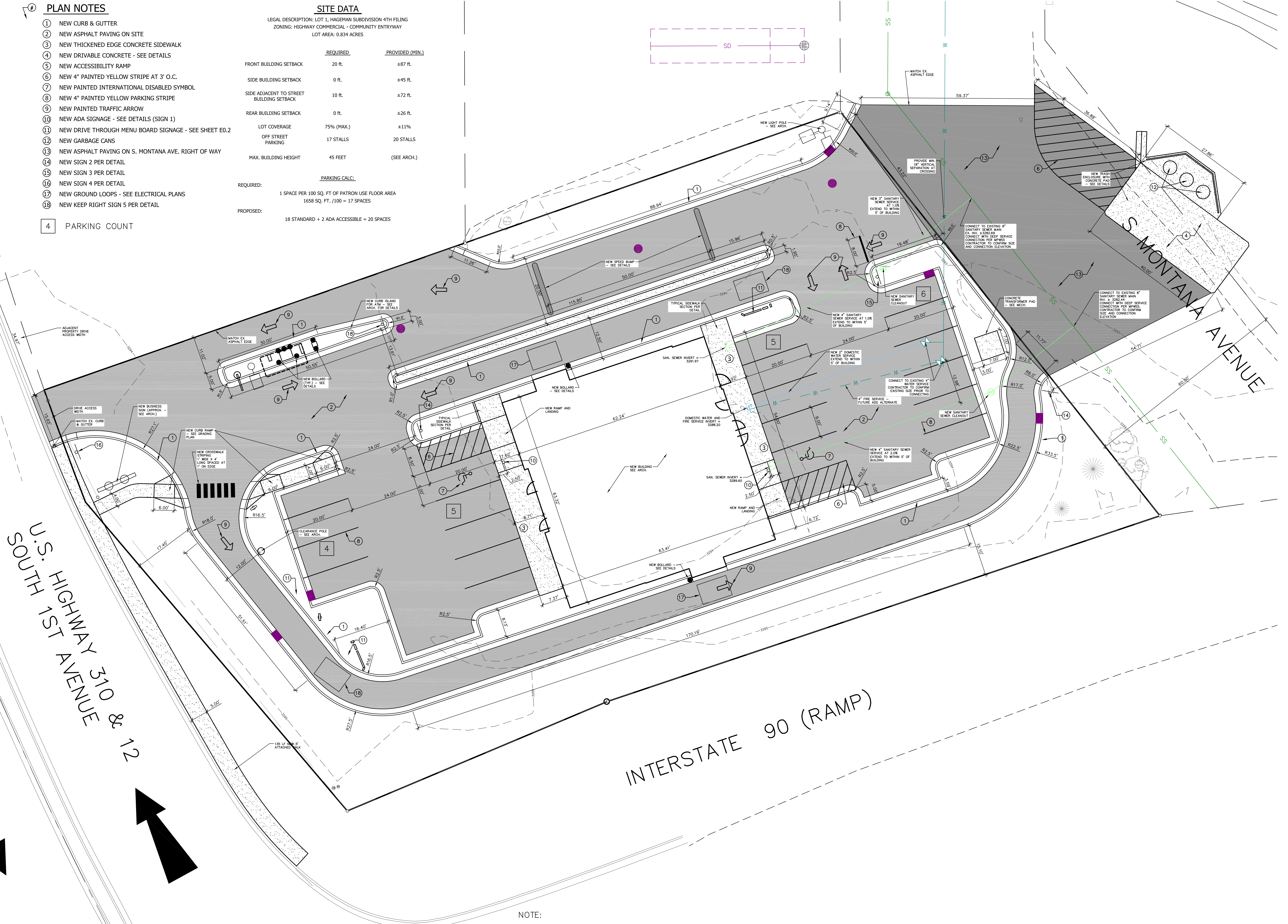
LEGAL DESCRIPTION: LOT 1, HAGEMAN SUBDIVISION 4TH FILING
ZONING: HIGHWAY COMMERCIAL - COMMUNITY ENTRYWAY
LOT AREA: 0.834 ACRES

	REQUIRED	PROVIDED (MIN.)
FRONT BUILDING SETBACK	20 ft.	±87 ft.
SIDE BUILDING SETBACK	0 ft.	±45 ft.
SIDE ADJACENT TO STREET BUILDING SETBACK	10 ft.	±72 ft.
REAR BUILDING SETBACK	0 ft.	±26 ft.
LOT COVERAGE	75% (MAX.)	±11%
OFF STREET PARKING	17 STALLS	20 STALLS
MAX. BUILDING HEIGHT	45 FEET	(SEE ARCH.)

PARKING CALC:

REQUIRED:
1 SPACE PER 100 SQ. FT. OF PATRON USE FLOOR AREA
1658 SQ. FT. / 100 = 17 SPACES

PROPOSED:
18 STANDARD + 2 ADA ACCESSIBLE = 20 SPACES



NOTE:

COORDINATE SIGNAGE LOCATIONS, GROUND LOOPS, AND OTHER SITE INFORMATION WITH SHEET A1.1

REFERENCE ELECTRICAL DRAWINGS FOR SITE LIGHTING DETAILS AND LOCATIONS



SCALE: 1" = 10'

NOTE:

-EXISTING UNDERGROUND INSTALLATIONS & PRIVATE UTILITIES SHOWN ARE INDICATED ACCORDING TO THE BEST INFORMATION AVAILABLE TO THE ENGINEER. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF SUCH INFORMATION. SERVICE LINES (WATER, POWER, GAS, STORM, SEWER, TELEPHONE & TELEVISION) MAY NOT BE STRAIGHT LINES OR AS INDICATED ON THE PLANS. STATE LAW REQUIRES CONTRACTOR TO CALL ALL UTILITY COMPANIES BEFORE EXCAVATION FOR EXACT LOCATIONS.

-ALL IMPROVEMENTS SHALL BE PERFORMED IN ACCORDANCE WITH MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS 6TH EDITION, APRIL, 2010.

-UNLESS OTHERWISE SPECIFIED, ALL CONSTRUCTION LAYOUT AND STAKING SHALL BE PERFORMED UNDER THE RESPONSIBLE CHARGE OF A LAND SURVEYOR LICENSED IN THE STATE WHERE IS PROJECT IS LOCATED AND BY A PARTY CHIEF OR ENGINEERING TECHNICIAN EXPERIENCED IN CONSTRUCTION LAYOUT AND STAKING TECHNIQUES AS ARE REQUIRED BY THE SPECIFIC TYPE OF WORK BEING PERFORMED.