

RESOLUTION NO. R22-67

RESOLUTION OF THE CITY COUNCIL APPROVING AN APPLICATION FOR SPECIAL REVIEW FOR THE PELICAN CAFÉ, LLC AUTHORIZING THE ONSITE SALE AND CONSUMPTION OF ALCOHOL ON PREMISES, WITHIN AN EXISTING STRUCTURE LOCATED AT 701 EAST MAIN STREET, CITY OF LAUREL

WHEREAS, The Pelican Café, LLC (hereinafter "Applicant"), submitted a Special Review Application for the property located at 701 East Main Street, Laurel MT 59044, which is currently zoned within the Laurel Central Business Zoning District (hereinafter "CBZD") within the City of Laurel; and

WHEREAS, the Applicant seeks to provide for the sale and consumption of alcohol on its premises, within an existing structure located at 701 East Main Street, Laurel MT 59044, to be known as The Pelican Café, more particularly described as Allard Subdivision, Lots 9 and 10, Block 27, Section 9, T. 2 S., R. 24 E., P.M.M., City of Laurel, Yellowstone County, Montana;

WHEREAS, the Applicant seeks such Special Review pursuant to and anticipating its purchase and transfer of an All-Beverage Liquor License presently held by Sonny O'Day, Inc. with the State of Montana;

WHEREAS, the State of Montana Department of Revenue has placed a deadline of November 19, 2022 for the transfer of the Sonny O'Day, Inc. All-Beverage Liquor License to The Pelican Café;

WHEREAS, in order to complete the transfer of the All-Beverage Liquor License in a timely manner, Public Notice and Hearing of the Special Review Application will need to be waived, so that the City Council of the City of Laurel can approve/deny the Special Review Application in a manner which allows appropriate action by the State of Montana Department of Revenue;

WHEREAS, the Laurel Municipal Code and the Special Review procedures for the City of Laurel allow waiver of extended public notice of Special Review Applications;

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 (acting as the Zoning Commission) considered this matter on October 19, 2022 and 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. 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.
3. The operation of the business at the site shall not constitute a nuisance.
4. 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.
5. 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 19th day of October, 2022 with the Zoning Commission;

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 of the Zoning Commission (of which there was none), 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 provide for the sale and consumption of alcohol on its premises, located at 701 East Main Street, Laurel MT 59044; 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;

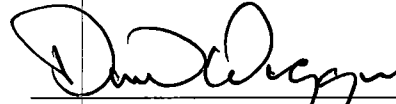
FINALLY, BE IT RESOLVED that the Application for Special Review, Staff Report, and all attachments thereto are hereby incorporated as part of this Resolution.

Introduced at a regular meeting of the City Council on the 25th day of October 2022, by Council Member Mize.

PASSED and APPROVED by the City Council of the City of Laurel the 25th day of October 2022.

APPROVED by the Mayor the 25th day of October 2022.

CITY OF LAUREL



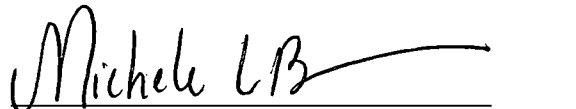
Dave Waggoner, Mayor

ATTEST:



Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:



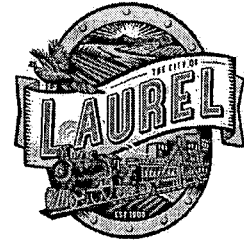
Michele L. Braukmann, Civil City Attorney



CITY HALL
115 W. 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 Director of Public
Works

INTRODUCTION

On Wednesday, September 28, 2022, Chad Page submitted a **Special Review Application for onsite sales and consumption of alcohol within the Laurel Central Business Zoning District (CBZD)**. The property involved in the request is the Pelican Cafe, 701 East Main Street, and is described as Allard Subdivision (Laurel) Lots 9 and 10, Block 27, Section 9, T. 2 S., R. 24 E., P.M.M., City of Laurel, Yellowstone County, Montana.

The project will be presented to the Laurel – Yellowstone City County Planning Board on **October 19, 2022**, with a recommendation to the Laurel City Council for final decision in November.

PLANNER RESPONSIBILITY

- A. Consult with other departments of the City or County to evaluate the impact of the special review upon public facilities and services; ACCOMPLISHED
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and reference to the comprehensive plan; ACCOMPLISHED
- C. Advertise twice in a newspaper of general circulation in the jurisdictional area of the Laurel – Yellowstone City County Planning Board; ACCOMPLISHED
- D. Notify by mail, the applicant or his agent at least five days prior to the date of the public hearing of the date, time and place of such hearing; ACCOMPLISHED
- E. Notify, by mail, all property owners within 300 feet of the exterior boundaries of the property subject to the special review of the date, time and location of the public hearing; ACCOMPLISHED
- F. After the public hearing and as part of the public record, report findings and conclusions and recommendations to the Zoning Commission.

STANDARD OF REVIEW Zoning Commission/City Council

- The request complies with the requirements of §17.68.040 of the City of Laurel Zoning;
- The request is consistent with the objectives and purpose of Title 17 of the Laurel Municipal Code;
- The proposed use is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
- The zoning commission shall consider and may impose modification or conditions concerning, but not limited to:
 - Street and road capacity,

- Ingress and egress to adjoining streets,
- Off-street parking,
- Fencing, screening and landscaping.
- Building bulk and location,
- Usable open space,
- Signs and lighting,
- Noise, vibration, air pollution and similar environmental influences.

VARIANCES REQUESTED

N/A. None Requested.

Recommendation to the City Council for special review for 701 East Main Street.

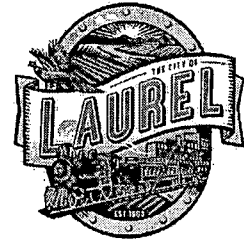
On October 19, 2022, the zoning commission held a public hearing to consider a special review for the sale of onsite alcohol consumption at 701 E. Main Street for the Pelican Café. The zoning commission chair opened the public hearing after the presentation and asked three times for proponents and for which there were none. The chair then asked three times for opponents and for which there were none. The chair closed the public hearing, and the matter was then taken up by the zoning commission. The zoning commission considered the criteria for special review and evaluated all aspects pertinent for a recommendation of approval to allow onsite alcohol sales at 701 E. Main Street.

It is the zoning commission's recommendation to allow the sale of onsite consumptions of alcohol at 701 East Main Street and to consider the special review without holding another public hearing. The requirement to hold or not hold a public hearing is the City Council's decision to make but due to the lack of participation or comments for or against the special review, it was the zoning commission's recommendation that public involvement was noticed, and the public decided not to participate.

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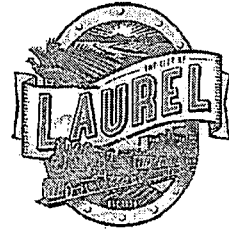
VARIANCES REQUESTED

N/A. None Requested.

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Office of the City Planner

Instructions for Special Review Applications

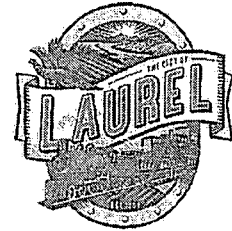
Special Review applications are reviewed by the Laurel City-County Planning Board, which acts as the City Zoning Commission for Special Reviews. The Zoning Commission shall make a recommendation to the Laurel City Council for final approval, approval with conditions, or denial of the application. The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

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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: Chad Page

Legal Description: Allard Subdivision Block 27 Lot 9, S 09, T2S, R24E

General Address: 701 East Main Street

Owner of Tract: Chad Page

Mailing Address: 1960 Coyote Ridge Road North, Laurel, MT 59044-9489

Phone Number: 406-628-6683 (Pelican Cafe); 406-861-9987 (Mobile)

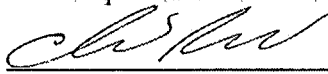
Email Address: jamiegrey@yahoo.com

General Description of the requested Special Review:
Onsite sale and consumption of alcohol

Timing for development:
By or before November 19, 2022

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: September 26, 2020

September 26, 2022

To Whom it May Concern:

In compliance with Laurel Municipal Code Chapter 17.68, this letter and attendant materials comprise a request for a Special Review to approve the Montana Department of Revenue's transfer of the Sonny O'Day's, Inc., All-Beverage Liquor License to The Pelican Cafe, LLC, for the service of alcohol.

Between Sonny O'Day's and The Pelican Cafe, and the Pelican's predecessors, nearly a century of service has been provided to the residents of the greater-Laurel community and its visitors. By joining together these two long-established businesses, The Pelican Cafe would offer a home-style, full-service restaurant, welcoming a family-friendly option for Laurel residents, in addition to providing an attraction for visitors, making The Pelican Cafe a vital, active, and even more integral part of the greater-Laurel community.

Sonny O'Day's All-Beverage license is the longest singly-owned liquor license in the State of Montana, and has been a 75-year tradition in Laurel since 1947. The loss of this historic liquor license to Laurel would be immeasurable.

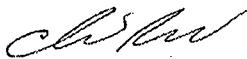
Because heritage and long-standing traditions are important in Laurel, we seek timely approval of this Special Request, to ensure that Sonny O'Day's historic liquor license remains in Laurel, where Sonny and his wife, Carra, a much-beloved grade-school teacher, raised their family and lived for over seven decades. Without timely approval, Laurel no longer may be home for the Sonny O'Day liquor license, and our community will have lost a valued piece of its heritage, as well as the Sonny O'Day legacy.

The Montana Department of Revenue has placed a deadline of November 19, 2022, for the Sonny O'Day All-Beverage Liquor License either to be transferred to The Pelican Cafe; or, if the Special Request to The Pelican Cafe is denied, to be sold through a competitive bidding process to another Montana city; or, to be forfeited.

Sonny O'Day's All-Beverage license has received Special Review approval in the past, and we ask that this same approval be granted once more, so that Sonny's legacy may remain in Laurel: his and his family's treasured home.

Thank you in advance for your consideration of this Special Request. We look forward to long and valued service in the Laurel community.

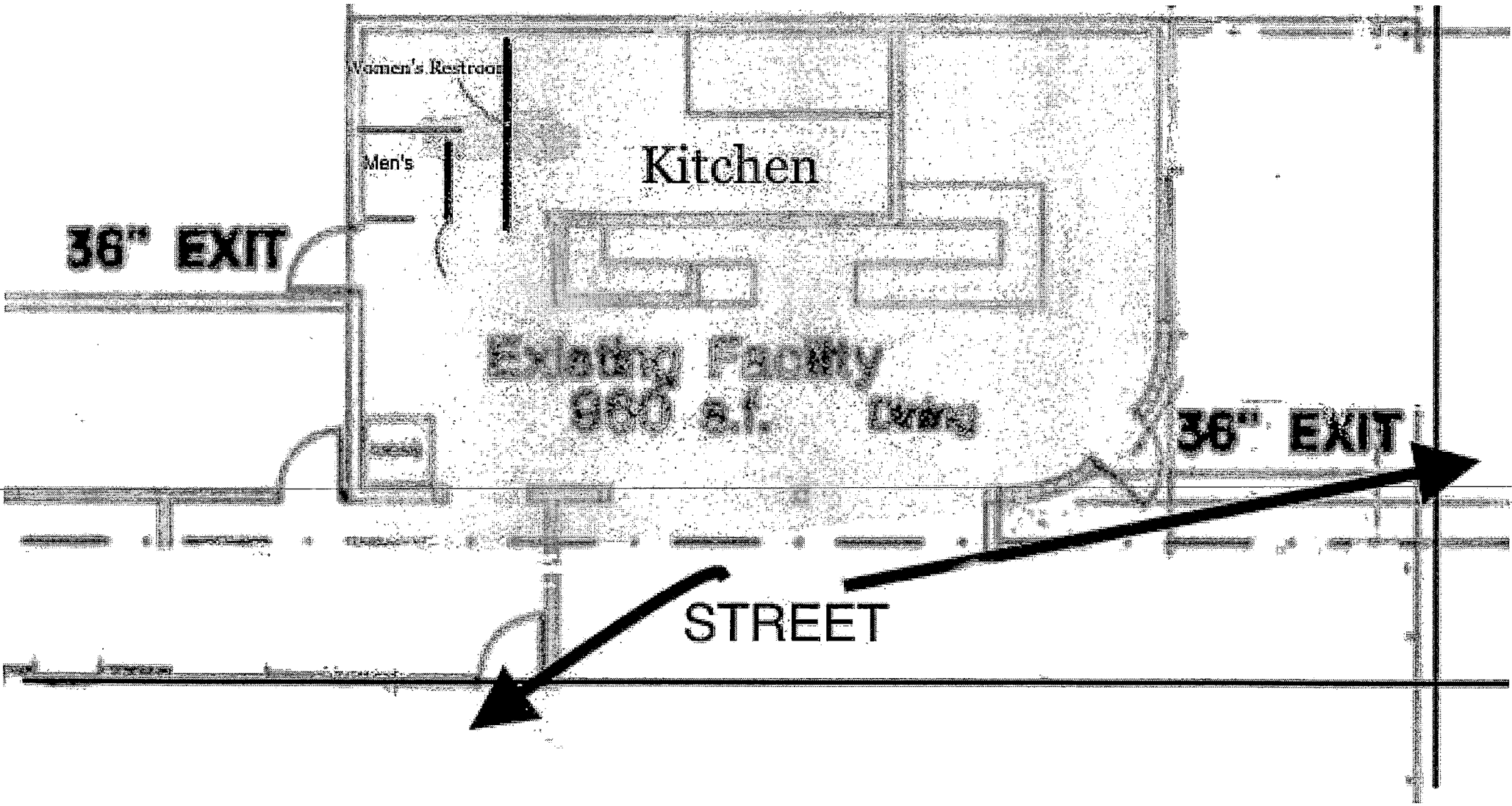
Best regards,



Chad Page
Owner, The Pelican Cafe, LLC



Shelley Van Atta
Owner, Sonny O'Day, Inc.



Property Owners within 300 ft. of The Pelican Cafe

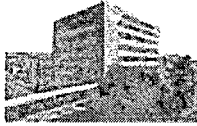


D13 144C

D13144

Property Owners within 300 ft. of The Pelican Cafe

Owner name	Tax Code	Legal Description	Address
MONTANA RAIL LINK	D13144	S09, T02 S, R24 I	
BEQUETTE PROPERTIES LLC	B01035	LAUREL REALTY :	601 E MAIN ST
LAMBRECHT, JACOB C & TERRIE L	B01034	LAUREL REALTY :	613 E MAIN ST
GOLDSBY, JUDITH ANN	B01033	LAUREL REALTY :	619 E MAIN ST
O'LOUGHLIN, JAMES T & KAREN L	B01040	LAUREL REALTY :	12 IDAHO AVE
HICKS, SCOTT	B01039A	LAUREL REALTY :	16 IDAHO AVE
LINSE, JUSTIN &	B01039	LAUREL REALTY :	20 IDAHO AVE
CHAPMAN, RAMONA J	B01038	LAUREL REALTY :	17 WASHINGTON AVE
BOBO, GARY & SHARON K	B01037	LAUREL REALTY :	15 WASHINGTON AVE
STEFFANICH, LEE & BETSY	B01036	LAUREL REALTY :	13 WASHINGTON AVE
PAGE, CHAD E	B00492	ALLARD SUBD (L	701 E MAIN ST
SUAZO FAMILY TRUST	B00491	ALLARD SUBD (L	709 E MAIN ST
ARROYO SECO GROUP INC	B00489	ALLARD SUBD (L	711 E MAIN ST
DEMARAY, ROGER D & KRISTINA R	B00497	ALLARD SUBD (L	16 OHIO AVE
SMITH, LANCE E & AMBER	B00496	ALLARD SUBD (L	20 OHIO AVE
FJELSTAD, NATHAN LANE & KATHERINE LEE	B00495	ALLARD SUBD (L	19 IDAHO AVE
SCHRAUDNER, JORDAN & MICHELLE	B00494	ALLARD SUBD (L	15 IDAHO AVE
VALLECIO JR, ALEX YAMANI	B00493	ALLARD SUBD (L	11 IDAHO AVE
RODABOUGH, WENDY S	B01044	LAUREL REALTY :	605 E 4TH ST
DAVIS, TERENCE A	B01043	LAUREL REALTY :	609 E 4TH ST
LEKSEN, ALAN & SUSAN C	B01042	LAUREL REALTY :	613 E 4TH ST
HARMON, PATRICK D & MATTHEW J	B01041	LAUREL REALTY :	619 E 4TH ST



Yellowstone County, Montana

[Commissioners](#) [Departments](#) [Contacts](#) [Site Map](#) [Home](#)

Disclaimer: Not all fields are currently maintained. The accuracy of the data is not guaranteed. Please notify the Appraisal/Assessment Office of any inaccuracies.

[Back to Search Form](#)

[Full Orion Detail](#)

Owner Information

**Please Note:* Owner information is supplied by the Montana Department of Revenue. To request updates to addresses or other ownership information, please contact the DOR office at 896-4000. Records for the current year will not be updated after tax bills have been sent out, so changes requested after you receive your bill will appear only on next year's records.

Tax Code: B00492

Primary Party

Primary Owner Name: PAGE, CHAD E [Ownership History](#)

2022 Mailing Address: PAGE, CHAD E
1960 COYOTE RIDGE RD N
LAUREL, MT 59044-9489

Property Address: 701 E MAIN ST

Township: 02 S Range: 24 E Section: 09
Subdivision: ALLARD SUBD (LAUREL) Block: 27 Lot: 9

Full Legal: ALLARD SUBD (LAUREL), S09, T02 S, R24 E, BLOCK 27, Lot 9 - 10, AMND

GeoCode: 03-0821-09-4-11-01-0000

[Show on Map](#) (May not work for some newer properties.)

Property Assessment Information

Levy District: 7 TI LAUREL URBAN RENEWA TAX I (618.13 Mills)

2021 Assessed Value Summary

Assessed Land Value = \$ 43,068.00
Assessed Building(s) Value = \$ 59,832.00
Total Assessed Value = \$ 102,900.00

Assessed Value Detail Tax Year: 2021

Class Code	Amount
2207 - Commercial City or Town Lots (1.89% Tax Rate)	\$ 43,068.00
3507 - Improvements on Commercial City or Town Lots (1.89% Tax Rate)	\$ 59,832.00
Total	\$ 102,900.00

The values shown for the given tax year are for taxation purposes only. They are supplied by the Department of Revenue. For questions about these values, please contact the Montana Department of Revenue, Appraisal/Assessment Office at 406-896-4000.

Rural SID Payoff Information

NONE

Property Tax Billing History

Year	1st Half	2nd Half	Total
<u>2000</u>	467.00 P	467.00 P	934.00
<u>2001</u>	514.04 P	514.04 P	1,028.08
<u>2002</u>	563.46 P	563.45 P	1,126.91

2003	626.03 P	626.03 P	1,252.06
2004	718.17 P	718.17 P	1,436.34
2005	774.83 P	774.82 P	1,549.65
2006	791.37 P	791.35 P	1,582.72
2007	789.24 P	789.22 P	1,578.46
2008	781.64 P	781.60 P	1,563.24
2009	752.17 P	752.14 P	1,504.31
2010	774.84 P	774.83 P	1,549.67
2011	736.62 P	736.62 P	1,473.24
2012	721.85 P	721.84 P	1,443.69
2013	50.00 P	0.00	50.00
2013	679.67 P	679.65 P	1,359.32
2014	790.26 P	790.25 P	1,580.51
2015	732.84 P	732.82 P	1,465.66
2016	740.49 P	740.49 P	1,480.98
2017	774.70 P	774.69 P	1,549.39
2018	820.34 P	820.32 P	1,640.66
2019	767.69 P	767.66 P	1,535.35
2020	711.01 P	710.99 P	1,422.00
2021	809.41 P	809.40 P	1,618.81

(P) indicates paid taxes.

Click on year for detail. [Pay Taxes Online](#)

Jurisdictional Information

Commissioner Dist: 1 - John Ostlund (R)	School Attendance Areas
Senate: 28 - Brad Molnar (R)	High: LAUREL
House: 55 - Vince Ricci (R)	Middle: LAUREL
Ward: 1 (LAUREL)	Elem: LAUREL

[Emelie Kay Eaton](#)

[Heidi Sparks](#)

Precinct: 55.4

Zoning: CBD-Central Business District

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[Regulations](#)

[Click Here to view Laurel](#)

[Regulations](#)

[Click Here to view Broadview](#)

[Regulations](#)

[Click Here to view Yellowstone](#)

[County Regulations](#)

[School District Trustee Links](#)

Any comments or questions regarding the web site may be directed to the [Web Developer](#).

**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, OCTOBER 19, 2022**

The Chair, Judy Goldsby, called the meeting to order at 5:33 p.m.

Present: Judy Goldsby (Chair), Richard Herr (via Phone), Gavin Williams, Jon Klasna, and Roger Giese

Others Present: Kurt Markegard, Public Works & Planning Director, Brittney Moorman, Administrative Assistant

Public Input:

There was none.

General Items

1. Approve Minutes of September 21, 2022

Motion by Roger to approve the City/County Planning Board minutes of September 21, 2022, seconded by Jon. There was no public comment or board discussion. A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

New Business

2. Public Hearing: Zoning Commission Special Review for Alcohol Sales at 701 E. Main Street- Pelican Café

Chair Goldsby opened the public hearing and asked Staff to present the item.

Kurt Markegard, Public Works & Planning Director, briefly review the application and staff report.

Chair Goldsby opened the floor for public comment.

Chair Goldsby asked three (3) times if there were any proponents. There were none.

Chair Goldsby asked three (3) times if there were any opponents. There were none.

Chair Goldsby stated that he would not have Staff respond to questions as there were none.

3. Special Review for Pelican Cafe allowing Alcohol Sales at 701 E. Main Street

The board reviewed the special review process. Please see attached handouts.

Public Works Director Markegard recommended to the board that this matter move forward to Council without a Public Hearing.

Motion by Gavin to recommend approval to Council for onsite consumption of alcohol at 701 E. Main Street without an additional Public Hearing by the City Council, seconded by Roger. There was no public comment.

It was questioned what hours alcohol would be served. It was clarified that the State restricts the hours of alcohol sales. The business owner clarified his hours would remain the same.

A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

4. Approval for a Pole sign permit for Chen's Express and City Brew

Per code, a property can have on Pole sign per lot advertising what is in the building. This Pole sign does comply with our code. The sign will be located off South 1st Avenue. The developer will do considerable landscaping around the sign; no variance will be needed.

Motion by Gavin to approve the Pole sign permit for Chen's Express and City Brew, seconded by Roger. There was no public comment or board discussion. A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

Old Business

The City is currently trying to hire a City Planner and has hired Prothman to advertise this position.

The City has hired a Building Inspector who will begin work on October 31, 2022.

Other Items

Announcements

The next City/County Planning Board will meet on November 16th, and chair Goldsby stated she would be gone during that meeting.

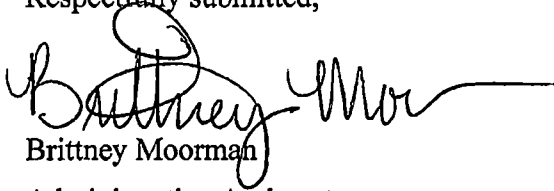
Motion by Richard to cancel the City/County Planning Board meeting of November 16th, seconded by Gavin. There was no public comment or board discussion. A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

Adjournment

Motion to adjourn meeting by Jon, seconded by Roger. There was no public comment or board discussion. A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

The meeting was adjourned at 6:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Brittney Moorman", with a long horizontal flourish extending to the right.

Brittney Moorman

Administrative Assistant

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 jurisdictional 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.

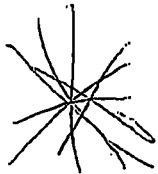
- A. Before taking action on an application for special review, and after presentation of the zoning commission's report, the city council may hold a public hearing on the application.
- B. The zoning commission may recommend to the council whether to hold a public hearing or not. In the event the city 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)

17.40.020 - Location specified.

Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be in walking distance measured from the nearest point of parking facility to the nearest point of the lot that such facility is required to serve. All such off-street parking shall be improved as required by Sections 17.40.080 and 17.40.140.

- A. For one- and two-family dwellings, off-street parking is required on the same building site with the building it is required to serve.
- B. For multiple dwellings, retirement homes, lodging and boardinghouses, etc., off-street parking is required within the walking distance of one hundred feet.
- C. For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, homes for the aged and asylums, off-street parking is required within six hundred feet for employees and three hundred feet for visitors.
- D. That portion of the city zoned central business district (CBD) shall not have any off-street parking requirements; provided, however, that the owners of expanded or new structures must consider the off-street parking needs of their projects.
- E. For uses other than those specified above, off-street parking within four hundred feet is required.



(Ord. 05-11, 2005; Ord. 927, 1987; Ord. 800 (part), 1985; prior code § 17.76.010(A))

PUBLIC HEARING NOTICE

The Laurel Zoning Commission will conduct a public hearing on a Special Review for The Pelican Café on property located at 701 E. Main Street, Laurel, Montana. The hearing is scheduled for **5:35 p.m., or as soon as practicable thereafter, in the City Council Chambers (115 W. Main Street, Laurel, Montana), on Wednesday, October 19, 2022.**

The specific property subject to the Special Review is described as:

- Allard Subdivision Block 27 Lot 9, S 09, T2S, R24E

The use triggering the Special Review is a request for **onsite sale and consumption of alcohol** within the Laurel Central Business District (CBD)

In addition to the above items, the Zoning Commission/City Council will consider the following items in the Special Review Process:

- The request complies with the requirements of §17.68.040 of the City of Laurel Zoning;
- The request is consistent with the objectives and purpose of Title 17 of the Laurel Municipal Code;
- The proposed use is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
- The zoning commission shall consider and may impose modification or conditions concerning, but not limited to:
 - Street and road capacity,
 - Ingress and egress to adjoining streets,
 - Off-street parking,
 - Fencing, screening and landscaping.
 - Building bulk and location,
 - Usable open space,
 - Signs and lighting,
 - Noise, vibration, air pollution and similar environmental influences.

A copy of the Special Review application and supporting materials is available for public review at Laurel City Hall during regular business hours. Questions may be directed to Kurt Markegard, Planning Director at (406) 628-4796 ext. 5305 or kmarkegard@laurel.mt.gov . Public comment is encouraged.

The City of Laurel is committed to open and transparent government and associated public decision-making processes. Public comment is encouraged.

Publish September 30 and October 7, 2022.