



PLANNING BOARD AGENDA

July 18, 2022 – 10AM | Council Chambers, City Hall

1. **Call meeting to order** | Pledge of Allegiance.
2. **Approval of Minutes:**
 - a. Regular Meeting: Deferred till August 15th.
3. **Public Comment Non-Agenda Items** – Members of the audience may comment on any non-agenda item. State Statute prohibits the City Council from discussing any introduced item. The Council limits each person to three minutes to ensure there is sufficient time for all comments. The Council respects all comments and will have staff follow up any questions.
4. **Public Hearing:(s)**
 - a. 312 Missouri Conditional Use Permit Application – Jordan
Action Item: Vote on Recommendation of CUP Application – Jordan
5. **Reports: Accept report as presented in packet.**
 - a. Economic Growth and Development:
 - b. Downtown Historic Preservation:
 - c. Chamber of Commerce:
6. **New Business:** – The Board accepts public comment at the end of each item.
 - a. None
7. **Continued Business:**
 - a. Mission Statement - Jordan
8. **Staff or Committee Comments:**
9. **Announcement of the next meeting:**
 - a. August 15, 2022, at 10AM. (if needed)
10. **Adjournment**

Planning Board for the City of Deer Lodge meets in the Council Chambers.
300 Main Street, Deer Lodge, MT 59722

For Further Information Contact

CAO | Jordan Green
jgreen@cityofdeerlodgemt.gov | 406.846.2238

CONDITIONAL USE PERMIT STAFF REPORT

Jordan Green – July 18, 2022

Introduction –

Jesse and Sasha Mullen of 312 Missouri Avenue submitted a Conditional Use Permit application on June 28, 2022. The petitioners are seeking permission to live in the Silver State Post building, located at 312 Missouri Avenue, for approximately 18-24 months while they remodel the building to be suitable as an office and café. Currently, the structure is unfit for office use without new electric and updated plumbing. Living in the structure during renovation will reduce the time the business is vacant and save costs during the remodel.

The parcel is in Deer Lodge in the Original Addition, Section 33, Township 08N, Range 09W, Block 18, and the west 36.3 feet of the east 70 feet of lots 17 through 20. The parcel is located in the B-1, Central Business District of the City of Deer Lodge Zoning Ordinance. The location of the parcel is identified on the attached map.

The City of Deer Lodge Zoning Ordinance requires the issuance of a Conditional Use Permit for residential and lodging uses in the Central Business District.

Analysis of Application –

The analysis of this application followed the requirements specified in Chapter 12 of the City of Deer Lodge Zoning Ordinance. The requirements and staff comments used in this analysis follow.

Chapter 12, Section 2-1: The use conforms with the objectives of the Growth Policy and the intent of this Code

This use conforms with the Growth Policy by improving a storefront in the Central Business District to accommodate uses that are impactful to downtown vibrancy. The Zoning Code states that the intent of the district is to act as a “focal center” for “the community’s business, government, service, and cultural activities.” Allowing the applicants to live in the property temporarily will not impede the objectives of the Growth Policy or the intent of the Zoning Code, and in fact will help increase the diversification of activities in downtown Deer Lodge once completed.

Chapter 12, Section 2-2: Such use will not adversely affect nearby properties or their occupants

The proposed temporary residential use will not affect nearby properties or their occupants. A business will typically have a greater impact on parking than a residential use, and there is no expected increase in traffic due to the allowance of a temporary residential use. However, a business like the one currently operating in the building typically produces little to no noise after business hours. Therefore, staff recommends that the Planning Board require the applicants to reduce after hours noise as much as possible during renovations and use as a residence so as not to disturb the adjacent neighbors.

Chapter 12, Section 2-3: Such use meets density, coverage, yard, height and all other regulations of the district in which it is to be located, unless otherwise provided for in this Code

As the Conditional Use would not change the exterior structure of the building in and of itself, there will be no impact on the regulations of the Central Business District as provided in the Zoning Code.

However, all construction required for the renovation of the property will need to follow the other zoning requirements for the Central Business District unless the applicants receive variances from the City.

Chapter 12, Section 2-4: Public hearings have been held, after the required legal notices have been given and the public has been given a chance to be heard upon the matter


The City Administrator sent out 27 letters to adjacent property owners for to ask for comments for the Conditional Use public hearing. There have been no responses to the letters. The Silver State Post ran the required public hearing notice in their July 13th edition.

A public hearing for the Conditional Use Permit Application will be held for the Planning Board on July 18, 2022. The second public hearing for City Council will be held August 1, 2022, should the Planning Board give a favorable recommendation to City Council.

Recommendation –

Based on the above information as well as the provided preliminary plan documents, the City Administration recommends the Planning Board send a favorable recommendation of the CUP application subject to the following considerations:

- The applicants are required to abide by all testimony as presented in the public hearings before the Planning Board and City Council.
- The applicants make every effort to restrict noise after business hours to decrease the adverse effect on the adjacent residential properties.
- The applicants receive all necessary permits for commercial buildings from the State Department of Labor and Industry and follow all applicable building codes and local zoning codes.
- Additional deviations from the zoning code must receive the prior approval of the City Council.
- The applicants cease using the property as a residence immediately following the completion of renovations. Use of the property as a residence is not to exceed 24 months.
- If the applicants expect renovations to take longer than 24 months, they should alert the City Administrator in writing at least 30 days in advance to request an extension.
- The applicants abide by all conditions the Planning Board and City Council attach to the approval of the Conditional Use Permit and, if not, relinquish the right to use the property as a residence until they regain approval from the City Council.



Chief Administrator/ City Planner

07/18/22
Date

Attachment: Parcel Location



City of Deer Lodge

300 Main Street | Deer Lodge, MT | 59722 | 406.846.2238 | 406.846.3925 (f) | cityofdeerlodge.org

CONDITIONAL USE PERMIT

APPLICATION

The submission of this application acknowledges that all information is true and correct including all supporting documents and plans.

Site Plan - The plan must show parcel boundaries, existing and proposed structures, access from public road, parking areas, waterways & drainage structures, landscaping, and public infrastructure.

Please submit the completed Application and all supporting documents & scaled plans, and the appropriate fee to the Deer Lodge City Hall - 300 Main Street, Deer Lodge, MT 59722.

Applicant(s): Jesse & Sasha Muller

Address: 312 Missouri Ave

Email: jesse.jamesmullen@gmail.com Telephone #: 406 438 2540

Property Address: 312 Missouri Ave

Assessor Code(s): _____ Geocode(s): _____

Authorized Agent Information: same

Address: _____

Email: _____ Telephone #: _____

Property Owner / Authorized Agent Signature: [Signature] Date: 6/28/22

Legal Description of Property (Subdivision / Addition and Blocks & Lots): _____

312 Missouri

Zoning District: _____ Overlay District: _____

Use of Structure or Property? Business Office / Cafe'

Describe the Request (Submit additional pages if necessary & all supporting documentation): _____

Seeking to move into building for 18-24 months to remodel building to be suitable as a cafe' and office.

Building in current state is unfit for office use without new electric, updated plumbing, etc. Doing redo ourselves will reduce time business is empty/vacant, and save costs for more rapid remodel.

Owner / Agent Initial: [Signature]

Date: 6/28/22



JULY 2022 REPORTS

ECONOMIC GROWTH & DEVELOPMENT

Preliminary contract with Gary Chilcott land leasing of City Property was covered. Jordan introduced a combined Visions and Mission statement. It was tabled for further study. John Henderson brought up the idea of creating a Deer Lodge City license plate. Next meeting is scheduled for August 3rd at 4:00 PM

HISTORIC PRESERVATION

Discussed the idea of having more control over the Historic District.

CHAMBER OF COMMERCE

Discussion topic was Territorial Days

Deer Lodge Historic Preservation Commission
June 23, 2022, 6pm, City Hall

Present: Commission members Kathy Bair, Cole Neubauer, Steve Owens, and Melanie Sanchez, Preservation Officer Jacque Lavelle, and City Council Rep. Curt Fjelstad. Kathy called the meeting to order at 6pm.

Minutes: Jacque moved that the minutes of May 19, 2022 be approved as presented, Melanie seconded, and the motion passed.

Financial report: The balance is unchanged from last month, \$4,389.50.

Old Business: The \$2,250.00 allocation from our funds for the work on the Masonic Temple awning is being processed.

Robworth: Kathy will reach out to Kirby about contacting Janene Caywood about writing the National Register nomination. Kathy will check on the preferred payment method, whether SHPO pays her directly or we pay her.

502 Main: Work on the brick repairs on the south side is allowable. Kathy will contact Sami Thomas for the paperwork.

New Business: Montana Main St. reports are due soon.

Community Resource forms: Amanda, Jordan, and the Chamber are compiling information on all the organizations in the area to have a shared resource database.

Hillcrest: Ellen Baumler wrote an article for SIG magazine about Hillcrest Cemetery, which Jacque forwarded and Steve printed and shared.

There being no further business, the meeting adjourned at 6:32pm. The next meeting was set for 6pm on July 14, 2022.

Respectfully submitted,



Steve Owens, secretary