

RESOLUTION NO. R22-07

A RESOLUTION OF THE CITY COUNCIL APPROVING AN APPLICATION FOR SPECIAL REVIEW FOR J. JOHNSON PROPERTIES AUTHORIZING THE OPERATION OF LUCKY LOUIE'S, A BAR AND CASINO, WITHIN AN EXISTING STRUCTURE LOCATED AT 305 SOUTH 1ST AVENUE, CITY OF LAUREL.

WHEREAS, J. Johnson Properties (“Applicant”), submitted a Special Review Application for the above-described property which is currently zoned Highway Commercial (HC) and is located within the Community Entryway Zoning District (CEZD) within the City of Laurel; and

WHEREAS, the Applicant is the property owner who desires to renovate an existing structure located at 305 South 1st Avenue for the purpose of operating a bar and casino to be known as Lucky Louie’s; and

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

WHEREAS, the Applicant submitted an application for special review to the Laurel-Yellowstone City-County Planning Board (acting as the Zoning Commission) for review and consideration. The Planning Board (Zoning Commission) recommends the City Council’s approval of the application for special review, subject to the following conditions:

1. Any applicable permits, including but not limited to building permits, sign permits, and right-of-way permits must be applied for within twelve (12) months of the approval.
2. A signage plan shall be provided to the Planning and Building Departments that conforms to the requirements of the Laurel Sign Code and signage requirements of the overlay districts wherein the property is located.
3. Construction of any improvements to the site and building must be completed within twelve (12) months of special review approval. Applicant may request an extension if necessary.
4. The operation of the business at the site shall not constitute a nuisance.
5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.

WHEREAS, a public hearing was held on February 8, 2022 at the City Council Meeting;

WHEREAS, the City Council of the City of Laurel hereby finds, based on the recommendation of the Zoning Commission, Staff recommendation, and public comment gathered at the public hearing, that it is in the best interests of the residents of the City of Laurel to approve the application for special review as provided in the Staff Report and Findings attached hereto, subject to the above stated conditions.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby approves the application for special review to allow the Applicant to operate a bar and casino on the property located at 305 South 1st Avenue, Laurel, Montana; and

BE IT FURTHER RESOLVED, that the approval of the application for special review is site specific to this address, and the approval granted herein is subject to the conditions listed in this resolution and the Staff Report.

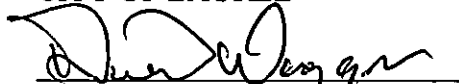
FINALLY, BE IT RESOLVED, the Application, Staff Report and all attachments thereto are hereby incorporated as part of this resolution.

Introduced at a regular meeting of the City Council on February 8, 2022, by Council Member Klose.

PASSED and APPROVED by the City Council of the City of Laurel this 8th day of February 2022.

APPROVED by the Mayor this 8th day of February 2022.

CITY OF LAUREL



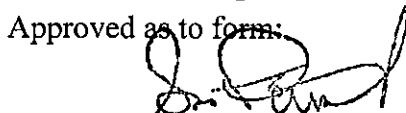
Dave Waggoner, Mayor

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 and Zoning Commission
FROM: Nicholas Altonaga, Planning Director
PROJECT: Special Review Application for Lucky Louie's (305 S. 1st Ave)
DATE: December 3, 2021

DESCRIPTION OF REQUEST

An application for Special Review was submitted by J Johnson Properties for the property at 305 S. 1st Avenue in Laurel. The property owner plans to renovate the currently vacant commercial building to operate a bar and casino. The property is located within the Highway Commercial (HC) zoning district, as well as the Community Entryway Zoning District (CEZD) and the SE 4th Street Overlay District. The Laurel Municipal Code requires all cocktail lounges, restaurants, bars and taverns located in the Highway Commercial (HC) zoning district to go through the Special Review process prior to the start of operations. An approval of the special review application would allow the operation of a cocktail lounge, bar, or tavern on the location in addition to the proposed casino.

Owner: J Johnson Properties LLC
Legal Description: HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 15 - 18, W100' LTS 15-18 & 30' X 100' VAC 3RD ST S
Address: 305 S 1st Ave, Laurel, MT 59044
Parcel Size: 15,000sqft
Existing Land Use: Commercial, currently vacant building
Proposed Land Use: Casino and Bar with full-service liquor license.
Existing Zoning: Highway Commercial (HC), Community Entryway Zoning District (CEZD), SE 4th Street Overlay District

BACKGROUND AND PROCEDURAL HISTORY

- Autumn, 2020: Initial conversations begin between Planning Department and Louie Carranco, of Lucky Louie's (located at 117 E. Main Street) about relocating his business to 305 S. 1st Avenue.

- Intermittent discussions take place between Planning Department and Louie Carranco regarding the requirements for relocating his business to 305 S. 1st Ave.
- Planning Department review codes and provide clarification to Louie regarding the procedural requirements.
- September 8, 2021: Planning Department contacted by assistant for developer regarding the land use requirements of the property at 305 S. 1st Ave.
- September 9, 2021: Planning Department provide the codes and forms regarding the special review procedure including the application form, commercial zoning and use requirements, and schedule of fees.
- October 20, 2021: Special Review Application submitted to the Laurel Planning Department.
- December 15, 2021: Public Hearing scheduled at the Planning Board and Zoning Commission for the Special Review.

STAFF FINDINGS

- The applicant has submitted an application for the operation of a bar and tavern at the property of 305 S 1st Avenue in conjunction with the operation of a casino.
- The application contains all the necessary information to move forward to review by Planning Board and City Council.
- The proposed used of the building as a bar and/or tavern conforms with a previous use as a restaurant that offered beer and wine to customers.
- The building is located in close proximity to other establishments operating as casinos with beverage licenses.
- The applicant seeks to relocate their current gaming and bar operation from 117 E. Main St. to 305 S. 1st Ave.
- The applicant seeks to renovate a currently vacant commercial building and place it into productive use.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC 17.68 – Special Review Procedures, contains the review criteria for the decision-making process for Special Review applications.

- A. *After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:*
 1. *Grant the application for special review;*
 2. *Deny the application;*
 3. *Delay action on the application for a period not to exceed thirty days; or*
 4. *Grant the application subject to conditions and recommendations and give the reasons therefor.*
- B. *Before approving a special review use, the zoning commission shall find that the contemplated use(s):*

1. *Complies with all requirements of this section;*
2. *Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;*
3. *Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;*
4. ***Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:***
 - a. ***Street and road capacity,***
 - b. ***Ingress and egress to adjoining streets,***
 - c. ***Off-street parking,***
 - d. ***Fencing, screening and landscaping,***
 - e. ***Building bulk and location,***
 - f. ***Usable open space,***
 - g. ***Signs and lighting,***
 - h. ***Noise, vibration, air pollution and similar environmental influences.***

The following actions are to be taken by City Council:

17.68.50 - City council action.

- A. *Before taking action on an application for special review, and after presentation of the zoning commission's report, the city council may hold a public hearing on the application.*
- B. *The zoning commission may recommend to the council whether to hold a public hearing or not. In the event the city council holds its own public hearing on the application, then the recommendations of the zoning commission and the notice of public hearing before the city council shall both be published twice in the newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board with the first publication being at least fifteen days prior to the hearing.*

RECOMMENDATIONS

The Planning Director recommends the Planning Board and Zoning Commission approve the Special Review with the following conditions:

1. Any applicable permits, including but not limited to building permits, sign permits, and right-of-way permits must be applied for within twelve (12) months of special review approval.
2. A signage plan shall be provided to the Planning Department and Building Department that conforms to the requirements of the Laurel Sign Code and signage requirements of the overlay districts wherein the property is located.
3. Construction of any improvements to the site and building must be completed within twelve (12) months of special review approval with the ability to request an extension.
4. The operation of the site shall not be done in such a manner as to be a nuisance.

5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.

ATTACHMENTS

1. *Special Review Application Packet and Form*
2. *Site Overview*
3. *Adjacent Property Owners List (300ft)*
4. *Adjacent Property Owners Map (300ft)*
5. *Mailing Labels*
6. LMC 17.68 – Special Review Procedures
7. Public Notice for Special Review Public Hearing

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



Office of the City Planner

Application for Special Review

The undersigned as owner or agent of the following described property requests a Special Review as outlined in Chapter 17 of the Laurel Municipal Code.

Applicant: Tavern Partners, Inc. dba Lucky Louie's Tavern and Casino
Legal Description: HAGEMAN SUBD. S16, T02 S, R24 E, BLOCK 4, Lot 15 - 18, W100' LTS 15-18 & 30' X 100' VAC 3RD ST S
General Address: 305 S 1st Ave; Laurel, MT 59044
Owner of Tract: J Johnson Properties, LLC
Mailing Address: PO Box 50630; Casper, WY 82605-0630
Phone Number: 307-265-3029
Email Address: accounting@jrgrestaurants.com

General Description of the requested Special Review:
We want to relocate our business from 117-1/2 E. Main St; Laurel, MT 59044 to 305 S. 1st Ave; Laurel, MT 59044. Our business includes a Liquor license and a Gambling license.

Timeline for development:
Once this zoning issue has been settled, the remodel of the property will begin. The remodel will take approximately 6 months to complete.

Attachments:
 Site Map (printed on at least 11"x17" in paper size showing dimensions, acreage and location of tracts in question)
 Site Plan (printed on at least 11"x17" paper size including: property boundaries and lot line dimensions, the location of proposed/existing structures, off-street parking, site elevations, service and refuse areas, means of ingress and egress, landscaping, screening, signs and open space areas, and latitude and longitude of the site.
 Justification letter describing the special review requested and reasoning
 Map of all properties within 300 feet of the property
 List of the names and addresses of the property owners and/or agents for all parcels within 300 feet of the parcel under Special Review. (City staff can assist with this process)
 Special Review fee as per Laurel Schedule of Fees.

Applicant Signature: _____

Date: _____

John W. Johnson
10/20/21

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



Office of the City Planner

Instructions for Special Review Applications

Special Review applications are reviewed by the Laurel City-County Planning Board, which acts as the City Zoning Commission for Special Reviews. The Zoning Commission shall make a recommendation to the Laurel City Council for final approval, approval with conditions, or denial of the application. The City Council has the final authority to grant or deny application requests.

1. Applications must be received on or before the 1st of the month to be considered at the following month's meeting.
2. Application forms and supporting documents must be completely filled out, printed legibly or typed, with sufficient detail for the Zoning Commission and City Council to make a decision on the matter.
3. If new construction or a change in the use of the property is contemplated, building and/or development plans shall be submitted with the application.
4. Applications must be submitted to the Planning Department with the applicable fee as noted in the most recent Schedule of Fees.
5. A public hearing is required to be held for all Special Review applications.
6. The City will notify all property owners listed within the 300-foot radius and a legal ad will be published at least 15 days prior to the public hearing.
7. The Laurel Zoning Commission meets the 3rd Wednesday of the month at 5:35PM at the Laurel City Council Chambers. The applicant or a representative of the applicant must be present at the public hearing.
8. Recommendations of the Laurel City-County Planning Board shall be provided to the Laurel City Council for their review and final Approval, Conditional Approval, or Denial of the application.

October 20, 2021

City of Laurel

Application For Special Review for Tavern Partners, Inc. dba Lucky Louie's Tavern & Casino

RE: Justification Letter

In regard to the attached Application for Special Review for the City of Laurel, MT, we request that the zoning with respect to the property located at 305 S. 1st Ave, Laurel, MT 59044 be reviewed. We understand that the zoning for the property currently allows gambling establishments, but does not allow alcoholic beverage businesses. We ask that the zoning be updated to allow alcoholic beverage businesses.

Tavern Partners, Inc. dba Lucky Louie's Tavern & Casino currently operates at 117-1/2 E. Main St, Laurel, MT 59044. The operation consists of alcoholic beverage service and operates 14 gaming machines on the premises. The property is leased from 117 Properties, LLC.

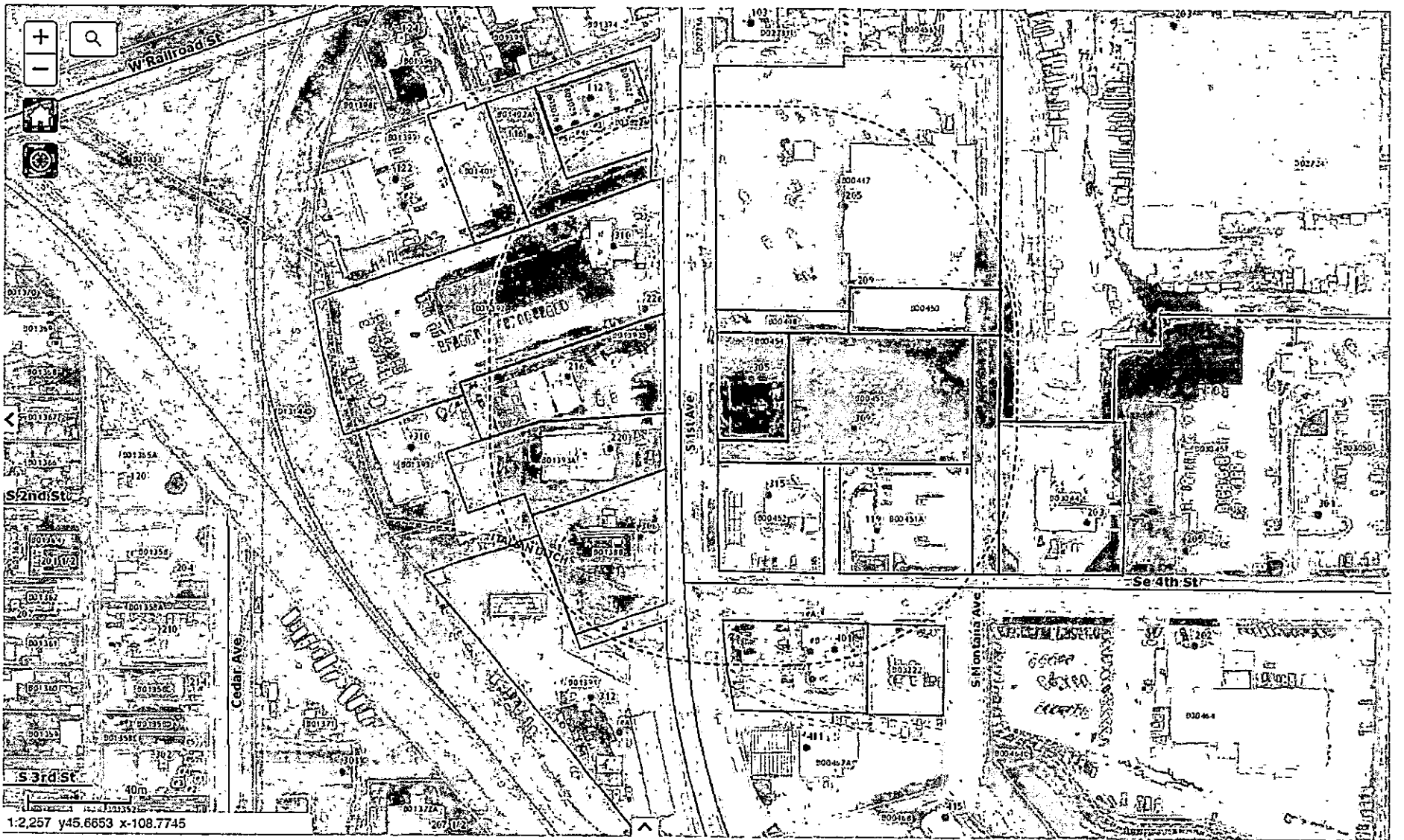
Tavern Partners would like to relocate its business to the 305 S. 1st Ave property, owned by J Johnson Properties, LLC. However, to do so, the property zoning needs to allow alcoholic beverage service. We believe the new property is in a better location and will help increase business revenues.

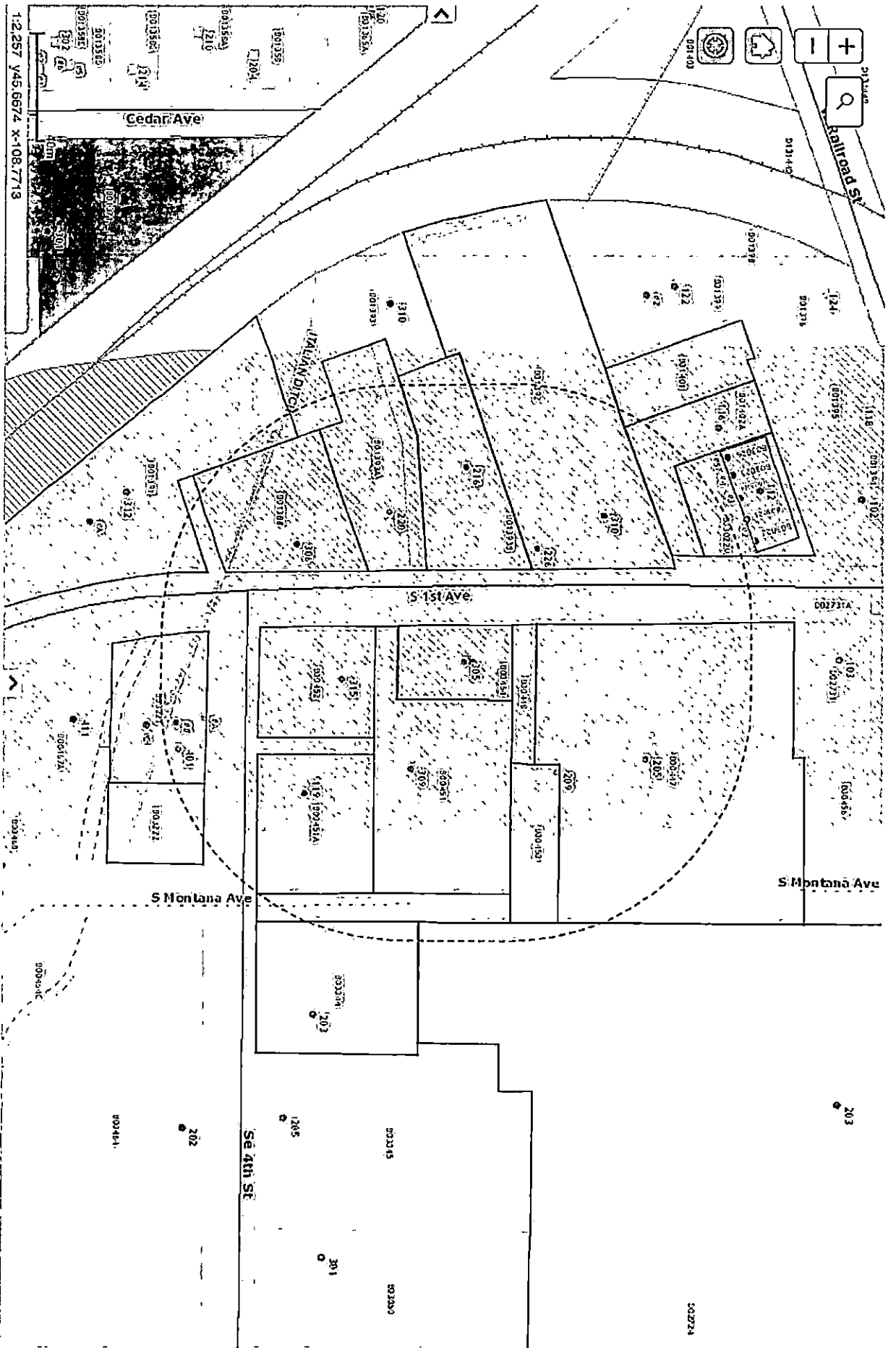
Ownership of the businesses in question are as follows:

- 1) Tavern Partners, Inc. dba Lucky Louie's Tavern & Casino
 - a. Louis J. Carranco – 50%
2233 Interlachen
Billings, MT 59105
 - b. John D. Johnson – 50%
1917 Rustic Ct
Casper, WY 82609
- 2) J Johnson Properties, LLC (100% owner of 305 S. 1st Ave., Laurel, MT 59044)
 - a. John D. Johnson – 50%
1917 Rustic Ct
Casper, WY 82609
- 3) 117 Properties, LLC (100% owner of 117 E. Main St., Laurel, MT 59044)
 - a. Louis J. Carranco – 50%
2233 Interlachen
Billings, MT 59105
 - b. John D. Johnson – 50%
1917 Rustic Ct
Casper, WY 82609

Thank you.

Regards.....Louis J. Carranco and John D. Johnson





Owner name	Tax Code	Legal Description	Address
MARVIN DEVELOPMENT OF MONTANA LLC	B00451A	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 6 - 9, & LT 19 BLK 4 HAGEMAN SUB *	119 SE 4TH ST
JJOHNSON PROPERTIES LLC	B00454	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 15 - 18, W100' LTS 15-18 & 30' X*	305 S 1ST AVE
TOWN & COUNTRY SUPPLY ASSOCIATION	B00452	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 10 - 13, & LT 20 BLK 4 HAGEMAN S*	315 S 1ST AVE
WENDAUREL LLC	B00451	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 1 - 5, LT14, E40' LTS15-18, VAC A*	309 S 1ST AVE
SUPERPUMPER INC	B00448	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 1, Lot 3, AMD	S 1ST AVE
WELLS, COLLEEN A &	B00450	S16, T02 S, R24 E, C.O.S. 1752, PARCEL B, & C	209 S 1ST AVE
ABS MT-O LLC	B00447	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 1, Lot 1 - 2, & LT 4 AMD (I-656 LOCATED*	205 S 1ST AVE
FOX LUMBER SALES INC	D02724	S16, T02 S, R24 E, C.O.S. 1423, PARCEL A1A1, AMND A1A 19.120 ACRES	203 E RAILROAD ST
S&G COMMERCIAL HOLDINGS LLC	B03044	CANYON CREEK STATION SUBD, S16, T02 S, R24 E, Lot 1, (98)	203 SE 4TH ST
INNOVATIVE PROPERTIES LLC	B03221	HAGEMAN SUBD 5TH FIL (07), S16, T02 S, R24 E, BLOCK 1, Lot 1, 22000 SQUARE FEET	401 S 1ST AVE
INNOVATIVE PROPERTIES LLC	B03222	HAGEMAN SUBD 5TH FIL (07), S16, T02 S, R24 E, BLOCK 1, Lot 2, 11887 SQUARE FEET	S 1ST AVE
LAUREL 1 RE2 LLC	B01391	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 29, Lot 7 - 21, ADJ VAC ALLEY &*	312 S 1ST AVE
LAUREL 2 RE LLC	B01388	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 29, Lot 1 - 6, & ADJ 30 FT ABND*	306 S 1ST AVE
PEKOVICH, GREG & BECKY	B01393B	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 30, Lot 37, AMD (09) (100791*	216 S 1ST AVE
LOCOMOTIVE INN & CASINO INC	B01392	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 30, Lot 18A, (09)	310 S 1ST AVE
JOE-JOE'S LLC	B01393A	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 30, Lot 27A, & LT 35 AMND & W30*	220 S 1ST AVE
LOCOMOTION FITNESS CENTER INC	B01401	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 31, Lot 26 - 28, & N30 FT ABND *	
STOKKE, SAMUEL & LORNA	B01402A	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 31, Lot B, AMD & ADJ VAC S 2ND *	116 S 1ST AVE
PIONEER PLAZA CONDOMINIUM	B03022M	PIONEER PLAZA CONDOS (84), S16, T02 S, R24 E, MASTER CARD LOC @ LT A BLK 31 E*	112 S FIRST AVE

NOTE: This is the list of all properties within 300 feet of our property at 305 S. 1st Ave., Laurel, MT 59044. It was prepared by Nick Altonaga, the Planning Director for the City of Laurel.

Jim Hinton

From: John Atkinson <john@atarchitecture.com>
Sent: Thursday, September 30, 2021 9:11 AM
To: Jim Hinton
Cc: John Johnson
Subject: Re: City of Laurel Special Review
Attachments: FloorPlan.pdf; SitePlan.pdf

Hi Jim,

Attached are the plan on 8.5x11 and the ~~site plan on 11x17 that are requested. This should be good for the site map/site plan mentioned.~~ Usually the city provides the names and addresses of the property owners within 300', so I would check with them on that.

I'm not a surveyor, so I'm not sure I can do anything with the survey affidavit. Please let me know if I can help with anything else.

thanks,

John Atkinson
AT Architecture
p 406.245.2724
cell 406.697.0651
john@atarchitecture.com

On 9/28/2021 1:15 PM, Jim Hinton wrote:

John,

I have attached all the documents our attorney needs us to have completed.

On page 1, I have completed what I could. I do not yet know the "Timeline for development", but will have that later.

This page says we need a "Site Map", "Site Plan", "Map of properties within 300 feet", and "Names and addresses of these property owners".

Page 3 is the "Certified Survey Affidavit".

Pages 4 through 10 are printouts that I got on the Yellowstone County Assessor's website concerning the property we will be moving to -- 305 S. 1st Ave.

Page 11 states that we need a floor plan (I will take care of the lease).

The remaining pages came from our attorney, including ordinances and fees, for your information.

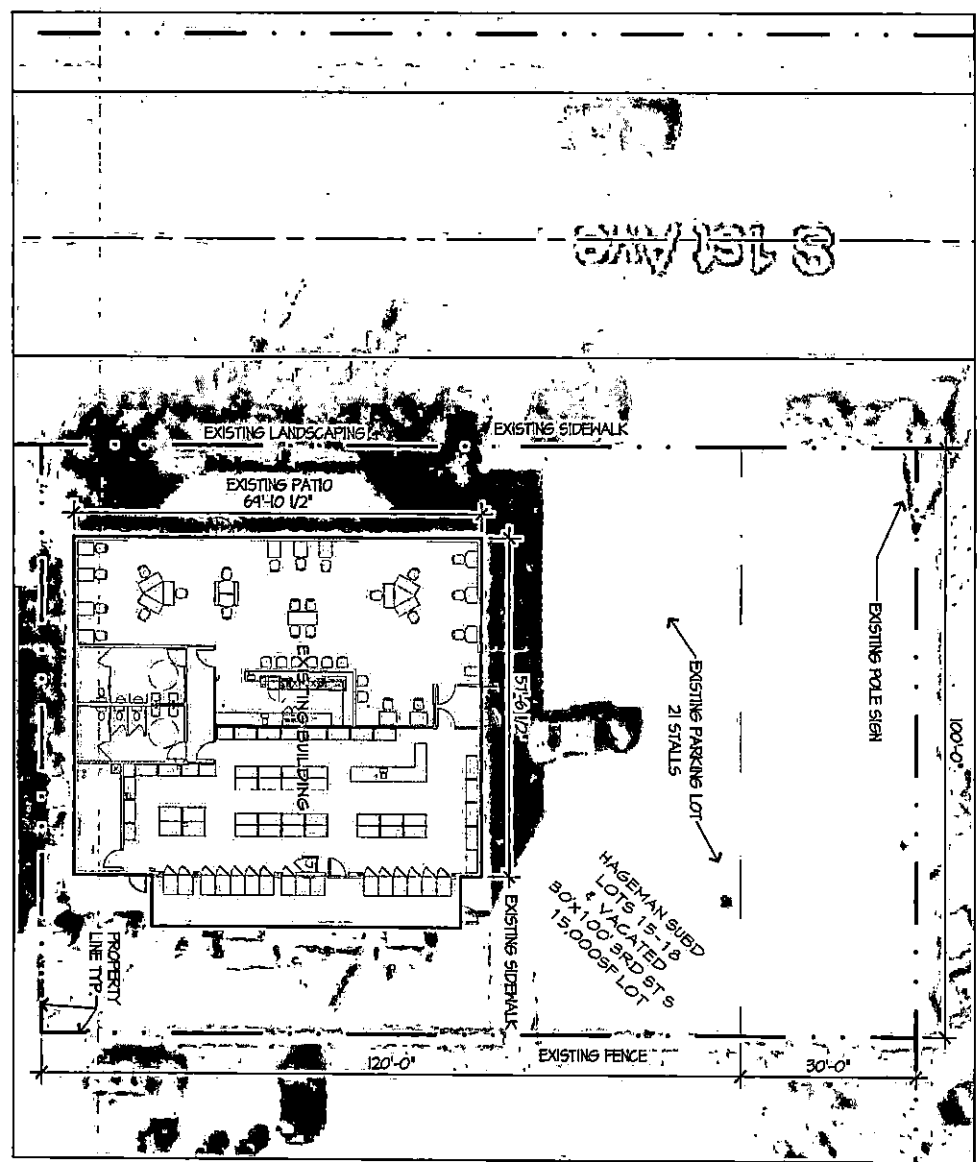
Let me know if you have any questions for me or John Johnson.

Thank you.

Regards,

1
L10

SITE PLAN
Scale: 1" = 20'-0"



NORTH
→

ABS MT-O LLC
B00447
205 S 1ST AVE
LAUREL, MT 59044

ABS MT-O LLC
B00447
205 S 1ST AVE
LAUREL, MT 59044

ABS MT-O LLC
B00447
205 S 1ST AVE
LAUREL, MT 59044

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

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

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

INNOVATIVE PROPERTIES LLC
B03221 B03222
2040 CLAIM CREEK RD
BOZEMAN, MT 59715-6718

INNOVATIVE PROPERTIES LLC
B03221 B03222
2040 CLAIM CREEK RD
BOZEMAN, MT 59715-6718

INNOVATIVE PROPERTIES LLC
B03221 B03222
2040 CLAIM CREEK RD
BOZEMAN, MT 59715-6718

J JOHNSON PROPERTIES LLC
B00454
305 S 1ST AVE
LAUREL, MT 59044

J JOHNSON PROPERTIES LLC
B00454
305 S 1ST AVE
LAUREL, MT 59044

J JOHNSON PROPERTIES LLC
B00454
305 S 1ST AVE
LAUREL, MT 59044

JOE-JOE'S LLC
B01393A
220 S 1ST AVE
LAUREL, MT 59044

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B01393A
220 S 1ST AVE
LAUREL, MT 59044

JOE-JOE'S LLC
B01393A
220 S 1ST AVE
LAUREL, MT 59044

LAUREL 1 RE2 LLC
B01391
312 S 1ST AVE
LAUREL, MT 59044

LAUREL 1 RE2 LLC
B01391
312 S 1ST AVE
LAUREL, MT 59044

LAUREL 1 RE2 LLC
B01391
312 S 1ST AVE
LAUREL, MT 59044

LAUREL 2 RE LLC
B01388
306 S 1ST AVE
LAUREL, MT 59044

LAUREL 2 RE LLC
B01388
306 S 1ST AVE
LAUREL, MT 59044

LAUREL 2 RE LLC
B01388
306 S 1ST AVE
LAUREL, MT 59044

LOCOMOTION FITNESS CENTER INC
B01401
122 S 1ST AVE
LAUREL, MT 59044

LOCOMOTION FITNESS CENTER INC
B01401
122 S 1ST AVE
LAUREL, MT 59044

LOCOMOTION FITNESS CENTER INC
B01401
122 S 1ST AVE
LAUREL, MT 59044

LOCOMOTIVE INN & CASINO INC
B01392
310 S 1ST AVE
LAUREL, MT 59044

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B01392
310 S 1ST AVE
LAUREL, MT 59044

LOCOMOTIVE INN & CASINO INC
B01392
310 S 1ST AVE
LAUREL, MT 59044

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

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

PEKOVICH, GREG & BECKY
B01393B
216 S 1ST AVE
LAUREL, MT 59044

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B01393B
216 S 1ST AVE
LAUREL, MT 59044

PEKOVICH, GREG & BECKY
B01393B
216 S 1ST AVE
LAUREL, MT 59044

PIONEER PLAZA CONDOMINIUM
B03022M
112 S FIRST AVE
LAUREL, MT 59044

PIONEER PLAZA CONDOMINIUM
B03022M
112 S FIRST AVE
LAUREL, MT 59044

PIONEER PLAZA CONDOMINIUM
B03022M
112 S FIRST AVE
LAUREL, MT 59044

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

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

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

STOKKE, SAMUEL & LORNA
B01402A
116 S 1ST AVE
LAUREL, MT 59044

STOKKE, SAMUEL & LORNA
B01402A
116 S 1ST AVE
LAUREL, MT 59044

STOKKE, SAMUEL & LORNA
B01402A
116 S 1ST AVE
LAUREL, MT 59044

SUPERPUMPER INC
B00448
411 S 1ST AVE
LAUREL, MT 59044

SUPERPUMPER INC
B00448
411 S 1ST AVE
LAUREL, MT 59044

SUPERPUMPER INC
B00448
411 S 1ST AVE
LAUREL, MT 59044

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

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

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

WELLS, COLLEEN A &
B00450
209 S 1ST AVE
LAUREL, MT 59044

WELLS, COLLEEN A &
B00450
209 S 1ST AVE
LAUREL, MT 59044

WELLS, COLLEEN A &
B00450
209 S 1ST AVE
LAUREL, MT 59044

WENDAUREL LLC
B00451
309 S 1ST AVE
LAUREL, MT 59044

WENDAUREL LLC
B00451
309 S 1ST AVE
LAUREL, MT 59044

WENDAUREL LLC
B00451
309 S 1ST AVE
LAUREL, MT 59044

Laurel Planning Department
115 W. 1st St.
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Laurel Planning Department
115 W. 1st St.
Laurel, MT 59044

PUBLIC HEARING NOTICE

The Laurel City-County Planning Board and Zoning Commission will conduct a public hearing on a Special Review Application submitted by Tavern Partners, DBA Lucky Louie's Tavern and Casino. The Planning Board has scheduled the public hearing for **5:35 P.M., in the City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Wednesday, December 15, 2021.**

Tavern Partners plans to relocate the current Lucky Louie's Tavern from its location at 117 E. Main Street to 305 S. 1st Avenue. A Special Review Approval by the City Council is required for any cocktail lounge, restaurant, bar, or tavern within the Highway Commercial (HC) zoning district that the property in questions is located.

Additionally, the City Council shall schedule a subsequent public hearing to make a final decision on the Special Review application after Planning Board has met and submitted their recommendations to the City Council.

Public comment is encouraged and can be provided in person at the public hearing on **December 15th**. Public comment can also be made via email to the Planning Director, or via letter to the Planning Department office at 115 West 1st Street Laurel, MT 59044. A copy of the Special Review Application and supporting documentation is available for review upon request at the Planning Department office. Questions regarding this public hearing may be directed to the Planning Director at 628.4796 ext. 5302, or via email at cityplanner@laurel.mt.gov.

Chapter 17.68 - SPECIAL REVIEW PROCEDURE

Sections:

17.68.010 - Purpose of provisions.

Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this title and the objectives of the Laurel comprehensive planning process.

(Prior code § 17.88.010)

17.68.020 - Application requirements.

An application for a special review may be filed by the property owner, contract purchaser, or his authorized agent. The application shall be filed with the zoning commission secretary and shall be submitted under the following conditions:

- A. The application shall include, but not be limited to the following information:
 1. A legal and general description of the tract(s) upon the special review use is sought;
 2. A map showing the dimensions, acreage and location of the tract(s);
 3. The name and addresses of the owner(s) of the tract(s) and their agents, if any and the names and addresses of property owners of record within three hundred feet of the property for which a special review has been requested; such list of property owners shall be so certified by the county clerk and recorder's office;
 4. A site plan showing major details of the proposed development including but not limited to, the location of proposed and existing buildings and structures; off-street parking and loading; service and refuse areas; means of ingress and egress; landscaping; screening; signs and open space areas;
 5. A time schedule for development;
 6. Any other information the applicant believes will support his request.
- B. An application for a special review shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before five p.m.

(Ord. 94-15, 1994; prior code § 17.88.020)

17.68.030 - Evaluation responsibility—Consultation—Notification.

The planning director, upon receiving an application for a special review of an area or a particular place of property shall do the following:

- A. Consult with other departments of the city or county to fully evaluate the impact of any special review upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;
- C. Advertise twice in a newspaper of general circulation in the jurisdiction of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
- D. Notify, by mail, the applicant or his authorized agent at least five days prior to the date of the public hearing of the time and place of such hearing;
- E. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the special review of the time, date, place of the public hearing and the existing and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have a substantial environmental impact on surrounding land uses;
- F. After the public hearing and as part of the public record, the planning director shall report his findings, conclusions and recommendations to the zoning commission.

(Ord. 94-16, 1994; prior code § 17.88.030)

17.68.040 - Zoning commission action.

- A. After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:
 - 1. Grant the application for special review;
 - 2. Deny the application;
 - 3. Delay action on the application for a period not to exceed thirty days; or
 - 4. Grant the application subject to conditions and recommendations and give the reasons therefor.
- B. Before approving a special review use, the zoning commission shall find that the contemplated use(s):
 - 1. Complies with all requirements of this section;
 - 2. Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;
 - 3. Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
 - 4. Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:
 - a. Street and road capacity,
 - b. Ingress and egress to adjoining streets,
 - c. Off-street parking,
 - d. Fencing, screening and landscaping,
 - e. Building bulk and location,
 - f. Usable open space,
 - g. Signs and lighting,
 - h. Noise, vibration, air pollution and similar environmental influences.

(Ord. 94-17, 1994; Ord. 953, 1989; prior code § 17.88.040)

17.68.050 - City council action.

- A. Before taking action on an application for special review, and after presentation of the zoning commission's report, the city council may hold a public hearing on the application.
- B. The zoning commission may recommend to the council whether to hold a public hearing or not. In the event the city council holds its own public hearing on the application, then the recommendations of the zoning commission and the notice of public hearing before the city council shall both be published twice in the newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board with the first publication being at least fifteen days prior to the hearing.

(Ord. 94-18, 1994; prior code § 17.88.050)



MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, DECEMBER 15, 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 5:35PM

Jon Klasna
Ron Benner
Gavin Williams
Evan Bruce
Roger Giese
Dan Koch
Judy Goldsby
Nick Altonaga (City of Laurel)

The Chair announced the agenda change to place Chens Express before the North Western Energy Discussion.

General Items

2. Approve Meeting Minutes: November 17, 2021

Board members reviewed the minutes.

Ron Motioned to Approve the minutes from the meeting on November 17, 2021.
Evan Seconded.
Motion Carried.

3. Public Hearing: Lucky Louie's Special Review

The Chair called for Proponents.
The Chair called for Proponents.

John Johnson, 1917 Rusting Court, Casper, Wyoming.

Owner of the Building, and also a partner of Louis Carrano with Tavern Partners.

Want to speak in favor of the project. Would like to have the 3rd condition of approval be changed to "Have started within 6 months of special review approval."

Another issue with the timeframe is that we still have to have approval by the state. The Department of Justice and the State need to sign off and approve it as well.

Ron: Will there be any food service?

John: Very limited kitchen and food service. Want to make sure that it will be limited to bar and casino and not a bar, casino, restaurant. It will be very limited, not a restaurant with full service. Limited service area of about 8 seats.

Roger: One of the recommendations and discussion items has it as ingress and egress. Will there be additional ingress and egress created to the neighboring site?

None planned at this time. No major site work is being done.

The Bar in this location will be a service bar, not a full-on bar for customers. It will have full beverage service available but limited seating.

Judy: What will the hours of operation be?
Hours of operation will be 8am-12am.

Ron: The Bar downtown will close? What will be done with it?

John: We have a verbal agreement with a gentleman down the street who will take over the space.

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 closed the public hearing.

Forrest Sanderson, KLJ: Suggest taking up the 1-year limit and impose the ability of an extension.

Board members discussed amending the recommendation of a 1-year development timeframe.

Gavin Motioned to Approve the Special Review for Lucky Louie's with the amended Recommendations as discussed.

Evan Seconded.

Roger Giese Opposed.

Motion Carried.

4. Plan Review: City-Brew / Chen's Express

Nick Presented the amended plan for the City Brew / Chens Express

Ron: Will there be a pedestrian walkway to the ATM? This is very problematic as not everyone has a car. Also problematic for Larger vehicles heading into the parking areas.

Ron: Trash Enclosure? Nick explained the encroachment permit that was approved last night

Ron: Parking issues, ATM Island, and multiple lanes of traffic will be very problematic. I think cars are going to get all over.

Can we put an addendum that the Police won't have to attend to any accidents here? Not sure how they will deal with traffic here.

Where is the overflow parking for large vehicles or how will the developer deal with vehicles with trailers?

Ron Motioned to table the plan review until January and invite the developer to present it then.

Jon Seconded.

Motion Carried.

5. Staff Update

The Planning Director announced that his last day with the city of Laurel will be January 21st, 2022. Karen Courtney the Building Official will be taking over the day to day items with Forrest Sanderson at KLJ assisting with the larger projects.

6. Discussion: Northwestern Energy Zone Change

Ron Motioned to Adjourn the meeting to hold a work session.

Evan Seconded.

Motion Carried.

Meeting adjourned at 6:05pm.

Ron recommended to send our standing decision back to City Council. We should not be forced to make the decision.

Ron left the meeting due to a prior engagement.

Forrest Sanderson, KLJ. Inc. was present to summarize the findings regarding the NW Energy Zone Change.

You have a comprehensive record. We did not yet address the statutory criteria in the MCA. (Just those in the LMC). We MUST address the items in MCA regarding the zone change. There is no proof that those 11 items were addressed.

In 32 years, it is the first time a AGB has decided to NOT go through the official process and build the record. Through a quick run-back through the record I have prepared a comprehensive list of findings for each. The public is entitled and should be invited to participate in the public process and the findings.

Even through a quick search we have prepared a significant list. I recommended that the City Council remand the review of the item to the Planning Board. We must review the Zone Change criteria and findings and adopt conclusions.

We must prove that we have reviewed the record, we have reviewed the findings, and can state that our decision is based upon those.

Tasking for Nick: Is NWE still interested in the zone change process?
They must affirm or drop the zone change.

If they don't respond to us, assume they are still interested. We must invite them to the Public Hearing in January.

Request to the Board is in two parts:

1. I need you to review the record (Summary of findings)
2. If you have additional findings, SEND THEM TO NICK

We want to have all findings available for the Public Hearing. Charge the public: Review the summary of findings, email Nick with any further findings. We will come to a conclusion for each and every one of those 11 questions.

Next issue to address: After the public hearing, Councilman McGee. Councilman McGee asked the question whether the Council or Commissioners were the appropriate body. Who is the appropriate body? There is a statutory process for amending the zoning jurisdiction and it has not been followed.

Does the City of Laurel have the legal authority to assign zoning?
The City Attorney is going to have to make a decision on that.

It does not matter who the appropriate governing body is, but this is the planning board that has the power over this portion of review process. That is crystal clear. No matter who the governing body is, they will review the findings and conclusions prepared by the Laurel City-County Planning Board. Going through the findings and public process shall show that we completed our requirements.

Does the Board have any questions for it?

Dan: Doesn't the City have authority 1-mile out for zoning?

Forrest: There are some specific prohibitions for zoning outside city limits. There are some specifics for the zoning area.

Dan: Maybe there were some things that were done wrong in the past.

The answers we find for this item.

Our question to Yellowstone County: has YC adopted Zoning under 76-2-2 MCA?

Our record will be complete, defensible, developed through an open, fair, and transparent process, and will be sent to the appropriate governing body.

Judy: The determination of the appropriate governing body would not impact our review of findings?

Forrest: Correct.

Dan: Could the Commissioners override our decisions?

Forrest: Yes

Dan: Then why are we not doing it backwards? To figure out who the appropriate GB is?

Forrest: No, we started the process and must finish it correctly. Assumptions were made during this process that blocked the underlying questions. We are going to find who the appropriate governing body is and shall send our recommendations to them.

We are dealing with Private Property and Private Property rights. This decision directly deals with impacts to private property. Let's navigate the process with this in mind. Dealing with both sides of the issue, both For and Against.

Can we have a meeting before the 19th to meet on the findings?

Must provide notice. Thou shalt not meet in private.

- Make sure the public is aware
- Make sure they are afforded the opportunity to attend
- Ensure that if they are working on their tasking, that you are as well

Want to ensure that things are open, fair, and transparent.

'If NW Energy withdraws their application, IN WRITING, we are done. Everything stops.

Evan: Can an EPA or DEQ agent come in and speak with us regarding this issue?

Yes, but the DEQ agent would provide details on a different set of questions than what we have under our review. We would start to mix regulatory mandates, and it is all relevant, but might not all belong as part of this process.

If you believe you have heard testimony that gives you pause, in regard to property values impacted, and the presentation from DEQ would answer that question, they will be required by law to show up and answer your questions. All state agencies are required to attend a meeting when requested in order to answer questions. They are good at attending. But we need to know in advance to invite them.

Dan: There should be a better way of having the public be aware of the hearings and processes. They were not aware of the process and that we did not have sufficient information.

Forrest: We have struggled for years to get people to know about meetings and information. We do more than most communities to get the word out. Follow what the code says, publish the notices.

Dan: The local paper tracks it. It is incumbent upon the public to attend meetings. In all due respect to Dr. Benner, We must deal with this for the city, for the public.

Steve Krum, 249 24th Ave West, Laurel, MT 59044

One thing through the process is that the public has come in and voiced a lot of thoughts and feelings and ideas. It has come through the health and safety and environment.

Dan brought up and I agree that it is the Public's responsibility to attend meetings. The YC News is not the proper location for public notices to be sent. It is not published within the statutory area for the Board. We are missing a big opportunity to reach out to the public by not publishing in the Outlook.

Forrest: The paper of record is set by the Governing Body. We are just living with the decision.

Jon: With that in mind, can we direct someone to request that our notices be put in Laurel's paper?

Nick can forward the request to have our notices in both.

Carol Blades 1805 Denidas Lane.

I DO read the Outlook. I like that you are giving us a second chance for contact on this issue. Asked what is the role for Forrest? Can we contact you directly?

Forrest: No, primary contact is with Nick who then contacts me if necessary.

Jon: Would like to see a specific list of the 11 questions. Where can I find those?

Forrest explained the document with the findings. I-XI findings and conclusions, followed by the 6 questions posed by Nick and Forrest.

The Roman Numerals are the statutory questions, followed by the questions posed by staff.

If we hear about Yellowstone County, WE DO NOT CARE, we only care about our jurisdiction.

To deviate from that puts us on a path that is untenable and indefensible.

Where our decision goes, it does not matter, and has no impact on the decision-making process.

You serve the county and the city of Laurel in equal measure.

We are still going to deal with the application, as we are the appropriate board.

Jon: We need to decide whether NW Energy wants to proceed or they want to withdraw?

If the answer is full-stop, it should be front page above the fold news.

We would want to have a 1-minute comment period per person at the end of the work session. In the interim between the 5th and the 19th, send it in as an email, it is the fastest way to get it into the record.

Carol Blades: Have been prolific in letter writing to the editor, but has not included them with City Council as they were longer than 3 minutes.

New Business

Old Business

Other Items

7. Adjourn

Dan Motioned to adjourn the work session.

Gavin Seconded.

Motion Carried.

Meeting Adjourned at 7:15pm

Announcements

8. Next Meeting: January 19, 2022

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