

## RESOLUTION NO. R21-25

### **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 Highway Commercial and is within the Community Entryway District and SE 4<sup>th</sup> Street Overlay District pursuant to 17.26 and 17.27 of the Laurel Municipal Code (“LMC”); 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, include sight-obscuring fencing, and bufferyards that meet specific requirements of the City; and

WHEREAS, on January 28, 2021, the property owner, by and through its agent, 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 March 17, 2021 at 5:35 pm. The Zoning Commission received public comments generally supporting the requested variance and no opposition specific to the requested variances; 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 requested variances, subject to the conditions recommended by Staff as follows:

1. The proposed fencing shall be black six (6) foot high chain link fencing, securely affixed and/or anchored.
2. The proposed fencing shall not become an eye sore by way of a lack of regular maintenance and/or repair.
3. Ensure dust and gravel control measures are in place to keep road debris off of public right of way.
4. The lot and landscaping must be kept free of weeds as per the City of Laurel Weed Management Plan.
5. The development shall comply with the requirements of the Laurel Sign Code.

WHEREAS, the City Council held a public hearing concerning this matter on April 13, 2021.

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 variances 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:

ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 1B, AMD BLK 1  
LT 1 (17) , 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 RESOLVED, that the variance is approved subject to the following conditions:


1. The proposed fencing shall be black six (6) foot high chain link fencing, securely affixed and/or anchored.
2. The proposed fencing shall not become an eye sore by way of a lack of regular maintenance and/or repair.
3. Ensure dust and gravel control measures are in place to keep road debris off of public right of way.
4. The lot and landscaping must be kept free of weeds as per the City of Laurel Weed Management Plan.
5. The development shall comply with the requirements of the Laurel Sign Code.

Introduced at a regular meeting of the City Council on April 13, 2021 by Council Member Klose.

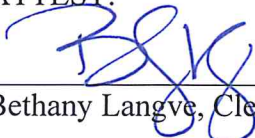
PASSED and APPROVED by the City Council of the City of Laurel, Montana this 13<sup>th</sup> day of April 2021.

APPROVED BY THE MAYOR this 13<sup>th</sup> day of April 2021.

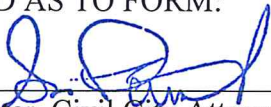
CITY OF LAUREL

  
Thomas C Nelson, Mayor

ATTEST:

  
Bethany Langve, Clerk/Treasurer

APPROVED AS TO FORM:

  
Sam S. Painter, Civil City Attorney



## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### STAFF REPORT

TO: Laurel City-County Planning Board  
FROM: Nicholas Altonaga, Planning Director  
RE: EBY Trailers – East Railroad Street Variance Request  
DATE: March 24, 2021

#### DESCRIPTION OF REQUEST

A Variance Request Application was submitted by EEC Engineering for the property owner of ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 1B, AMD BLK 1 LT 1 (17), located on East Railroad Street in Laurel. Five (5) variances are being applied for to LMC Chapter 17.26 – Community Entryway Zoning District and Chapter 17.27 – SE 4<sup>th</sup> Street Overlay District. The affected property is currently not assigned an address. The parcel is zoned Highway Commercial and is within the Community Entryway Zoning District and SE 4<sup>th</sup> Street Overlay District. The applicant is requesting variances to disregard the bufferyard requirement, sight-obscuring fence requirement, and building design standards. The applicant is requesting four variances to LMC 17.26 – Community Entryway Zoning District including:

- a. 17.26.052 Development Standards Part B: Building Design Standards, Part 1,
- b. 17.26.052 Development Standards Part C: Additional Provisions for Commercial Uses,
- c. 17.26.054 Landscaping Standards part B.1: Bufferyard Requirements.
- d. 17.27.060 Building Design Requirements Part A
- e. 17.27.070 Site Design Requirements Part C.

Owner: TNL Big Sky LLC  
Legal Description: ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 1B, AMD BLK 1 LT 1 (17)  
Address: E. Railroad St.  
Parcel Size: 3.2 Acres  
Existing Land Use: Vacant Field  
Proposed Variance: Design standards and landscaping standards within the Community Entryway Zoning District and SE 4<sup>th</sup> Street Overlay District.  
Existing Zoning: Highway Commercial, Community Entryway Zoning District, SE 4<sup>th</sup> Street Overlay District

## BACKGROUND AND PROCEDURAL HISTORY

- A pre-application meeting was held in December 2021 with the Planning Director, Building Official, and Public Works Director with staff from EEC Engineering, the representatives of the owner/developer.
- The Variance Application was submitted on January 29, 2021.
- The Variance Application fee was submitted on January 29, 2021.
- A Public Hearing took place at the Planning Board / Zoning Commission meeting on March 17, 2021 to receive public comment and approve, approve with conditions, or deny the variance requests.
- The Planning Board voted to approve the Variances with the updated Staff Conditions.
- A Public Hearing is scheduled at the City Council meeting on April 13, 2021 to receive public comment and approve, approve with conditions, or deny the variance requests.

## STAFF FINDINGS

1. The variance application packet is attached and contains the application form, application cover sheet, detailed justification letter, fee receipt, a site plan, building design plans, and the public notice.
2. 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.
3. LMC 17.26.052 Part C. Additional Provisions for Commercial Uses 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.
  2. LMC 17.26.054 Part B. Landscaping Standards 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, 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
4. LMC 17.27.060 – Building Design Standards, Part A:
    - A. Exterior materials shall be sufficiently durable to ensure stability, maintainability, and long life. The materials to achieve a rustic western appearance are required. Buildings shall be finished with a minimum 40 percent half log and/or rock accents on the front façade.
  5. LMC 17.27.070 – Site Design Requirements, Section C, which states:
    - a. Landscape islands are required at the terminal ends of all parking rows.
  6. The applicant and staff discussed 17.26.052.B.1 and the 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 same districts. The proposed design incorporates frontage and façade details and changes in materials and textures to keep with a rustic western aesthetic.
  7. 17.26.052.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 black 6' chain link fence in order to secure the site, as well as ensure full visibility of products for the travelling public.
  8. In regard to 17.26.054.B.1, there currently exists a sanitary sewer utility line running along the southern boundary of the property which would present serious future maintenance issues and conflicts with established City of Laurel Public Works standards if a bufferyard was constructed as per code.
  9. The Applicant is proposing architectural wood panels with concealed fasteners and exposed Douglas Fir Heavy Timbers as an alternative to the direct log accent requirement as stated in 17.27.060.A. It is stated that this meets the spirit, intent, and purpose of the code, and it would not affect or injure or result in injustice to others.
  10. The Applicant is seeking a variance to 17.27.070.C. solely for the parking rows designated for employees. This is a targeted variance solely on areas not accessible to the public, and not visible to the general public accessing the site. This variance has been applied to in order to not limit the potential for frequent maintenance issues and allow flexibility on-site for removing and/or relocating display trailers and equipment from the showroom and storage yard.
  11. The Highway Commercial District was established to cater to the tourist, traveler, recreationist, and general traveling public. Requirements to block highway-focused businesses from marketing merchandise goes against the stated goal of the district.

## PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

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;
- A. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.

## RECOMMENDATIONS

The Planning Director and Planning Board / Zoning Commission recommend the approval of the variances with the following conditions of approval:

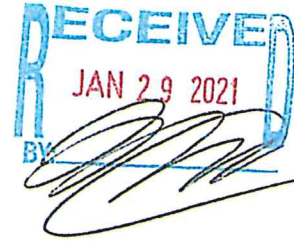
1. The proposed fencing shall be black six (6) foot high chain link fencing shall be securely affixed and/or anchored.
2. The proposed fencing shall not become an eye sore by way of a lack of maintenance and/or repair.
3. Ensure dust and gravel control measures are in place to keep road debris off of Public right of way.
4. Lot and landscaping must be kept free of weeds as per the City of Laurel Weed Management Plan.
5. The development shall comply with the requirements of the Laurel Sign Code.

## ATTACHMENTS

1. Variance Application Form
2. Variance Justification Letter
3. Overhead Map with 300ft buffer
4. Site Elevations, Design, and Concept Images
5. List of Adjacent Property Owners within 300ft.
6. LMC 17.60 – Zoning Commission

7. LMC 17.26 – Community Entryway Zoning District
8. LMC 17.27 – SE 4<sup>th</sup> Street Overlay District





## INSTRUCTIONS

### CITY-COUNTY PLANNING VARIANCE REQUEST

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These application instructions cover appeals from decisions of the Planning Department (and sometimes other officials) and for requests for variances concerning setbacks, structures, heights, lot coverage, etc.

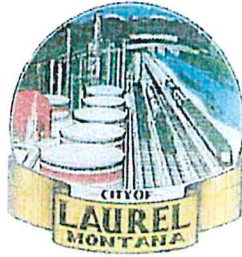
This application form is supplied by the City and must be returned to the City.

The following is a list of information required for submittal to be considered complete.

1. It is mandatory that you meet with the City Planner prior to applying. The City Planner will provide you with a map of the property owners within 300' that you must have certified by a title company.
2. Provide a plot plan drawn to scale on paper not larger than 11"x17" which includes all existing and proposed structures and proposed variance measurements.
3. A set of three mailing labels for each surrounding property owner within the 300 feet.
4. A detailed justification referring to the Laurel Municipal Code Chapter 17.60.020.
5. Application, with fee (\$550 for residential; \$1,100 for commercial), must be made on or before the first day of the month prior to the month it will appear before the Laurel City-County Planning Board.

The public hearing before the City-County Planning Board is held on the 3<sup>rd</sup> Wednesday of the month at 5:35PM. in the City Council Chambers at 115 W. 1<sup>st</sup> Street, Laurel. **Applicant or Applicant Representative must be present at the meeting.**

The Laurel City-County Planning Board makes a recommendation to the City Council. The City Council will review the application at Council Workshop and then make a decision on the Council agenda.



## Laurel Variance Request Application

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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.

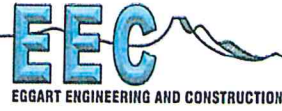
The undersigned owner or agent of the owner of the following described property requests a variance to the Zoning Ordinances of the City of Laurel as outlined by the laws of the State of Montana.

1. Name of property owner: TNL Big Sky, LLC
2. Name of Applicant if different from above: Chuck Henrichs - EEC Inc.
3. Phone number of Applicant: 406.839.9151
4. Street address and general location: Entrainment Park Sub. Block 1, Lot 1B  
E. Railroad St., Laurel, MT 59044
5. Legal description of the property: Entrainment Park Sub., S15, T02 S, R24 E, Block 1, Lot 1B,  
AMD BLK1 LT1 (17)
6. Current Zoning: Highway Commercial (HC), Entryway Zoning Districts (EZD)
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: 

Date of Submittal: 01/28/21



01/28/20

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 12/16/2020, to discuss this project/variance 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. 9 sheets: C101, A.1, A.2, A.3, A.4, and four concept renderings (A.5-A.8).
3. See the provided set of three mailing labels for each surrounding property owner within the 300 feet.
4. With the following five 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 vertical metal panel siding, see attached Exterior Elevations and Material Board sheets (A.2-A.4) for full scope. We are proposing the architectural concealed fastener metal panels around the public frontage/entrance section as detailed, which meet the requirements set for under the Building Design Standards. However, at the shop we are proposing an exposed fastener vertical metal panel siding that does not meet the “concealed fastener” standard, a situation very similar to the two neighboring facilities recently completed. The change in materials/texture allows the design to create a sense of hierarchy that helps to define the entrance with more detail and direct visitors. This design approach 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.”

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- 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 hundred feet of frontage: (2) Twenty foot wide bufferyard: ten Canopy or evergreen trees, fifteen Shrubs...”*

The material under review for this variance request item is a proposed 20'-0" Bufferyard that meets the landscaping standard, however, does not provide the required 10 trees or fifteen 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 on a few recent projects, 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, we do not intend to utilize this bufferyard area in any way for our stormwater detention. 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 leaving in place the existing barbwire fence running along the interstate and providing a new black 6' chain-link fencing, in replace of a site obstruction fence (see attached Site Plan sheet C101 for full scope). M.H. Eby is a leading provider of Trailers, Parts, and Service in Montana and offers a large selection of horse, livestock, flatbed, and bulk commodity trailers, along with truck bodies, associated parts, and more. It is key for the public to have full visibility to M.H. Eby's merchandise available for sale and their service facility. The intent of the proposal is that all 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 the proposed existing fencing and new black 6' chain-link fencing, merchandise for sale would be secure and still have the visibility to the public that the sight obscuring fence would not allow. Additionally, the new black 6' chain-link fencing would keep within the aesthetic of the surrounding properties recently completed. Based on the Laurel Municipal Code Chapter 17.60.020, we believe the

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requested variance meets requirement #2 "Unless the grant relates to a condition 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 merchandise for sale which is a special situation/condition to a trailer supply/service company and would easily create a basis for more than a mere financial loss.

- D. Reference Section 17.27.060 - Building Design Requirements, Section A which states *"Exterior materials shall be sufficiently durable to ensure stability, maintainability, and long life. The materials to achieve a rustic western appearance are required. Buildings shall be finished with a minimum 40 percent half log and/or rock accents on the front façade."*

The material under review for this variance request is the requirement to finish the front façade with a minimum 40 percent half log and/or rock accents, see attached Exterior Elevations and Material Board sheets (A.2-A.4) for full scope. We are proposing a horizontal architectural concealed fastener metal panel around the top of public frontage/entrance section, with a change in color/panel direction at the more pedestrian level as detailed. Specifically, around the main public entrance, great care was taken in further emphasizing the rustic western aesthetic by utilizing architectural wood panels with concealed fasteners and exposed Douglas Fir Heavy Timbers. We believe this approach would meet the requirements set forth under the Building Design Requirements and achieves its intent by providing a rustic western appearance without the need to add rock accents on the front façade. Our design strategy with this facility is to keep with this rustic western aesthetic throughout the facade, while utilizing the change in color/texture to allow the design to create a sense of hierarchy that helps to define the entrance with more detail and direct visitors. This design approach 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."

- E. Reference Section 17.27.070 – Site Design Requirements, Section C which states *"Landscape islands are required at the terminal ends of all parking rows."*

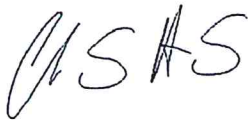
The material under review for this variance request item is the proposed concrete surfaced employee parking stalls on the North and South side of the building and not providing a landscape island at the terminal ends of each parking rows. This Variance is limited only to these 2 employee parking areas, which are on the interior of the proposed new fence line and would not be accessible to the public, see attached Site Plan sheet C101 for full scope. The intent of both parking rows is to be employee only and it should be noted, the terminal ends on the public accessible/facing side (east), we are providing landscape islands as required. At both employee parking sections, each is to be hard surfacing (concrete) and laid out in a similar manner to the recent facilities in the area. The Design Intent with not providing these "interior/employee" landscape islands are to limit the potential for frequent maintenance issues and allows for some flexibility when adding or removing display trailers/equipment from the showroom and yard. The proposed design for the public

01/28/20

facing/public accessible parking stalls and related site landscape islands is above and beyond the required/standards set in the site design requirements. For example, we are providing 2,778 S.F. of parking landscaping, while only 480 S.F. of parking landscaping is required. This overall design approach does in our view meets the spirit or intent of the standard set forth and pursuant with precedent set with similar recently completed projects. 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."

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

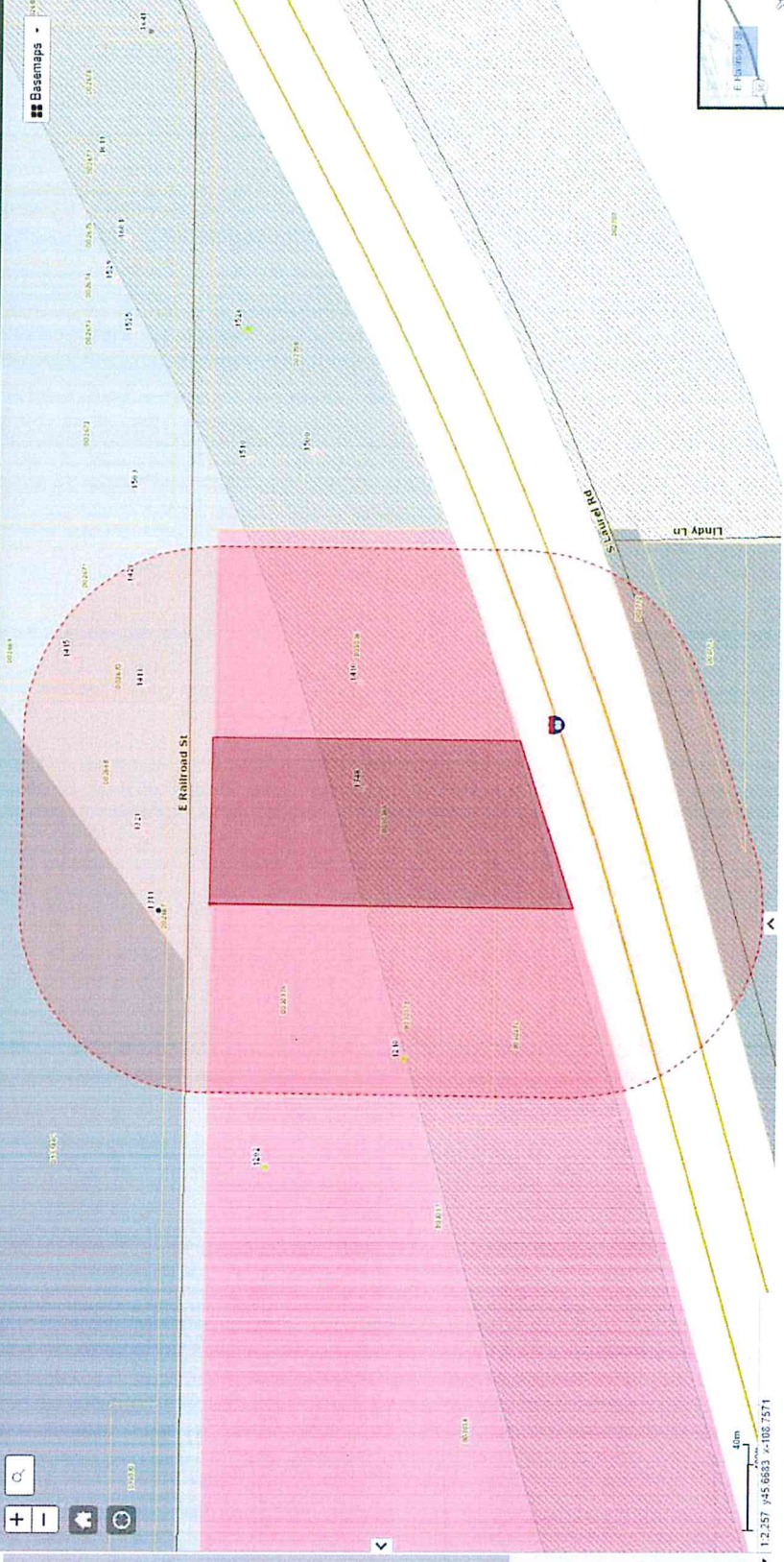
Navigation Tools

- Layers
- Fire locations in the USA
  - Floodplain
  - Sheriff
  - Yellowstone County
  - Public Works
  - Schools
  - Zoning
  - Elections
  - Levy Districts
  - Fire
  - Emergency
  - Cemetery
  - Imagery

- Legend
- Q Find
- Draw
- Measurement
- Print
- Google Street View
- Select and Buffer

By Attribute **By Shape**

Select A Layer:



Checked By: CH/KL  
 Date: 01-29-2021  
 Project #: MH EBY  
 Cadd file:



EGGART ENGINEERING COMPANY  
 720 LOWEST LANE  
 BILLINGS, MT 59106  
 OFFICE: 406-839-9151  
 FAX: 406-839-9150  
 WWW.EGGART.COM

MH EBY SHOP/OFFICE  
 ENTERTAINMENT PARK SUB.  
 S16, T02 S, R24 E, L1  
 BLOCK 1, LOT 18, AMD BLK 1, L1  
 LAUREL, MT 59044  
 SHEET#: C101  
 VARIANCE REQUEST  
 01-29-2021

**GENERAL NOTES:**  
 1. THIS VARIANCE REQUEST IS A SEPARATE SUBMITTAL AND SHALL BE SUBMITTED WITH THE VARIANCE REQUEST.  
 2. ALL NOTES AND SPECIFICATIONS SHALL BE SUBJECT TO THE MOUNTAIN STATE ZONING ORDINANCES AND THE MOUNTAIN STATE DEVELOPMENT STANDARDS - BUILDING DESIGN STANDARDS.

**LEGEND:**  
 LANDSCAPED AREA (SEE L101)  
 CONCRETE  
 ASPHALT  
 GRAVEL  
 FENCE (2.5" DIA. GALVNE)  
 SHRUB  
 NEW FENCE

**ZONING:**  
 HIGHWAY COMMERCIAL (H-C), ENTRAVAY ZONING DISTRICTS (EZD)

**OFFICE / SALES AREA:**  
 4,682 S.F.  
 TOTAL BUILDING FOOTPRINT: 11,389 S.F.

**LOT AREA SETBACKS:**  
 139,823 S.F. (3.20 ACRES)  
 SIDE: 0'  
 REAR: 0'  
 FRONT: 75'  
 ACTUAL LOT COVERAGE = 8.2%  
 ACTUAL HEIGHT = 32'  
 LANDSCAPE REQUIREMENT(S): 139,523-11,389 (0.9) = 10,205 S.F.  
 PARKING SPACES PROVIDED = 10,225 S.F.

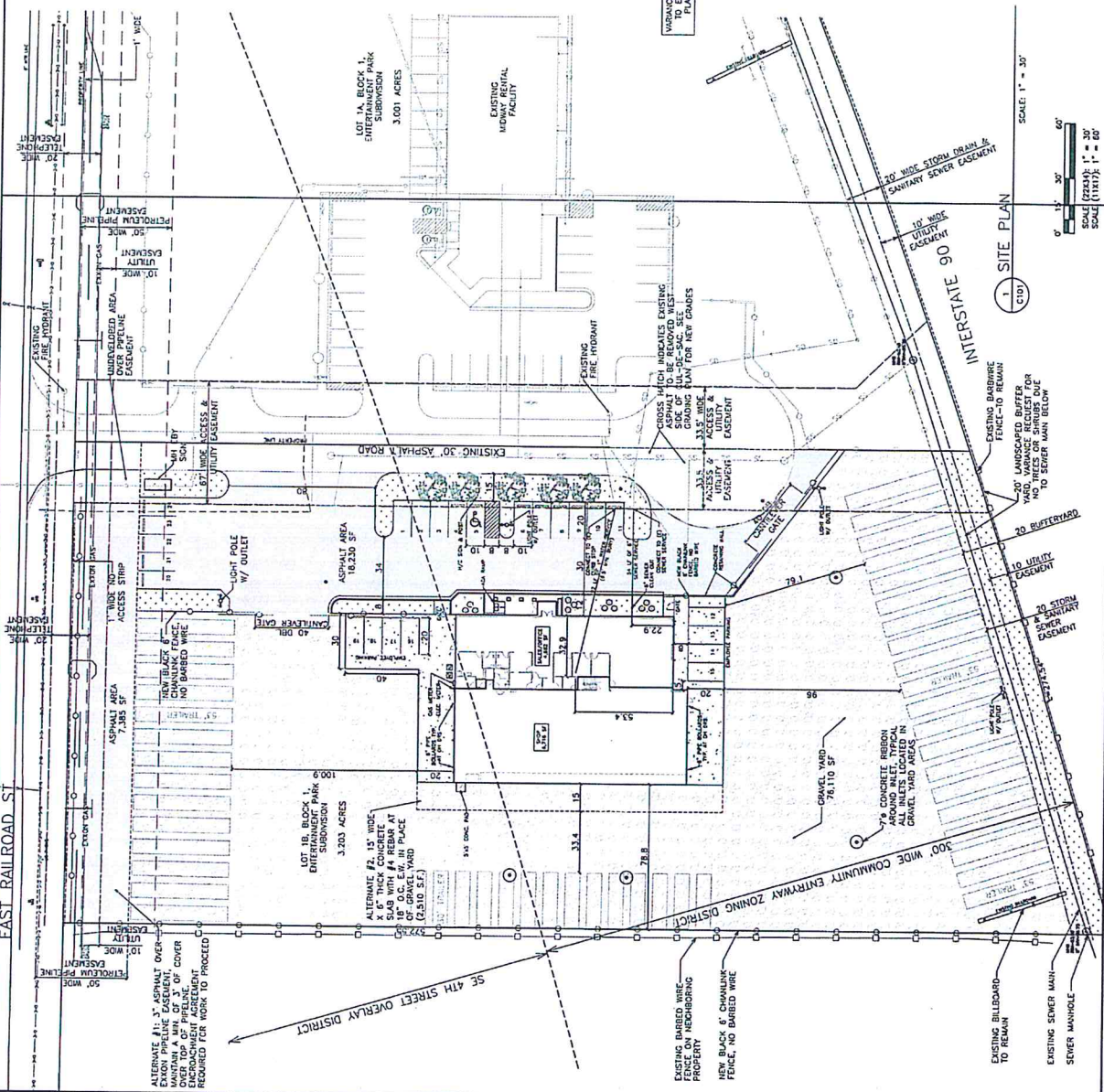
**REMARKS:**  
 1. 17,400 S.F. OF SPACE FOR EA. 200 S.F. OF FLOOR ON GROUND FLOOR PLUS ON SPACE FOR EA. 400 S.F. OF FLOOR AREA IN BASEMENT ON ANY STORY ABOVE THE GROUND FLOOR.  
 OFFICE & SALES AREA 4,682 SF / 200 = 24  
 PARKING SPACES PROVIDED 10,225 S.F. / 200 = 51  
 TOTAL PARKING SPACES 24 + 51 = 75  
 PARKING PROVIDED = 75  
 LANDSCAPE = 10,225

**ENTRWAY ZONING DISTRICT - PARKING LOT CONTAINING > 10 SPACES:**  
 \* 20 S.F. OF LANDSCAPED AREA SHALL BE PROVIDED FOR EACH PARKING SPACE.  
 \* 20 S.F. OF LANDSCAPED AREA SHALL BE PROVIDED FOR EACH PROVIDED PARKING SPACE.  
 \* 20 S.F. OF LANDSCAPED AREA SHALL BE PROVIDED FOR EACH PROVIDED PARKING SPACE.  
 \* 20 S.F. OF LANDSCAPED AREA SHALL BE PROVIDED FOR EACH PROVIDED PARKING SPACE.

**LANDSCAPE:**  
 \* 2 TREES AND 5 SHRUBS SHALL BE REQUIRED FOR EVERY TEN PARKING SPACES FOR EVERY TEN OF OVER TEN PARKING SPACES REQUIRED.  
 \* NO MORE THAN 25% OF LANDSCAPING AREA SHALL CONTAIN ROCK, BARK, CHIPS, STEPPING STONES, OR SIMILAR MATERIALS.  
 \* ALL TREES SHALL BE AT LEAST 12" IN DBH.  
 \* ALL SHRUBS SHALL BE FIVE FEET.

**ENTRWAY ZONING DISTRICT:**  
 TWENTY FOOT WIDE BUFFERWIDE, TEN CANDY OR EVERGREEN TREES: 2.75 X 10 = 28 TREES  
 TWENTY FOOT WIDE BUFFERWIDE, TEN CANDY OR EVERGREEN SHRUBS: 2.75 X 15 = 42 SHRUBS

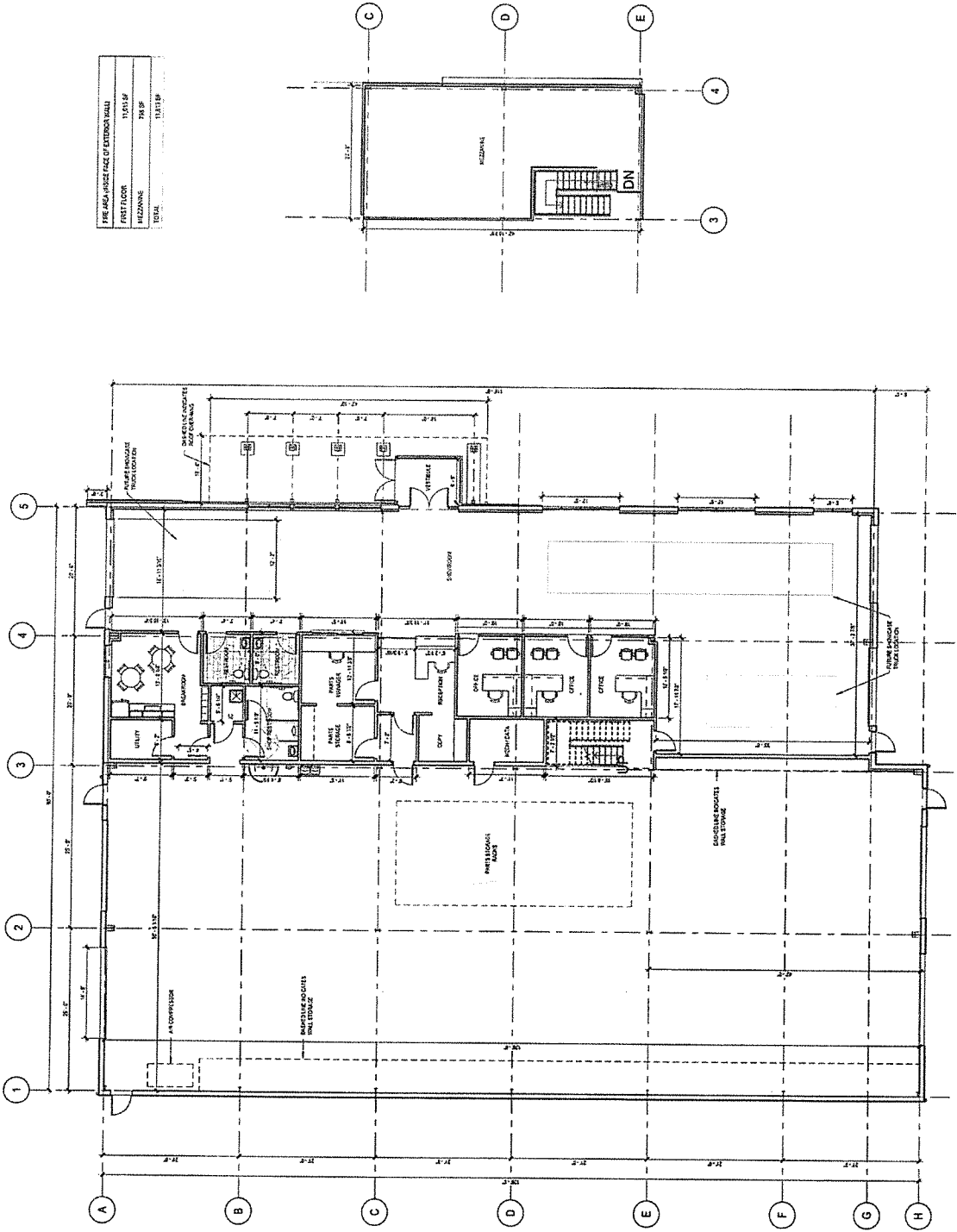
**ZONING VARIANCE REQUEST NOTES:**  
 A. REFERENCE SECTION 17.22.004 DEVELOPMENT STANDARDS - B. BUILDING DESIGN STANDARDS. THE MATERIAL UNDER REVIEW FOR THIS VARIANCE REQUEST IS AN EXPOSED PASTEUR VERTICAL PANEL USING SEE ATTACHED EXTERIOR DESIGN AND MATERIAL BOARD SHEETS (A2-4-1) AND DETAIL JUSTIFICATION FOR FULL SCOPE.  
 B. THE MATERIAL UNDER REVIEW FOR THIS VARIANCE REQUEST IS LANDSCAPING STANDARDS. THE MATERIAL UNDER REVIEW FOR THIS VARIANCE REQUEST IS LANDSCAPING STANDARDS. THE MATERIAL UNDER REVIEW FOR THIS VARIANCE REQUEST IS LANDSCAPING STANDARDS. THE MATERIAL UNDER REVIEW FOR THIS VARIANCE REQUEST IS LANDSCAPING STANDARDS.  
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 E. THE MATERIAL UNDER REVIEW FOR THIS VARIANCE REQUEST IS LANDSCAPING STANDARDS. THE MATERIAL UNDER REVIEW FOR THIS VARIANCE REQUEST IS LANDSCAPING STANDARDS. THE MATERIAL UNDER REVIEW FOR THIS VARIANCE REQUEST IS LANDSCAPING STANDARDS. THE MATERIAL UNDER REVIEW FOR THIS VARIANCE REQUEST IS LANDSCAPING STANDARDS.



**SCALE:**  
 1" = 30'  
 1" = 60'  
 1" = 120'



01/28/21



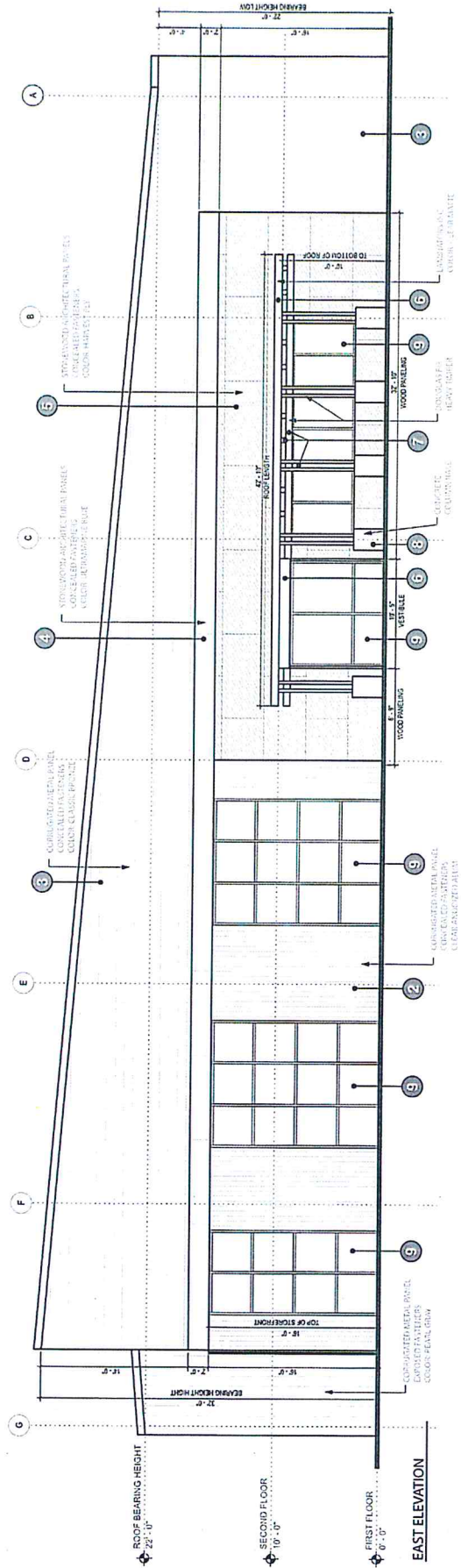
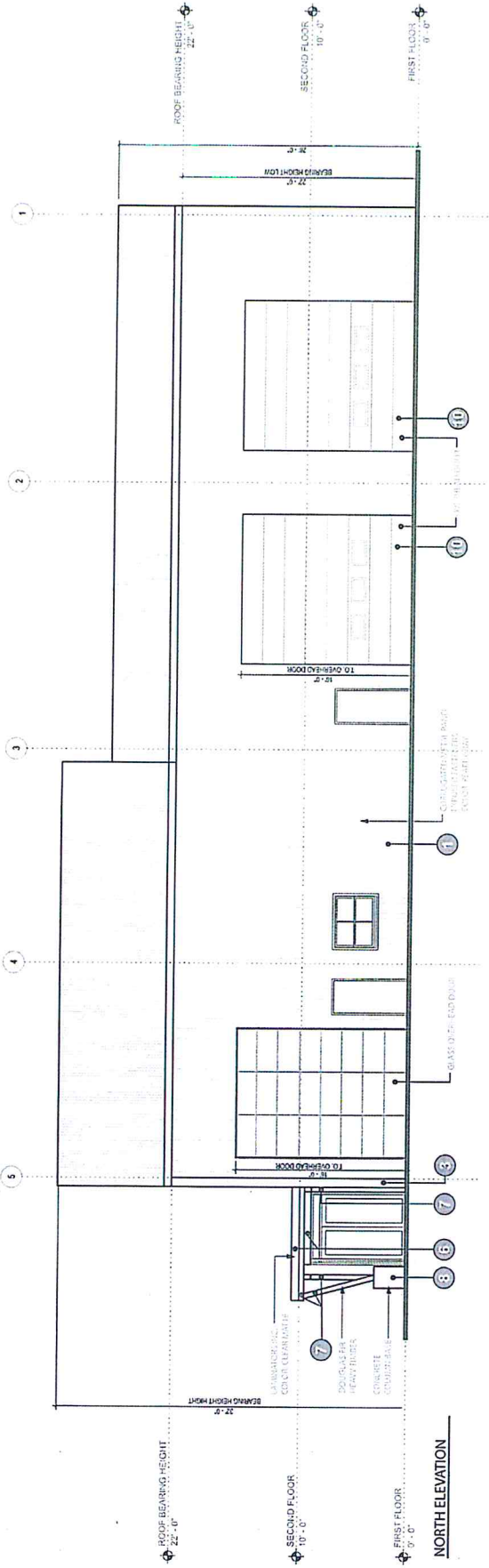
SEE AREA UNDER FACE OF EXTERIOR WALL	
FIRST FLOOR	11.01.11P
REVISIONS	THE SP
DATE	11.01.19

1 FIRST FLOOR

2 REZANINE

A N

FLOOR PLAN





**1** PRIMARY VERTICAL SIDING  
NUCOR BUILDING SYSTEMS

PEARL GRAY  
NUCOR CLASSIC WALL

EXPOSED FASTENER METAL PANEL

**2** ACCENT VERTICAL SIDING  
ATAS INTERNATIONAL INC.

RIGID WALL - MFR 160 CLEAR ANODIZED ALUM.

CONCEALED FASTENER METAL PANELS

**3** ACCENT HORIZONTAL SIDING  
ATAS INTERNATIONAL INC.

RIGID WALL - MFR 162 CLASSIC BRONZE

CONCEALED FASTENER METAL PANELS

**4** ARCHITECTURAL PANELS  
STONEWOOD ARCH PANELS

ULTRAMARINE BLUE 5002 CD

CONCEALED FASTENER COMPOSITE PANELS

**5** ARCHITECTURAL PANELS  
STONEWOOD ARCH PANELS

HARVEST PLY

CONCEALED FASTENER COMPOSITE PANELS

**6** MOLDING SYSTEM  
LAMINATORS INC.

CLEAR MATTE

**7** DOUGLAS FIR HEAVY TIMBER  
MINWAX STAIN

SMOKEWOOD

**8** CONCRETE COLUMN BASE

**9** GLASS STOREFRONT SYSTEM  
YKK

FRAME COLOR - BLACK

**10** OVERHEAD DOORS  
THERMACORE 521 SERIES

SW CYBERSPACE 7076



RENDERING - WEST FACADE



RENDERING - ENTRANCE



RENDERING - NORTH / EAST FACADE



RENDERING - SOUTH FACADE



Owner name	Tax Code	Legal Description	Mailing Address
KRUM, TERRY R & JUDITH L	D02667	NUTTING 2ND FILING, S10, T02 S, R24 E, Lot 1, FRAC LOT 1	1311 E RAILROAD ST LAUREL MT 59044
FORSTNER, GEORGE T & IRENE	D02668	NUTTING 2ND FILING, S10, T02 S, R24 E, Lot 1, LESS E65 FT & W 82.40 10 2S 24	1321 E RAILROAD ST LAUREL MT 59044
STRECKER, JOHN JR	D02670	NUTTING 2ND FILING, S10, T02 S, R24 E, Lot 1B, LTS 1 & 2 AMD 1978 GALLATIN T1*	1411 E RAILROAD ST Laurel MT 59044
BOESHANS, NATHAN P & COLLEEN M	D02669	NUTTING 2ND FILING, S10, T02 S, R24 E, Lot 1A, AMEND LTS 1,2	2553 ALPINE VIEW DR LAUREL, MT 59044-9355
FARNES, LEILA A	D02671	NUTTING 2ND FILING, S10, T02 S, R24 E, Lot 2, E 1 A OF LOT 2	1423 E RAILROAD ST LAUREL, MT 59044-3339
MONTANA RAIL LINK	D13144C	S10, T02 S, R24 E, INFORMATIONAL ONLY - CENTRALLY ASSESSED PARCEL IN SEC 10-2S-*	PO Box 16624 Missoula MT 59808-6624
CHS INC	D02712	S15, T02 S, R24 E, FRAC N2NW S OF HWY (LESS C/S 1142 & 1291)	PO Box 909 Laurel MT59044-0909
CHS INC	D02713	S15, T02 S, R24 E, C.O.S. 1142, PARCEL 1, AMND	PO Box 909 Laurel MT59044-0909
X LAZY H LLC	B03037A	ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 2B	10087 HIGHWAY 12 JOLIET, MT 59041
X LAZY H LLC	B03037B	ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 2C	10087 HIGHWAY 12 JOLIET, MT 59041
X LAZY H LLC	B03037C	ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 2D	10087 HIGHWAY 12 JOLIET, MT 59041
DIEFENDERFER FAMILY TRUST	B03036	ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 1A, AMD BLK 1 LT*	3619 FLAGSTONE DR BILLINGS, MT 59102-0301
DIEFENDERFER FAMILY TRUST	B03036A	ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 1B, AMD BLK 1 LT 1 (17)	3619 FLAGSTONE DR BILLINGS, MT 59102-0301

Chapter 17.60 - ZONING COMMISSION

**Sections:**

17.60.010 - Powers and duties.

The city-county planning board shall act as a zoning commission whose duty it shall be to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

(Prior code § 17.08.010)

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.

## Chapter 17.26 - COMMUNITY ENTRYWAY ZONING DISTRICT

### Sections:

#### 17.26.010 - Intent.

The purpose of the Laurel Entryway Zoning District is to regulate outdoor advertising, outdoor advertising signs, and outdoor signs of all types, to provide fair and comprehensive regulations that will foster a good visual environment for Laurel, enhancing the area in which we live, and creating an aesthetic and enjoyable appearance for our visitors and our residents.

The natural landscape in the Yellowstone Valley is a major influence on the form and character of Laurel. Residents appreciate being able to see the Beartooth Range, the river's corridor of trees, and the large expanse of sky. The intent of the Community Entryway Zoning District (EZD) is to promote attractive, high quality development and to provide an appealing image of the city of Laurel to the traveling public and the people of the community and region. Further, it is the intent of this district to maintain a sensitivity toward existing development while preserving scenic vistas and the pastoral ambience and protecting environmentally sensitive areas. Creativity in meeting these requirements is encouraged with the overall intent of all development representing the image and economy of the Laurel area—and not just a reflection of the same commercial buildings, signage, and parking lots that are seen alongside the interstate across the nation.

Projects in the vicinity of large natural areas/corridors shall be designed to compliment the visual context of the natural area. Techniques include architectural design, site design, use of native landscaping, and choices of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected and man-made facilities are screened from off-site observers and blend with the natural visual character of the area.

This overlay district provides requirements that are in addition to the existing, underlying zoning districts in the jurisdictional area of the city of Laurel and are in addition to the signage standards of the city of Laurel Municipal Sign Code. Except for signage applications, residential uses in the Entryway Zoning District are exempt from the provisions herein.

The intent of this section is to:

- A. Promote a physical landscape that will assist in making Laurel an attractive place to live and work and be inviting to new industries;
- B. Encourage creativity in design and quality in site planning and development;
- C. Reduce the level of adverse impacts from the transportation system on adjoining lands;
- D. Promote development patterns in harmony with the goals and objectives of Laurel's Growth Management Plan;
- H. Promote compatible land use transitions with a sensitivity toward existing residential uses.

Non-commercial/industrial uses falling within the EZD are exempt from the requirements of the EZD except as such requirements pertain to signage.

(Ord. 02-31, 2002)

#### 17.26.030 - Location of district.

The Community Entryway Zoning District (EZD) shall extend three hundred feet on either side of Interstate 90 right-of way as it extends through the Laurel Zoning Jurisdiction Area, an area that extends outside the city municipal limits one mile. Specifically, along the interstate the EZD shall extend as described from the east limit of the extra-territorial zoning boundary west to the limit of the west extra-territorial boundary. The district shall also include that area three hundred feet on either side of the north extra-territorial boundary on Buffalo Trail Road south through Laurel on First Avenue to where First Avenue turns into US Highway 212-310

(Ord. 02-31, 2002)

(Ord. No. O15-03, 5-5-2015)

17.26.040 - Application and approval process.

- A. All plans and applications for development shall be submitted to the city-county planning board. All applications involving signs shall be submitted to the public works department which shall provide a copy thereof to the planning board. All applications must be submitted and signed by the property owner, lessee, the contract purchaser, or the authorized agent of the property owner. Approval is required prior to any construction activity.
- B. Each application shall include, but not be limited to, the following information:
  - 1. The name and address of the property owner;
  - 2. The name and address of the applicant;
  - 3. The legal description of the parcel;
  - 4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
  - 5. A complete site plan drawn to a scale of no less than 1" = 40' showing the dimensions and locations of all structures, streets, paving, parking, landscaping, signage, waterways or other significant features of the development;
  - 6. Complete elevation drawings drawn to scale including the dimensions and height of the structure;
  - 7. Signage Plan specifications, location, and ground lighting pattern (applications for signs only— see Section 17.26.050); and
  - 8. Application review fee.
- C. Within fifteen working days following the submittal of a complete application, the planning director, other city designee, or the public works department (in the case of signs) shall issue approval for development or sign or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial.

(Ord. 02-31, 2002)

17.26.050 - Definitions.

All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. The standard dictionary meaning shall be applied to terms not otherwise defined.

(Ord. 02-31, 2002)

17.26.052 - Development standards.

A. Signage.

1. Review Consideration. Signage in the EZD needs to recognize the relationship between adjacent land uses and the natural features of the location such as existing views and proximity to residences. Although signs perform a function in providing information concerning services, products, and business, a profusion of signs produces a cumulative effect that cancels out individual effectiveness and detracts from the appearance of the community as a whole. All signage shall be reviewed with the following considerations and criteria:
  - a. Use of subdued, low-key colors;
  - b. Location, size, and height that do not obstruct views of the community, the river corridor, traditional open spaces, or the mountains;
  - c. Sign is built of permanent, durable materials;
  - d. Size and location avoids or minimizes the sense of clutter with nearby signs;
  - e. The sign is professionally prepared and finished on both sides;
  - f. The location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections;
  - g. The sign will not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
  - h. The sign will not obstruct views of users of adjacent buildings to side yards, yards or to nearby open space;
  - i. The sign will not negatively impact the visual quality of a public open space such as a recreation facilities, square, plaza, court yard and the like;
  - j. The sign cannot be seen from the Yellowstone River or any city, county or state park or—if it can be seen—it must be located one thousand feet from the boundaries of such spaces.
2. Only one sign is allowed per parcel of record and there shall be at least one thousand feet between signs.
3. A construction permit is required whenever the sign copy is changed and any alterations to the sign are made.
4. Signs shall be limited to one hundred sixty square feet in copy area.
5. Non-conforming signs are required to be brought into compliance with this section within six years from the date of adoption of this ordinance or upon the earliest occurrence of the following events.
  - a. The sign is relocated or replaced;

- b. The structure or size of the sign is altered in any way;
  - c. The sign suffers more than fifty percent appraised damage or deterioration or the sign is taken out of service for any reason, such as being knocked down by weather or other means;
  - d. If any non-conforming sign is abandoned or voluntarily discontinued for a period of one hundred eighty days, any subsequent use must be in conformity with this ordinance. An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found. An abandoned sign is to be removed by the owner within fifteen days of notice from the public works department.
6. No portable signs as described in the city signage ordinance are allowed in the EZD.
  7. Transit Bus Benches. Transit bus benches, with or without advertising, may be placed within the city right-of-way upon application and approval of the ADA coordinator, the transit administrator and in consultation with the public work director. All benches must comply with any applicable city, state, and or/federal standards or regulations. The city may approve a bench provider, with or without advertising, pursuant to its procurement policy, as amended.
  8. Lighting. All sign lighting must incorporate cut-off shields to direct light downward. Luminaries shall not be visible from adjacent streets or properties. A sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.
- B. Building Design Standards.
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.
- C. Additional Provisions for Commercial Uses.
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.

2. Site Lighting. All outdoor lighting shall be designed, located and mounted at heights no greater than eighteen feet above grade for non-cutoff lights and thirty-five feet above grade for cutoff lights. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed three-tenths foot-candle for non-cutoff lights and three foot-candles for cutoff lights.
3. Storage of Junk. No person shall store junk, partially or completely dismantled vehicles, or salvaged materials in any commercial zone outside a building. In the case of automobile repair shops, such materials must be enclosed within a building or an area having a sight-obscuring fence at least six feet in height.
4. Solid Waste Area. All solid waste storage facilities shall be located within an area enclosed with a sight-obscuring fence or wall that is architecturally compatible in color and design with the building.

D. Cell Towers.

No wireless communication facilities are allowed in the entryway zone.

(Ord. 02-31, 2002)

(Ord. No. O11-07, 6-7-2011; Ord. No. O16-02, 2-2-2016)

17.26.054 - Landscaping standards.

Landscaping in the form of trees, shrubs, and groundcover serve several purposes: The softening of harsh building forms and paved areas, the absorption of ground water, the reflection of seasonal color change, the provision of sound barriers (such as around utility substations or industrial yards), and urban wildlife habitat.

A. Landscaping Definitions.

Canopy Tree. A species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity. Minimum size of canopy trees shall be two and one half inches in caliper.

Evergreen Tree or Shrub. A tree or shrub of a species which normally retains leaves / needles throughout the year. Minimum size of evergreen trees shall be five feet in height.

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.

C. Off-Street Parking Lot Landscaping.

Landscaping shall be provided within all parking areas as follows:

Parking lots containing more than ten spaces shall contain internal areas of landscaping totaling at least ten percent of the parking area. Each planting area shall contain at least three hundred square feet and at least one major tree and groundcover with irrigation. There must be a clearly designated pedestrian route from the parking lot to the street or main entrance.

1. A minimum of twenty square feet of landscaped area shall be provided for each parking space on parking lots containing more than ten spaces.
2. Two canopy and/or evergreen trees and five shrubs shall be required for every ten parking spaces or component thereof over ten parking spaces.



3. All landscaped areas shall contain ground cover such as sod, shrubs, flowerbeds or organic materials. No more than twenty-five percent of the landscaped area shall contain rock, bark chips, stepping stones or similar material.
4. The minimum width and/or length of any parking lot landscaped area shall be five feet.
5. Internal parking lot landscaping provided shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum horizontal or vertical unbroken length shall be limited to one hundred feet. Landscaped areas provided shall be in a scale proportionate to parking lot.
6. Any development that has parking abutting a required bufferyard, may extend the width of parking landscaping plant material. The minimum bufferyard width and that bufferyard a minimum of five feet and include the additional required landscaping material is required in addition to the parking landscaping.
7. Protection of Landscaped Areas. Landscaped areas within parking lots or the along perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved permanent barriers.
8. All new utility lines shall be placed underground.

D. Commercial Uses Abutting Residential Uses.

All commercial uses abutting residential uses shall install a bufferyard. The bufferyard shall be ten feet wide and shall contain ten evergreen and/or canopy trees and ten shrubs per one hundred lineal feet. A solid fence or wall that is architecturally compatible in color and design with the building shall be required on the property line. The fence height shall be a minimum of six feet. Chain link or other wire fencing material is prohibited.

E. Fractions in the Calculation of Number of Trees and Shrubs.

In the calculation of trees and shrubs for bufferyards or parking landscaping, all fractions shall be rounded to the nearest, highest whole number.

(Ord. 02-31, 2002)

## Chapter 17.27 - SE 4TH STREET OVERLAY DISTRICT

### Sections:

#### 17.27.010 - Intent.

The city of Laurel hereinafter ("city"), in collaboration with the Laurel Urban Renewal Agency, prepared the following set of regulations to preserve and protect the unique nature of the SE 4th Street corridor of the city of Laurel. These regulations are intended to promote, preserve, and enhance the character of the built environment while encouraging a cohesive identity.

In addition to building construction, further elements include, but are not limited to parking and pedestrian connectivity requirements, landscaping, and signage.

This district's requirements are in addition to the existing zoning ordinances found in Title 17 of the Laurel Municipal Code (LMC). Single-family and two-family residential uses in the district are exempt from the provisions herein.

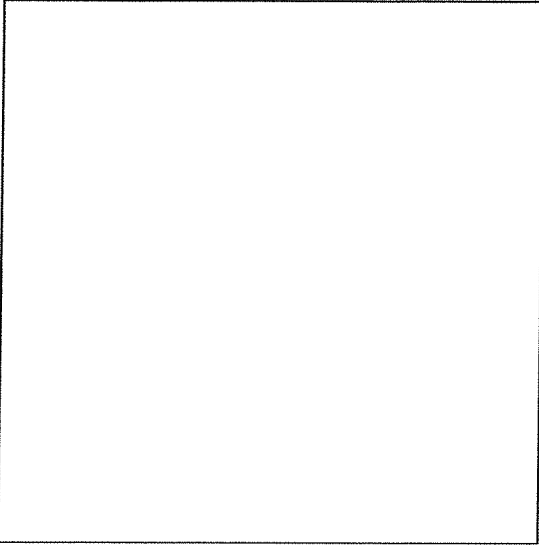
The intent of this section is to:

- A. Promote a physical landscape to make the district an attractive place to live and work;
- B. Encourage creativity in design and quality site planning;
- C. Promote development patterns in coordination with the goals and objectives of the city's growth management plan;
- D. Provide consistency to land uses and design that will protect the investment of property owners in the district.

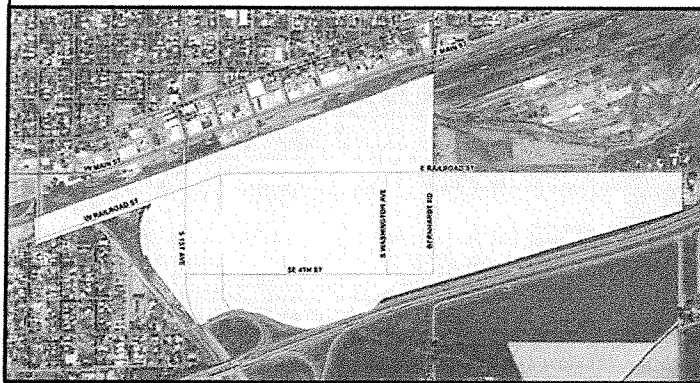
(Ord. No. O15-04, 5-5-2015)

#### 17.27.020 - District boundaries.

The boundaries of the District are identified in Figure 1.



**Figure 1 SE 4<sup>th</sup> Street Overlay District Boundaries**



(Ord. No. O15-04, 5-5-2015)

17.27.030 - Application and approval process.

- A. All building permit applications shall be submitted to the city's building official. All permit applications must be submitted and signed by the property owner or the authorized agent of the property owner. An approved building permit is required prior to any construction activity.
- B. Each building permit application must include, but not be limited to, the following information:
  1. The name and address of the property owner;
  2. The name and address of the applicant;
  3. The legal description of the parcel;
  4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
  5. A complete site plan drawn to a scale of no less than 1"=40' showing the dimensions and height of the structure;

6. A Complete elevation drawing drawn to the scale 1"=40' including the dimensions and height of the structure;
  7. If applicable, signage plan specifications, location and ground lighting pattern; and
  8. Payment of application review fee.
- C. Within fifteen working days following the submittal of a complete application, the planning director, designee, or the public works department (in the case of signs) shall issue approval for development or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial. (Ord. No. 002-31,2002)

(Ord. No. O15-04, 5-5-2015)

17.27.040 - Nonconformance.

- A. Any lawful characteristic of the properties existing prior to the effective date of the ordinance that would not be a permitted characteristic under these regulations is declared to constitute a nonconforming characteristic.
- B. Nonconforming structures shall not be enlarged, extended, reconstructed, or structurally altered in an amount greater than fifty percent of its assessed valuation, unless the characteristics of the building are changed to comply with the appropriate regulations.
- C. If any nonconforming structure is damaged by an event including, but not limited to, fire, flood, explosion, wind, or war, in an amount equal to or greater than fifty percent of its assessed valuation, reconstruction must comply with the appropriate regulations. In addition, repair and maintenance may be carried out each year in an amount not to exceed twenty-five percent of the assessed valuation of the structure for that year.
- D. A nonconforming structure may continue pursuant to these regulations, but it shall not be changed in any way except to conform to the regulations herein.

(Ord. No. O15-04, 5-5-2015)

17.27.050 - Definitions.

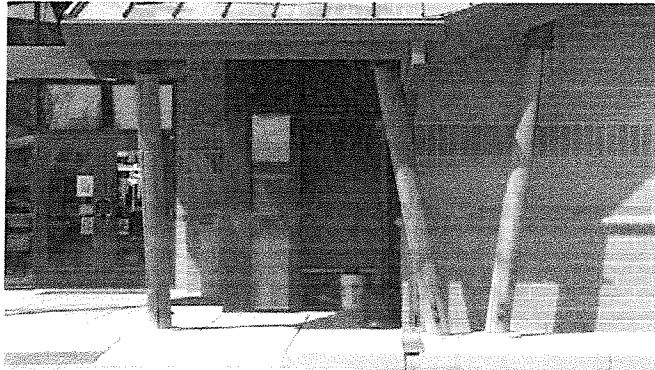
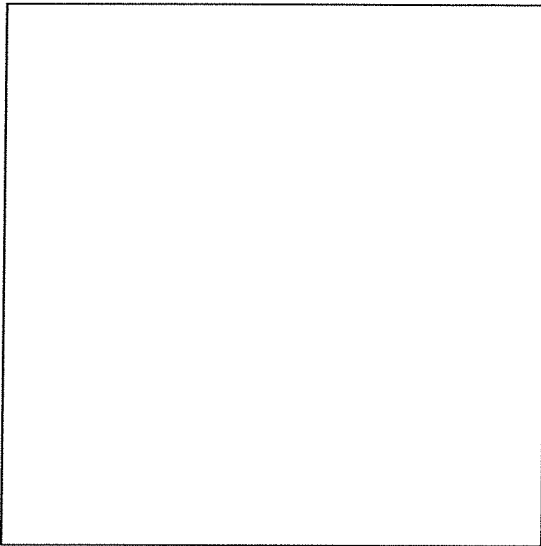
All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. For purposes of this title, certain words and terms used herein are defined in this chapter.

- A. "Architectural design elements" means an architectural feature consisting of a decorative, three dimensional element, horizontal or vertical, protruding or indented at least two inches from the exterior façade of a building typically utilized to provide additional aesthetic relief to a façade.
- B. "Façade" means the exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines.
- C. "Front façade" means any building face adjacent to the street. In the case of a corner lot, the front façade is the face that the building is addressed.
- D. "Lot line, front" means the boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured. The front lot line shall be to the street to which the building is addressed.
- E. "Lot line, side" means the boundary line adjacent to the front lot line and may or may not abut a right-of-way depending on lot location from which the required setback or build-to zone is measured.

(Ord. No. O15-04, 5-5-2015)

17.27.060 - Building design requirements.

- A. Exterior materials shall be sufficiently durable to ensure stability, maintainability, and long life. The materials to achieve a rustic western appearance are required. Buildings shall be finished with a minimum 40 percent half log and/or rock accents on the front façade.
- B. Structures not located along SE 4th street are excluded from the forty percent threshold.
- C. Architectural design elements are required on the front façade. Permitted design element materials include any finish of wood, wood timbers or wooden logs.

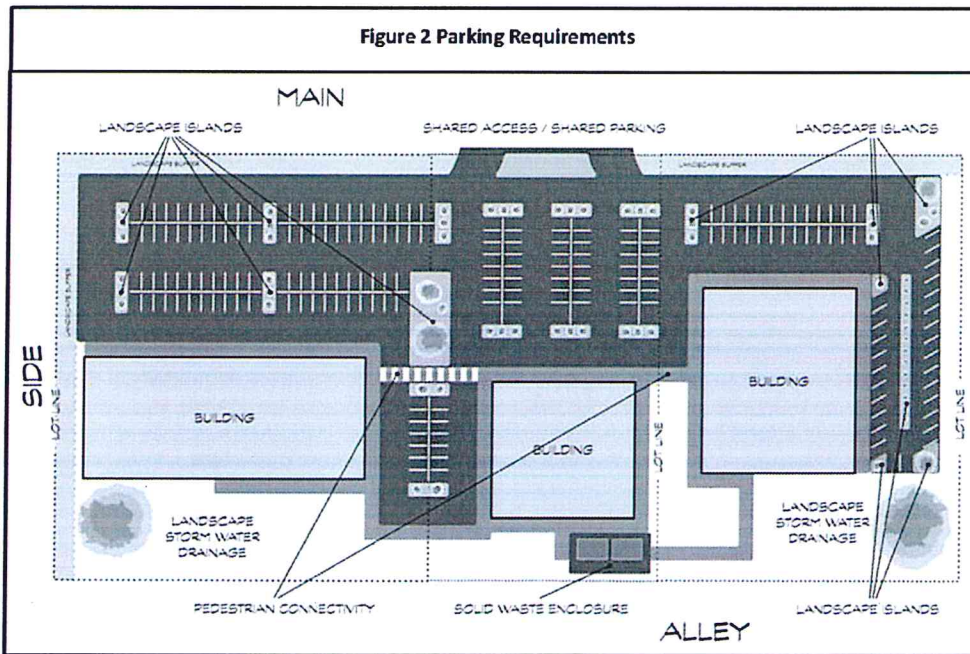
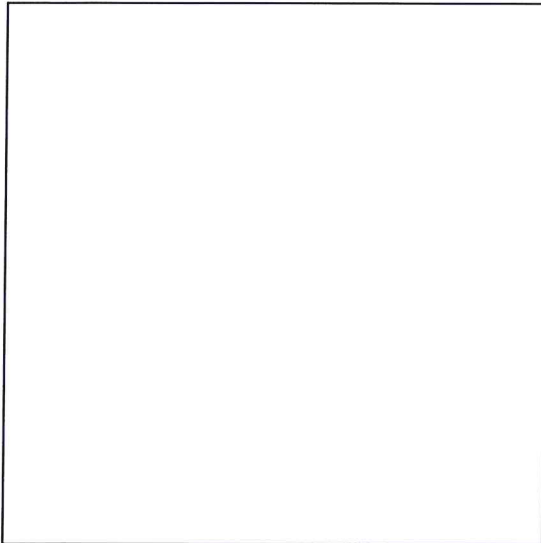


**Architectural Design Element:** The wooden timbers in front of the buildings are a prime example of the required design element.

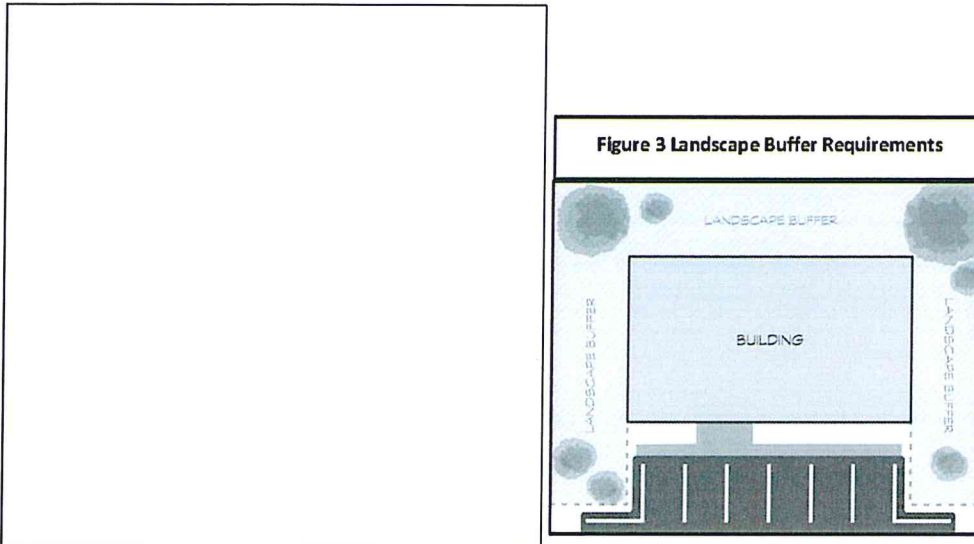
(Ord. No. O15-04, 5-5-2015)

17.27.070 - Site design requirements.

- A. Inter-site circulation is required to provide for orderly and appropriate vehicular traffic between adjacent properties. This will also limit the number of necessary approaches on busy roadways.
- B. Parking exceeding the minimum requirement is discouraged.
- C. Landscape islands are required at the terminal ends of all parking rows.
- D. Pedestrian connectivity from parking areas to buildings shall be provided by interior sidewalks or designated, striped pedestrian crossings.
- E. Shared parking is encouraged when property owners have a written agreement as to the terms of the shared parking. The written agreement is not subject to approval by the city but should be presented if it is applicable to meeting off-street parking requirements. See Figure 2.



- F. Landscaping must be an integral part of the site design. A landscape buffer is required as part of any site development. The buffer shall be designed to provide both screening and aesthetic effect. See Figure 3.



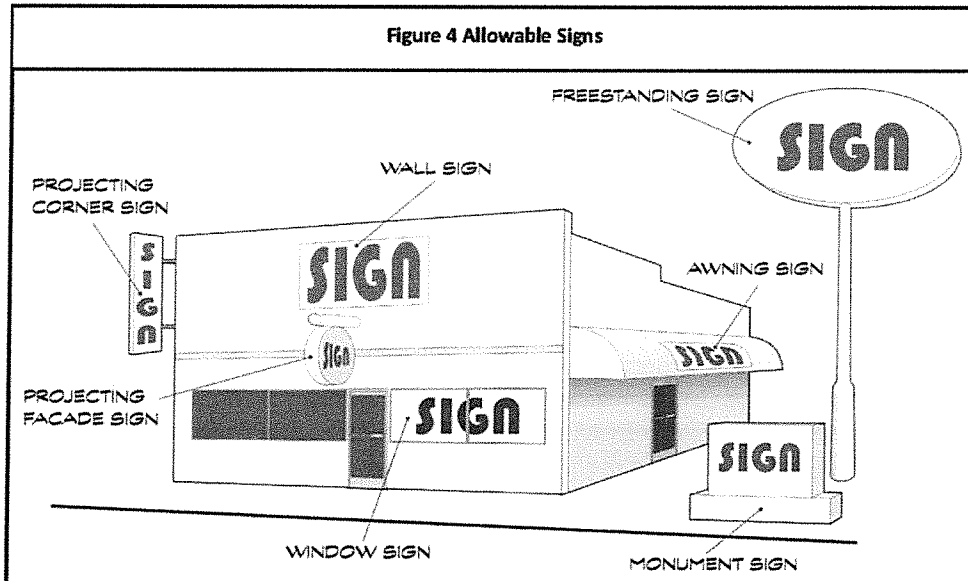
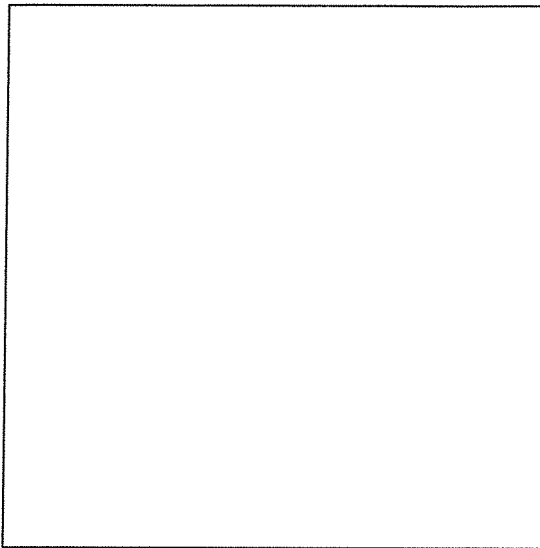
- G. Landscaping should be of an indigenous species or one that is acclimated to the city's climate.
- H. Landscaping shall include a mix of plants, shrubs, sod and trees. A minimum of fifty percent of the trees shall be at least 2.5 inch in caliper size.
- I. Landscaping shall not interfere with clear vision requirements.
- J. If a property is located in this district and the entryway zoning district, parking and landscape requirements of the entryway zoning district shall apply.

(Ord. No. O15-04, 5-5-2015)

17.27.080 - Signage requirements.

Laurel Municipal Code Chapter 17.42 governs signage within the city of Laurel. Exceptions to LMC 17.42 occur only when a property is located in a special zoning district. If a property is located in this District and the Entryway Zoning District, signage requirements of the Entryway Zoning District shall apply.

- A. Allowable sign types include wall signs, window signs, awning signs, corner projecting signs, and projecting signs. See Figure 7.



- B. Illumination is encouraged to be internal. When external illumination is used, it must be focused only upon the sign face and must have cut off shields to prevent light spillage.
- C. Any projecting or corner projecting sign shall not extend above the roofline of the attached building.
- D. Any wall sign shall not exceed 30 percent of the area of any building façade.
- E. Electronic message boards are not permitted in this district.

(Ord. No. O15-04, 5-5-2015)





**AGENDA  
CITY OF LAUREL  
CITY/COUNTY PLANNING BOARD  
WEDNESDAY, MARCH 17, 2021  
5:35 PM  
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.*

1. Roll Call

The Chair called the meeting to order at 5:45pm

John Klasna  
Roger  
Evan Bruce  
Dan Koch  
Judy Goldsby  
Nick Altonaga (City of Laurel)  
Gavin Williams (arrived at 5:45pm)

**General Items**

2. Meeting Minutes: February 17, 2021

The Chair presented the minutes from the meeting on February 17, 2021.

Dan Motioned to accept the minutes from February 17, 2021 meeting.  
Jon Seconded.  
Motion Carried.

**New Business**

3. Public Hearing: EBY Trailers Variance (E. Railroad St.)

The Planning Director presented the details of the staff report.

Judy questioned where the exact location of the development was. The Planning Director explained that it was located towards the end of E. Railroad street, adjacent to other recent developments.

The Chair Called for Proponents

Chuck Henricks, EEC Engineering  
720 Well West Lane, Billings, MT

The civil engineer representing the client on this application as well as previous similar applications. These are similar to the previous variances applied for. The only difference is that this project is within the SE 4<sup>th</sup> Street Overlay District and provides alternatives to that strict standard.

Rustic Modern versus traditional log and stone façade.

- The Variance for the fastener panels will only be on the east side of the building.

- Roof is architectural concealed fastener panelling, along with the rear portion.
- Bufferyard variance is self-explanatory – Sewer main line exists within the landscape bufferyard area.
- Landscaping islands – Only looking for this for the 8 employee parking spots.
- Have about 6-7x the required parking spots.

Roger: Roof type?

24 gauge

Standing seam, trapezoidal, 3inch tall.

The Chair Called for Proponents

The Chair Called for Proponents

The Chair Called for Opponents

The Chair Called for Opponents

The Chair Called for Opponents

There being none, the chair moved on to Planning Board discussion.

Jon had questions about the number of bays for trailers.

2 exterior, and additional bays inside.

Dan asked about Fire protection.

We are under the square foot requirements for fire suppression systems.

Dan called the question.

The Chair summarized the situation.

Board members discussed additional possible conditions of approval. The Planning Director will update the staff report to suit the situation.

- All applicable building and other permits shall be applied for
- The development shall comply with the sign code.

Gavin Motioned to approve the Variance for EBY Trailers with the staff conditions of approval presented in the Staff Report.

Evan Seconded.

Motion Carried.

#### 4. Public Hearing: 801 E. Main Street Zone Change

Nick presented the findings of the staff report.

The Chair called for Proponents.

Shannon Otis. 3670 Spaulding Ave, Billings, MT

- Owner of the company that owns 801 E. Main St.
- The current parking requirements limit the amount of development on the lot.

- Plan to fix the laydown on the lot in order to fix the landscaping.
- Proposing new curbing along the property.
- The current zoning limits the development due to parking. This zone change focuses on the current rehabilitation.

Roger- Entrances to the rentals? What side will they be on?

The East. Can enter from Main Street and the rear street. Hope to close up the accesses.

Dan: The property line between the car wash and the current building should be considered. That neighboring Convenience store and Car wash – Is there an agreement for shared access?

The alleyway is on the 801 E Main Property, but the owner and the neighboring owner want to keep shared access.

The Chair Called for Proponents

Dan Foos – Owner of neighboring Car Wash and Gas Station. Questions on lots. Sidewalks

- Sidewalks will be on the western edge of the property.
- Stormwater drainage is a concern.
- Can they build across

Shannon – We don't have the current plans to build on the north side.

Parking situation?

Currently will have them behind the building,

Will utilize on-street parking on Alder

Dan Foos –

- Concerned about E. 4<sup>th</sup> Street access. No problem with on-street parking on Alder. But want to ensure access to the rear of his properties to the East.
- Pins for the driveway – They are at the centerline of the driveway. Need to be sure to

Dan: What will the parking area be composed of?

Shannon: Right now, we are planning to clean it up and put gravel down. And keep the gravel out of the street through curbing.

Dan: Greenery?

Boulevard areas will have greenery.

There are water pooling issues on-site currently.

Need to decide how the water will be channeled.

Roger: Catch basins on the property? Aren't there two on the corners of the property?

The Chair Called for Opponents

Kurt Bradley, Lives across the street. Not necessarily an opponent but wanted to provide comment.

- Dan Foos and his wife have been very good neighbors with maintenance.
- Currently down-wind from this development. Garbage dumping brings an aroma.
- The City tried to put garbage cans in the street and it did not work well.

- Placed the garbage cans on Alder. This caused stray trash to blow into his yard. We HAVE to deal with garbage pick-ups and routes. Street strength? Garbage corrals/enclosures? Have concerns about the situation due to not wanting to pick up stray trash in the front yard. What might help is to ensure that all garbage is bagged.
- Garbage collection currently – Foos property has one can on the block but many adjacent property owners drop their trash in it. Have moved the can down to Alder Avenue due to the bad road conditions. This works better for the garbage route. The cans can fill up very fast.

The Chair Called for Opponents  
The Chair Called for Opponents

The board moved on to voting.  
Dan called for the question.

Jon Motioned to approve the Zone Change for 801 E. Main Street with the conditions presented in the staff report.  
Roger Seconded.  
Motion Carried.

5. Sign Review: Jimmy John's, SE 4th Street

Nick presented the Sign permit for Jimmy Johns at the new retail location on SE 4<sup>th</sup> Street.

What side will the Drive-Thru be on?  
East Side.

Gavin Motioned to approve the sign permit for new Jimmy John's location.  
Jon Seconded.  
Motion Carried.

**Old Business**

**Other Items**

6. Ongoing Projects

Casa Linda Subdivision  
Cherry Hills Subdivision  
Golf Course Annexation and Subdivision  
Goldberg Sporting Estates  
Dyer PUD In-office.  
West Laurel Interchange Planning  
BSTF Planning Grant  
Downtown Parking Study  
Downtown Landscaping and Lighting  
Zoning Code Update

**Announcements**

7. Adjourn

8. Next Meeting: April 21, 2021

Meeting Adjourned at 6:56pm.

**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**