

A RESOLUTION OF THE CITY COUNCIL APPROVING AN APPLICATION FOR SPECIAL REVIEW SUBMITTED ON BEHALF OF REDNECK PIZZA.

WHEREAS, LMC 17.20.020 states cocktail lounges, restaurants, bars and taverns are only allowable in properties zoned Central Business District by special review; and

WHEREAS, Thomas Barton of Redneck Pizza, which is zoned as Central Business District, desires to sell alcohol, specifically beer and wine, on the premises; and

WHEREAS, Redneck Pizza submitted an application for special review to the Laurel-Yellowstone City-County Planning Board for review and consideration. The Planning Board recommends the approval of the application for special review, subject to the following conditions:

1. Property shall be kept free of noxious weeds;
2. Any patio area serving alcohol must be fenced in an appropriate fashion; and
3. All signs shall comply with LMC 15.40; and

WHEREAS, the City Council of the City of Laurel hereby finds it is in the best interests of the residents of the City of Laurel to approve the application for special review as articulated in the Staff Report and Findings attached hereto, subject to the above stated conditions.

NOW THEREFORE, BE IT RESOLVED that the owner's request for approval of an application for special review to serve alcohol on property located in the Central Business District is hereby approved for the property located at 11 South 5th Avenue.

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 three conditions listed herein.

Introduced at a regular meeting of the City Council on July 7, 2015, by Council Member Herr.

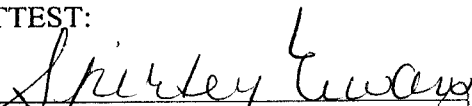
PASSED and APPROVED by the City Council of the City of Laurel, Montana this 7th day of July, 2015.

APPROVED BY THE MAYOR this 7th day of July, 2015.

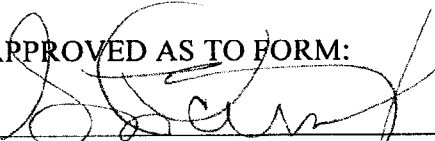
CITY OF LAUREL


Mark A. Mace, Mayor

ATTEST:


Shirley Ewan, Clerk-Treasurer

APPROVED AS TO FORM:


Sam S. Painter, Civil City Attorney



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Monica Plecker, Planning Director
RE: Special Review – Thomas Barton
DATE: June 16, 2015

DESCRIPTION/LOCATION:

Thomas Barton of Redneck Pizza has submitted an application for special review. The affected property is located at 11 S. 5th Avenue in the City of Laurel. The Parcel is zoned Central Business District. The applicant is requesting a special review for the sale of alcohol at an existing restaurant. The property is legally described as S16, T02 S, R24 E, C.O.S. 1841, PARCEL 2, NW.

STAFF FINDINGS:

Applicant Data:

Owner: Thomas Barton
Legal Description: S16, T02 S, R24 E, C.O.S. 1841, PARCEL 2, NW
Address: 11 S. 5th Avenue
Parcel Size: 19,054 Sq. Ft.
Existing Land Use: Redneck Pizza
Proposed Land Use: Redneck Pizza with Sale of Alcohol
Existing Zoning: Central Business District

Surrounding Land Use and Zoning (See Exhibits A & B)

North: Zoning:	Central Business Dist.	Land Use:	Eastlick Chiropractic
South: Zoning:	Light Industrial	Land Use:	Railroad
East: Zoning:	Central Business Dist.	Land Use:	Residential
West: Zoning:	Central Business Dist.	Land Use:	Helena Chemical

1. The application and zoning map have been attached.
2. The application is requesting a special review from LMC 17.20.020 which states “cocktail lounges, restaurants, bars and taverns” are only allowable by Special Review in properties zoned Central Business District.
3. The sale of alcohol, specifically beer and wine, will occur at the existing Redneck Pizza business.
4. LMC 17.48.090 states that “No building, structure or premises shall be used for retail alcoholic beverage sales unless:
 1. The lot or parcel of land so to be used has a street frontage of at least 100’ and an average depth of at least 100’
 2. A distance of 600’ between property lines measured in a straight line from any building that is primarily used as a church or school, or from a public park that contains a children’s playground or playfield.
 - a. Properties or establishments which are located in the Central Business District are exempt from [sub)section 2.”This property has a street frontage of at least 100’ of street frontage and is exempt from further provisions in LMC 17.48.090 because it is zoned Central Business District.
5. The advertising requirements of LMC 17.68.030 C-E have been met.

ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:

The Zoning Commission shall review and make determinations on the following chapters and sections of the Laurel Municipal Code (LMC):

1. Prior to approving a special review application LMC 17.68.040 states the application:
 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 adjoin streets,
 - c. Off-street parking,
 - d. Fencing, screening and landscaping,
 - e. Building bulk and location
 - f. Usable open space,
 - g. Signs and lighting.

2. As per LMC 17.68.040 the Zoning Commission shall make a recommendation to the Governing Body 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.

STAFF SUGGESTED CONDITIONS:

If the City Council recommends approval of the Special Review, the following conditions are suggested:

1. Property shall be kept free of noxious weeds.
2. Any patio area serving alcohol must be fenced in an appropriate fashion.
3. All signs shall comply with LMC 15.40

PROCEDURAL HISTORY:

- On June 4, 2015 the Laurel City/County Planning Board held a public hearing on the application for special review. Tom Barton, owner of Redneck Pizza spoke. He purchased the business in November of 2014. Since he has owned the business he has had many requests from his customers to serve beer and/or wine. He has applied to the State of Montana for a beer and wine license.
- The Planning Board had some discussion on the application. Questions were raised about the hours of operations and whether the license would allow for the sale of liquor. The applicant stated no liquor sales would be allowed as a part of the license he has applied for.
- Greg Nelson of the Planning Board stated that an adjacent property, the Dragon Palace, sells beer and wine and can see no issue with the matter. He also stated that a subsequent public hearing would not be necessary for this application.
- The Planning Board recommended 5-0 approval of the variance with the staff suggested conditions of approval.
- City Council Workshop: June 30, 2015
- City Council Meeting: July 7th, 2015