

**RESOLUTION NO. R17-63**

**A RESOLUTION OF THE CITY COUNCIL APPROVING AN APPLICATION FOR SPECIAL REVIEW FOR THE PROPERTY LOCATED AT 309 1<sup>ST</sup> AVENUE, FOR THE PURPOSE OF LOCATING AND OPERATING A CHIROPRACTOR'S OFFICE AT SUCH PROPERTY.**

WHEREAS, LMC 17.20.020 provides that clinics-medical and dental are only allowable in Residential Professional Zones by Special Review; and

WHEREAS, the property owner desires to utilize his/her property located in the City of Laurel at 309 1<sup>st</sup> Avenue as a Chiropractor's Office and such property is currently zoned Residential Professional; and

WHEREAS, the property was previously utilized as a realty company's office, and the change in use requires a special review pursuant to the City Ordinance; and

WHEREAS, Colleen Maurer submitted an application for special review to the Laurel-Yellowstone City-County Planning Board for review and consideration. The Planning Board recommends the City Council's approval of the application for special review, subject to the following conditions:

1. A building permit must be applied for and issued by the City's Building Department for any planned remodeling;
2. The property shall be kept free of noxious weeds;
3. The special review is approved for the applicant and applies only to 309 1<sup>st</sup> Avenue; and
4. Applicant must obtain and maintain a business license issued by the City.

WHEREAS, pursuant to LMC 17.68.040, the Zoning Commission determined that a subsequent public hearing by the City Council is not advisable or required for this special review;

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 conditions.

NOW THEREFORE, BE IT RESOLVED that the request for approval of an application for special review to operate a Chiropractor's Office in a Residential Professional Zone is hereby approved for the property located at 309 1<sup>st</sup> Avenue, 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 conditions listed herein.

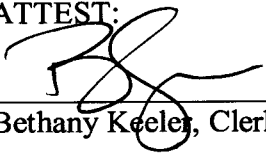
Introduced at a regular meeting of the City Council on October 17, 2017 by Council Member Nelson.

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 17<sup>th</sup> day of October, 2017.

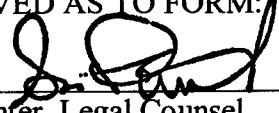
APPROVED BY THE MAYOR this 17<sup>th</sup> day of October, 2017.

Mark A. Mace  
Mark A. Mace, Mayor

ATTEST:

  
Bethany Keeler, Clerk-Treasurer

APPROVED AS TO FORM:

  
Sam Painter, Legal Counsel



## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### STAFF REPORT

TO: Laurel City Council  
FROM: Noel Eaton, City Planner  
RE: Special Review – Maurer  
HEARING  
DATE: October 5<sup>th</sup>, 2017  
City Council  
DATE: October 17<sup>th</sup>, 2017

#### DESCRIPTION/LOCATION:

The Maurer's have submitted an application for special review. The affected property is located at 309 1<sup>st</sup> Avenue in the City of Laurel. The Parcel is zoned Residential Professional. The applicant is requesting a special review for the allowable use of "Clinics-medical and dental". The property is legally described as LAUREL REALTY SUBD, S09, T02 S, R24 E, BLOCK 8, Lot 16 - 17, & S2 LT 15

#### STAFF FINDINGS:

##### Applicant Data:

Owner: Carol Mayes  
Applicant: Collen Maurer  
Legal Description: LAUREL REALTY SUBD, S09, T02 S, R24 E, BLOCK 8, Lot 16 - 17, & S2 LT 15  
Address : 309 1<sup>st</sup> Avenue  
Parcel Size: 10,500 Sq. Ft.  
Existing Land Use: A Haus Realty  
Proposed Land Use: Chiropractors Office  
Existing Zoning: Residential Professional

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

North: Zoning: Residential Professional	Land Use: Residential followed by Community Wellness Partnerships
South: Zoning Residential Professional	Land Use: Residential
East: Zoning Residential 6,000	Land Use: Residential
West: Zoning: Residential 6,000	Land Use: Residential

1. The application and zoning map have been attached.
2. The application is requesting a special review from LMC 17.20.020 which states "Clinics-medical and dental" are only allowable by Special Review in properties zoned Residential Professional.

3. The existing land use was a realty office, currently vacant.
4. The advertising requirements of LMC 17.68.030 C-E have been met.

#### **STAFF SUGGESTED CONDITIONS:**

If the City Council approves the Special Review, the following conditions are recommended:

1. Property shall be kept free of noxious weeds.
2. This special review shall only be for this applicant at this address.
3. A building permit must be approved by the building department for any remodeling.
4. A current business license must be on file at the City.

#### **ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:**

At the public hearing on October 5<sup>th</sup> 2017 the Laurel City County Planning Board recommended to approve the application with staff findings and staff conditions of approval.

The planning board discussed the application based on the following requirements of a special review per LMC 17.68.040:

The use is consistent with the objectives and purposes of this title and the Laurel Comprehensive Planning Process and is compatible with surrounding land use. The Planning Board also discussed the following potential concerns; street and road capacity, ingress and egress to adjoining streets, off-street parking, fencing, screening and landscaping, and signs and lighting.

There was one letter of support from Community Wellness Partnership Programs and two members from the public that spoke in support of the item.

There were no oppositions

As per LMC 17.68.040 the Zoning Commission shall determine if a subsequent public hearing is needed at the Governing Body as well as make a recommendation to the Governing Body to:

The Zoning Commission has determined with the public comment and discussion of the application that a subsequent public hearing is not needed at the Governing Body.

The motion was made by Ron Benner and seconded by Jerry Williams. The motion to conditionally approve the application with staff findings carried 5-0.

