



PLANNING BOARD AGENDA

March 20, 2023 – 10AM | Council Chambers, City Hall

1. **Call meeting to order** | Pledge of Allegiance.
2. **Approval of Minutes:**
 - a. Regular Meeting: February 21, 2023
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. Schrecengost Rezoning and Conditional Use Permit Public Hearing
Action item: Vote on recommendation to the City Council
 - b. Jones Rezoning Public Hearing
Action item: Vote on recommendation to the City Council
 - c. Plague Doctor Dispensary Conditional Use Permit
Action item: Vote on recommendation to the City Council.
5. **Reports:**
 - a. Economic Growth and Development:
 - b. Downtown Historic Preservation:
 - c. Chamber of Commerce:
6. **Continued Business:** - The Board accepts public comment at the end of each item.
7. **New Business:**
8. **Staff or Committee Comments:**
9. **Announcement of the next meeting:**
 - a. Monday, April 17, 2023 at 10am (if needed)
10. **Adjournment**

Planning Board Mission Statement:

The Planning Board works to protect the health, safety, and welfare of the community of Deer Lodge in a responsible and equitable way. It accomplishes this through the gathering of local input, the desire for community vibrancy, and the knowledge that our decision-making today supports the future of the community.

Note: A plan with no action remains nothing more than a plan!

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

CITY OF DEER LODGE

PLANNING BOARD MINUTES

February 21, 2023 – 10:00 AM | Council Chambers, City Hall.

Members Present: Amber Brown, Amanda Cooley, Rick Buck, Dick Bauman, Kathy Bair
Member Absent: Rand Dickson (left early), Dan Sager
Mayor: Absent
CAO: Jordan Green
Council Member: None
Staff: Cyndi Thompson
Guests: See sign in sheet

1. Call Meeting to Order | Pledge of Allegiance

Chairperson Brown called the meeting to order at 10:00AM, all present recited the Pledge of Allegiance.

2. Approval of Minutes

a. Regular Meeting – January 18, 2023

3. Public Comment Non-Agenda Items:

a. None

4. Public Hearings:

a. Bielenberg Lot 4 Rezoning and Conditional Use Permit Application Public Hearing – Jordan
Action Item: Vote on Recommendation of Rezoning and Conditional Use Permit

Robert and Vickie Fugle submitted a Rezoning Application and a Conditional Use Permit Application on January 6, 2023 to request a rezoning of their property at Lot 4 of the Woodward Minor Subdivision in Deer Lodge from the R-1, Residential Single-Family District to the R-2, Single Family and Manufactured Home District and to permit the lot as a Conditional Use to accommodate the placement of a 40-foot by 60-foot personal storage shed.

City Administration recommends the Planning Board recommend to City Council the rezoning of the subject property from the R-1 Residential Single-Family District to the R-2, Single Family and Manufactured Home District and to permit the lot as a Conditional Use to accommodate the placement of a 40-foot by 60-foot personal storage shed. City Administration recommends the Planning Board and City Council adopt the provision that the shed must only be used for personal storage and not as a commercial business, as a commercial business would further impact transportation networks and would not be aligned with the intent of residential zoning.

Member Fjelstad asked if they would need to hook into city service. Jordan stated that it's a storage building and will not require city services.

Jordan read two letters of denial.

Public Hearing Opened at: 10:19AM

Public comment: Vickie Fugle spoke and stated the building is just a storage unit.

Public Comment: Adjacent neighbor spoke and was in favor.

Public Comment: Public asked about loss of a home site.

Public Comment: Concern is site lines and height of the building.

Public Comment: What will you be doing around the outside of the building.

Public Hearing Closed at: 10:32AM

Member Cooley motioned to approve Bielenberg Lot 4 Rezoning and Conditional Use Permit with recommendation to Council. Member Buck seconded the motion. 3 Ayes, 1 No, 3 absent. Motion passed.

b. 619 Kentucky Major Home Occupation Public Hearing – Jordan

Action Item: Vote on Recommendation of Major Home Occupation

Christopher Miner of 619 Kentucky Street submitted a Conditional Use Permit application on January 31, 2023, seeking permission to have a Major Home Occupation operate out of a garage at the property to perform low-volume automotive repair services. The City of Deer Lodge Zoning Ordinance requires the issuance of a Conditional Use Permit for all Major Home Occupations in residential districts in addition to a business license.

Basic site plan was provided in packet on Requirements for Major Home Occupation.

City Administration recommends the Planning Board send a favorable recommendation of the CUP application subject to the following considerations:

- The property remains adherent to the provisions of the City of Deer Lodge Zoning Ordinance requirements for a Major Home Occupation, which are listed at the end of this report.
- The applicants make all efforts to restrict noise, dirt, dust, and automotive contaminants from leaving the property boundary and prevent contaminants from affecting soil or groundwater.

- The applicants alert the City of Deer Lodge of any changes to the use of the parcel and get the City's written permission that the changes remain adherent to the provisions of the City of Deer Lodge Zoning Ordinance.
- All vehicles are contained on the property and are not stored on the City right-of-way for longer than 72 hours, as required by City of Deer Lodge Code of Ordinances § 10.04.060(C).
- The applicants keep oil drums, salvage parts, automotive equipment, and any other items associated with their business organized and out of site from adjacent properties and the City right-of-way whenever possible.
- All potentially toxic materials are properly disposed of meeting state and federal regulations for automobile disposal.
- Any project that has the potential to generate light and noise are completed between 8AM and 6PM.
- Any renovations or additions to the garage will need the written approval of the City Administrator to confirm they conform with the City of Deer Lodge Zoning Ordinance. Any building renovations or additions that do not conform must be brought before the Planning Board and City Council for consideration and approval.
- The applicants obtain all necessary building permits from the City's building department and follow the regulations prescribed by the City's building inspector. The applicants will also be responsible for obtaining any variances necessary to allow for the construction of buildings.
- Failure to meet any of the above considerations should be considered grounds for immediate revocation of the petitioner's business license and ability to operate the Major Home Occupation.

Received a two letter that was read by Jordan. One letter was not in favor of the Major Home Major Occupation due to limited parking. The next letter was in favor of the Major Home Major Occupation.

Public Hearing Opened at: 10:50AM

Public Comment: Is there any access behind your home. Do you have an alley? The answer was no there isn't any public right of way. Do you have any fencing for privacy. The answer was, Yes, with a 4' fence chain link fence. Thanked Christopher Miner for his answers and the public made a favorable recommendation.

Public Comment: In favor of the Major Home Occupation.

Public Comment: In favor of the Major Home Occupation.

Public Hearing Closed at: 11:13AM

Member Bair inspected the property and spoke to an adjacent neighbor. The neighbor stated that he was in favor of the Major Home Occupation.

Member Cooley spoke of the sign on the property. Committee discussed the following, under section 4 on Requirements for Major Home Occupation:

- a. The only signage is limited to a nameplate or sign not to exceed three square feet. No exterior alterations are permitted to a dwelling, except for the addition of a secondary entrance.*

Member Buck motioned to Council with what was presented in the City Staff Report and Chris Miner to provide picture of the business sign. Member Cooley seconded the motion. 4 Ayes, 0 Nos, 3 Absent.

5. Reports:

a. Economic Growth and Development:

Continued Business; Banners – We will study current banners to get the process going, Jordan will look for grant for someone to create a mural. Committee 5-year Goals (1) Business Improvement District, (2) Branding of Deer Lodge, (3) Trails, (4) Housing, (5) Annexation Committee Comments or Concerns; Jordan provided updates on the Growth Policy Preliminary Survey, Discover Deer Lodges building construction, Jordan informed the committee on Capturing Tourism Dollars in the Local Economy workshop and a plan to purchase a Historic Building Plaque For City Hall. Next meeting is scheduled for March 1st 2023, at 4:00 PM

b. Downtown Historic Preservation:

Next meeting March 8th, Discussed SHPO more money on the grant, Grant options & Rob Worth nominations.

c. Chamber of Commerce:

Discussed Spring Planning Event & Pizza, Pubs & Puzzles.

6. Continued Business | The Board accepts public comment at the end of each item.

a. Approve final Growth Policy Survey Documents – Jordan

Committee liked the survey presented. They did not like the picture of the prison on it and thought it should be something better representing Deer Lodge City.

Member Bair motioned to approve the Growth Policy Survey with the change of the backdrop picture. Member Buck seconded the motion. 4 Ayes, 0 No, 3 Absent. Motion passed.

7. New Business | The Board accepts public comment at the end of each item.

a. None

8. Committee Comments or Concerns:

a. None

9. Announcement of the next meeting:

a. Monday, March 20, 2023, at 10AM.

10. Adjournment:

a. The meeting was adjourned, by consensus at 11:30PM.

Prepared by Cyndi Thompson, City Clerk

Amber Brown, Chairperson

Date

REZONING AND CONDITIONAL USE PERMIT STAFF REPORT

Jordan Green – March 20, 2023

Introduction –

Joshua Schrecengost submitted a Rezoning Application and a Conditional Use Permit Application on February 17, 2023 to request a rezoning of his property at Lot 5-A of the Woodward Minor Subdivision in Deer Lodge from the R-1, Residential Single-Family District to the R-2, Single Family and Manufactured Home District and to permit the lot as a Conditional Use to accommodate the placement of a 30-foot by 40-foot personal garage. Currently, new commercial structures of this size are only allowed in the R-2 Zoning as a Conditional Use – no other zoning districts allow new garages in any capacity. The property is located in Section 03, Township 07 North, Range 09 West, Lot 5-A of the Woodward Minor Subdivision. The lot is 0.238 acres and is bordered to the east by Interstate 90, the west by residential lots zoned as R-1, and the north and south by undeveloped lots. The lot directly to the north, Lot 4, was recently approved by the City Council for a rezoning and conditional use permit for a 40-foot by 60-foot storage structure. Currently the lot is undeveloped and is not addressed.

Analysis of Application – Rezoning

The analysis of this rezoning followed the requirements specified in Chapter 28 of the City of Deer Lodge Zoning Ordinance. The requirements and staff comments used in this analysis follow.

The zoning amendment is made in accordance with the Growth Policy

City Administration: City Administration feels that this rezoning is not specifically addressed in the Growth Policy as being either a positive or negative change of use. However, it does allow the use of a privately-owned lot for the use that the owner feels is best.

The zoning amendment is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements

City Administration: There is no expected impact on the provision of transportation networks, water, sewerage, schools, parks, and other public requirements from the proposed rezoning. As the site is currently zoned for residential uses, allowing a personal garage will not impact the capacity of city infrastructure.

The zoning amendment considers the effect on motorized and non-motorized transportation systems

City Administration: There is no expected effect on motorized and non-motorized transportation systems. As the site is currently zoned for residential uses, there is no additional impact on transportation systems by rezoning as a different type of residential to accommodate the petitioner's request. Furthermore, adopting the lot as a conditional use for the personal garage will not increase the impact on transportation systems.

The zoning amendment considers the promotion of compatible urban growth

City Administration: The site is adjacent to other single-family residential structures and undeveloped lots. Its proximity to the highway makes residential development difficult. Having a personal garage will not bring in additional traffic to an otherwise low-trafficked residential district.

The zoning amendment is designed to promote public health, public safety, and the general welfare

City Administration: There is no impact on public health, public safety, and the general welfare expected from this proposed rezoning.

The zoning amendment considers the reasonable provision of adequate light and air

City Administration: There is no expected impact on the provision of adequate light and air on adjacent properties due to the proposed rezoning.

The zoning amendment conserves the value of buildings and encourages the most appropriate use of the land throughout the jurisdictional area

City Administration: The rezoning will have little to no impact on the value of adjacent buildings. Currently, the lots adjacent are undeveloped, and constructing a new structure will have no affect on the value of buildings. Furthermore, the City Council recently permitted a similar, larger structure on the lot immediately to the north of Lot 5-A.

The zoning amendment considers the character of the district and its peculiar suitability for particular uses

City Administration: As the site is currently adjacent to other single-family homes and manufactured homes, as well as sheds and the interstate, the proposed rezoning is suitable for the character of the district. However, the petitioner should make efforts to place the structure in a way that makes it cohesive with the surrounding homes.

Analysis of Application – Conditional Use

The analysis of this application for a conditional use 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

City Administration: City Administration feels that this conditional use is not specifically addressed in the Growth Policy as being either a positive or negative change of use. However, it does allow the use of a privately-owned lot for the use that the owner feels is best.

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

City Administration: City Administration feels that this use will not adversely affect nearby properties. The height and size of the structure is similar to adjacent residential structures, and as the proposed use is only for personal storage will not increase traffic to and from the lot. The proposed structure is newly developed and will be of high quality.

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

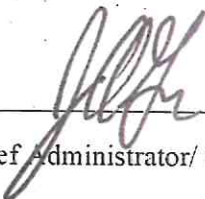
City Administration: Such use meets all requirements of the R-2 zoning district.

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

City Administration: Public notice was given in the March 8 and March 15, 2023 editions of the Silver State Post for public hearings to be held in front of the Planning Board on March 20th and the City Council on March 20th. Furthermore, 20 letters were sent to adjacent property owners concerning the application. At the time of this staff report, no comment has been received concerning the application.

Recommendation –

Based on the above requirements, City Administration recommends the Planning Board recommend to City Council the rezoning of the subject property from the R-1 Residential Single-Family District to the R-2, Single Family and Manufactured Home District and to permit the lot as a Conditional Use to accommodate the placement of a 30-foot by 40-foot personal garage. City Administration recommends the Planning Board and City Council adopt the provision that the shed must only be used for personal storage and not as a commercial business, as a commercial business would further impact transportation networks and would not be aligned with the intent of residential zoning.



Chief Administrator/ City Planner

03/20/23
Date

Location of Lot 5-A of Woodward Minor Subdivision



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): Joshua Schreengost

Address: 900 Bielenberg St

Email: joshua.schreengost@gmail.com

Telephone #: 406-564-0888

Property Address: Lot 5-A PLAT # 297D

Assessor Code(s): _____

Geocode(s): _____

Authorized Agent Information: _____

Address: _____

Email: _____

Telephone #: _____

Property Owner / Authorized Agent Signature: [Signature]

Date: 2/17/23

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

Woodward Mixer Sub S3 T7N R9W
Lot 5-A PLAT # 297D

Zoning District: _____

Overlay District: _____

Use of Structure or Property? Personal storage structure 30' x 40'

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

Rezone the lot I own to allow for construction
of a garage across the street from my primary
residence. Garage will be used as parking for vehicles,
storage, and personal workspace.

Owner / Agent Initial: JS

Date: 2/16/2023

City of Deer Lodge

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

REZONE APPLICATION

The City of Deer Lodge considers an Application complete when all required (or requested) information is submitted.

Chapter #28, Section #1(3)(b) of the Zoning Ordinance requires the issuance of a notarized statement by at least one of the property owners of the property within the area proposed to be changed attesting to the truth and correctness of all facts and information presented with the application.

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

Applicant(s): Joshua Schneecengost

Address: 900 Bielenberg St Deer Lodge MT 59722

Email: joshua.schneecengost@gmail.com Telephone #: 406 564 0888

Property Address: Lot 5-A PLAT # 297D

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

Authorized Agent Information: _____

Address: _____

Email: _____

Telephone #: _____

Property Owner Signature: [Signature]

Date: 2-17-2023

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

S3 T7N R9 W Lot 5-A PLAT # 297D
Woodward Miner Sub

Tracts / COS: _____

Zoning District: _____

Overlay District: _____

Use of Structure or Property? Garage, vehicle storage, personal workspace

Adjacent Zoning & Land Uses: North: vacant, residential

East: I 90

South: vacant, residential

West: Residential, Bielenberg St

What is the Requested Zoning for the Property? _____

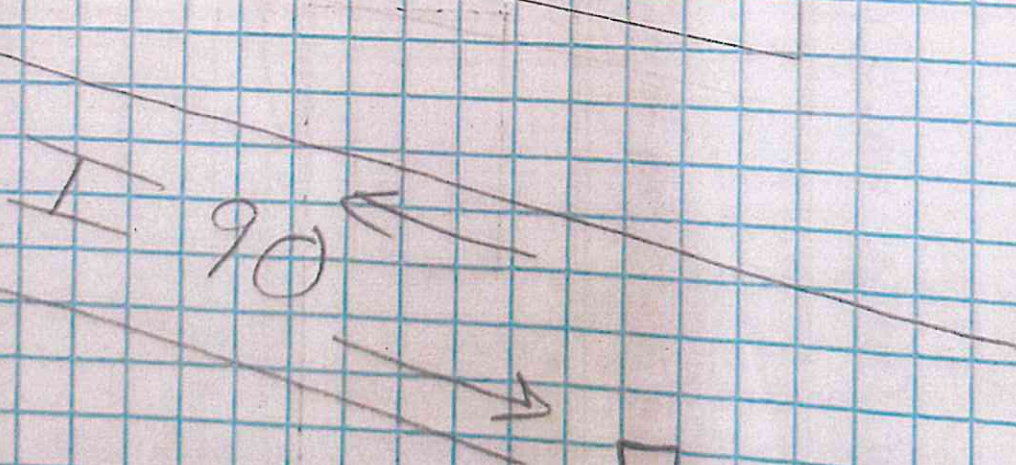
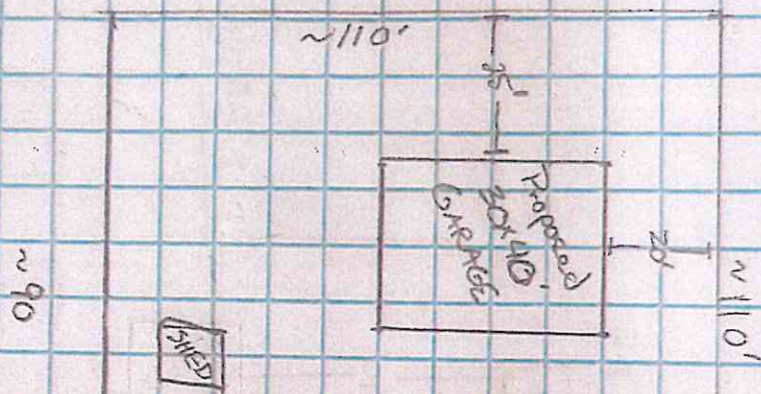
What is Intended Use for the Property? Garage

Authorized Agent Signature: _____

Date: _____

PENNSYLVANIA
AVENUE

BIELENBERG STREET

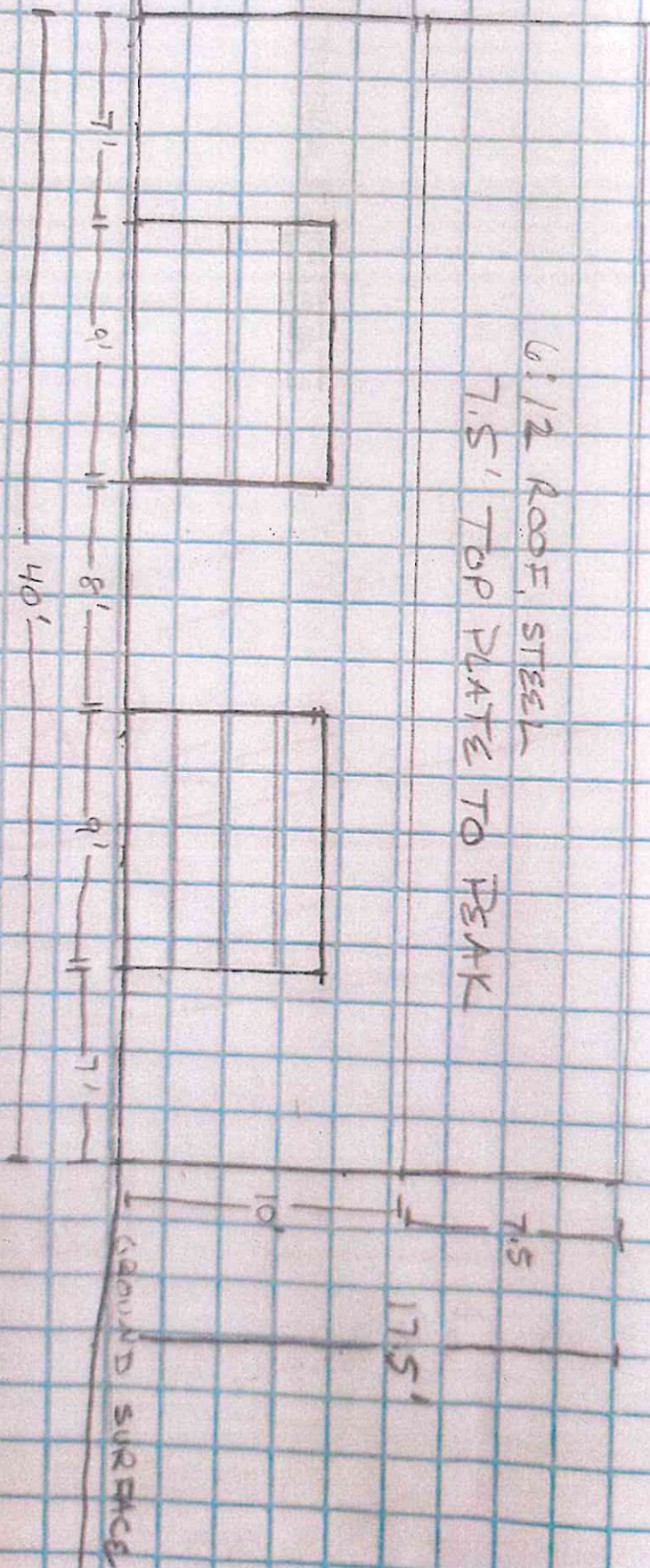


□ = 10' x 10'

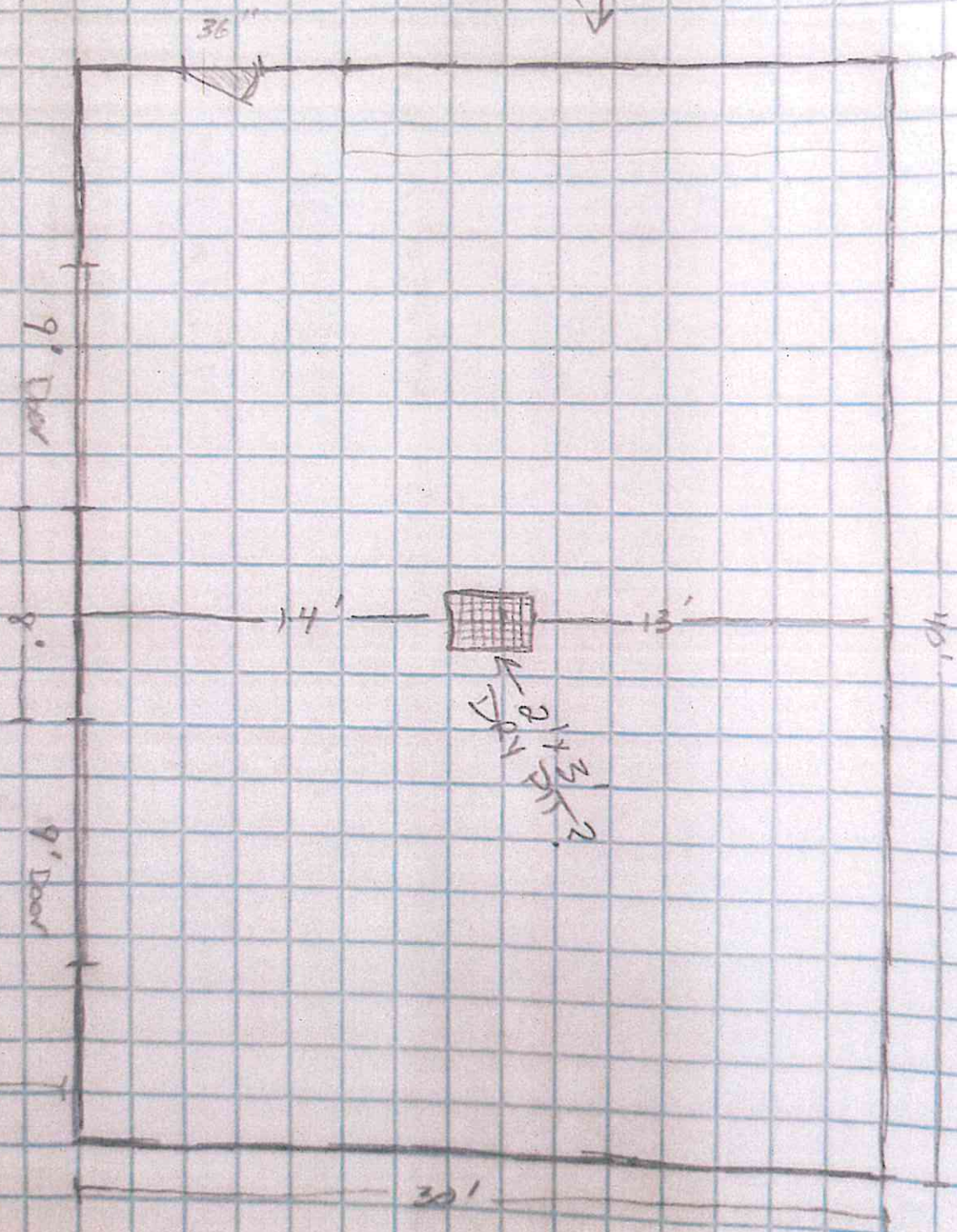
AERIAL

FRONT VIEW (WEST WALL)

6 1/2" ROOF, STEEL
7.5' TOP PLATE TO PEAK



20' setback
adjacent
property



REZONING STAFF REPORT

Jordan Green – March 20, 2023

Introduction –

Thomas and Larry Jones submitted a Rezoning Application on February 9, 2023 to request a rezoning of their property at 719 Oregon Street in Deer Lodge from the R-1, Residential, Single Family, Low Density District to the R-2, Single Family and Manufactured Home District to accommodate the replacement of an old single-wide trailer home with a 2022 single-wide trailer home. The previous trailer was nonconforming, grandfathered in. The R-2 District allows for the installation of a single-wide trailer as long as it was built within 20 years of the date of placement. The property is located in the Syndicate Addition of Deer Lodge, Section 05, Township 07 North, Range 09 West, Block 14, Lots 7-9 and a 75 x 65.2 foot tract in Meyers Lot 2. The property is surrounded by other residential uses. The property is identified on the map attached to this staff report.

Analysis of Application –

The analysis of this rezoning followed the requirements specified in Chapter 28 of the City of Deer Lodge Zoning Ordinance. The requirements and staff comments used in this analysis follow.

The zoning amendment is made in accordance with the Growth Policy

City Administration: City Administration feels that this rezoning is in accordance with the Growth Policy as it provides more housing in the City of Deer Lodge. A lack of affordable housing is identified in the Growth Policy as a concern within the City. Objective 9.2 of the Growth Policy states that the City should “increase and preserve affordable housing options for people of all ages, abilities, and backgrounds and Objective 9.2 references the need to allow greater flexibility of housing options through amendments to the zoning code. By allowing the replacement of an old trailer home with a new trailer home on this lot, the City increases housing stock available in town and also aids in the removal of old, dilapidated structures.

The zoning amendment is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements

City Administration: There is no expected impact on the provision of transportation networks, water, sewerage, schools, parks, and other public requirements from the proposed rezoning. As the site currently contains a single-wide trailer, rezoning to allow for its replacement with a new trailer will have no additional impact on these systems.

The zoning amendment considers the effect on motorized and non-motorized transportation systems

City Administration: There is no expected effect on motorized and non-motorized transportation systems. As the site is currently zoned for residential uses, and is adjacent to other residential uses, there is no additional impact on transportation systems by rezoning as a different type of residential to accommodate the petitioner’s request.

The zoning amendment considers the promotion of compatible urban growth

City Administration: The site is adjacent to other single-family residential structures, including several manufactured homes. Therefore, the rezoning is compatible with the surrounding urban patterns.

The zoning amendment is designed to promote public health, public safety, and the general welfare

City Administration: There is no impact on public health, public safety, and the general welfare expected from this proposed rezoning. There is the potential to promote greater public health and welfare by removing an old, dilapidated structure with a newer, safer building.

The zoning amendment considers the reasonable provision of adequate light and air

City Administration: There is no expected impact on the provision of adequate light and air on adjacent properties due to the proposed rezoning.

The zoning amendment conserves the value of buildings and encourages the most appropriate use of the land throughout the jurisdictional area


City Administration: The rezoning will have little to no impact on the value of adjacent buildings. It encourages an appropriate use of the land in the City, as it is located adjacent to other single-family homes. It will also improve the use of the land by allowing the placement of a newer, higher-quality structure.

The zoning amendment considers the character of the district and its peculiar suitability for particular uses

City Administration: As the site is currently adjacent to other single-family homes and manufactured homes, the proposed rezoning is suitable for the character of the district. Also, the lots directly to the west of the site are already zoned as R-2, so the rezoning will not impact the character of the district.

Recommendation –

Based on the above requirements, City Administration recommends the Planning Board recommend to City Council the rezoning of the subject property from the R-1 Residential, Single Family, Low Density District to the R-2, Single Family and Manufactured Home District to accommodate the replacement of an old single-wide trailer home with a 2022 single-wide trailer home.



Chief Administrator/ City Planner

3/20/23

Date



Attachment: Property Location

City of Deer Lodge

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

REZONE APPLICATION

The City of Deer Lodge considers an Application complete when all required (or requested) information is submitted.

Chapter #28, Section #1(3)(b) of the Zoning Ordinance requires the issuance of a notarized statement by at least one of the property owners of the property within the area proposed to be changed attesting to the truth and correctness of all facts and information presented with the application.

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

Applicant(s):

Thomas Jones, Larry Jones

Address:

709 West College Ave

Email:

TJaj;wl@gmail.com

Telephone #:

1406 491 3825

Property Address:

719 Oregon Street

Assessor Code(s):

Geocode(s):

Authorized Agent Information:

Address:

Email:

Telephone #:

Property Owner Signature:

Larry Jones

Date:

2-9-23

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

Tracts / COS#

Zoning District:

Overlay District:

Use of Structure or Property?

Zoning

Land Use

Adjacent Zoning & Land Uses:

North:

East:

South:

West:

What is the Requested Zoning for the Property?

What is Intended Use for the Property?

Authorized Agent Signature:

Date:

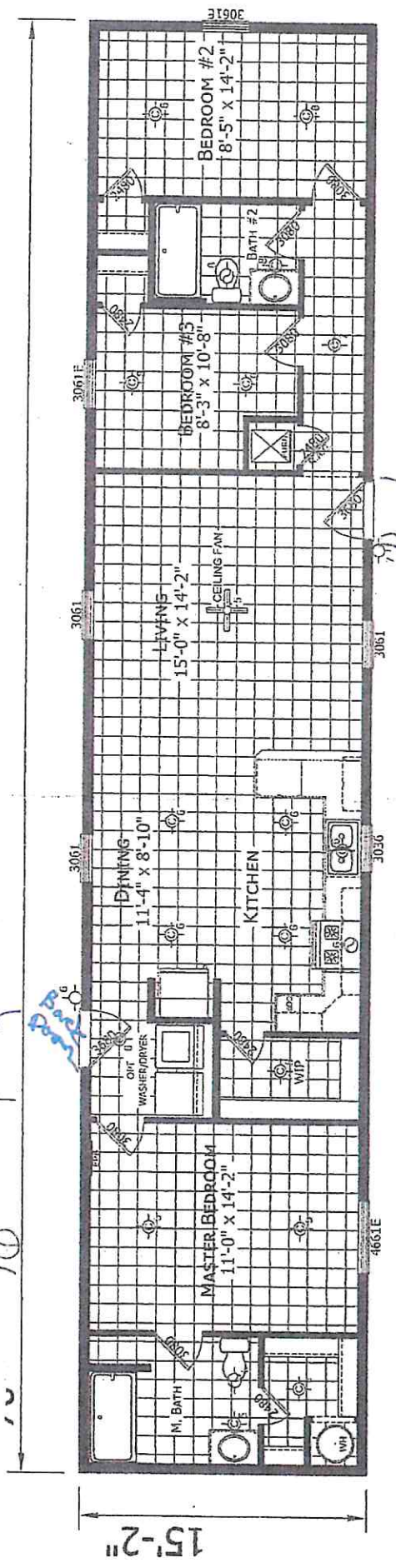
WE GET UP IN THE MORNING
 (ISEMAN MISSION STATEMENT)
 Working together building housing
 dreams one home at a time while
 having fun and making new friends.



Christy Clam Weed

115,000

185.04



ORGEON ST

(406) 560-0757-cell

Thomas J. Jones *1-8-23*

CUSTOMER SIGNATURE *719 ORGEON ST.* DATE

PHYSICAL SITE ADDRESS (OR CROSS ROADS) *Deer Lodge MT 59722*

CITY STATE ZIP

QUOTE ESTIMATED SHIPPING DATE



FORM 1A100A

Model: 290-HSS 763P
 76' x 15'-2" 3BD 2BT
 ISEMAN STOCK
 DRAWING: 1-27-2023 ISEMAN, INC. 76.3P
 DATE: 01-27-2023
 SCALE: 3/16" = 1'-0"

Model: BROCHURE PLAN

Model: BROCHURE

PROSPECTUS AND CONSTRUCTION
 INFORMATION
 1. ISEMAN MANUFACTURING, INC.
 2. ISEMAN MANUFACTURING, INC.

CONDITIONAL USE PERMIT STAFF REPORT

Jordan Green – March 20, 2023

Introduction –

Liana Fisk of 1689 Greenhouse Road submitted a Conditional Use Permit application and a Zoning Permit application on February 4, 2023. The petitioner is seeking permission to operate a medical and adult-use marijuana dispensary at 207 Pennsylvania Avenue, in an addition to the building currently used for the Mountain Sage Herbal Tea Shop. City of Deer Lodge Ordinance 2022-7 requires the issuance of both a Conditional Use Permit and a Zoning Permit for the operation of a licensed medical and adult-use marijuana dispensary in the B-1, Central Business District. There is a cap of two such dispensaries in the B-1 District, and there are currently no other dispensaries operating in or seeking to operate in the B-1 District.

The parcel is in Deer Lodge in the Original Addition, Section 04, Township 07N, Range 09W, Block 48, and the east 46 feet of Lots 9-10. 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.

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 allowing a small business in the Central Business District, which is an identified goal of the Growth Policy and the Downtown Master Plan. 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.”

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

There is concern that a medical and adult-use marijuana dispensary will have adverse effects on nearby properties and their occupants. The presence of increased traffic and odors are the chief concerns. As the property is already zoned for commercial use and currently houses a business, there is little increase in traffic anticipated that could affect nearby properties. The applicants should make every effort during construction and operation to restrict the impact of odor on adjacent properties. This could be accomplished through air circulation and HVAC systems. However, the testimony of the applicant states that the business plan is to sell limited marijuana products, such as edibles and tinctures. This will potentially have less odor than a dispensary that sells a variety of products.

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

The Conditional Use Permit will authorize the applicant to construct an addition to the current structure on 207 Pennsylvania Avenue, and will therefore need to obtain a state commercial building permit. The addition must be constructed in a way that meets the zoning requirements of the B-1 District.

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 22 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 March 8 and March 15, 2023 editions.

A public hearing for the Conditional Use Permit Application will be held for the Planning Board on March 20, 2023. The second public hearing for City Council will be held the night of March 20, 2023, 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 applicant receives a letter of zoning approval and a business license from the City to be used for state licensing purposes.
- The applicant abides by all relevant laws of the State of Montana and the City of Deer Lodge in terms of operation and licensing of medical and adult-use dispensaries.
- The applicant abides by all testimony as presented in the application and testimony presented during the public hearing.
- Change of use of the structure will need further approval by the City Council.
- Construction of the structure will need to abide by the zoning requirements for the B-1 District.
- Applicant shall make every effort during construction and operation to reduce the impact of odor on adjacent properties. Odors that extend beyond the boundary of the property for an extended period of time may be constituted as a nuisance under the City of Deer Lodge Code of Ordinances.
- The applicant receives a zoning permit from the City Administrator, which has been applied for and is pending based on the status of the Conditional Use Permit application.



Chief Administrator/ City Planner

03/20/23

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): Liana Fisk

Address: 11689 Greenhouse Rd Deer Lodge

Email: lianafraser@yahoo.com

Telephone #: (406) 561-6982

Property Address: 207 Pennsylvania Ave

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

Authorized Agent Information: Kimberly Fisk

Address: 3076 Burnt Hollow Rd Deer Lodge

Email: kimberlyfisk@yahoo.com

Telephone #: (406) 422-7468

Property Owner / Authorized Agent Signature: _____

Date: 4 Feb 2023

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

Current location of Mountain Sage Herbs Tea Shop

Zoning District: _____ Overlay District: _____

Use of Structure or Property? Retail sales

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

Requesting to sell limited THC products - edibles and tinctures only.

Owner / Agent Initial: KF

Date: 4 Feb 2023

City of Deer Lodge

300 Main Street | Deer Lodge, MT | 59722 | 406.846.2233 | 406.846.3925 (f) | cityofdeerlodge.org

ZONING PERMIT

The issuance of a Zoning Permit acknowledges the proposed activity or property improvements comply with site development requirements - parking, landscaping, & signage. The following situations require a Zoning Permit.

1. When any entity intends to occupy a vacant space in all business and industrial districts, but is not doing any improvements requiring a Building Permit or a Conditional Use Permit.
2. When there is a change in activity or use at a property located in the business and industrial districts. The issuance of the Zoning Permit complements Business Licenses.
3. All on-site signs permitted as accessory uses in all business and industrial districts.

Applicant(s): Liana Fisk
Address: 1689 Greenhouse Rd Deer Lodge
Email: lianafraser@yahoo.com Telephone #: (406) 561-6982
Property Address: 207 Pennsylvania Ave Deer Lodge
Assessor Code(s): _____ Geocode(s): _____
Authorized Agent Information: Kimberly Fisk
Address: 3076 Burnt Hollow Rd Deer Lodge
Email: Kimberlyfisk@yahoo.com Telephone #: (406) 422-7468
Property Owner / Authorized Agent Signature: [Signature] Date: _____

Description of Use: Requesting permission to sell THC tinctures + edibles.

Business Name: Plague Doctor Apothecary Hours of Operation: Wed-Sat, 12:00 - 5:00pm

Does the property have active Water / Sewer / Trash Accounts? Yes ☒ No ☐

Number of on-site parking spaces? two reserved for customers only, but > 10 available

Does the property comply with Landscaping Requirements? Yes ☒ No ☐

Does the property comply with On-site, Signage Requirements? Yes ☒ No ☐

* Site, Landscaping, and/or Signage Plans are necessary to satisfy the last three items.

Owner / Agent Initial: KF Date: 4 Feb 2023