

**RESOLUTION NO. R22-32**

**RESOLUTION OF THE CITY COUNCIL APPROVING AN APPLICATION FOR SPECIAL REVIEW FOR S2 PROPERTIES, LLC, D/B/A YOUR PIE, AUTHORIZING THE SALE AND CONSUMPTION OF BEER AND WINE ON PREMISES, WITHIN AN EXISTING STRUCTURE LOCATED AT 102 SOUTH 1<sup>ST</sup> AVENUE, CITY OF LAUREL, MT.**

WHEREAS, S2 Properties, LLC, d/b/a Your Pie ("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) and the SE 4<sup>th</sup> Street Overlay District within the City of Laurel; and

WHEREAS, the Applicant seeks to sell and allow consumption of beer and wine on its premises, within an existing structure that will be renovated and located at 102 S. 1<sup>st</sup> Avenue, Laurel, MT 59044, to be known as Your Pie, more particularly described as East Yellowstone Sub, S16, T02 S, R24 E, Block 31, Lot 1-6, less highway 102 S. 1<sup>st</sup> Avenue, City of Laurel, Yellowstone County, Montana;

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; and

WHEREAS, the Laurel-Yellowstone City-County Planning Board (acting as the 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 approval of the Application for Special Review. Applicant may request an extension if necessary.

4. The operation of the business at the site shall not be done in such a manner as to cause 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 Application for Special Review shall require Applicant to submit additional documentation to the City of Laurel for subsequent processing and approval or denial.

WHEREAS, a public hearing was held on the 14<sup>th</sup> day of June, 2022 at the City Council Meeting;

WHEREAS, the City Council of the City of Laurel hereby finds, based upon 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 sell and allow consumption of beer and wine on its premises, located at 102 S. 1<sup>st</sup> Avenue, Laurel, MT 59044, to be known as Your Pie; 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, the Staff Report, and all attachments thereto;

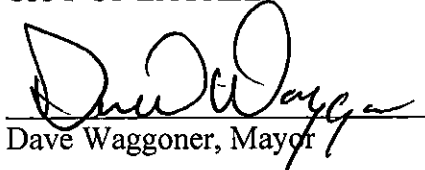
FINALLY, BE IT RESOLVED that the Application for Special Review, Staff Report, and all attachments thereto are hereby incorporated as part of this Resolution.

Introduced at a regular meeting of the City Council on the 14<sup>th</sup> day of June, 2022, by Council Member Klose.

PASSED and APPROVED by the City Council of the City of Laurel the 14<sup>th</sup> day of June, 2022.

APPROVED by the Mayor the 14<sup>th</sup> day of June, 2022.


CITY OF LAUREL

  
Dave Waggoner, Mayor

ATTEST:

  
Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

  
Michele L. Braukmann, Civil City Attorney

CITY HALL  
115 W. 1<sup>ST</sup> 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: Your Pie

Legal Description: East Yellowstone Subd., S16, T02S, R24 E, Block 31, Lot 1-6

General Address: 101 W 1<sup>st</sup> St. S. Laurel, MT 59044

Owner of Tract: SZ Properties LLC

Mailing Address: 4116 Carbin Dr. Billings, MT 59106

Phone Number: 406-697-4067

Email Address: pswenson@yourpie.com

General Description of the requested Special Review:  
We're requesting special review to sell beer and wine at  
Your Pie Pizza in this location.

Timeline for development:  
We're hoping to open in August of this year.

### 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: Patrick Swenson

Date: 04/29/22

CITY HALL  
115 W. 1<sup>ST</sup> ST.  
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## 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.

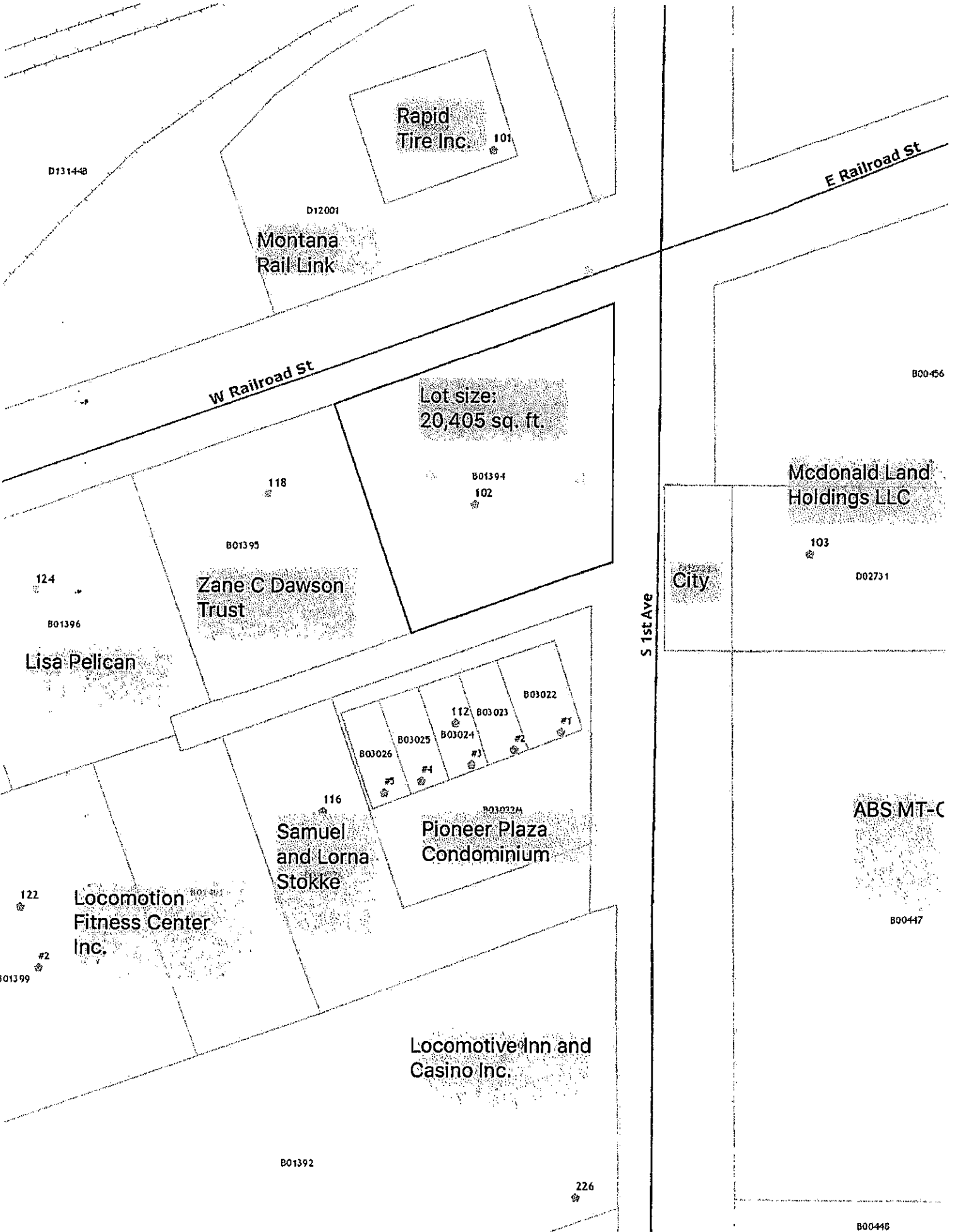
1. Applications must be received on or before the 1<sup>st</sup> of the month to be considered at the following month's meeting.
2. Application forms and supporting documents must be completely filled out, printed legibly or typed, with sufficient detail for the Zoning Commission and City Council to 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 3<sup>rd</sup> 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.

#### Justification Letter

S2 Properties LLC is formally requesting a special review for the property located at 101 West 1 Street South. We're planning on bringing a pizza franchise called Your Pie to this location and we are requesting to be able to sell beer and wine. I have owned and operated Your Pie in Billings since October of 2017. We have responsibly served beer and wine at that location in that time. We are excited about the opportunity to come to Laurel and hope that we can be a great addition to an already amazing community.

Best Regards,

Parker and Randy Swenson



Rapid  
Tire Inc. 101

E Railroad St

D13148

D12001  
Montana  
Rail Link

W Railroad St

B00456

Lot size:  
20,405 sq. ft.

McDonald Land  
Holdings LLC

118

B01394  
102

103

City

D02731

124

B01395  
Zane C Dawson  
Trust

S 1st Ave

B01396

Lisa Pelican

112 B03023 B03022  
B03025 B03024 #2 #1  
B03026 #3 #4 #5

ABS MT-C

116

B03022A  
Samuel  
and Lorna  
Stokke

Pioneer Plaza  
Condominium

B00447

122

B01397  
Locomotion  
Fitness Center  
Inc.

Locomotive Inn and  
Casino Inc.

B01392

226

B00448



101 W 1st St  
Laurel, MT  
mart Supercenter  
45.67°N, 108.77°W

Stokke Family  
Dentistry PLLC

20,405 sq. ft.  
39.47



Existing Building will be kept.



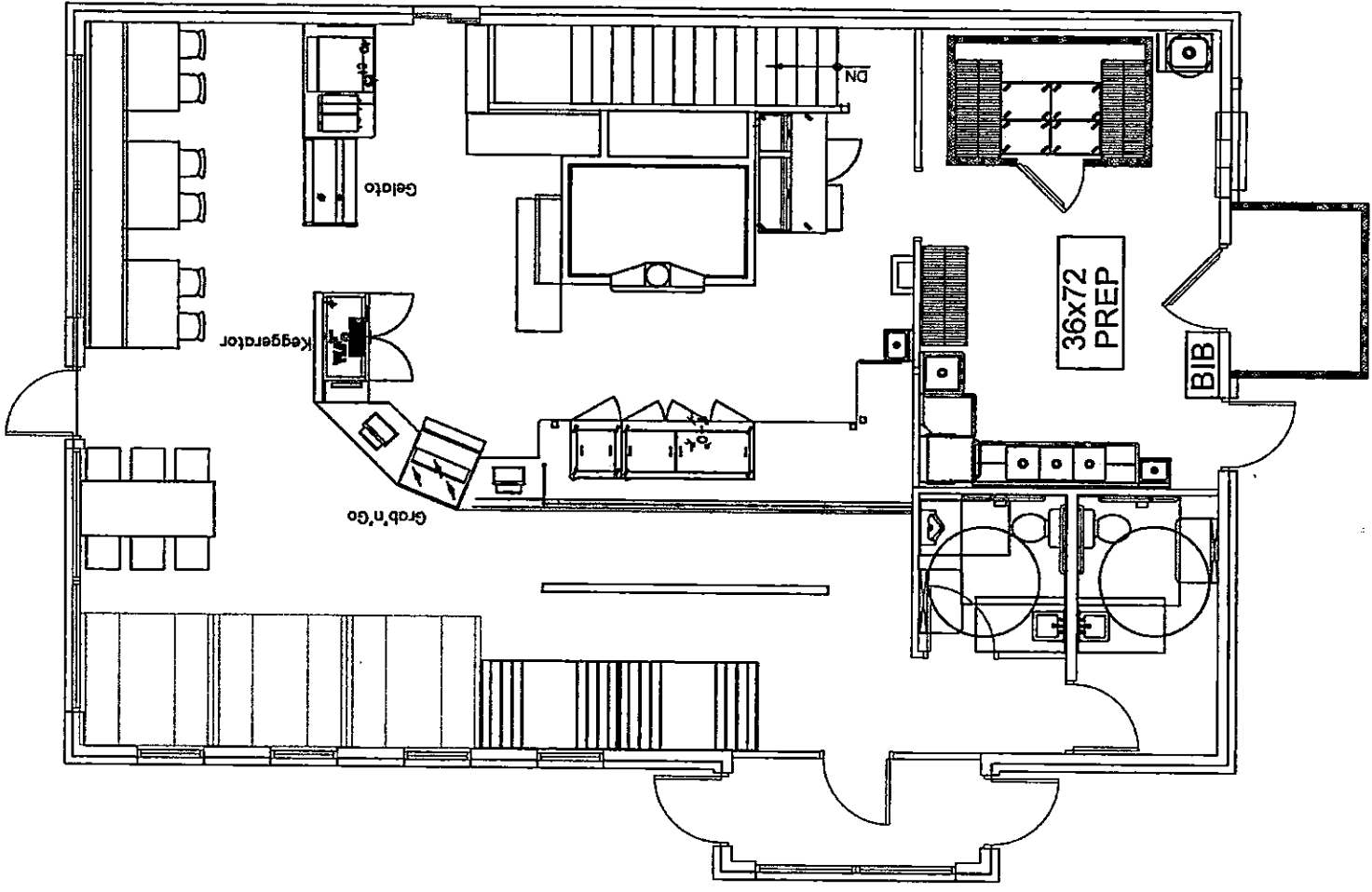


← 101 W 1st Ave Laurel, Montana

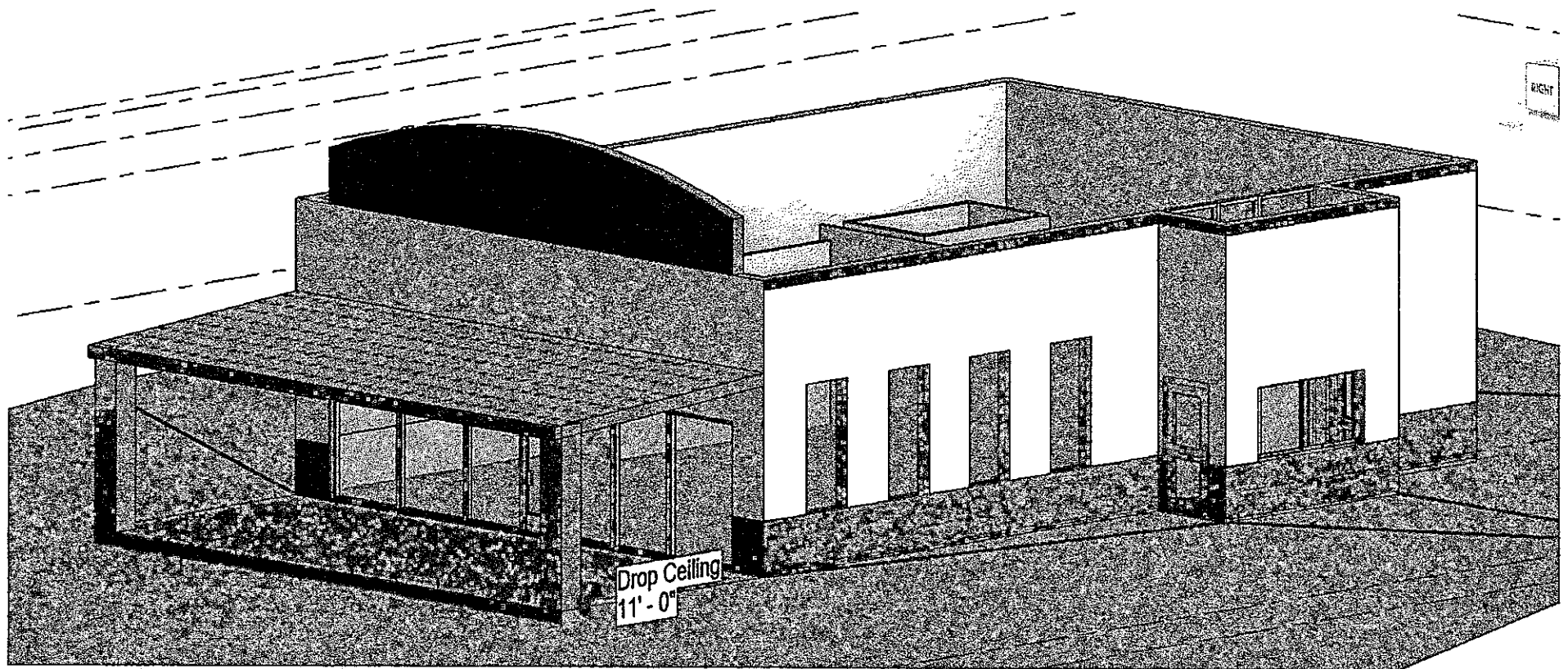
101 W 1st St  
Laurel, MT  
Smart Supercenter



# Proposed floorplan



# Proposed Exterior Remodel





## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### STAFF REPORT

TO: Laurel City-County Planning Board and Zoning Commission  
FROM: Kurt Markegard  
PROJECT: Special Review Application for "Your Pie" 102 South 1<sup>st</sup> Avenue  
DATE: May 16<sup>th</sup>, 2022

#### DESCRIPTION OF REQUEST

An application for Special Review was submitted by S2 Properties LLC. for the property at 102 S. 1<sup>st</sup> Avenue in Laurel. The property owner plans to renovate the currently vacant commercial building to operate a new food establishment. The property is located within the Highway Commercial (HC) zoning district, as well as the Community Entryway Zoning District (CEZD) and the SE 4<sup>th</sup> 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 sale of beer and wine within a restaurant.

Owner: S2 Properties LLC.  
Legal Description: East Yellowstone Sub, S16, T02 S, R24 E, BLOCK 31, Lot 1 - 6, less highway  
Address: 102 S 1<sup>st</sup> Ave, Laurel, MT 59044  
Parcel Size: 20,405sqft  
Existing Land Use: Commercial, currently vacant building  
Proposed Land Use: Restaurant  
Existing Zoning: Highway Commercial (HC), Community Entryway Zoning District (CEZD), SE 4<sup>th</sup> Street Overlay District

#### BACKGROUND AND PROCEDURAL HISTORY

- Randy and Parker Swenson contacted the Planning department about opening a new restaurant called "Your Pie" in March 2022 in the former location of "Taco John's".
- Kurt Markegard visited the Billings location of "Your Pie" and realized that they serve beer at their restaurant. Kurt called and informed Randy and Parker that they would need a special review for alcohol sales as part of their restaurant in Laurel.
- Parker Swenson submitted the application for special review on April 29, 2022.

- May 18, 2022: Public Hearing scheduled at the Planning Board and Zoning Commission for the Special Review.

#### STAFF FINDINGS

- The applicant has applied for the operation of a restaurant that will serve alcohol at the property of 102 S 1<sup>st</sup> Avenue.
- The application contains all the necessary information to move forward to review by Planning Board and City Council.
- The proposed used of the building is changing from a restaurant to a restaurant that will sell alcohol.
- The building is near other establishments operating with alcohol beverage licenses.
- 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 Department 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.
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. *Adjacent Property Owners Map (300ft)*
3. *Adjacent Property Owners List (300ft)*
4. *Site Overview*
5. *Mailing Labels*
6. *LMC 17.68 – Special Review Procedures*
7. *Public Notice for Special Review Public Hearing*



**AGENDA  
CITY OF LAUREL  
CITY/COUNTY PLANNING BOARD  
WEDNESDAY, MAY 18, 2022  
5:35 PM  
CITY COUNCIL CHAMBERS**

Meeting called to order at 5:35 PM.

**Roll Call:**

**Present:**

Evan Bruce	Jon Klasna	Judy Goldsby (Chair)	Karen Courtney (Advisory)
Dan Koch	Gavin Williams	Roger Giese	

**Absent:**

Ron Benner

**General Items**

1. Approval of April 20, 2022, minutes.  
Correction of Evan Bruce's name on page 3 of minutes.  
Jon motioned to approve; Dan seconded  
Judy stated the corrections needing to be made. Karen stated that she will make those changes.  
Judy accepted motion to approve pending required changes.  
Motion passes 6-0.

**New Business**

2. Beartooth Tax Sign Permit Application - 319 1st Avenue

Karen stated this is a nonilluminated building letters only. Sign does meet sign code requirements and Building Department recommends approval of sign permit.

Gavin motioned to approve; Evan seconded  
Jon stated that he believed their sign was already up. Karen stated that this was a sign rebranding/refresh.  
Motion passes 6-0

3. Chen's Express Sign Permit Application - 415 S. 1st Avenue Suite A

Karen presented the sign application, has been reviewed for compliance with sign code. Building department recommends approval of sign permit.

Jon asked if some were lighted and others not. Evan stated that it states that all signs will be illuminated.  
Jon motioned to approve; Evan seconded  
Motion passes 6-0

4. Chase Bank ATM Sign Permit Application - 415 S. 1st Avenue

Karen presented the sign application. Signing does meet the sign code requirements. Building Department recommends approval of sign permit.

Evan stated that it does not state whether it is illuminated or not. Karen stated that she believes just



the chase bank logo on top will be illuminated. Jon stated that he would assume they will have lighting over the kiosk for security. Karen stated that he is correct.

Gavin motioned to approve; Dan seconded  
Motion passes 6-0

5. Public Hearing: Cassie Page Variance Request - 319 3rd Avenue

Judy stated that what was listed on the application and what was listed on Montana Cadastral was not matching. Asked Cassie for clarification. Cassie stated it is approximately 1900 Sq. ft on 2 levels. Judy asked what sq footage the main level was and if it had a full basement. Cassie did not have exact footage for main level and stated that the basement is only a partial basement She believed main floor is approximately 1000 sq ft. She stated that the upstairs has 3 bedrooms. Judy thanked her for the clarification.

Karen presented the history behind the variance request. Building department was contacted about the desire to do an addition onto the back portion of house. The house was built prior to the current setbacks that adopted, the addition that they were wanting would be in line with the existing house. This would be a 6' setback from side adjacent to street rather than the now required 20'. Therefore, Cassie came in and requested a variance from the required 20' setback. Building and planning departments have no issue with the addition as it is not affecting neighboring property, clear vision triangles or sight obstructions. Planning Department does recommend approval of this variance request. Karen did go over the 7 items outlined in LMC 17.60.020 – Land Use variances issuance and denial (attached to these minutes).

Judy called for Proponents.

Cassie Page – Would just like to add onto existing house, if required to meet the setbacks it would be in the middle of the yard, and they would be unable to add onto their home. Therefore, they are asking for approval of their request.

Judy called for any more proponents, second call for proponents. None heard.

Judy called for Opponents, second call for opponents, third call for opponents. None heard, public hearing closed.

Board discussion. Roger asked about the addition being 17' x 11' will this be a conventional 8' tall addition? Cassie stated that it will only be one story. Just wanting to add a closet and bathroom.

Jon asked when they planned on starting. Cassie stated as soon as they are allowed.

Jon motioned to approve; Evan seconded.

Motion passes 6-0. Variance will move on to City Council.

6. Public Hearing: Your Pie Special Review - 102 S. 1st Avenue

Karen explained the correction of the address of the property, therefore explaining the difference on application and staff report. Karen presented the staff report concerning the Special review application.

Judy stated that there did not appear to be any representatives of Your Pie present to speak to. She does have a question about what appears to be a drive thru as part of their building plan? Karen stated that she had not seen any plans for how they plan on renovating the building. If the drive thru is kept it would not be a point to pick up alcohol. Karen's understanding is that the alcohol served is strictly on premises sale and consumption. Karen stated that if the drive thru

window was kept it would be for pizza order pick up.

Gavin stated that it does not appear that they will have that much seating space. Karen stated it did appear that they were planning on putting an awning on the front of the building, this may be for some additional outdoor seating. Again, there have been no building plans submitted at this time. At time of plan review it would be determined if the extension would be allowed or not. Judy asked if that would make a difference in the availability of alcohol, and would it be addressed then? Karen stated that it would not change anything as to the serving of alcohol. Dan stated that he believed that there was a code that determined the amount of parking spaces you would need based on the occupant load/capacity. How is this going to be addressed. It was discussed that there is a lot more parking in the back, plus the 10 spots up front. Karen did state that Kurt Markegard had been the person on contact with the owners, however he was unable to attend the meeting tonight. The parking would need to be addressed when building plans were submitted. Roger asked if any plans had been received yet? Karen stated that she has not seen any. Roger stated that with having no plans submitted and nobody present to speak on their behalf that it be denied at this time until more information is given.

Judy called for any proponents three times. None heard.

Judy called for any opponents three times. None Heard. Public hearing closed.

Judy asked for clarification that the special review that was before the board was only for the sell and consumption of alcohol on premises. Karen stated that yes it was only for the sell and consumption of alcohol on premises. Judy asked for any other discussion.

Gavin motioned to approve; Jon seconded.

Motion carries 5-1, Roger Giese opposed.

### **Old Business**

Judy announced that Karen Courtney would be leaving the City's employ. Karen stated that it has been wonderful working with the Planning Board. Karen will be going to work for the State of Montana as a multi-discipline building inspector. Last day with the city will be May 27<sup>th</sup>.

### **Other Items**

#### **7. Next Meeting: June 15, 2022**

Karen stated that Forrest had requested that she announce that there are two items on the agenda for the June 15<sup>th</sup> meeting. There will be an annexation and a 1 lot minor subdivision. Gavin stated he would not be able to attend the June meeting due to other commitment. Board asked about the subdivision and annexation. Karen stated the Beehive subdivision out past the T/A and old meat processing plant will be like what was proposed to lift ag restriction like Miller Minor. Annexation she believes is the Hull annexation which is over by where they are building across from library. Forrest is reviewing these items at this time but will be on next meeting agenda.

Question asked if any more applicants for planner position. Karen stated not that she is aware of at this time.

### **Announcements**

#### **8. Motion to adjourn**

Gavin motioned to adjourn; Dan seconded. Meeting adjourned 6:10 PM.

