

RESOLUTION NO. R17-15

A RESOLUTION OF THE CITY COUNCIL APPROVING AN APPLICATION FOR SPECIAL REVIEW SUBMITTED ON BEHALF OF TOWN AND COUNTRY SUPPLY.

WHEREAS, LMC 17.20.020 states cocktail lounges, restaurants, bars and taverns are only allowable in properties zoned Highway Commercial by Special Review; and

WHEREAS, Town and Country Supply, which is zoned Highway Commercial, desires to sell alcohol on the premises; and

WHEREAS, Town and Country Supply submitted an application for special review to the Laurel-Yellowstone City-County Planning Board for review and consideration. The Planning Board (sitting as the zoning commission) recommends the approval of the application for special review, subject to the following condition:

1. Property shall be kept free of noxious weeds;

WHEREAS, the City Council of the City of Laurel hereby finds it is in the best interests of the residents of the City of Laurel to approve the application for special review as articulated in the Staff Report and Findings attached hereto, subject to the above stated condition.

NOW THEREFORE, BE IT RESOLVED that the owner's request for approval of an application for special review to serve alcohol on property zoned Highway Commercial is hereby approved for the property located at 817 West Main Street, Laurel, Montana.

BE IT FURTHER RESOLVED, that the approval of the application for special review is site specific to this address, and the approval granted herein is subject to the condition listed herein.

Introduced at a regular meeting of the City Council on May 2, 2017, by Council Member
Stokes.

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 2nd day of May, 2017.

APPROVED BY THE MAYOR this 2nd day of May, 2017.

CITY OF LAUREL



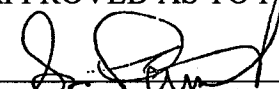
Mark A. Mace, Mayor

ATTEST:



Bethany Keeler, Clerk/Treasurer

APPROVED AS TO FORM:



Sam S. Painter, Civil City Attorney



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City Council
FROM: Noel Eaton, City Planner
RE: Special Review – Town & Country Supplies
HEARING
DATE: May 2nd, 2017

DESCRIPTION/LOCATION:

Town & Country Supplies has submitted an application for special review. The affected property is located at 817 West Main Street in the City of Laurel. The Parcel is zoned Highway Commercial. The applicant is requesting a special review for the sale of alcohol at an existing restaurant. The property is legally described as S08, T02 S, R24 E, COS 3590, Parcel 1 (16).

STAFF FINDINGS:

Applicant Data:

Owner: Thomas Barton
Legal Description: S08, T02 S, R24 E, COS 3590, Parcel 1 (16)
Address : 817 West Main Street
Parcel Size: 75,054 Sq. Ft.
Existing Land Use: Gas Station, C Store, Casino
Proposed Land Use: Casino with sale of Alcohol
Existing Zoning: Highway Commercial

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

North: Zoning:	Residential Multi-Family	Land Use:	8 th Ave Townhomes
South: Zoning	Highway Commercial	Land Use:	Ace Electric
East: Zoning	Central Business Dist.	Land Use:	Residential
West: Zoning:	Highway Commercial	Land Use:	Residential

1. The application and zoning map are attached.
2. The application is requesting a special review from LMC 17.20.020 which states "cocktail lounges, restaurants, bars and taverns" are only allowable by Special Review in properties zoned Highway Commercial.
3. The sale of alcohol will occur at the Casino.
4. LMC 17.48.090 states that "No building, structure or premises shall be used for retail alcoholic beverage sales unless:
 1. The lot or parcel of land so to be used has a street frontage of at least 100' and an average depth of at least 100'
 2. A distance of 600' between property lines measured in a straight line from any building that is primarily used as a church or school, or from a public park that contains a children's playground or playfield.

This property has a street frontage of at least 100' of street frontage and is not within 600ft of a school church or public park, playground, or play field.

5. The advertising requirements of LMC 17.68.030 C-E have been met.

ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:

The Zoning Commission shall review and make determinations on the following chapters and sections of the Laurel Municipal Code (LMC):

As per LMC 17.68.040 the Zoning Commission shall make a recommendation to the Governing Body 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.

A vote was taken on the motion to approve the Special Review for Town and Country for the sale of alcohol on the premises with staff report, staff findings and staff suggested conditions of approval. The motion carried by a vote of 5 – 0.

STAFF SUGGESTED CONDITIONS:

If the Planning Board recommends approval of the Special Review, the following conditions are suggested:

1. Property shall be kept free of noxious weeds.

