

RESOLUTION NO. R18-80

A RESOLUTION OF THE CITY COUNCIL APPROVING AN APPLICATION FOR SPECIAL REVIEW FOR THE VUE AND BREW THEATER LOCATED AT 101 WEST FIRST STREET FOR THE PURPOSE OF ALLOWING ONSITE SALES AND CONSUMPTION OF ALCOHOL.

WHEREAS, the property owner submitted a Special Review Application for the above-described property which is currently located and within the Central Business District (CBZD); and

WHEREAS, the property owner desires to sell alcohol to his customers at his/her property for onsite consumption; and

WHEREAS, the Laurel Municipal Code authorizes such use upon approval through the Special Review Procedure; and

WHEREAS, the property owner submitted an application for special review to the Laurel-Yellowstone City-County Planning Board (acting as the Zoning Commission) 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. That the operation of the Special Use be in accordance with the plans, limitations and specifications submitted with the application, which is attached hereto and incorporated herein by this reference, except as modified by these conditions; and
2. That the operation and utilization of the permissions authorized by Special Review be in accordance with the requirements of the Laurel Montana Code and that all licenses, permits or other authorizations required by the State of Montana be obtained prior to the sale and consumption of alcohol commences on the subject property.

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 sell alcohol for onsite consumption at the Vue and Brew Theater located at 101 West First Street, Laurel, Montana; and

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 November 20, 2018, by Council Member Sparks.

PASSED and APPROVED by the City Council of the City of Laurel this 20th day of November, 2018.

APPROVED by the Mayor this 20th day of November, 2018.

CITY OF LAUREL



Thomas C. Nelson, Mayor

ATTEST



Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

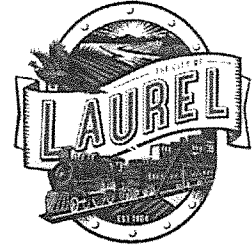


Sam Painter Civil City Attorney

CITY HALL
115 W. 1ST ST.
PUB. WORKS: 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 Director of Public
Works

Date: November 1, 2018
To: Mayor and City Council
From: Laurel Planning and Zoning Commission
Re: Vue and Brew Conditional Use Request

The Laurel Planning and Zoning Commission, with five (5) members attending, conducted a public hearing on Thursday, November 1, 2018 on a Special Review submitted by UC Enterprises for onsite sales and consumption of alcohol within the Laurel Central Business Zoning District (CBZD). The property involved in the request is the Vue and Brew Theater, 101 West First Street, and is described as East Laurel Original Townsite Lot 9, Block 2A, Section 9, T. 2 S., R. 24 E., P.M.M., City of Laurel, Yellowstone County, Montana.

Following the public hearing, the Commission found favorable on the following requirements of the Laurel Montana Code:

- The request complies with the requirements of §17.68.040 of the City of Laurel Zoning;
- The request is consistent with the objectives and purpose of Title 17 of the Laurel Municipal Code;
- The proposed use is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
- The zoning commission shall consider and may impose modification or conditions concerning, but not limited to:
 - Street and road capacity,
 - Ingress and egress to adjoining streets,
 - Off-street parking,
 - Fencing, screening and landscaping.
 - Building bulk and location,
 - Usable open space,
 - Signs and lighting,
 - Noise, vibration, air pollution and similar environmental influences.
- The Lot and proposed Use meet the Criteria found in 17.48.090 LMC.

The Planning and Zoning Commission recommends that the City Council APPROVE the special review for the Vue and Brew subject to the following conditions:

1. That the operation of the Special Use be in accordance with the plans, limitations and specifications submitted with the application except as modified by these conditions.
2. That the operation and utilization of the permissions authorized by Special Review be in accordance with the requirements of the Laurel Montana Code and that all licenses, permits or other

authorizations required by the State of Montana be obtained prior to the sale and consumption of alcohol commences on the subject property.

The City Council may act upon this request without any further action on the part of the Laurel Planning and Zoning Commission.

CITY HALL
115 W. 1ST ST.
PUB. WORKS: 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 Director of Public
Works

INTRODUCTION

On Friday, September 28, 2018, UC Enterprises submitted a Special Review Application for onsite sales and consumption of alcohol within the Laurel Central Business Zoning District (CBZD). The property involved in the request is the Vue and Brew Theater, 101 West First Street, and is described as East Laurel Original Townsite Lot 9, Block 2A, Section 9, T. 2 S., R. 24 E., P.M.M., City of Laurel, Yellowstone County, Montana.

The project will be presented to the Laurel – Yellowstone City County Planning Board on November 1, 2018, with a recommendation to the Laurel City Council for final decision in late November.

PLANNER RESPONSIBILITY

- A. Consult with other departments of the City or County to evaluate the impact of the special review upon public facilities and services; ACCOMPLISHED
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and reference to the comprehensive plan; ACCOMPLISHED
- C. Advertise twice in a newspaper of general circulation in the jurisdictional area of the Laurel – Yellowstone City County Planning Board; ACCOMPLISHED
- D. Notify by mail, the applicant or his agent at least five days prior to the date of the public hearing of the date, time and place of such hearing; ACCOMPLISHED
- E. Notify, by mail, all property owners within 300 feet of the exterior boundaries of the property subject to the special review of the date, time and location of the public hearing; ACCOMPLISHED
- F. After the public hearing and as part of the public record, report findings and conclusions and recommendations to the Zoning Commission.

STANDARD OF REVIEW Zoning Commission/City Council

- The request complies with the requirements of §17.68.040 of the City of Laurel Zoning;
- The request is consistent with the objectives and purpose of Title 17 of the Laurel Municipal Code;
- The proposed use is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
- The zoning commission shall consider and may impose modification or conditions concerning, but not limited to:
 - Street and road capacity,

- Ingress and egress to adjoining streets,
- Off-street parking,
- Fencing, screening and landscaping.
- Building bulk and location,
- Usable open space,
- Signs and lighting,
- Noise, vibration, air pollution and similar environmental influences.

VARIANCES REQUESTED

N/A. None Requested.

MINUTES

CITY OF LAUREL

City/County Planning Board

11/01/2018 10:00 AM

City Council Chambers

COMMITTEE MEMBER PRESENT:

Judy Goldsby, Chair John Klasna

Even Bruce Roger Giese

Jerry Williams

OTHERS PRESENT:

Forrest Sanderson, Contract Planner KLJ

Richard Herr, Bob Ulrich, Kris Vogele, Linda Frickel, Kathleen Gilluly, Dan Koch

1. Public Comment- none

2. General Items

- a. Approval of the previous minutes was approved
- b. Public Hearing Vue and Brew in the Central Business District. Judy read the rules for the public hearing and Forrest read the application and the process for advancing the request through the City-County Planning and City Council.

Judy asked if there was any proponents of the special review request. Kris Vogele who lives at 306 East 4th Street spoke as one of the owners of the LLC that operates the Vue and Brew. Kris is also the applicant of the special request and informed the Planning Board of his intentions on the sale of alcohol at the Vue and Brew. Kris stated that all monies from the sale of alcohol will go to Sonny O'Days as per Montana Statue and that they plan on working with Sonny O'Days for staffing and sale of the alcohol in a concession agreement. Kris also stated that they received sixty comments on their Facebook page with fifty nine of those comments in support and Kris welcomed anyone to go and view the Vue and Brew's Facebook page. Linda Frickel who lives at 1737 Groshell Boulevard and was the previous owner of the Owl Café for over twenty years had the same concession agreement with Sonny O'Days and received no monies from the sale of alcohol but wanted to offer the opportunity for her customers to consume alcohol at the Owl Café. Linda is in support of this application and would like the Planning Board to also support their plans. Linda stated she has been a customer of the Vue and Brew since it opened and enjoys watching movies in Laurel. Judy asked for additional proponents twice and no additional proponents came forward. Judy then asked for any opponents three times and no opponents came forward to speak. Forrest read into the record an email he received from Shannon Cole-

Merchen on October 30, 2018. This email was in support of the proposal to allow for the alcohol sale and consumption at the Vue and Brew. The Public Hearing was closed.

3. New Business

- a. Judy asked the Planning Board members if they had any questions about the special review for the Vue and Brew about the sale and consumption of alcohol. Roger asked about the location in the building where the alcohol will be served. Kris stated that there is a separate area as you walk in through a window is where the alcohol will be sold. Kris stated that it would be similar to what the Billing Exchange does at the Metra. Kris stated one of the stipulations is that you cannot have an area where minors can access the storage of alcohol. Kris said that the concession employees will not be in the same area as the sale of alcohol. Evan asked if the area was going to be in the area of ticket sales. Kris stated that the area would be right as you walk in the building off to the side, it will be its own separate area. Roger asked about the relationship between Sonny O'Days and the Owl Café and now with the Vue and Brew. Judy stated that it will be up to the State of Montana to decide. Kris stated there will be a concession agreement with Sonny O'Days and Sonny O'Days will have the responsibility to for all requirements including liability insurance. Roger asked Kris if he felt it was necessary for there to be another avenue to sell alcohol in this city. Kris stated that the word "necessary" may not be the word but he feels that many customers would like to have a beverage while they watch their movie. Roger asked if they can take it into the movie with them or do they have to consume it in a special area. Kris stated within the confines of the entire building. Evan asked about training of the employees that will serve the alcohol. Kris states that the shared employees will be trained per the state guidelines. Evan asked if they sought out the transfer of the license into the Vue and Brew name. Kris said no. John stated that Kris is providing a space for the continuance of Sonny O'Days to operate and Kris said yes. Roger asked if they have submitted this to the state yet and Kris said that they have not. Kris stated they needed to have the City signed off on the request before they submitted the application to the State. Jerry stated that he thinks it is a great idea personally. Jerry also stated that he can see that this will help this business stay open. Forrest read his statement of analysis and finds that the application and comments from the public hearing are adequate for the board's consideration of approval with two conditions. Those conditions are that the operation and management of the facility shall be in accordance with the application, plans and testimony to this board and that they comply with City of Laurel's Codes and they comply with State Rules and Regulations. John asked about the Church next door that uses the building for youth events. Forrest stated that the standard to be further than 600 feet from a place of worship is waived in the Central Business District. Judy said that they rarely use the building for youth activities. Judy stated that Roger made the motion to approve the Special Use and forward it onto City Council for approval and was needing a seconding on the motion. Evan seconded the motion and all board members were in favor with a roll call vote. Forrest stated that this recommendation would be forwarded onto the next City Council Workshop and posted as required.
- b. Forrest presented the final plat application for Russel Minor Subdivision that had been previously approved by this board and by the Yellowstone County Commissioners. John made

the motion to approve Judy signing the final plat for approval. Evan questioned the location of the subdivision and Forrest explained and showed the check print of the subdivision to the board. Jerry seconded the motion and all board members approved.

- c. Forrest explained the CDBG Grants and what they can be used for like Growth Management Policy or a Capital Improvement Plan. Subdivision regulations could also be reviewed with this type of grant. Forrest stated that these are really competitive grants and the City will be prepared to apply for a grant as to what the City Council will. Jerry asked about traffic issues and grants for a traffic study. Judy spoke of the previous transportation grant and Forrest stated that there are other ways to get funds for urban transportation plan. John asked if there are two grants to apply for and Forrest indicated that all plans are presented to City Council and the City Council then determines what the priority will be and they will vote for the highest priority for funding. Forrest stated you can only submit one application per funding application. Evan asked what the grant will applied for and Judy stated that is what has to be determined. Evan asked where the public hearings would take place and Forrest said it would be at the City Council meetings. Judy said that the planning board is an advisory committee. Jerry stated that if we are to grow that the traffic issues needs to be resolved. Judy asked the members to review the growth management plan and the traffic study that was previously prepared for the City.

4. Old Business

- a. Planner Update- Forrest said the City received one application so far.

5. Other- Jerry asked about improvements at Riverside Park. Judy briefed the board that the process is moving forward

6. Announcements- Next meeting scheduled December 6th, 2018. Forrest said so far there is nothing on the agenda.

7. Adjournment was called for by Judy, Roger motioned to adjourn with John seconding the motion, all were in favor and the meeting adjourned at 10:55am.

Respectfully Submitted,

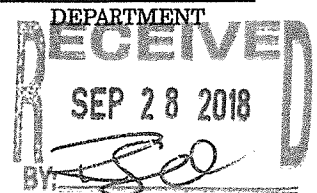
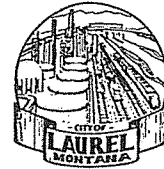
Kurt Markegard

CITY HALL

115 W. 1st St.
PUB WORKS: 628-4796
PWD FAX: 628-2241
WATER OFFICE: 628-7431
WTR FAX: 628-2289
MAYOR: 628-8456

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



APPLICATION FORM – SPECIAL REVIEW

The undersigned as owner or agent of the following described property requests a Special Review as outlined in the City Zoning Ordinance:

Legal Description: East Laurel Original Townsite, Blk 9, Lot 2A

General Description: (address): 101 W 1st St, Laurel MT 59044

ATTACH MAP SHOWING DIMENSIONS, ACREAGE AND LOCATION OF TRACT: _____

Owner of Tract: UC Enterprises, LLC (Robert Ulrich - Kris Vogele) members

Mailing address: 101 W 1st St, Laurel MT 59044

Phone number: 406-697-6215

Attach site plan: Attached

Time Schedule for development:

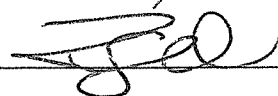
Attached

Special Review requested:

Attached

I understand that the filing fee accompanying this application is not refundable and that it pays part of the cost in processing. Also, that all information is true and correct.

Petitioner's Signature:  Kris Vogele

Fee paid and date: \$325, 9/28/18 

Site Plan:

No physical changes or renovations are expected to be made as a result of this change of use except the addition of one sign which will be located in the front window immediately west of the main doors indicating the business with which The VUE and BREW will enter into a concession agreement with: Sonny O Day, Inc. This sign will be no more than 3ft by 3ft and will be displayed through the window from the inside of the building and not be affixed to the outside of the building.

All beverages of an alcoholic nature will be stored and prepared in a separate, exclusive location adjacent to the food preparation and serving area. Customers of legal age will purchase their beer or wine (and food if desired) from this location. Alcoholic beverages will not be sold or served at the movie ticket or concession counter. Employees who work for The VUE and BREW who are not of legal age to sell or serve alcoholic beverages in a restaurant will not be permitted access to the area in which alcoholic beverages are stored, served or sold from.

Special Review Requested:

The subject property, 101 W 1st St, Laurel, MT 59044 (East Laurel Original Townsite, Block 9, Lot 2A) owned by U.C. Enterprises, LLC and currently rented by VUE, LLC dba The VUE and BREW, resides in the Central Business District of Laurel, MT as defined in Laurel Municipal Code 17.12.130.

Laurel Municipal Code 17.20.020 outlines specific changes in proposed establishment operations that require a Special Review by the City Planning Board and indicated in chart 17.20.010, page 394, Eating and Drinking Establishments under stated code.

UC Enterprises, as owner of the property located at 101 W 1st St, Laurel, MT 59044 and VUE, LLC dba The VUE and BREW as operator at 101 W 1st St, Laurel, MT 59044, request a Special Review as outlined in Laurel Municipal Code 17.68 to allow the sale and service of alcoholic beverages for on-site consumption.

The VUE and BREW is an establishment which includes three theaters and offers a light menu restaurant licensed under the State of Montana operating in Laurel's Central Business District as allowed use under municipal code 17.20.010. In addition to first run movie viewing and special showings for private parties renting theater space The VUE and BREW's restaurant, licensed under the State of Montana as a large restaurant operation, has exemplary inspection reviews by the Montana Department of Health and Human Services since opening in February 2013. The VUE and BREW restaurant offers light menu items to include pizza, hamburgers, hot dogs, nachos, premium coffee drinks and ice cream. The business also has a separate full service concession stand serving popcorn, candy, soda, specialty drinks, and other common concession offerings.

Upon a successful change of use special review by the City of Laurel and final approval to sell alcoholic beverages by the State of Montana, The VUE and Brew plans to have beverages containing alcohol (primarily beer and wine) served under a concession agreement with a current all-beverage licensee as outlined in Montana Rule 42.12.133 "Concession Agreements" as overseen by the State of Montana Department of Revenue.

Sonny O Day, Inc , under Concession Agreement with The VUE and BREW, will begin serving beer and wine to customers immediately upon final approval of the State of Montana who will review a concession agreement after a change of use is approved by the City of Laurel.

Sonny O Day, Inc under concession agreement with The VUE and BREW plan to sell alcoholic beverages (primarily beer and wine) to customers after 7pm on Friday and Saturday nights and to any private parties who rent table or theater space for special events regardless of time (always in accordance to State of Montana sales guidelines).