

RESOLUTION NO. R19-70

A RESOLUTION OF THE CITY COUNCIL GRANTING A VARIANCE FROM THE CITY'S ZONING ORDINANCE TO DISREGARD THE BUFFERYARD REQUIREMENT, SIGHT-OBSCURING FENCE REQUIREMENT AND BUILDING DESIGN STANDARDS ON A PARCEL OF PROPERTY LOCATED ON EAST RAILROAD STREET.

WHEREAS, the property located on East Railroad Street (as further described herein) is currently zoned Community Entryway, Highway Commercial, pursuant to 17.26.052 and 17.26.054, of the Laurel Municipal Code; and

WHEREAS, such zoning provides that all buildings must be completed on all sides, roofs shall be finished with material that is architecturally compatible in color and design with the construction of the building, must conform to specific façade requirements, and must have bufferyards that meet specific requirements of the City; and

WHEREAS, on August 1, 2019, the property owner prepared and filed a Variance Request Application seeking a variance from the zoning requirements for the property at issue as provided in his application which is part of the record in this proceeding; and

WHEREAS, the Laurel City-County Planning Board acting as the City's Zoning Commission held a public hearing on the variance request on September 5, 2019 at 10:00 am. The Zoning Commission received public comment both supporting and not supporting the property owner's requested variance; and

WHEREAS, the Zoning Commission's record and decision is contained in the City-County Planning Board meeting minutes which are incorporated as part of this resolution as well as all documents submitted into the record; and

WHEREAS, the Zoning Commission considered all of the documentary evidence in the record along with the testimony presented at the public hearing, and recommends the approval of the variance, subject to the conditions recommended by Staff as follows:

1. Property Owner shall ensure dust and gravel control measures are in place to keep road debris off of public right of way.
2. The lot and landscaping must be kept free of weeds as per the City of Laurel Weed Management Plan.
3. Property Owner shall include down-lighting on all light poles.
4. Building (structure) shall be made of earth tone colors and aesthetically pleasing design as approved by Staff.
5. Developer will work with the city and neighboring property owners on the fence design subject to approval of Staff.

WHEREAS, the City Council held a public hearing concerning this matter on September 24, 2019.

WHEREAS, based on the evidence contained in the record, including the Zoning Commission's File, 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 allow the variance since:

1. granting the variance in this case relates only to a special condition that is specific to the applicant;
2. the current hardship was not created by the applicant;
3. the variance requested appears to be within the spirit, intent and purpose of the zoning regulations; and
4. granting the variance will not injure or result in an injustice to others.

NOW THEREFORE, BE IT RESOLVED that the owner's request for a variance is hereby approved for the property located at East Railroad Street further described as follows:

Lot 1A, Block 1, Entertainment Park Subdivision, Yellowstone County, Montana

BE IT FURTHER RESOLVED, pursuant to the variance, the Property Owner may disregard the bufferyard requirement, sight-obscuring fence requirement, and building design standards for the property described herein; and

BE IT FURTHER RESOLVED, that the variance is approved subject to the following conditions:

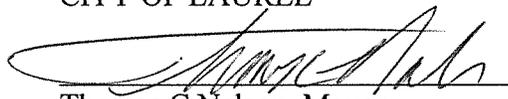
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Introduced at a regular meeting of the City Council on September 24, 2019 by Council Member Herr.

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 24th day of September, 2019.

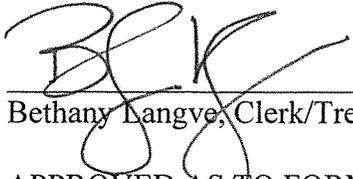
APPROVED BY THE MAYOR this 24th day of September, 2019.

CITY OF LAUREL



Thomas C Nelson, Mayor

ATTEST:



Bethany Langve, Clerk/Treasurer

APPROVED AS TO FORM:



Sam S. Painter, Civil City Attorney