



**AGENDA
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
THURSDAY, SEPTEMBER 05, 2019
5:35 PM
LAUREL 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.*

General Items

1. Roll Call
- [2.](#) Public Hearing: Family Church Sign Variance
- [3.](#) Public Hearing: Midway Rentals Variance Request
- [4.](#) Approve Meeting Minutes: April 4, 2019
- [5.](#) Approve Meeting Minutes: May 2, 2019
- [6.](#) Approve Meeting Minutes: June 6, 2019
- [7.](#) Approve Meeting Minutes: July 11, 2019
- [8.](#) Approve Meeting Minutes: August 1, 2019

New Business

9. Discussion: Laurel Zoning Code Updates
10. Discussion: Laurel Growth Management Plan

Old Business

Other Items

Announcements

11. Next Meeting: October 3, 2019

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

Item Attachment Documents:

2. Public Hearing: Family Church Sign Variance



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: Laurel Assembly of God (Family Church)
2. Name of Applicant if different from above: John Farnes (Pastor)
3. Phone number of Applicant: 406-697-1588
4. Street address and general location: 1002 3rd Ave
5. Legal description of the property: FOURTH AVE SUBD, S09, T02 S,
R24 E, BLOCK 4, Lot 1 - 7
6. Current Zoning: R-7,500
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:

John Farnes John Farnes

Date of Submittal:

7-8-19



www.FamilychurchLaurel.com

1002 3rd Ave.

Laurel, MT 59044

(406)628-4200

Pastor John Farnes

To City of Laurel,

This letter is the “detailed justification” requirement that is asked for when applying for a variance for an outdoor sign at our church. ([Municipal Code Chapter 17.60.020](#)) The recent changes in City leadership, brought to light conflicts that were earlier not presented to us to be a problem. The former interpretation of this code was that we were allowed to have an electronic message base, just not one that was actively “scrolling, flashing, or active”. I believe the definition of such a sign is an animated sign:

17.42.040 - Definitions.

"Animated sign." A sign [depicting action](#), motion, light, or color change, or that change the sign displayed through electrical or mechanical means. Animated also includes signs that use blinking, flashing or scrolling or other special effects to [depict motion](#).

Our message base has no motion, but can be updated, so it might fall under the description similar to this one found in the code.

"Pictographic changeable copy sign" means a sign whose still framed pictographic or symbolic [content can be changed or altered by manual or electric, electromechanical or electronic means](#). Still frame pictures may change but [not sooner than every sixty seconds](#). No pictographic changeable copy sign can [depict movement or motion, flashing, blinking or other special effects including scrolling text](#).

Our sign was not designed to depict any motion and these issues were never presented to us as being a problem, and so our design proceeded to include the message base, and an upper illuminated panel. For two and a half years, we have worked on, raised funds for, hired designers for, and have even ordered parts for this sign and was approved in conversations with the City of Laurel. We used a lot of caution calling and asking if our sign would be approved, and

asked specific details about what would be allowed in a residential area at our address.

We recently went to get our permit to begin the project and install the sign as verbally agreed to in previous conversations. To our surprise the sign was rejected.

At issue for the permit is that the bottom portion of our sign's surface would have a lighted message base where service times, program times could be changed electronically. It appears the original code interpretation was given to us from these sections of the code, and from this we were told the sign would be authorized?

- **17.42.110 - Lighting.**

Unless otherwise prohibited by this code, [all signs may be illuminated](#) provided they do not cause or contribute to a public nuisance. [Lighting restricted to the sign face.](#)

(Ord.02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

- **17.42.120 - Changeable copy.**

Unless otherwise specified by this section, any sign in this chapter allowed may use manual or [fixed message electronic sign](#).

[Computer controlled variable message electronic signs shall be permitted](#) provided that the bottom of the reader board is ten feet above the crown of the adjacent road.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

We trusted this interpretation of the Code, and thought we had done everything correctly. The Code lists restricted signs, and even by the restrictions on signs that are listed in the code- our sign would be permissible.

17.42.050 - Signs prohibited.

All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with the following section are prohibited. Such signs include, but are not limited to:

[C. Animated signs](#)

F. Pictographic changeable copy signs [which depict motion](#) of any kind, including flashing, blinking and scrolling text or other special effects;

(Ord. 02-32 (part), 2003)

We can only assume why we were told that our sign was not going to be in any violation was because of the way these definitions were understood by the City workers at that time. A sign with an electronic message board would seem to us to be a much “cleaner” looking sign vs. a cheaper option (*a plexi-glass covered, slotted message base with interchangeable letters, ground lights shining up at it- to illuminate it. All tech from the 70’s and 80’s*).

The sign has two lines of programmable messages, it could be used to show such things as: service times / seasonal events and program start dates. The cost is three to four times more than the old slot style signs, so it has been a significant expense for us to go this more modern route, but we thought it would look much nicer in our community.

We feel that since we were told this message base and internally lighted sign would be approved on two occasions in our past inquiries with the City (because it “was not actively scrolling or flashing graphics”), that the City should work to honor those verbal agreements and allow us to have a meeting for a variance request at an upcoming Council meeting. Also from the code these are the factors to consider in a variance and some seem to apply to us:

17.60.020 - Land use variances issuance and denial—Determination procedure.

- 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

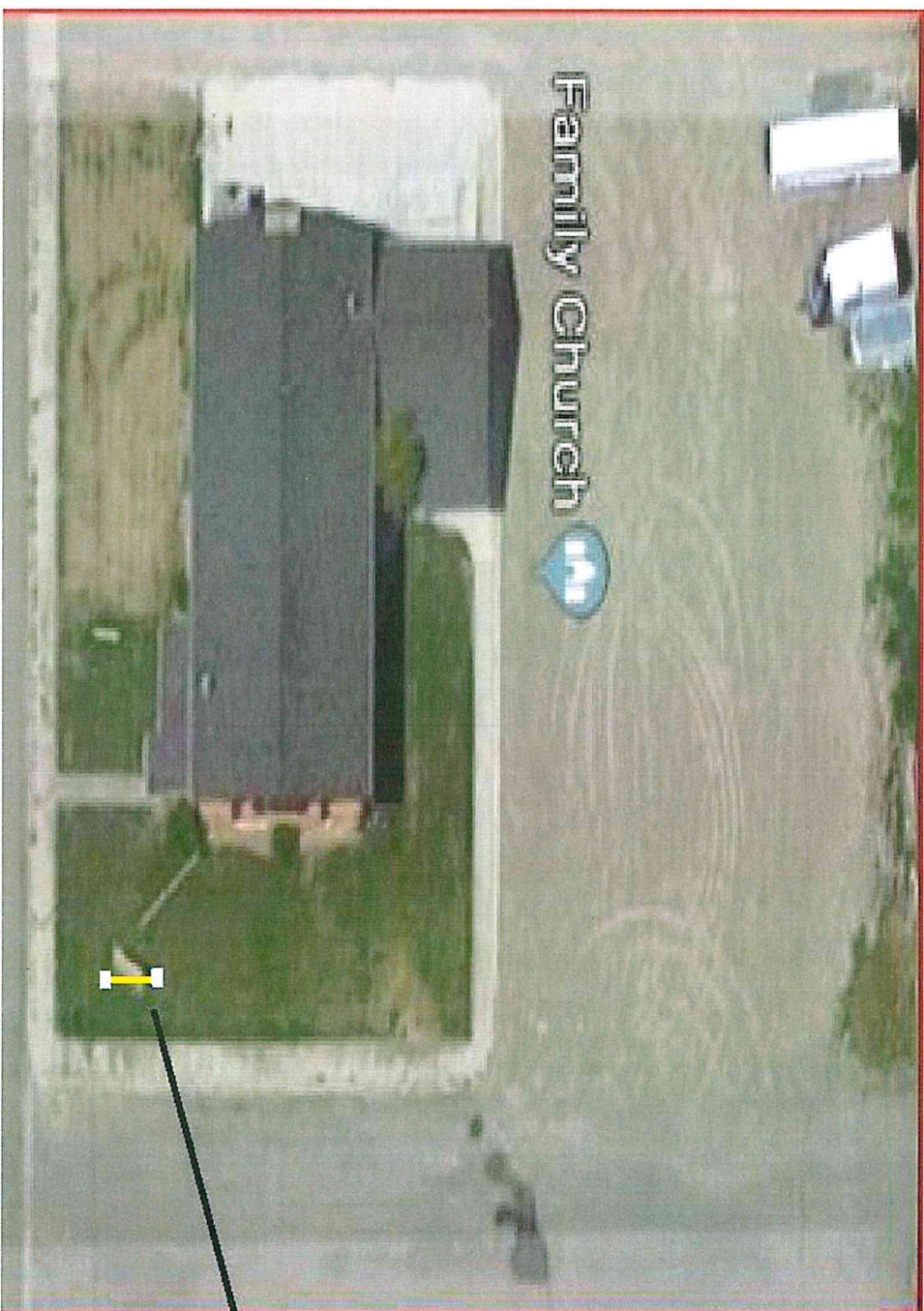
Because of the initial approval of this plan, sections and parts were built for the install, and it would be extremely costly for us to re-design the sign and sell the portions of this sign that we have ordered and already paid for. We would not have purchased parts for this project if we did not feel it was approved already. We had no intention of designing a sign that could not be approved by the City of Laurel. We went forward completely from our phone conversations, not knowing there was any conflict with this sort of sign. We asked questions BEFORE we had designers look at the sign, before we ordered parts, and before we started any work. We have spent two years in this process (raising funds, talking to various professionals, asking questions about permits, preparing parts orders and bids).

We would love to see this approved so the sign could be "up" before winter, our temporary tarp sign is not going to make another year. Thank for considering our request for a variance in this matter.

Sincerely,

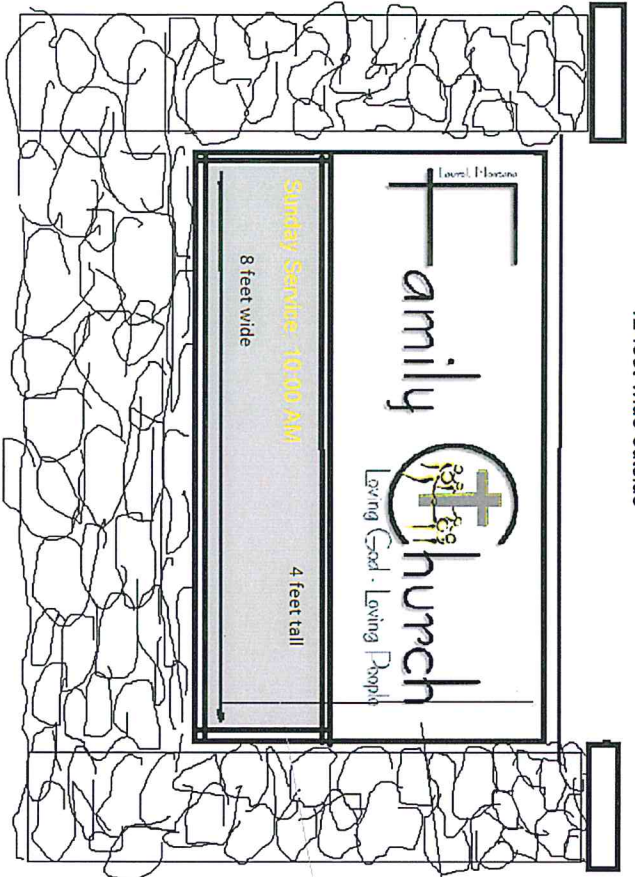
Pastor John Farnes
Family Church

A handwritten signature in black ink, appearing to read 'John Farnes', with a long, sweeping horizontal line extending to the right.



New sign location is similar to the old one. The sign surface will now face east and west instead of diagonal.

12 feet wide outside



7.5 feet tall or less

Lighted name plate
is 26 inches tall. Has
a seam between
message base.

Message base is 18.5
inches tall two lines of
text.



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Variance – Laurel Assembly of God (Family Church)
DATE: August 15, 2019

DESCRIPTION/LOCATION:

John Farnes of the Laurel Assembly of God (Family Church) has submitted an request for a variance for Chapter 17.42.050, specifically Table – Signs by Zoning District. The affected property is located at 1002 3rd Ave in the City of Laurel. The Parcel is zoned R-7500. The Applicant is requesting a variance to allow Computer Controlled Variable Message Signs within a residential district, which is currently not allowable. The Property is legally described as Fourth Ave Subd, S09, T02 S, R24 E, BLOCK 4, Lot 1 – 7.

STAFF FINDINGS:

Applicant Data:

Owner: Laurel Assembly of God
Legal Description: Fourth Ave Subd, S09, T02 S, R24 E, BLOCK 4, Lot 1 – 7
Address : 1002 3rd Ave.
Parcel Size: 29,400 Sq. Ft.
Existing Land Use: Laurel Assembly of God
Proposed Variance: Allowable use of Computer Controlled Variable Message Signs within Residential Districts
Existing Zoning: R-7500
Surrounding Land Use: R-7500

1. The variance application packet is attached and contains cover sheet, map of sign location, detailed justification letter, and public notice.
2. The application is requesting that the Computer Controlled Variable Message Sign that was designed after initial meetings with city staff between 2017 and 2018.
3. LMC 17.42 Table – Signs by Zoning District states that that use of a Computer Controlled Variable Message Sign is not allowable within any residential district.

4. LMC 17.42.120 – Changeable Copy states that “Unless otherwise specified by this section, any sign in this chapter allowed may use manual or fixed message electronic sign. Computer controlled variable message electronic signs shall be permitted provided that the bottom of the reader board is ten feet above the crown of the adjacent road.”
5. Mr. Farnes noted that he had met with City staff in the previous two years to discuss sign design requirements and it was not presented that the design of the sign was not allowable in the current zoning district.
6. At the time of seeking a building permit, city staff informed Mr. Farnes that they could not grant a permit because the type of sign was not allowable within the R-7500 District which the Family Church property is within.
7. Mr. Farnes noted that this design and planned installation represents a significant investment of funding from the Family Church community

ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:

The Zoning Commission shall review and make determinations on variances through Laurel Municipal Code (LMC) Chapter 17.60.020:

- 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.
 - 8.

STAFF SUGGESTED CONDITIONS:

If the City Council recommends approval of the variance, the following conditions are suggested:

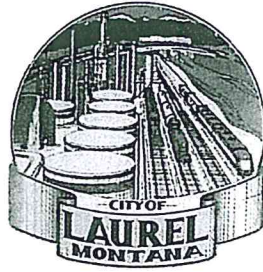
1. There shall be no other signs of this type allowed on the property.
2. Sign shall follow all other rules and regulations within the Sign Code

PROCEDURAL HISTORY:

- On July 3, 2019 John Farnes of Family Church met with the City Planner. He discussed the background of the sign upgrades to be made.
- On July 8, 2019 the variance application packet was received by the Planning Department.
- A public hearing for the variance request is scheduled to take place at the Laurel City-County Planning Board on September 5, 2019 at 10:00am.
- A public hearing for the variance request is scheduled to take place at the Laurel City Council Meeting on September 24, 2019.

Item Attachment Documents:

3. Public Hearing: Midway Rentals Variance Request



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: Diefenderfer Family Trust
2. Name of Applicant if different from above: Steve Diefenderfer
3. Phone number of Applicant: 406-861-7070
4. Street address and general location: NOT ASSIGNED - EAST RAILROAD ST.
5. Legal description of the property: LOT 1A, Block 7 Entertainment Park Subdivision
6. Current Zoning: Highway Commercial/Entryway Zoning District
7. Provide a copy of covenants or deed restrictions on property. N/A

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: Steve B Diefenderfer

Date of Submittal: 8/1/2019

08/01/19

Laurel City-County Planning Board
115 W. First Street
Laurel, MT 59044



RE: City-County Planning Zoning Compliance Application

To whom it may concern,

Enclosed you will find completed Zoning Compliance Application info per 17.26.040, all the information required for our submittal to be considered for review and approved by the Laurel City-County Planning Director, or other city designee.

1. Name and Address of property owner:
 - i. Diefenderfer Family Trust
3619 Flagstone Dr.
Billings, MT 59101
2. Name and Address of applicant owner:
 - i. Steve Diefenderfer
3619 Flagstone Dr
Billings, MT 59101
3. Legal description of the parcel:
 - i. Lot 1A, Block 1, Entertainment Park Subdivision
4. See attached 22X34 (Full-Scale) Civil Site Plan drawing, C101.
5. See attached 22X34 (Full-Scale) Civil Site Plan drawing, C101.
6. See attached 22X34 (Full-Scale) Exterior Elevations drawing, A201. Floor plan sheet A101 included for reference.
7. There is no signage included with this drawing package, a separate sign permit package will be submitted for review.
8. See attached completed Zoning Compliance Application Review Fee.

Sincerely,

Chuck Henrichs, P.E.
Vice President of Engineering, EEC, Inc.
Owners Representative



08/01/19

Laurel City-County Planning Board
115 W. First Street
Laurel, MT 59044



RE: City-County Planning Variance Request: Items #1-5

To whom it may concern,

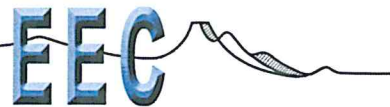
Enclosed you will find completed, all the information required for our submittal to be considered for review and recommendation by the Laurel City-County Planning Board.

1. We met with the City Planner on 07/31/2019 and provided a map of property owners within 300 feet of the property, see attached.
2. See attached 11x17 (Half-Scale) drawings, which includes all existing and proposed structures and proposed variance measurements. 3 sheets: C101, A101, and A201.
3. See the provided set of three mailing labels for each surrounding property owner within the 300 feet.
4. With the following three proposed variance measures, we provide a detailed justification referring to the Laurel Municipal Code Chapter 17.60.020.

- a) Reference Section 17.26.052 Development Standards – B. Building Design Standards which states *“All buildings shall be completed on all sides with one of the following finishing materials: ...architectural concealed fastener metal panels.”*

The material under review for this variance request is an exposed fastener PBR metal panel siding, see attached Exterior Elevations sheet A201 for full scope. We are proposing leaving the architectural concealed fastener metal panels around the public frontage/entrance as detailed, with the pre-finished lap siding above the wainscot which meet the requirements set for under the Building Design Standards. However, at the shop we are proposing an exposed fastener PBR metal panel siding that does not meet the “concealed fastener” standard. It does in our view meet the spirit or intent of the standard set forth. Based on the Laurel Municipal Code Chapter 17.60.020 #5, we believe the requested variance “would be within the spirit, intent, purpose and general plan of this title” and #6 the requested variance “would not affect adversely or injure or result in injustice to others.”

- b) Reference Section 17.26.054 Landscaping Standards – B. Landscaping Standards which states *“1. Bufferyard Requirements. All commercial/Industrial land uses are required to place a bufferyard (landscaping strip) adjacent to and along the length of I-90...” Furthermore, it states “...The number of trees and shrubs required per one*



08/01/19

hundred feet of frontage: (1) Twenty-five foot wide bufferyard: five Canopy or evergreen trees, ten Shrubs..."

The material under review for this variance request item is a proposed 25'-0" Bufferyard that meets the landscaping standard, however, does not provide the required five trees or ten shrubs per one hundred feet of frontage, see attached Site Plan sheet C101 for full scope. We have taken this direction after meeting with the City, with the realization that there is an existing Sanitary Sewer line that runs directly under the bufferyard, the full extent of frontage on this property. It was clear that the City was not in favor of putting trees nor shrubs directly above this existing line, under any circumstance. We feel the same, it would be a design flaw and future maintenance issue. Please note, in addition to the proposed landscaped bufferyard we are proposing 25'-0" more landscaped area as part of a stormwater detention, this adds to the interstate buffer zone. Based on the Laurel Municipal Code Chapter 17.60.020, we believe the requested variance meets requirement #2 "Unless the grant relates to a condition or situation special and peculiar to the applicant;" the existing location of the Sanitary Sewer line running directly under the bufferyard creates that special situation/condition.

- c) Reference Section 17.26.052 Development Standards – B. Additional Provisions for Commercial Uses, which states *"1. Storage of Merchandise. Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six feet in height that is architecturally compatible in color and design with the building. However, promotional displays, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. In addition, retail nurseries shall be exempt from the enclosure of plant materials, and displayed merchandise shall not include any used equipment. Bufferyards or required landscaping shall not be used for the displaying of merchandise."*

The material under review for this variance request item is a proposed 6' chain link fence or an 8' chain link fence with 1' of barbwire above. Midway Rental is the leading provider of rental equipment in Montana and offers a large selection of equipment rentals to choose from including man lifts, scissor lifts, forklifts, excavators and general equipment rentals such as air compressors, light towers and generators. It is key for the public to have visibility to Midway's merchandise available for rent or sale. The intent of the proposal is that all rental/sale merchandise for display along interstate I-90 will be outside an approved building and enclosed in the yard area appurtenant to the building. With either of the chain link fence options listed, merchandise for rent/sale would be secure and still have the visibility to the public that the sight obscuring fence would not allow. Based on the Laurel Municipal Code Chapter 17.60.020, we believe the requested variance meets requirement #2 "Unless the grant relates to a condition



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or situation special and peculiar to the applicant;" and requirement #3 "Unless the basis is something more than a mere financial loss to the owner." The 6' sight obscuring fence creates the inability to display rental/sale merchandise which is a special situation/condition to an equipment rental company and would easily create a basis for more than a mere financial loss.

5. See attached completed Laurel Variance Request Application and associated fee of \$1,100 for a commercial property.

Sincerely,

Chuck Henrichs, P.E.
Vice President of Engineering, EEC, Inc.
Owners Representative

City of Laurel
Laurel, Montana

RECEIPT

Received From Steve Diet and order

For Two hundred and 00/100

variance fee

Laurel, Montana 8/1/19

Dollars (\$ 1100.00)

HOW PAID	
Cash	
Check	<u>1100.00</u>
Credit Card	

City of Laurel

14643

By Carrie Berger

54752

City of Laurel
Laurel, Montana

RECEIPT

Laurel, Montana,

8/1/19

54753

Received From

Steve. Dieffenhofer

For

City & 1/2
Advance app fee

Dollars (\$ 50.00)

HOW PAID

Cash

Check

Credit Card

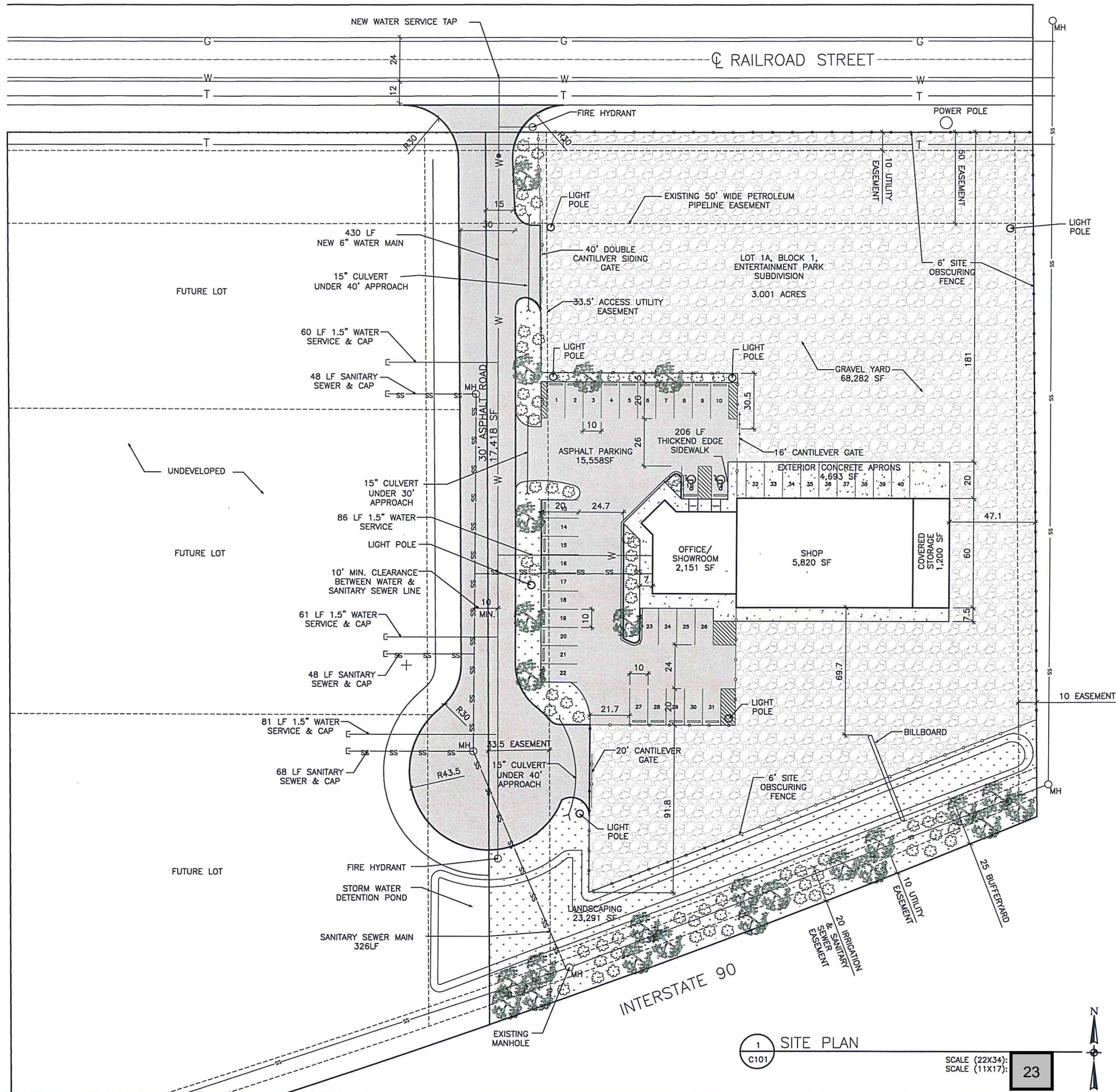
50.00

V/H.
14644

City of Laurel

By

Curcio Lopez



GENERAL NOTES:

1. NO SIGNAGE WITH THIS PACKAGE; A SEPARATE SIGN PERMIT WITH BE SUBMITTED FOR REVIEW.
2. WATER AND SEWER EASEMENT TO BE PROVIDED TO CITY OF LAUREL FOR MAINTENANCE.

LEGEND:

- LANDSCAPED AREA (SEE L101)
- CONCRETE
- ASPHALT
- GRAVEL
- DECIDUOUS OR CONIFEROUS TREE
- SHRUB
- NEW FENCE

ZONING:	HIGHWAY COMMERCIAL (HC), ENTRYWAY ZONING DISTRICTS (EZD)
BUILDING AREA:	7,971 S.F.
COVERED STORAGE AREA:	1,200 S.F.
TOTAL BUILDING AREA:	9,171 S.F.
LOT AREA:	130,723.56 S.F.
SETBACKS:	FRONT: 20'
	SIDE: 0'
	REAR: 0'
MAXIMUM LOT COVERAGE =	75%
ACTUAL LOT COVERAGE =	7 %
ALLOWABLE HEIGHT =	45'
ACTUAL HEIGHT =	25'-6"
LANDSCAPE REQUIRED(8%)	
130,723.56-9,171(.08) =	9,724 S.F.
LANDSCAPE PROVIDED =	23,291 S.F.

PARKING:

- HIGHWAY COMMERCIAL:
1. 17,40.090 (J) 1 SPACE FOR EA. 200 S.F. OF FLOOR ON GROUND FLOOR PLUS ON SPACE FOR EA. 400 S.F. FO FLOOR AREA IN BASEMENT OR ANY STORY ABOVE THE GROUND FLOOR
- BUILDING AREA 7,971 SF
- PARKING REQUIRED = 40 SPACES
- HANDICAP PARKING: 2 PER 25-50 SPACES
- PARKING REQUIRED = 40 SPACES
- PARKING PROVIDED = 40 SPACES

LANDSCAPE:

- ENTRYWAY ZONING DISTRICT-PARKING LOT CONTAINING > 10 SPACES:
- 20 S.F. OF LANDSCAPED AREA SHALL BE PROVIDED FOR EACH PARKING SPACE ON PARKING LOTS CONTAINING MORE THAT TEN SPACES.
 - **** REQUIRED PARKING LANDSCAPE: 20X40=800 SF
 - 2 TREES AND FIVE SHRUBS SHALL BE REQUIRED FOR EVERY TEN PARKING SPACES OR COMPONENT THERE OF OVER TEN PARKING SPACES
 - **** REQUIRES TREES = 8
 - **** REQUIRED SHRUBS = 20
 - NO MORE THAN 25% OF LANDSCAPING AREA SHALL CONTAIN ROCK, BARK CHIPS, STEPPING STONES, OR SIMILAR MATERIALS
 - MINIMUM WIDTH AND OR LENGTH OF ANY PARKING LOT LANDSCAPE AREA SHALL BE FIVE FEET.

BUFFERYARD:

- ENTRYWAY ZONING DISTRICT:
- TWENTY-FIVE FOOT WIDE BUFFERYARD: FIVE CANOPY OR EVERGREEN TREES, TEN SHRUBS PER 100' OF FRONTAGE
 - **** TREES: 3.2X5= 17 TREES
 - **** SHRUBS: 3.2X10= 32 SHRUBS

ZONING
COMPLIANCE
SHEET#:
C101

DEIFENDERFER SHOP
ENTERTAINMENT PARK SUBD
S15, T02 S, R24 E,
BLOCK 1, LOT 1A, AMD BLK 1, LT 1
E. RAILROAD ST.
LAUREL, MT 59044

EGGART ENGINEERING COMPANY
720 LOHWEST LANE
BILLINGS, MT 59106
OFFICE: 406-839-9151
FAX: 406-839-9150
www.eccmt.com




Drawn By: CH
Checked By: CH
Date: 08-01-2019
Project #: -
Cadd file: -




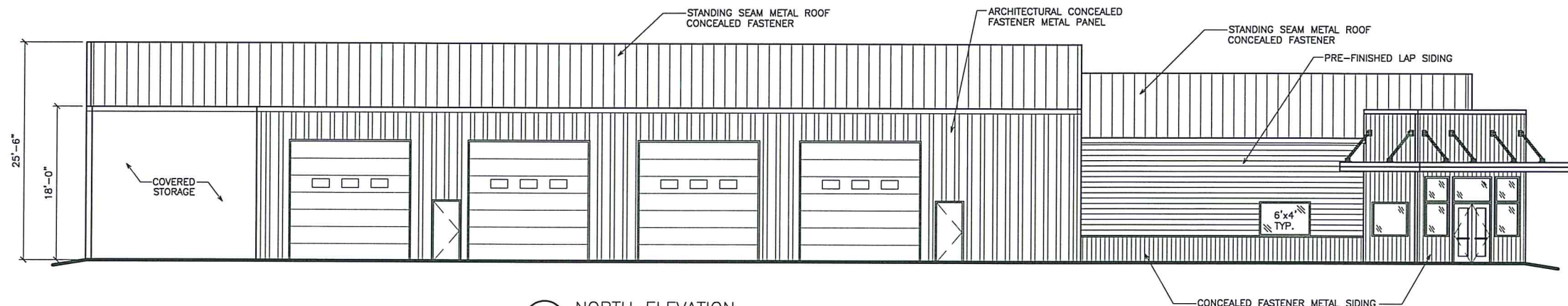
1 FLOOR PLAN

SCALE (22X34): 1/8"=1'-0"
SCALE (11X17): 1/16"=1'-0"

LEGEND

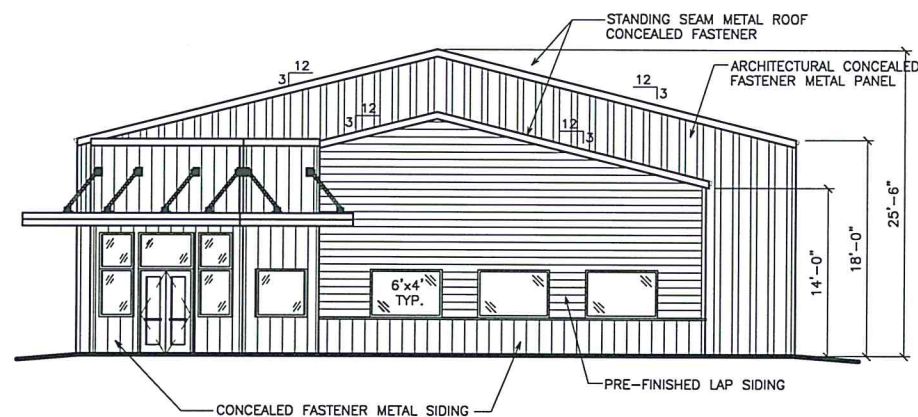
 AIR LINE

 COLD HB



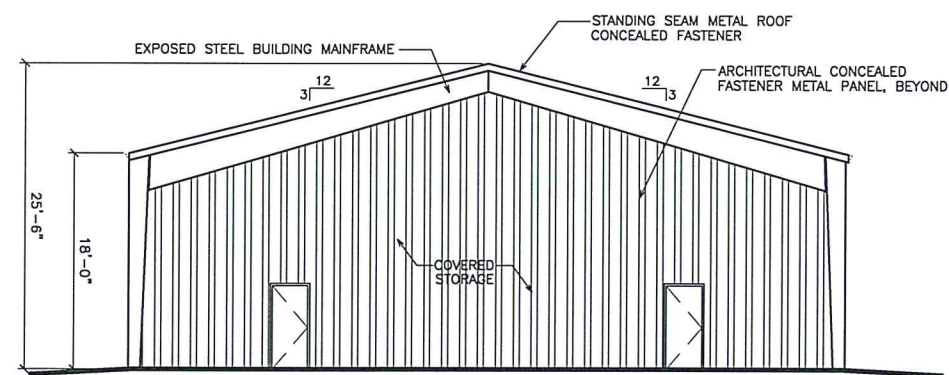
1 NORTH ELEVATION

SCALE (22X34): 1/8"=1'-0"
SCALE (11X17): 1/16"=1'-0"



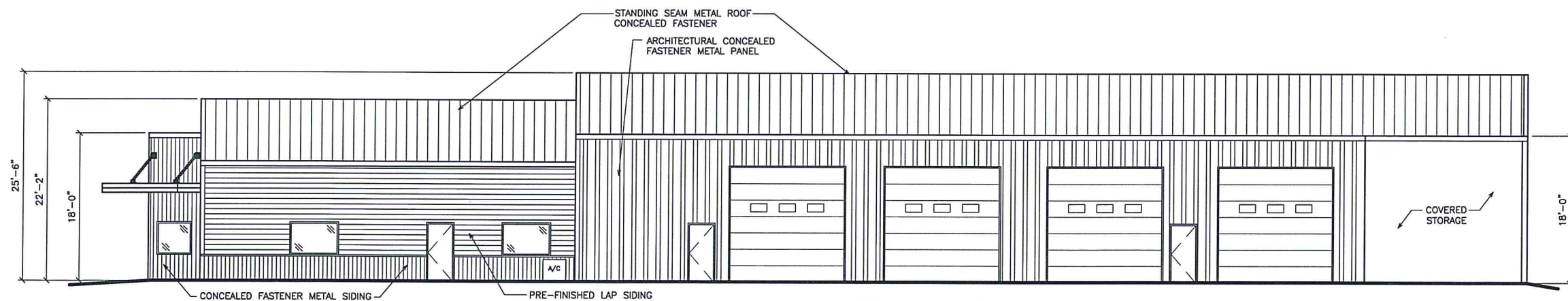
2 WEST ELEVATION

SCALE (22X34): 1/8"=1'-0"
SCALE (11X17): 1/16"=1'-0"



3 EAST ELEVATION

SCALE (22X34): 1/8"=1'-0"
SCALE (11X17): 1/16"=1'-0"



4 SOUTH ELEVATION

SCALE (22X34): 1/8"=1'-0"
SCALE (11X17): 1/16"=1'-0"



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Variance – Steve Diefenderfer (Midway Rentals)
DATE: August 15, 2019

DESCRIPTION/LOCATION:

Steve Diefenderfer of Midway Rentals submitted a request for three variances to LMC Chapter 17.26 – Community Entryway Zoning District. The affected property is located on East Railroad St. at a currently unassigned address. The parcel is zoned Highway Commercial and is within the Community Entryway Zoning District. The Applicant is request variances to disregard the bufferyard requirement, sight-obscuring fence requirement, and building design standards.

STAFF FINDINGS:

Applicant Data:

Owner: Diefenderfer Family Trust
Legal Description: Entertainment Park Subd, S15, T02 S, R24 E, BLOCK 1, Lot 1A, Lot 1B AMD BLK 1 LT 1 (17)
Address : 1002 3rd Ave.
Parcel Size: 6.204 Acres
Existing Land Use: Field
Proposed Variance: Design standards and landscaping standards within the Community Entryway Zoning District.
Existing Zoning: Highway Commercial
Surrounding Land Uses:
North: Zoning: Light Industrial Land Use: Residential
South: Zoning: Interstate Highway Land Use: Interstate Highway
East: Zoning: Light Industrial Land Use: Nana's Bloomers
West: Zoning: Highway Commercial Land Use: Fiberglass Structures Inc.

1. The variance application packet is attached and contains application form, application cover sheet, detailed justification letter, fee receipt, map of site, building design plans, and public notice.
2. The application is requesting three variances to LMC 17.26 – Community Entryway Zoning District including:
 - a. 17.26.052 Development Standards Part B: Building Design Standards, and
 - b. 17.26.052 Development Standards Part C: Additional Provisions for Commercial Uses
 - c. 17.26.054 Landscaping Standards part B.1: Bufferyard Requirements.
3. LMC 17.26.052 Part B states:
 1. All buildings shall be completed on all sides with one of the following finishing material: brick, fluted block, colored textured block, glass, stucco, architectural concealed fastener metal panels, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone or wood. Exposed seam metal buildings shall be prohibited unless covered with an acceptable finishing material.
 2. Roofs shall be finished with a material that is architecturally compatible in color and design with the construction of the building. Metal roofs, fascia, and mansards shall be limited to the following: standing seam, metal shakes or shingles and architectural metal treatments. All mechanical equipment placed on top of any roof shall be screened by a parapet or other similar architectural apparatus being at least the height of the mechanical equipment. Pitched roofs are encouraged whenever possible.
 3. Long, flat facades that front on the interstate highway, First Avenue North or First Avenue South having more than one hundred lineal feet are prohibited. Buildings over one hundred feet in length shall incorporate one of the following: recesses, off-sets, angular forms, landscaping features or other architectural features such as bell towers, clock towers, to provide a visually interesting shape. The break in the facade shall be minimum of eight feet in length. A single uninterrupted length of a facade shall not exceed one hundred lineal feet. It is encouraged that each offset area contains landscaping or other similar amenities which will complement the offset area.
4. LMC 17.26.052 Part C States:
 1. Storage of Merchandise. Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six feet in height that is architecturally compatible in color and design with the building. However, promotional displays, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. In addition, retail nurseries shall be exempt from the enclosure of plant materials, and displayed merchandise shall not include any used equipment. Bufferyards or required landscaping shall not be used for the displaying of merchandise.
5. LMC 17.26.054 Part B States:
 - B. Landscaping.
 1. Bufferyard Requirements. All commercial/Industrial land uses are required to place a bufferyard (landscaping strip) adjacent to and along the length of I-90, First Avenue North, or First Avenue South on which the use fronts. Such landscaping buffer shall extend from the edge of the public right-of-way. Placement and landscaping design shall

be at the discretion of the developer, and the required trees and shrubs may be clustered to enhance the view of the property from the public right-of-way as long as such uses conform with Section 17.26.052(C) of this code. A local design professional or local nursery must be consulted for assistance with the development of the landscape design. The use of native, drought-tolerant plant material is strongly encouraged. Evergreen trees are encouraged for bufferyards, and canopy trees are encouraged for parking areas. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site.

- a. The developer shall have the option of one of the following three bufferyards. Bufferyard depth is measured from the property line adjacent to the public right-of-way inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting. The number of trees and shrubs required is per one hundred feet of frontage:
 - (1) Twenty-five foot wide bufferyard: five Canopy or evergreen trees, ten Shrubs
 - (2) Twenty foot wide bufferyard: ten Canopy or evergreen trees, fifteen Shrubs
 - (3) Fifteen foot wide bufferyard: fifteen Canopy or evergreen trees, twenty Shrubs
 - b. The following criteria shall also apply to the bufferyards.
 - i. The landscape strip may be contoured. Berming shall be one foot of rise to four feet of run with a minimum of three feet in height. Depressions shall be no lower than the existing grade of the site.
 - ii. All landscaped areas shall contain ground cover such as sod, shrubs, flowerbeds, or organic materials. No more than ten percent of the landscaped area shall contain rock, bark chips, stepping stones, or similar material.
 - iii. All landscaped areas shall be sub-irrigated, maintained, and kept free of weeds, debris, and litter. Failure to do so constitutes a zoning violation. Existing mature trees and shrubs should be preserved and will be credited toward landscaping requirements.
 - iv. Depth of bufferyard shall depend on density of vegetation.
 - v. All new utility lines shall be placed underground.
 - vi. New tree plantings shall not be constructed so as to grow into existing overhead utility lines.
6. There currently exists a sanitary sewer utility line running along the southern boundary of the property which would present future maintenance issues and conflicts with established City of Laurel Public Works standards.
 7. Similar businesses within the Community Entryway Zoning District do not conform to the rules. The applicant has stated that there are significant design and building costs and opportunity costs to future business operations if the Community Entryway Zoning District codes are fully enforced as compared to similar businesses that currently exist within the district.
 8. The Boundaries of the proposed shop in the building does not follow the requirements of the 17.26.052 but the applicant states that the current design meets the intent and spirit of this title and does not adversely affect or injure or result in injustice to others.
 9. 17.26.52.C.1 requires a sight obscuring fence for businesses storing merchandise outside of an approved building. The applicant states that the facility will utilize a secure 6'-8' chain link fence

topped with 1' of barbed wire to secure merchandise while simultaneously allowing highway traffic to view merchandise stored on site similar to other businesses within the district.

ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:

The Zoning Commission shall review and make determinations on variances through Laurel Municipal Code (LMC) Chapter 17.60.020:

- 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.

STAFF SUGGESTED CONDITIONS:

If the City Council recommends approval of the variance, the following conditions are suggested:

- 1. Ensure dust and gravel control measures are in place to keep road debris off of Public right of way.
- 2. Lot and landscaping must be kept free of weeds as per the City of Laurel Weed Management Plan.

PROCEDURAL HISTORY:

- On July 31, 2019 Steve Diefenderfer of Midway Rentals and Chuck Henrichs and Kevin Lundin of Eggart Engineering and Construction (EEC) met with the City Planner, Building Official and Public Works Director to discuss the situation, receive comment from city staff, and understand the process to apply for a variance.
- On August 1, 2019 the variance application packet was received by the Planning Department.
- A public hearing for the variance request is scheduled to take place at the Laurel City-County Planning Board on September 5, 2019 at 10:00am.
- A public hearing for the variance request is scheduled to take place at the Laurel City-Council Meeting on September 24, 2019.

Item Attachment Documents:

4. Approve Meeting Minutes: April 4, 2019



**REVISED AGENDA
CITY OF LAUREL
CITY-COUNTY PLANNING BOARD MEETING
THURSDAY, APRIL 04, 2019
10:00 AM
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.*

Chair called the meeting to order at 10:01AM

General Items

1. Roll Call

Ron Benner	John Klasna
Evan Bruce	Judy Goldsby
Roger Geise	(Arrived at 10:09AM)

Nick Altonaga (City of Laurel)

2. Approve Meeting Minutes: 3/7/19

Members reviewed the previous meeting minutes.

Ron Benner motioned to approve the minutes from the meeting of 3/7/19

John Klasna seconded

Motion carried, meeting minutes from 3/7/19 approved.

New Business

Russell Minor Subdivision:

The three year review period expired in February. The County Commissioners have extended the review period for 6 months in order for owner and contractor to finalize the plat. Comments have been made and a final plat has been prepared.

Old Business

3. Flood Plain Regulations and Wildlife Impact Follow-Up

The City Planner was in touch with the contract planner about any updates to federal floodplain and wildlife impact legislation. There is currently nothing new to report, but the city planner will notify the Planning Board and Park Board with definitive information once it is known.

4. Recent Projects Review

The City Planner discussed recent subdivision projects and provided updates to the Board.

Iron Horse Station – Has been in front of the City Council for the past month regarding stormwater ponds in parkland within the subdivision. The matter is currently tabled per instructions from the developer due to costs. The developer has notified the city that he will be in contact with the city with his plans moving forward.

Yard Office - City Planner and Public Works Director had meeting with County officials and Developer two weeks ago. There are extensive issues with the subdivision originating from original surveying and platting. City Planner and Chair discussed the issues with the subdivision that include road dedication, parkland dedication, parcel ownership, and pre-existing structures. It is not in the interest of the city to clear these issues up. The developer has been notified about the issues and City and County officials are waiting on their action before acceptance of the subdivision takes place.

Brester Acres – Comments have come back from county officials. The developer will be notified of the changes that are needed.

Other Items

On the radar for updating:

- Growth Management Plan
- Zoning Codes
- Subdivision Regulations

Ron Benner discussed that it would be helpful to have a map of all the zoning exceptions/variances for properties in the city. It would be important to have an accurate idea of these circumstances moving forward.

Members discussed the status of the Vue and Brew Liquor License, how these licenses are transferred, how the Vue and Brew will utilize the license. The Chair discussed how liquor licenses and permits have been transferred and operated under in the past. Licensing is under the State Department of Revenue and the planning board only reviews plans and checks the regulations about implementation and operations.

Liquor licensing is a state process, Planning Board only reviews plans and checks the stipulations and regulations about building and operating an establishment. The Police department, Mayor, and other city departments also review special liquor license permits that are then sent to the state.

Announcements

Ron Benner will be unable to attend the meeting scheduled for 5/2/19

Benner motions

John Klasna Seconds

Meeting adjourned at 10:26AM.

5. Next Meeting: 5/2/19

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

Item Attachment Documents:

5. Approve Meeting Minutes: May 2, 2019



**AGENDA
CITY OF LAUREL
LAUREL CITY-COUNTY PLANNING BOARD
THURSDAY, MAY 02, 2019
10:00 AM
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.*

General Items

1. Roll Call

Chair calls the meeting to order at 10:07AM.

Jerry Williams
Evan Bruce
Judy Goldsby
Nick Altonaga (City of Laurel)

No quorum present. No official meeting.

Announcements

5. Next Meeting: June 6, 2019

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

Item Attachment Documents:

6. Approve Meeting Minutes: June 6, 2019



**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
THURSDAY, JUNE 06, 2019
10:00 AM
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.*

General Items

1. Roll Call

Evan Bruce
Judy Goldsby
Ron Benner
Nick Altonaga (Laurel Planning Department)

No Quorum present.

New Business

Old Business

Other Items

Announcements

2. Next Meeting: Date TBD for July

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

Item Attachment Documents:

7. Approve Meeting Minutes: July 11, 2019



**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
THURSDAY, JULY 11, 2019
10:00 AM
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.*

General Items

1. Roll Call

No quorum present

New Business

Old Business

Other Items

Announcements

2. Next Meeting: August 1, 2019

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

Item Attachment Documents:

8. Approve Meeting Minutes: August 1, 2019



**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
THURSDAY, AUGUST 01, 2019
10:00 AM
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.*

General Items

1. Roll Call

No quorum.

New Business

Old Business

Other Items

Announcements

8. Next Meeting: September 5, 2019

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