

RESOLUTION NO. R21-102

A RESOLUTION OF THE CITY COUNCIL GRANTING A VARIANCE FROM CERTAIN SECTIONS OF CHAPTER 17 OF THE CITY'S SIGN CODE FOR THE PROPERTY LOCATED AT 202 SE 4TH STREET TO ALLOW THE REMOVAL AND REPLACEMENT OF A FREESTANDING POLE SIGN WITH AN ELECTRONIC CONTROLLED SIGN WHICH IS CURRENTLY PROHIBITED.

WHEREAS, the property located at 202 SE 4th Street is currently governed by the City of Laurel's Zoning regulations located at LMC Chapter 17 and the business located at such address is a longstanding car sales and service business;

WHEREAS, the prior property owner had constructed two free standing signs on the property consisting of one non-animated pole sign on the North West corner of the property, and one digital electronic sign on the South East corner of the property; and

WHEREAS the City's Sign Code restricts properties to one sign per parcel of record with 1000 feet between signs with such signs limited to one hundred sixty square feet of copy area. Furthermore, pictographic changeable signs are restricted to still frames which may change not less than every sixty seconds; and

WHEREAS, the property owner seeks variances to allow him/her to maintain the two signs on the property consisting of the existing non-animated pole sign on the North West corner of the property, and the existing digital electronic sign on the South East corner of the property; and

WHEREAS, the property owner would require variances from LMC 17.26.052.A2 and 17.42.050 and 17.42.052 which restrict the current number, size and types of sign on the property; and

WHEREAS, the City County Planning Board held a public hearing on the requested variances on August 18, 2021 after proper notification was sent to all property owners within 300 feet of the subject property as well as published notice in the Laurel Outlook pursuant to Montana law, the applicant and public were allowed to submit comments into the record during the public hearing; and

WHEREAS, after the hearing concluded, the City County Planning Board recommended City Council approval of the variances to the LMC subject to the conditions recommended by Staff; and

WHEREAS, the City Council held a duly noticed and advertised public hearing on the variance requests on September 14, 2021; and

WHEREAS, the City Council provided opportunity for testimony, comments and evidence from both proponents and opponents, and based upon the materials provided in the Planning Board File including but not limited to the Application, Staff Report, and Meeting Minutes, the City Council determined the variances should be approved with conditions; and

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 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 property owner's request for variances from LMC 17.26.052.A2 and 17.42.050 and 17.42.052 15.40.050 are hereby approved subject to the following conditions:

1. Any future alteration of the electronic pictographic changeable copy sign shall be reviewed and approved by the City.
2. The new digital sign shall only display still framed images and text. No video or motion shall be displayed. Still displays shall not change less than every 30 seconds.
3. The variances shall only apply to the sign and location identified in the application. Any alteration will be considered a zoning violation.
4. The approved variances apply to the respective signs in their respective locations.
5. Any alteration to the electronic pictographic changeable copy sign without City approval shall be considered a violation of the Laurel Municipal Code.
6. The owner of the property shall work with groups to advertise and/or announce events within the community. A percentage of time for use by local groups is desired.

BE IT FURTHER RESOLVED, the City Council hereby adopts all documents and evidence contained in the City County Planning Board File to support the findings and decision reached herein.

Introduced at a regular meeting of the City Council on September 14, 2021, by Council Member Sparks.


PASSED and APPROVED by the City Council of the City of Laurel, Montana this 14th day of September 2021.

APPROVED BY THE MAYOR this 14th day of September 2021.

CITY OF LAUREL:


Thomas A. Nelson, Mayor

ATTEST:


Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:


Sam Painter, Civil City Attorney



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: 202 SE 4th Street - Laurel Chevrolet Sign Variances
DATE: August 25, 2021

DESCRIPTION OF REQUEST

Ken Fichtner of Laurel Chevrolet submitted a request for variances to the Laurel Municipal Code for the property at 202 SE 4th Street. These include requests for variances for having multiple principal signs on a parcel, sign size, and sign type (pictographic changeable copy signs).

Laurel Chevrolet was recently sold to a new owner who has worked to clean up some of the issues of the previous owner. Laurel Chevrolet previously applied for and was granted a permit to relocate the "Chevrolet" branded sign to their property with the stated condition that a variance would be applied for to clear up the three issues now under review.

Ken Fichtner has provided a variance application packet containing all the necessary items. Approval of the variances for multiple signs, sign size, and sign type are required for the continued operation of the electronic pictographic changeable copy sign.

Owner: SPARTAN LAUREL 2 REAL ESTATE LLC
Legal Description: HAGEMAN SUBD 3RD FILING, S16, T02 S, R24 E, BLOCK 11A, Lot 1A1, AMD (12)
Address: 202 SE 4th Street
Parcel Size: 3.093 acres
Existing Land Use: Automobile sales
Existing Zoning: Highway Commercial, Community Entryway Zoning District

BACKGROUND AND PROCEDURAL HISTORY

- July 30, 2020 – Planning Director Met with Applicant Ken Fichtner to discuss the signage situation and proposed plans to relocate "Chevrolet" Sign back to property from off-site and the impact it would have.

- July 19, 2021 – Planning Director met with Ken Fichtner to discuss the Variance application and the process for Planning Board and City Council.
- The Variance application was submitted on July 22, 2021.
- Planning Board held a public hearing on the Variance application on August 18, 2021. Planning Board voted to recommend approval of the Sign variance with the conditions stated in this report.
- City Council has scheduled a public hearing on the variance application at the meeting on September 14, 2021.
- City Council shall receive public comment and approve, approve with conditions, or deny the variance request at the meeting on September 14, 2021.

STAFF FINDINGS

Three variances are required to continue the operation of the pictographic changeable copy sign currently on the Laurel Chevrolet property. The variances are for LMC 17.26.052.A.2 and for LMC 17.42.050 – Table. These two sections of code are provided below.

LMC 17.26 – Community Entryway Zoning District, provides requirements for properties within the zoning district on height and size. 17.26.052 – Development Standards, Part A includes:

- **2. Only one sign is allowed per parcel of record and there shall be at least one thousand feet between signs.**
- **4. Signs shall be limited to one hundred sixty square feet in copy area.**

The table in 17.42.050 states the signs which are **Not Allowable** within the CEZD. Prohibited signs include but are not limited to:

- Animated Sign (Including Flashing, Blinking, Scrolling)
- **Pictographic Changeable Copy Signs which depict only still frames and change not less than 60 seconds**
- Pictographic Changeable Copy Signs which depict motion, flashing and blinking of any kind
- Off Premise Sign

The Planning Director has provided his direct findings on the items presented in LMC 17.60.020 – Land Use Variances Issuance and Denial – Determination Procedure.

1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
 - The construction of the current Electronic sign was done in violation of a previous Variance application by the former owner of the property.
 - Prohibit
2. Unless the grant relates to a condition or situation special and peculiar to the applicant;

- The situation is not peculiar to the applicant, as new owners/managers obtaining properties that are out-of-compliance is common.
 - The level of mishandling by the previous owner should be noted, as there were many issues with the processing of the original sign variance, as well as the subsequent construction of the electronic sign and multiple dealings with the City.
3. Unless the basis is something more than a mere financial loss to the owner;
- The electronic pictographic changeable copy sign is seen by the owner as a community asset.
 - The applicant has stated his goal to utilize the electronic sign to announce news and information about Laurel and local events taking place.
4. Unless the hardship was created by someone other than the owner;
- The current use of the electronic pictographic changeable copy sign that is oriented for highway traffic was installed against the official decision of the Laurel City Council. A variance was applied for that requested that the Rimrock Chevrolet be allowed to install this sign, as it was not allowable under the zoning at the time. On May 5, 2015, the City Council held a public hearing and subsequently voted 6-1 against the "...granting of a variance form Chapter 15.40 of the City's Sign Code for the property located at 202 SE 4th Street to allow the removal and replacement of a freestanding pole sign with an animated sign which is currently prohibited."
 - A building permit was subsequently applied for and granted by the Building Official at that time. This building permit should not have been approved and was updated with stipulations in 2016 and the property was given a notice of violation in 2017 regarding its animation. This sign does not count as pre-existing non-conforming as it was deemed to not be allowed by City Council through the variance process.
 - I have attached both the meeting minutes in which the variance was discussed and the two notices discussing the issues with the electronic sign.
5. Unless the variance would be within the spirit, intent, purpose and general plan of this title;
- The Applicant has a proven, positive history with the Laurel community.
 - Laurel Chevrolet has been a good partner and community asset to the people of Laurel for many years.
 - The applicant has stated their desire to use the sign for displaying community news, information and other announcements by civic and local groups.
6. Unless the variance would not affect adversely or injure or result in injustice to others; and
- The sign was erected in 2016 and has operated since that time.
 - The sign has not caused any noticeable community concern or issues.
 - Granting of a variance would make official the status quo of sign operations.
7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.
- The applicant was the previous owner of the property prior to the 2015 variance process and eventual sign construction.
 - The applicant seeks to make right some of the existing issues with the property to ensure compliance with the City.

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.

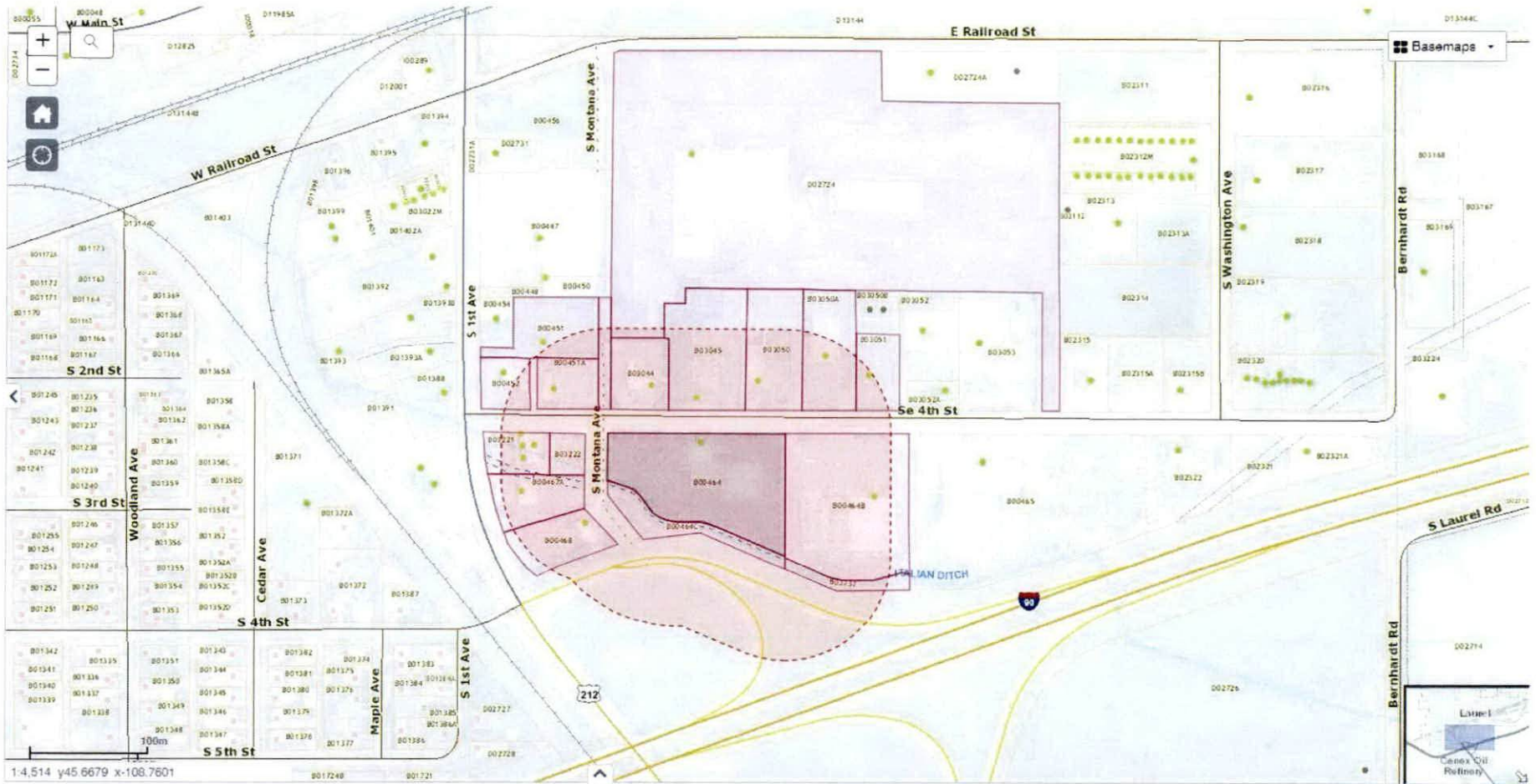
RECOMMENDATIONS

The Planning Director recommends that the Planning Board approve the variance requests with the following conditions of approval. These conditions may be amended, added to, or removed as the Planning Board sees fit.

- 1. Any future alteration of the Electronic pictographic changeable copy sign shall be reviewed and approved by the City.
- 2. The new digital sign shall only display still framed images and text. No video or motion shall be displayed. Still displays shall not change less than every 30 seconds, as per Planning Board discussion.
- 3. The variance shall only apply to the sign and location identified in the application. Any alteration will be considered a zoning violation.
- 4. The variance approval shall only apply to the sign in its current identified location.
- 5. Any alteration to the electronic pictographic changeable copy sign done without City approval shall be considered a violation of the Laurel Municipal Code.
- 6. The owner of the property shall work with local groups to advertise and/or announce events within the community. A percentage of time should be decided upon for use by local groups.

ATTACHMENTS

1. Variance Justification Letter
2. Variance Application Form
3. 202 SE 4th Street Site Plan
4. Electronic Sign specifications
5. Adjacent property owners list (300ft radius)
6. Adjacent property owners map (300ft)
7. LMC 17.26 – Community Entryway Zoning District
8. LMC 17.42 – Sign Code
9. May 5, 2015, Laurel City Council Meeting Minutes
10. 202 SE 4th Street Notices of Violation (2016 and 2017)



1:4,514 y45 6679 x-108.7601

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 Code Enforcement
Officer

February 6, 2017

Steve Zabawa
Rimrock Chevrolet
202 SE 4th Street
Laurel, MT 59044

Re: Sign

Dear Mr. Zabawa,

It has come to our attention that the sign on the south edge of Rimrock Chevrolet here in Laurel as approved per Permit No. 0217 issued December 21, 2015 and supplemented by a letter of January 4, 2016 appears to be in violation of the conditions set forth for that sign.

The letter of January 4, 2016, issued by Noel Eaton and Gary Colley, specified that the display is limited exclusively to still images and lettering only. Images cannot change more than once in 60 seconds. Any use of the sign that depicts motion will be considered a zoning violation.

It has observed by our staff that the sign in question has been exhibiting a message for less than 60 seconds before rotating between messages.

Kindly limit the usage of the sign and messages to those conditions set forth in the letter of January 4, 2016.

If you have any questions, comments or concerns please feel free to contact Noel Eaton or myself at 628-4796.

Sincerely,

Keith Kolstad
Code Enforcement Officer

CITY HALL
115 W. 1ST ST.
PLANNING: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
FAX 628-2241

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



January 4, 2016

Steve Zabawa
Rimrock Chevrolet
202 SE 4th St.
Laurel, MT 59044

Re: Amended Building Permit

Dear Mr. Zabawa,

Please be advised the building permit issued for the construction of the new sign was issued in error. Specifically, the Permit did not contain the permit conditions contained herein. Please be advised that the conditions listed below were fully discussed with Tim Thelen of Epcon Sign Co. on December 19 and as a result the City is imposing no new conditions on the permit.

Accordingly, please be advised Permit No. 0217 issued on December 21, 2015 is amended as follows:

As stated on the permit under Special Conditions, "the sign will not be illuminated until others are removed," remains in effect. Further the Building Permit No.0217 shall include the following conditions:

- Sign must be positioned perpendicular to the interstate.
- The leading edge of the sign must be 10 feet from property line.
- Stamped engineering required for 90mph wind gusts of 3seconds for load capability of base and sign.
- Display is limited exclusively to still images and lettering only. Images cannot change more than once in 60 seconds. Any use of the sign that depicts motion will be considered a zoning violation.
- The sign may only advertise on premise activities.
- The sign must be constructed in accordance with the plans submitted with the building permit application. Any deviation or change is not permitted
- If the sign is relocated, a new permit must be obtained.
- The existing free standing pole signs along SE 4th Street must be removed within 30 days of the date this permit amendment is issued.
- All existing sign violations must be addressed prior to sign illumination (flag signs along SE 4th Street, temporary sign along SE 4th street).

For your information, the City is issuing an "Amended Building Permit No.0217" that will include the above conditions. Be advised any deviation from the conditions of approval will result in a notice of violation. Thank you for your attention to this matter.

Sincerely,

Gary Colley
Building Official

Noel Eaton
City Planner

MINUTES OF THE CITY COUNCIL OF LAUREL

May 5, 2015

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Mark Mace at 6:30 p.m. on May 5, 2015.

COUNCIL MEMBERS PRESENT: Emelie Eaton Doug Poehls
 Bruce McGee Richard Herr
 Chuck Dickerson
 Tom Nelson Bill Mountsier

COUNCIL MEMBERS ABSENT: Scot Stokes

OTHER STAFF PRESENT: Monica Plecker, Planning Director

Mayor Mace led the Pledge of Allegiance to the American flag.

Mayor Mace asked the council to observe a moment of silence.

MINUTES:

Motion by Council Member Poehls to approve the minutes of the regular meeting of April 21, 2015, as presented, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CORRESPONDENCE.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS.

Council Member Herr stated that he has had some conversations regarding the signage issue.

PUBLIC HEARINGS:

- Variance request from Rimrock Chevrolet

Mayor Mace stated that this is the time and place set for the public hearing on the variance request from Rimrock Chevrolet.

Mayor Mace opened the public hearing and asked staff to present the item prior to hearing the public comments.

Planning Director Monica Plecker explained the request for a variance for property that is located at 202 Southeast Fourth Street and is known as Rimrock Chevrolet. The variance application has two parts. The first part is to remove a second freestanding pole on their property and reconstruct it. The second part is that it be constructed with what Laurel Municipal Code defines as an animated sign.

Monica presented her staff report at last week's council workshop, but restated some of the high points. Laurel Municipal Code (LMC) 15.40.130.H states that "One on-premise, freestanding sign may be installed to a height of forty feet and may be a maximum of three hundred fifty square feet if the principal purpose of such signs is to address interstate traffic as determined by the director. The sign must be oriented perpendicularly to the interstate so the sign is visible to interstate travelers."

Monica stated that the applicant provided the signage plan, which proposes what Laurel Municipal Code defines as an animated sign. LMC 15.40.040 states that an animated sign is "any sign that uses movement or change or lighting to depict actions or create a special effect or scene." LMC 15.40.050.E states that animated signs are prohibited. The applicant submitted the sign plan showing a picture of the proposed sign and the location. The sign would be 40 feet tall by 17' 2" and would be located on the northeast corner of the property.

MMA

Monica explained that there are seven criteria that have to be met in order to grant a variance. The seven criteria were listed in the staff report and an explanation for the seven criteria was received from the applicant.

Upon staff review of the application and supplemental materials, Monica stated her recommendation that the variance be denied. Substantial evidence to support the criteria for a variance has not been presented by the applicant, in her opinion. Furthermore, the protection of entryway points into the community has always been a priority of the Planning Board and the City Council. Recently, the Planning Board and Council have taken action to protect the character of the commercial districts within the City by adopting overlay districts. An animated sign like this one proposed would be detrimental to the character of the SE 4th Street area. Furthermore, the ordinance allows for only one freestanding sign. While the two existing signs were permitted, a change in ordinance makes the property nonconforming. Nonconforming structures are permitted to continue as long as there is no change. Without the granting of this variance, the existing second sign could continue to be used. The code allows for a sign height of 40' to address interstate travelers.

Monica stated the staff suggested conditions of approval:

1. The applicant shall apply for a sign permit before constructing any new sign.
2. The Used Car sign shall be removed prior to any construction of a new sign.
3. Any alteration of the new sign shall be permitted by the City.
4. Before the construction of any sign, the applicant shall contact MDT and apply for any necessary permits that may be required as the structure is located within 600' of a controlled roadway.

Monica stated that, at last week's council workshop, there were questions about the history of the sign ordinance. She researched and found that it was a controversial issue many years ago. There were multiple public hearings with a lot of proponents and opponents, but her research did not find that animated signs were heavily discussed by any of the proponents or opponents. That does not mean that there has been lack of talking about animated signs on the record elsewhere. In 2008 and 2009, the Planning Board spent quite a bit of time discussing the importance of placing limitations onto electronic message board signs, lighting, flashing, and movement within the signs. It was clear that the Planning Board felt it needed to be heavily limited. However, no ordinance change ever came about, so the current ordinance is that the animated sign is prohibited.

Other information Monica found is the language that talks about the Entryway Zoning District. A public hearing regarding changing the Entryway Zoning District to complete the portion along the interstate that was missing will follow this public hearing. A provision in the Entryway Zoning District states that any nonconforming sign in the Entryway Zoning District has seven years to come back into conformance. There has been a lot of thought about signs in general, nonconforming signs, and how to bring signs back in. There were no ordinance changes adopted other than what is stated in the current LMC book that animated signs are prohibited.

Mayor Mace asked if there were any proponents.

Tim Thelen, the President of Epcon Sign in Billings, has been working with Mr. Zabawa on this project since he purchased Rimrock Chevrolet. They have always had the intent to try to work within the code.

Mr. Thelen directed the council to LMC 15.40.040 Definitions. "Animated sign" means any sign that uses movement or change or lighting to depict action or create a special effect or scene. "Changeable copy sign" means a sign whose informational content can be changed or altered by manual or electric or electronic means. Changeable signs include the following: Manual, electrically activated, and computer controlled variable message, which this is a computer controlled variable message sign. LMC 15.40.050 Signs prohibited states that animated signs are prohibited. He stated that there is nothing to address controlled electronic signs. LMC 15.40.120, Changeable copy states that "unless otherwise specified by this section, any sign in this chapter allowed may use manual or fixed message electronic sign. Computer controlled variable message center signs shall be permitted provided that the bottom of the reader board is ten feet above the crown of the adjacent road", which they are. Rimrock Chevrolet has two signs right now and they want to remove the smaller sign on 4th Street because it is not getting any advertising for them and they want to utilize the interstate to let people know they have a viable franchise here and are growing. Traffic warrants the sign, as the two sides of Southeast 4th Street and the interstate have over 1,500 lineal feet of frontage. Mr. Thelen stated that they are within the limits as far as the sign on the highway, as 350 feet is allowed and they are at 221 feet and a total height of 40 feet.

Mayor Mace asked if there were any proponents.

Steve Zabawa, a partner in Rimrock Chevrolet, envisioned coming to Laurel, Montana, and establishing a great quality business and expanding the parts and service and sales from what the Fichtners had built over the last thirty plus years at that location. When he drove in on the interstate to look at the project the first time, he noticed there was nothing there to see when coming down the interstate and pulling off the ramp. There is a white building with a few trucks off to the side, but people cannot tell that it is a car lot. If someone goes down the interstate and looks at Laurel Ford, there are trucks, a lot of frontage and the big Ford sign. He thought then that the thing that hurt this location for a long time was that so much traffic goes up and down the interstate to Denny Menholt Chevrolet, Hardin Chevrolet, the Ford Store, Rimrock and other stores and people do not know there is a Chevy Store right there. Steve thinks it will be a big boom for Laurel, Montana, to have a message center there to put the message out there that there is a Chevrolet dealer and that there are events happening in the community. The sign has been a big thought process of theirs since they were in the process of buying the store, as they need to get the message out on the interstate. They will be able to bring people in from Big Timber, Red Lodge, Cody, etc., to do business in Laurel, Montana. Steve stated that most people do not know there is a nice Chevy Store here and he thinks they can bring people from Billings out to Laurel to buy vehicles and parts and service and to continue to employ more people. When they started, there were 15 employees. Now they have 30 and are trying to hire ten more people. He stated that this sign is a very, very big piece of their strategy to make Rimrock Chevrolet, the Chevy Store in Laurel, as large as the Ford Store in Laurel. The Ford Store put up a new sign, redid their building, and spent a lot of money to build that business and have done a good job. As far as the reader board, Steve stated that he drove past several message boards to get here tonight. He is confused as to what an animated sign is versus a message center. Their sign is a message center and will say "Rimrock Chevrolet, come on in and buy a car here" or "Fireworks display this weekend. Come on by!" He thinks it will be a good thing to get the message out there, as right now there is no message board on the interstate for Laurel, Montana. Steve stated that he is only looking to put one sign there and taking one down, so it is a neutral event. They feel that the variance should be approved and he thinks it is a great thing for Laurel and will be awesome for Rimrock Chevrolet. He asked if there were any questions.

Mayor Mace stated that it is a public hearing so there are no questions.

Mayor Mace asked if there were any other proponents. There were none.

Mayor Mace asked if there were any opponents.

Kathy Siegrist, 1319 Shay Road, is the Chairman of the City-County Planning Board. If this application had been made a month later, the Planning Board would have reviewed it first. The council is in the process of approving the Southeast 4th Street Overlay District and the expansion of the Entryway Zoning District, both of which have increasingly stringent sign limitations over the Laurel Code. Kathy is not clear on the difference between a regular reader board and an animated sign. She has not seen the application for their variance request, but if Monica's recommendation is that it does not meet the seven criteria, she is very respectful of Monica's opinion on that. She does not think that any of Rimrock's dealerships in Billings and Denny Menholt Chevrolet have an interstate presence. Kathy stated that various people have put a lot of effort into trying to give Laurel its own identity. The Growth Management Plan talks about maintaining a sense of place and ensuring that small town characteristics are reinforced. She does not feel that a sign of this nature is necessarily going in that direction. On a personal level, she was on the interstate during last month's sandstorm and she does not particularly want the driver behind her looking at something interesting 40 feet in the air when she is hitting her brakes.

Mayor Mace asked if there were any opponents.

Judy Goldsby, 2741 Alpine View Drive, serves on the City-County Board, is currently the Chairman of the Laurel Urban Renewal Agency, and serves on other organizations. They have been working very hard with staff, who have done a commendable job, on submitting the things they feel are in the best interest of the community. With that respect, she is opposed to it, but more so she is opposed to its presence on the interstate. She has looked into some studies of the Billboard Safety Research Committee. They have proven, by virtue of these studies, that placing these signs along a busy interstate, especially on an off ramp, is very much a hazard. She stated that we do not need any more hazards on our off ramps or freeways, so she is opposed.

Mayor Mace asked if there were any opponents. There were none.

Since there was no further public comment, Mayor Mace asked the staff to respond to any relevant questions.

Monica stated that interpretation of changeable copy versus animated signs came up during one of the presentations. She recently had a conversation about this with the Building Official, Gary Colley. The code used to be written so that signs were approved under the Public Works Department, but a restructuring placed Building and Code Enforcement under the Planning Department. She was talking with Gary because he had permitted two of the signs in town, one at Reese and Ray's and one at the Cedar Ridge Casino Cenex. Gary informed her that he had been notified that he was misinterpreting the code that changeable copy was related to fixed signs with no motion or movement in them, as opposed to the potential movement, whereas animated allows flashing movement, change of scene, etc., within the sign. He remembers having discussion previously about his misinterpretation permitted two signs, one in 2005 and one in 2007. Monica stated that she wanted to clarify the matter between the interpretation of changeable copy being fixed versus animated allowing movement and change of scene.

Mayor Mace closed the public hearing.

- **Ordinance No. O15-03: Entryway Zoning District (First reading – April 21, 2015)**

Mayor Mace stated that this is the time and place set for the public hearing on the City of Laurel's Ordinance No. O15-03.

Mayor Mace opened the public hearing and asked staff to present the item prior to hearing the public comments.

Planning Director Monica Plecker explained that the ordinance will expand the Entryway Zoning District. A map shows where the current Entryway Zoning District begins and ends and where there is a considerable gap between the east and west portion of the main interchange coming into Laurel. This is the official public hearing for that matter. The Planning Board unanimously recommended approval of changing the boundaries of the Entryway Zoning District.

Mayor Mace asked three times if there were any proponents. There were none.

Mayor Mace asked three times if there were any opponents. There were none.

Mayor Mace closed the public hearing.

- **Ordinance No. O15-04: SE 4th Street Overlay District (First reading – April 21, 2015)**

Mayor Mace stated that this is the time and place set for the public hearing on the City of Laurel's Ordinance No. O15-04.

Mayor Mace opened the public hearing and asked staff to present the item prior to hearing the public comments.

Planning Director Monica Plecker explained that the ordinance is for the SE 4th Street Overlay District. An overlay zoning district has zoning requirements and regulations in addition to the current zoning designation. The City of Laurel currently has other overlay districts in place, including the Entryway Zoning District and the Downtown Overlay District. The SE 4th Street Overlay District is the second part to the Downtown Overlay District and follows the TIFD boundary on the south side of the railroad. The SE 4th Street Overlay District addresses signage, landscaping, parking requirements, etc., and requests wood timber features on properties located on other streets in that area, including First Avenue South, Washington Avenue, Bernhardt Road and Railroad street. On Southeast 4th Street, it does require log continuance in that area with the intent to preserve the character of the area.

Mayor Mace asked three times if there were any proponents. There were none.

Mayor Mace asked three times if there were any opponents. There were none.

Mayor Mace closed the public hearing.

CONSENT ITEMS:

- **Claims for the month of April 2015 in the amount of \$514,980.17.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE totaling \$174,867.32.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
 - Budget/Finance Committee minutes of April 21, 2015 were presented.
 - Council Workshop minutes of April 28, 2015 were presented.
 - Emergency Services Committee minutes of April 27, 2015 were presented.
 - Laurel Urban Renewal Agency minutes of April 20, 2015 were presented.
 - Library Board minutes of March 10, 2015 were presented.
 - Laurel Airport Authority minutes of March 24, 2015 were presented.

The mayor asked if there was any separation of consent items. There was none.

Motion by Council Member Eaton to approve the consent items as presented, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CEREMONIAL CALENDAR:

- **Poppy Day Proclamation**

Mayor Mace read the Poppy Day Proclamation and proclaimed Friday, May 22nd as Poppy Day in the City of Laurel.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Laurel Fire Department

Mayor Mace appointed Justin Kostelecky, Levi Vandersloot, Dan Wirtzberger, Matt Oswald and Chris Franklin to the Laurel Fire Department.

Motion by Council Member McGee to approve the Mayor's appointments to the Laurel Fire Department, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Ordinance No. O15-03: An ordinance amending Chapter 17.26.030 of the Laurel Municipal Code to update the City's Zoning Ordinance within the City of Laurel. Second reading.**

Motion by Council Member Dickerson to adopt Ordinance No. O15-03, seconded by Council Member Nelson. There was no public comment or council discussion. A roll call vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Ordinance No. O15-04: Ordinance creating the SE 4th Street Overlay District and to codify the ordinance as Chapter 17.27 of the Laurel Municipal Code. Second reading.**

Motion by Council Member Nelson to adopt Ordinance No. O15-04, seconded by Council Member Poehls. There was no public comment or council discussion. A roll call vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R15-30:** A resolution of the City Council granting a variance from Chapter 15.40 of the City's Sign Code for the property located at 202 SE 4th Street to allow the removal and replacement of a freestanding pole sign with an animated sign which is currently prohibited.

Motion by Council Member Mountsier to approve Resolution No. R15-30, seconded by Council Member McGee.

Steve Zabawa, Rimrock Chevrolet, stated that it is interesting that it says it is a replacement of a freestanding pole sign with an animated sign which is currently prohibited, as that is not their understanding. They believe this is a message center and it falls underneath the other piece of the code that is black and white saying that a message center is allowed. Steve showed the council several pictures of signs in Laurel, including Cenex, Exxon, CVS, the Federal Credit Union, Walmart, Cenex, Reese and Ray's, Exxon, the Laurel High School, Montana Lil's Casino and Curt's Famous Saloon. Looking at what is already in place, he does not think they are asking for anything outside of the ordinary. The readerboards in Billings are used for all sorts of great events, the time and date, and basic messaging. They feel this sign will be great for their business and great for Laurel. They feel that it is a message center and not an animated sign. It is not their intention to distract drivers on the interstate and have them crash into the back of somebody. The idea is to have a nice big Rimrock Chevrolet sign up where they can change the message. They spent millions and millions of dollars to have this property and to be able to have some type of message out there on the interstate is very important to their success and welfare and to grow the business. Steve thanked the council for their support on this issue.

There was no further public comment.

Council Member Dickerson stated that he has mixed feelings on the signage the way it is being requested. Other businesses along the interstate put up their signage according to the Entryway Zoning and the compliance of whatever was stated at that time. He would not object if the signage that Rimrock Chevrolet put up was similar to what Laurel Ford has, a big Rimrock Chevrolet sign that showed that was their business. He feels it would be an injustice to the other businesses that have built along that side of the interstate and followed the compliance and put up the type of signs that were being requested. His concern as far as the sign is the distraction of getting off the ramp because of the curve that is there. People already slow down to 30 or 35 mph a half a mile or so down the interstate before coming off the exit ramp. The placement of the sign by the off ramp is also a concern for him. He would be 100 percent supportive of a type of sign like Laurel Ford has and feels it would be an injustice to the other businesses to allow this now before Ordinance No. O15-03 is put into effect. Once that is put into effect, it gives everyone on that side by the interstate the ability to come back and reapply for a different type of sign and everybody has got the same opportunity to do that at that time. Right now, the council is voting on something that is not even allowable yet, but the other ones did not even have a chance to do it.

There was no further council discussion.

A vote was taken on the motion. Council Member McGee voted aye. Council Members Poehls, Herr, Mountsier, Nelson, Dickerson and Eaton voted nay. Motion denied 1-6.

- **Resolution No. R15-31:** A resolution of the City Council approving a loan application to the Intercap Loan Program for purchase of self-contained breathing apparatuses for the Laurel Volunteer Fire Department.

Motion by Council Member Eaton to approve Resolution No. R15-31, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R15-32:** Resolution of the Laurel City Council to place a Public Safety Mill Levy on the General Election Ballot.

Motion by Council Member Herr to approve Resolution No. R15-32, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R15-33: A resolution of the City Council authorizing the Mayor to sign a contract with Sprague Construction Roofing, LLC for roofing construction at city hall.**

Motion by Council Member Poehls to approve Resolution No. R15-33, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R15-34: A resolution of the City Council authorizing the Mayor to sign a contract with Central Heating and Air Conditioning Inc. for HVAC services at city hall.**

Motion by Council Member Eaton to approve Resolution No. R15-34, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Motion to authorize the CAO and city attorney to work with the Laurel Rod and Gun Club to determine the possibility of conveyance of the building in Riverside Park.**

Motion by Council Member Dickerson to authorize the CAO and city attorney to work with the Laurel Rod and Gun Club to determine the possibility of conveyance of the building in Riverside Park, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Members Nelson and Herr will attend the Elected Officials Workshop in Billings this week.

The Park Board will meet on Thursday, May 7th, at 5:30 p.m.

The Public Works Committee will meet on Monday, May 11th, at 5:30 p.m. to tour the Wastewater Treatment Plant.

Council Members need to take bring LMC books to the council secretary for the updates.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member McGee to adjourn the council meeting, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:20 p.m.


Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 19th day of May, 2015.




Mark A. Mace, Mayor

Attest:



Shirley Ewan, Clerk/Treasurer





Laurel City-County Planning Board
115 W 1st Street
Laurel MT 59044

Dear Members of the Laurel City-County Planning Board,

I am applying for (2) variance requests to allow Laurel Chevrolet to have two monument signs on our property at 202 SE 4th Street, Laurel MT 59044.

When I was the dealer and completed the remodel in 2014, we had two monument signs on the property. Both were on the street front, one west of the showroom and one east of the showroom.

LMC 17.26.010 – Intent; Community Entryway Zoning District:

The signs that we have were designed to match our facility both in materials and in color. They are both aesthetic and attractive.

It is our intent to allow civic groups, schools, and other community groups to request messages be displayed on the electronic sign on the SE corner for announcing special events along with our business name and business announcements. This will provide a welcome and appealing image to the traveling public, and the people of our community and region.

LMC 17.26.052: A.2. – Signage:

As stated above: When I was the dealer operator of Fichtner Chevrolet and completed a remodel in 2014, we had two (2) signs on the property, both on SE 4th Street and they were more than 1000 feet apart.

After selling the dealership to Rimrock Auto Group, they removed the sign that was east of the showroom and erected a new electronic sign on the south east corner of the property, and they moved the sign that was west of the showroom to the vacant Burger King property.

Last year, Mr. Don Jones, purchased the dealership and property. To be compliant with Chevrolet standards and requirements, the sign was moved from the Burger King property back to our property.

Today we have two (2) signs on the property as I did when I owned the dealership and they are even farther apart on a large piece of property.

I am requesting that variances be granted to allow us to have 2 signs on the property as I had when I sold the dealership. One being the Chevrolet monument sign positioned on the NW corner of the property on SE 4th Street and one electronic sign positioned on the SE corner of the property on the I90 exit 454 off ramp.

202 SE 4th Street
Laurel, Montana 59044
www.laurelchevy.com

Laurel (406) 628-4618
Toll Free 1-800-234-5284
Fax (406) 628-2025



LMC 17.42.050 – Signs prohibited:

The electronic sign on the SE corner of the property is not an animated sign.

The electronic sign on the SE corner of the property is not used to display pictographics nor does the sign depict motion, flashing, blinking, scrolling, or special effects of any kind.

The sign is used to display messages composed of letters, numbers, and special characters only.

The messages displayed are still frames and change at more than 60 seconds.

I am requesting a variance allowing us to continue to use the electronic sign on the SE corner of the property.

Thanks for your consideration!

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Fichtner".

Ken Fichtner
Executive Manager
Laurel Chevrolet
202 SE 4th Street
Laurel MT 59044
406-628-468




Laurel Variance Request Application

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.

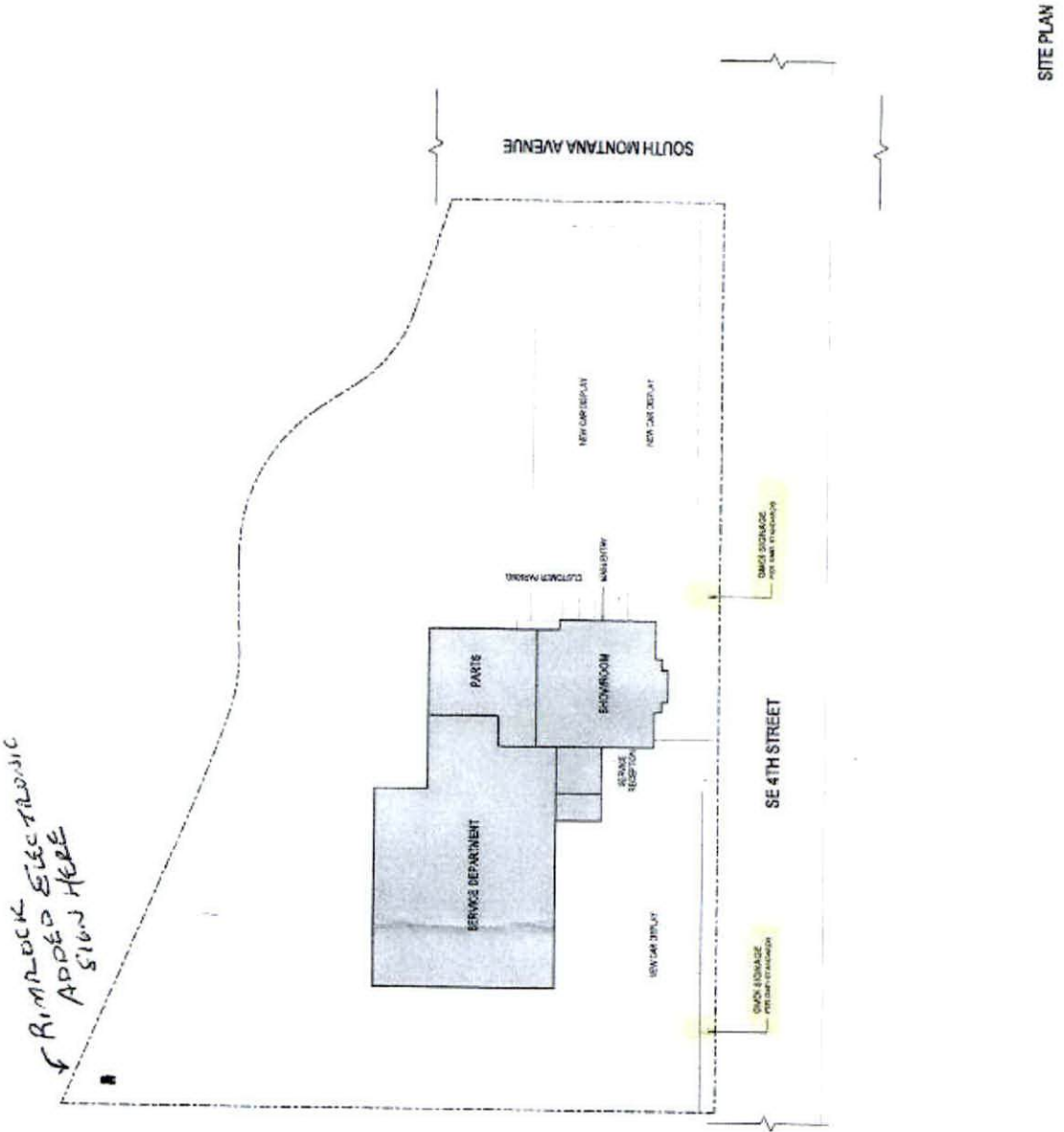
The undersigned owner or agent of the owner of the following described property requests a variance to the Zoning Ordinances of the City of Laurel as outlined by the laws of the State of Montana.

1. Name of property owner: DON JONES
2. Name of Applicant if different from above: KEN FICHTNER
3. Phone number of Applicant: 406-628-4418
4. Street address and general location: 202 SE 4TH ST, LAUREL, MT 59044
5. Legal description of the property: BLOCK 11A LOT 1A1 HAGEMAN SUBD 3RD
FILING 516, T02, R24 E, BLOCK 11A, LOT 1A1,
AMO (12)
6. Current Zoning: HC
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:  EXEC MGR

Date of Submittal: 8-16-21

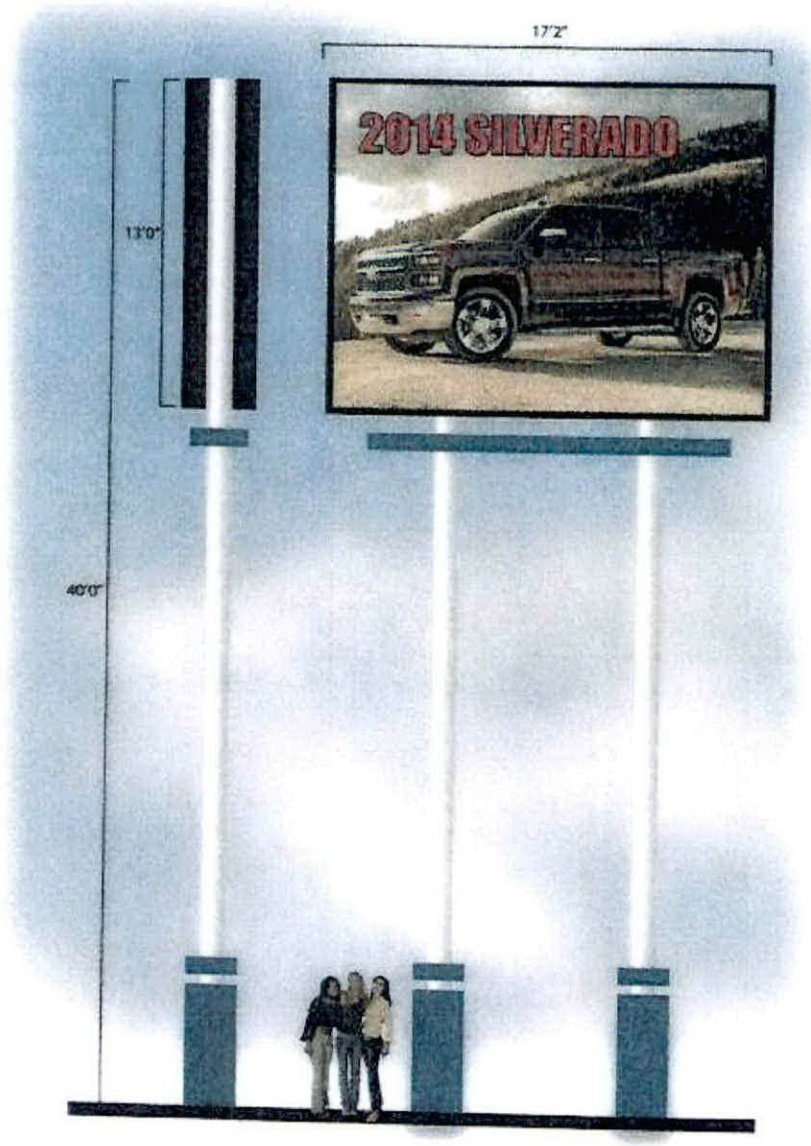


SITE PLAN





EPCOR
SUNBELT GROUP



192X256 20 MM RGB MESSAGE CENTER, PAINTED STEEL PIPE WITH FABRICATED GALVANEAL FILLER AND BASES, PRIME AND PAINT SMOOTH.

INDUSTRIAL SERVICE
 18417
 18417
 18417

INDUSTRIAL SERVICE
 18417
 18417
 18417

DOUBLE FACE HI RISE ELECTRONIC DISPLAY

INDUSTRIAL SERVICE
 18417
 18417

INDUSTRIAL SERVICE
 18417
 18417

INDUSTRIAL SERVICE
 18417
 18417



LAUREL I LLC
B00468
415 S 1ST AVE
LAUREL MT 59044

FOX LUMBER SALES INC
D02724
203 E RAILROAD ST
LAUREL MT 59044

SUPERPUMPER INC
B00467A
411 S 1ST AVE
LAUREL MT 59044

S&G COMMERCIAL
HOLDINGS LLC
B03044
203 SE 4TH ST
LAUREL MT 59044

SPARTAN LAUREL 2 REAL
ESTATE LLC
B00464
202 SE 4TH ST
LAUREL MT 59044

LAUREL HOTELS LLC
B03045
205 SE 4TH ST
LAUREL MT 59044

LMT INVESTMENTS LLC
B00464B
400 SE 4TH ST
LAUREL MT 59044

MCDONALD'S REAL
ESTATE COMPANY
B03050
301 SE 4TH ST
LAUREL MT 59044

CITY OF LAUREL
B00464C
115 W 1ST ST
LAUREL MT 59044

UNITED BANK NA
B03051
401 SE 4TH ST
LAUREL MT 59044

MARVIN DEVELOPMENT
OF MONTANA LLC
B00451A
119 SE 4TH ST
LAUREL MT 59044

PST LLC
B03050A
307 SE 4TH ST
LAUREL MT 59044

TOWN & COUNTRY
SUPPLY ASSOCIATION
B00452
315 S 1ST AVE
LAUREL MT 59044

INNOVATIVE PROPERTIES
LLC
B03221
401 S 1ST AVE
LAUREL MT 59044

WENDAUREL LLC
B00451
309 S 1ST AVE
LAUREL MT 59044