



PLANNING BOARD AGENDA

July 15, 2024 – 10AM | Council Chambers, City Hall

1. **Call meeting to order** | Pledge of Allegiance.
2. **Approval of Minutes: Approve all minutes together.**
 - a. Regular Meeting Minutes: June 17, 2024
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 Ave Conditional Use Permit - Jordan
Action Item: Vote on Recommendation to the City Council
5. **Continued Business:** - The Board accepts public comment at the end of each item.
 - a. Beaumont Place Zoning Discussion – Jordan
 - b. Pintler Meadows Zoning Discussion – Jordan
 - c. Subdivision Regulations Update Review - Jordan
6. **New Business:**
 - a. Review of Non-Conforming Uses- Jordan
7. **Staff or Committee Comments:**
8. **Announcement of the next meeting:**
 - a. Regular Meeting: August 19, 2024 at 10am
9. **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

PLANNING BOARD MINUTES

June 17, 2024 – 10AM | Council Chambers, City Hall.

Members Present:	Amber Brown, Dick Bauman, Kirk Hayes, Dan Sager, Kathy Bair, Amanda Cooley
Member Absent:	Rick Buck
Mayor:	Absent
CAO:	Absent
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 recited the Pledge of Allegiance

2. Approval of Minutes

- a. Regular Meeting: April 15, 2024 and May 20, 2024

Correction to April 15th minutes. Page 3, under **Development projects in a Montana town**

- Jordan mentions letters/emails from residents who couldn't attend public hearing, but their concerns were won't be heard. **Corrections to minutes.**

Member Bauman motioned to approve both sets of minutes as corrected. Member Hayes seconded the motion. 6 Ayes, 0 Nos, 1 Absent. Motion passed.

3. Public Comment Non-Agenda Items:

- a. None

4. Public Hearings:

- a. 401 Milwaukee Ave Rezoning

Action Item: Vote on a recommendation to the City Council

Mike and Andrea Dunlop, representing DAM Properties, LLC, submitted a Rezoning Application on May 14, 2024 to request a rezoning of the properties at 401 Milwaukee Ave and 409 4th St from the R-3, Residential, High Density District to the B-1, Central Business District to accommodate the use of the property for their business: Cowpoke Ranch Supply. 401 Milwaukee Ave currently houses the old Pioneer Federal Savings and Loan building, and 409 4th St is a parking lot directly to the north of the bank structure. The properties were historically considered grandfathered, nonconforming uses in the R-3 District; therefore, a rezoning to accommodate a new commercial use is required. The applicants also intend to build a storage structure to the north of the existing building. The property is located in the Original Addition of Deer Lodge, Section 33, Township 07 North, Range 09 West. The properties are surrounded by residential uses to the north, east, and south, and commercial use to the west. The properties are directly adjacent to the current B-1, Central Business District.

The site has historically been used as a commercial use, and therefore is compatible with the requested zoning district. Furthermore, as previously mentioned, the B-1 District is intended to expand as necessary to accommodate additional commercial uses. Compatible urban growth is generally predicated on two principles: that non-compatible uses be separated by district, and that commercial uses generally function best in a downtown core. This requested rezoning satisfies both principles of compatible urban development.

The existing Cowpoke Ranch Supply business operates in the B-1 District, which is the requested zone for this property. As that business has existed in this zoning district for many years, the character of the district and the suitability of the district will not be impacted by this rezoning.

Based on the requirements, City Administration recommends the Planning Board recommend to City Council the rezoning of the subject properties from the R-3 Residential, High Density District to the B-1, Central Business District to accommodate use of the properties as the future location of Cowpoke Ranch Supply.

Member Hayes asked about loading and unloading of semi-trucks.

Member Cooley asked about privacy fencing to shield supplies from public view and feels there will not be much noise to disturb the public.

Public Hearing Opened at: 10:12am

Jodi Pauley: talked about combining the 2 lots into 1 lot. Addressed the committee and talked about her business, the variety for the public consumers and great support from the public.

Public Hearing Closed at: 10:13am

Member Bauman motioned to approve the rezoning as presented with a favorable recommendation to City Council. Member Sager seconded the motion. 6 Ayes, 0 Nos, 1 Absent. Motion passed.

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

- a. None

6. New Business:

- a. None

7. Staff or Committee Comments

- a. Member Bair: I have reached out to several citizens in the community, and they are all in favor of this.
- b. Member Hayes: seconded what Member Bair said.

8. Announcement of the next meeting:

- a. Regular Meeting: July 15, 2024 at 10AM.

9. Adjournment:

- a. The meeting was adjourned at 10:16am.

Prepared by: Cyndi Thompson, City Clerk

Amber Brown, Chairperson

Date

CONDITIONAL USE PERMIT STAFF REPORT

Jordan Green – July 15, 2024

Introduction –

Jesse Mullen of 312 Missouri Avenue submitted a Conditional Use Permit application on June 17, 2024. The petitioner is seeking permission to operate a full-time residence in the back of the Silver State Post building, located at 312 Missouri Avenue, while keeping the front of the building to be used as office space.

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 on the first floor 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 promoting infill development and providing a better variety of housing types and locations. 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 operate a residential space in the back half of the structure will not compromise the front half and its contribution to the intent of the district. Furthermore, adding more residential uses downtown decreases vacancy, allows for better mixing of compatible uses, and locals residential uses within walking distance of amenities.

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

The proposed 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 residential use. Parking is readily available for the future tenants or owners of this residential space. Furthermore, the properties on both sides of the structure are currently residential uses. As such, they will not be adversely affected by the use of the space as residential.

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.

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 asking 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 3rd and July 10th editions.

A public hearing for the Conditional Use Permit Application will be held for the Planning Board on July 15, 2024. The second public hearing for City Council will be held July 15, 2024, 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 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.



Chief Administrator/ City Planner

07/12/23
Date

Attachment: Parcel Location



City of Deer Lodge

300 Main Street | Deer Lodge, MT | 59722 | 406.846.2238 | 406.846.3925 (t) | 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 Muller

Address: 312 Missouri Ave Deer Lodge MT 59722

Email: jessejamesmuller@gmail.com Telephone #: 406 438 2540

Property Address: 312 Missouri Ave Deer Lodge MT 59722

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

Authorized Agent Information: Jesse Muller

Address: see above

Email: _____ Telephone #: _____

Property Owner / Authorized Agent Signature: [Signature] Date: _____

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

Zoning District: B1 Overlay District: _____

Use of Structure or Property? Residential / Commercial

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

Conditional use to allow residential use long term in back of unit and office space in front.

Owner / Agent Initial: [Signature] Date: 6/17/24

Pintler Meadows Subdivision Zoning

Strictly residential, Similar to R-3, High Density w/o a few of the uses that do not fit.

The leases will take care of most issues.

Beaumont Place Addition Zoning

Most of the covenants and lot layouts were based off our existing zoning setback and lot coverage requirements. However, we will need to know final placement in order to establish setbacks and lot coverage for a few of the districts, namely multi-family.

The Village (Townhomes):

Strictly residential. Similar to R-3, High Density w/o a few of the uses that do not fit.

The Barn (Townhomes, Residential Recreation) and The Lofts (Townhomes, Live/Work):

These will be closer to our B-3 District. Lin and I went through permitted uses in the B-3 and removed the following: Campgrounds, Equipment Sales and Services, Hospitals, Mortuaries, Nursing Homes, and Theaters.

<https://rangepropertiesmontana.com/live-work-housing-in-bozeman/>

27th Parallel: 2980 N 27th Ave, Bozeman (M-1, Light Manufacturing District Zoning)

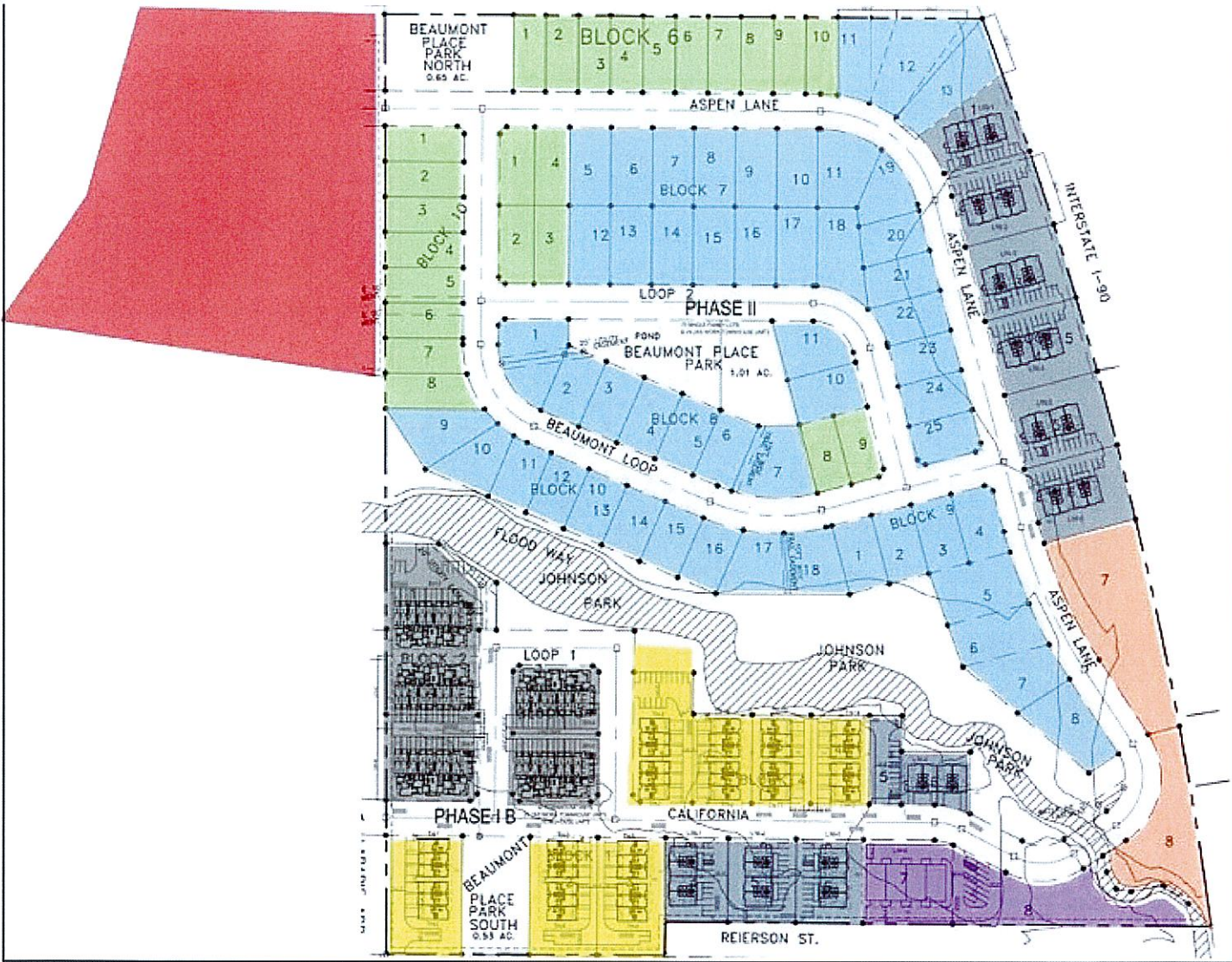
Also look up Bozeman's REMU (Residential Emphasis Mixed-use District)

REMU:









https://library.municode.com/mt/bozeman/codes/code_of_ordinances?nodeId=PTI_ICOOR_CH38UNDECO_ART3ZODILAU5_DIV38.310PEUS

- Permitted: Convenience uses, restaurants, retail, daycare, general service establishment, health and exercise establishment, offices, personal and convenience services, bed and breakfast, residential (of all types), artisan manufacturing, light manufacturing, vocational schools, essential services, meeting halls, public buildings, arts and entertainment uses, community centers.
- Special: Auto fuel sales and repair, heavy retail establishment, over 40,000 sq ft, sale of alcohol for on premise construction, car wash, heavy service establishment.

M-1 is similar but allows: outside storage, warehousing, storage units, moderate manufacturing, *apartments only as accessory use (so must use as mixed)*, and moves many of the heavier special REMU uses into permitted.



Legend

	The Village:	Townhomes - Multifamily
	The Barn:	Townhomes - Residential/Recreation
	The Flats:	Apartments
	The Lofts:	Townhomes - Live/Work
	The District:	Commercial
	The Cottages:	Single Family (Medium)
	The Estates:	Single Family (Large)
	Pintler Meadows:	Outside Beaumont Place

Subdivision Regulations Update

PAGE 5: Added additional purposes for the creation of these regulations.

PAGE 7: Added additional clarification to what a subdivision is to include that roadways are not included, parcels may be conveyed, and RV parks are included.

PAGE 9: Added what shall be reviewed as a minor subdivision (specifically that it has not resulted from a tract of record that has had more than 5 parcels created since October 1, 2003 (used to be 1973)).

PAGE 9: Has a requirement for administrative minor subdivisions, specifically that first and subsequent minors must be administrative if they are subject to zoning and comply with zoning, are able to be served by water/sewer services, have legal and physical access, and do not require a variance.

PAGE 11: Provides the process for an administrative minor subdivision.

Do we have adjacent property owner notification or not?

PAGE 23: Adds a few more requirements for a preliminary plat submittal.

PAGE 53: States all developments must comply with applicable zoning or other regulations and, if no zoning is in place, must comply with local and state health authorities.

PAGE 53: Changes dangerous grade from 40% to 25%.

PAGE 53-55: Do we want to remove the “no build” from floodplain considerations? Page 55 has criteria that must be followed for development within the floodplain. This is the section we chose to follow for our latest subdivisions as they were in-line with our floodplain ordinance.

PAGE 81: Provides new statutory requirements for family transfer exempt subdivisions and agricultural exemptions.

PAGE 82: Provides review criteria for agricultural exemptions. *Do we even want to have this section?*

PAGE 87: Provides new or elaborated definitions for several topics.