

MINUTES

ADLC Planning Board

ADLC Courthouse, 3rd Floor Courtroom



Monday, November 14th, 2022, at 6:00 pm | Meeting called to order at 6:00 pm by Rose Nyman, Chair

Attendance

Members Present: Rose Nyman, Chairperson; John Lombardi, Vice-Chairperson; Bob Wren; Frank Fitzpatrick; Art Villaseñor; Dan Reardon; Annette Smith

Members Absent: Colleen Riley; Christine Klanecky

Staff Present: Carl Hamming, Planning Director; Gayla Hess, Planner II; Carlye Hansen Planning Department Secretary

Guests Present: Please see sign-in sheet. **Please see attachment**

Approval of Minutes

September 12th, 2022

Motion was made by Bob Wren, with corrections as noted, to approve minutes from September 12th, 2022; seconded by Art Villaseñor. Motion passes 7-0.

Public Hearings

Major Development Permit - Brianna Bernardino, Kayla Littlefield - Stageline Pizza

PUBLIC HEARING on a Major Development Permit (MDP) application by Brianna Bernardino and Kayla Littlefield to open a restaurant at 803 E Park Ave. Property is in the Goosetown Neighborhood Conservation District (GNCD). Property is legally described as:

EASTERN ADDITION (ANACONDA), S02, T04 N, R11 W, BLOCK 25, Lot 11

Pursuant to Sec. 24-103 of the Code of Ordinances of ADLC, special uses are subject to an MDP.

Staff Report

Gayla Hess, Planner II, reviewed and presented the staff report put together by she and her office. All content can be located on the ADLC website. She discussed the nature of the request as the applicants are seeking permission to open a Stageline franchise restaurant in the GNCD. This vacant space is currently unused, and a commercial business is a special use in the development district.

The Planning Department does recommend approval with four (4) conditions that must be met by the applicants and these conditions are listed on the staff report distributed to the Board this evening.

Questions from the Board

None

Applicant Report

Brianna Bernardino, 514 East Commercial

Kayla Littlefield, 807 East Park Street

Mrs. Littlefield stated that Stageline Pizza was once in the community awhile ago and it did well. The owners had a 5-year plan. After that time, it did close, and they feel there is a need for another delivery service in town. A lot of folks have asked them if they are worried about Gallicano's, which they are not. She states that Bill Gallicano has his own product, and they will have theirs, so if you want Gallicano's, you will go there, if you want Stageline, you will go there. She feels that this is just another resource for a community that is growing, and she feels that we need this option in our community.

Questions from the Board

Dan Reardan - Mr. Reardan asked what the seating capacity will be? Ms. Littlefield stated that they are still working on that. She states that it is a very small space. Mr. Reardon did ask if folks could dine in if they wanted to and she stated that there will be a few dining tables, and she estimates roughly five at this time. He then asked about a liquor license, i.e., if somewhat wanted to eat in, could they go next door to the attached establishment and if they wanted to bring a beer over, would that be permissible? Ms. Littlefield stated that both buildings are considered the same building as there is an adjoining door, so yes, a person could do that. He then asked when they would anticipate an opening and she stated that they are hoping for January 2023.

Frank Fitzpatrick - Mr. Fitzpatrick asked if there would be a door into the Club Moderne or would folks need to go out their door and go around to the door at the Club Moderne. Ms. Littlefield stated that there will be a connecting door between the two properties.

Rose Nyman - Ms. Nyman inquired about whether they would just have beer and wine, and Ms. Bernardino stated that they would have access to full liquor. The Stageline Pizza would not hold the liquor license, but the Club Moderne has their liquor license in the same building. Ms. Nyman asked about the parking lot on Ash Street and whether they planned to use that and they indicated yes, they would. Ms. Nyman also asked about the notation regarding footings on their MDP application. Mrs. Littlefield stated that they will have to pour all new footings as over the years, this has not held up well and the entire underneath needs to be redone.

Public Hearing

Proponents

None.

There was an email from Marty and Joyce Billquist, who own property in the middle of the block and stated, "we do not have any negative comments regarding this proposed development and are in favor."

Opponents

None

Public Hearing is Closed

Board Discussion

None

Motion

Motion is made by Bob Wren to approve the Major Development Permit submitted by Brianna Bernardino and Kalya Littlefield to open a restaurant at 803 East Park Street with the four (4) conditions outlined in the report; seconded by Art Villasenor. Motion passes 7-0.

Major Development Permit - Kyle Baskin - Onyx Capital, LLC

PUBLIC HEARING on a Major Development Permit (MDP) application by Onyx Capital, LLC to convert a duplex to a triplex at 421 Oak St. Property is in the Medium Density Residential Development District (MDRD). Property is legally described as:

ANACONDA ORIGINAL TOWNSITE, S03, T04 N, R11 W, BLOCK 69, Lot 7, W 80 FT OF LT 7

Pursuant to Sec. 24-83 of the Code of Ordinances of ADLC, special uses are subject to an MDP.

Staff Report

Carl Hamming, Planning Director, reviewed and presented the staff report put together by he and his office. All content can be located on the ADLC website. He discussed the nature of his project as using the existing residential structure to convert existing rooms into a 3rd unit within the structure. He did state that when Mr. Baskin acquired, this was already in progress without proper permitting, but again, this was done before he acquired this property.

Mr. Hamming did state that they received one comment from Eric Hoiland, ADLC County Treasurer, stating that he is against this and stating that there is a high enough density of housing in this area already and he feels that the parking will

only get worse, but Mr. Hamming feels that with the applicant's proposal, the parking has been addressed and he would be open to the Board's thoughts and opinions on that.

The Planning Department does recommend approval with three (3) conditions that must be met by the applicants and these conditions are listed on the staff report distributed to the Board this evening.

Questions from the Board

Frank Fitzpatrick

Mr. Fitzpatrick inquired about the property directly across the street at Hearthstone being available for parking and Mr. Hamming explained this is on street parking that is available to anyone and that the problem there would only be if a vehicle were left unattended past what the parking ordinance states. He does state that this MDP is in a probable better suited neighborhood than in other areas around town. Mr. Fitzpatrick asked if there are requirements regarding off-street parking and Mr. Hamming explained that because this was an already existing building and not a new construction, there are not any requirements regarding this.

Dan Reardon

Mr. Reardon wanted to state that if was originally a single-family residential house, and let's say the guy had multiple vehicles, he feels that this is just the way it is, first come, first serve. Mr. Reardon also wanted to confirm that what he has as copies are, in fact, the first and second floors of this residence, as the copies he has are a bit blurry. Mr. Hamming referred this to Kyle Baskin, the owner of the property.

Applicant Report

Kyle Baskin, 421 Oak Street

Mr. Baskin did answer the questions from Mr. Reardon and clarified the layout for the house and what his vision for that would be when they finalize the three units as opposed to two units and he gave the square footage of all the apartments.

Mr. Baskin then introduced himself. He gave a brief history of he and two of his friends purchasing this house in February of this year and he stated that the previous owner had already changed this into a triplex. Outside of permitting that was not done, this project is essentially completed. Since they have purchased this old house, they have repaired all the old knob and tube wiring and very old plumbing, and this was all repaired by local plumbers and electricians. He has been living there since then and he has been completing the cosmetic renovations that are still needed to be done. They have installed new appliances. He states that since he has lived there, he has had the off-street parking, but no one has parked in front of the building. Regarding parking on the NW end by Hearthstone, the only vehicle he has ever seen in these spots is a camper and that has been there and is not included in his measurements as he wanted to be sure to only provide the actual available space that would be always available.

Questions from the Board'

None

Public Hearing

Proponents:

None

Opponents:

None

Public Hearing is Closed

Board Discussion

None

Motion

Motion is made by Art Villasenor to approve the Major Development Permit submitted by Onyx Capital, LLC, to convert a duplex to a triplex at 421 Oak Street, with the three (3) conditions outlined in the report; seconded by Annette Smith. Motion passes 7-0.

Major Development Permit - Acme Management, Inc. - Top Shelf Botanicals

PUBLIC HEARING on a Major Development Permit (MDP) application by Top Shelf Botanicals,

LLC with Acme Management, Inc. to open a marijuana dispensary 46 Town Pump Rd, formerly Mike's Sales. Property is located within the Light Industrial Development District (LIDD). Property is legally described as:

S01, T04 N, R11 W, ACRES 1.033, TR IN W2 AKA LT 1

Pursuant to Ordinance No. 265(A), a MDP is required before the issuance of a business license.

Staff Report

Carl Hamming, Planning Director, reviewed and presented the staff report put together by he and his office. All content can be located on the ADLC website. He discussed the nature of the project as being a proposed dispensary business location at 46 town Pump Road, across from the town Pump and the former site of Mike's Sales. The applicant would like to renovate the existing building and operate a dispensary. Mr. Hamming reviewed the Ordinance (No. 265) that requires proposed marijuana dispensaries to obtain a Major Development Permit (MDP) prior to issuance of an ADLC business license. This ordinance was amended and renewed on January 4th, 2022, which included a requirement that all marijuana businesses that are licensed by the state require an MDP and that new dispensaries cannot locate within 500 feet of an existing dispensary.

They did receive comment from the Montana Department of Transportation, and if they use the approach that is already there at this time, then they would have no issues.

The Planning Department does recommend approval with seven (7) conditions that must be met by the applicants and these conditions are listed on the staff report distributed to the Board this evening.

Questions from the Board

Frank Fitzpatrick

Mr. Fitzpatrick was confused about the fact that it states that they may be hooked up to sewer service. Mr. Hamming stated that there is a sewer main that runs underneath the corner of the property. He checked with Mr. Hoiland, the ADLC County Treasurer, and they are not assessed a sewer fee, so he then checked with Chad Lanes, the Tri-County Sanitarian, and he stated that he has never dealt with a septic permit there since 1995. We are assuming that they are on municipal sewer however they have not been assessed the fees, so this is one way to catch up on this, and moving forward, will begin to assess this property properly.

Dan Reardon

Mr. Reardon just wanted to ask Carl and verify that this is not the same MDP for a dispensary on West Park that was brought before the Board a few months ago and Mr. Hamming confirmed this was not the case.

Bob Wren

Mr. Wren noted that one of the conditions is the parking lot and pavement marks. He wanted to know if the lot is paved as the picture in the staff report does not appear to be, and if not, will they be required to pave this lot. Mr. Hamming believed that there are some millings. Jackee Beck, applicant, did state that this is paved. Mr. Wren also asked if this would be a similar situation as there was in the proposed dispensary near the liquor store and whether the State will govern this as they do govern the hours of a liquor store and if there will be the same hours of the liquor store. Ms. Beck stated that she did talk to the State about this and the hours per State law would be 8 a.m. to 8 p.m.

Dan Reardon

Mr. Reardon asked about the clean up of the building property and noted that there were several notes regarding the security fence that is up there. He said that there was some mention about part of that fence being removed and some landscaping being established. He asked if this would be a condition as part of the application or not. Mr. Hamming stated that as the conditions are currently written, the fencing is not addressed. This is in part because the applicant stated that they were interested in doing several repairs and improvements. They would then see how the business was going and then would readdress some of these other issues later, such as taking down the fencing and removing trees or landscaping along the highway. Rose Nyman stated that they Board could always add or remove these conditions at this time and Mr. Hamming agreed.

Applicant Report

Jackee Beck, 325 Sunridge Lane, Deer Lodge

Ms. Beck started with a full background of how she grew up in the ADLC / Powell County areas. She has lost a brother to cancer and her mother has been diagnosed with cancer. She started to investigate the effects of CBD on cancer and tumors in general. She did a ton of research and did start to grow hemp. What started with 30 acres has now grown to 100 acres at this time. She finally developed her own CBC product as she was finding that in the industry, products that you would order, didn't have in it what it said it had, or it had nothing in it. She did this through 3rd party testing. She ran

into some bad contracts and when marijuana was up for being recreational, she formed a company with some other farmers that were in the hemp business, and this is how the entire entity has snowballed. She states that the industry is very cutthroat, and that it is not like farming at all. She is the general manager of Top Shelf Botanicals as well as part owner. She is not trying to change anyone's view, but wanted to make an impactful statement. There are 15 stores across the state, and they like to enter communities in a very positive way, and they like to work with community members and council members to make this a positive thing and not a community bash session. She states that they listen to everyone's suggestions, and regarding the fence that Mr. Reardon brought up, the State requires so many different security implementations to even pass the State requirements. The fence was originally going to be kept, however, cleaning up the east end of Anaconda was perhaps a suggestion that the fence should not be there, but if you notice the next lot down, there is still a fence and more junk and garbage. They want to start out by giving the building a facelift and perhaps mimicking the Forge Hotel, and basically putting up a fake front facade. They have gone back and forth as a company and have decided that they want to make Anaconda their staple dispensary and want to make it one of the nicer and fancier dispensaries just so folks around Montana will come and see this.

She states that there is a lot of training that will go into their employees, and she stated that anyone could come in and ask questions and see if there is a product that could help them. She states that the space is large, and their plan is to use the west end as the dispensary, so they will finish a wall and make a main entrance on the west end and there will be an available space for rent in the next space.

She did check with the State Highway Department regarding s and if they were to take down the fence, there would need to a survey done by them and then they would have to assess tree heights, bushes, etc., as this is right on a corner of a state highway.

Questions from the Board

Frank Fitzpatrick

Mr. Fitzpatrick asked about the status of the U-Haul business, and it was confirmed that they will not be keeping this. He was wondering if there could be a requirement of slats on the current chain-link fence that is there currently for an option to keep the dispensary and junk yard more separated and private. He also wanted to see if anything will be grown on this property and Ms. Beck stated that everything will be prepacked and is done in Bozeman, so the smell is almost non-existent. The State heavily regulates on testing. The State Seal must be on each individual packet of product. This is so the consumer can track the testing that each product goes through.

John Lombardi

Mr. Lombardi asked about the products being tracked. Ms. Beck said that every plant has a small tag that must be scanned and what you have done with the plant. This is seed to sale operation, so this is very controlled and safe, rather than that from the black market.

Public Hearing

Proponents

Kevin Hart, ADLC Commission

Mr. Hart states that he really is not for or against this project but does have a concern that the area in consideration is our growth area and this is where a lot of our businesses are going to be going. He is very happy to hear of the improvements that will be made to the corner, as it is already a very prime corner. There are plans for a major development just east of that area, the storage area that is east, and he feels that this could also become something else, including the property behind these properties going north. This is prime development area. His concern is what the appearance of the building will be, so he feels that there should be more details in the Commission packets and that would be something that they would like to see.

Opponents

None

Public Hearing is Closed

Board Discussion

Frank Fitzpatrick

Mr. Fitzpatrick wonders if the fencing should be addressed.

Dan Reordan

Mr. Reardon is not so concerned about the fence so much as he is concerned, and really wants shrubbery that is as tall as the fence to clean up the bad appearance, He feels that will go a long way in getting this proposal approved. He states

that the Murdoch's across the street is looking to be a very nice piece of commercial space and that honestly, this piece of property, as well as the one behind it, are just real eyesores, so anything that could improve this would be a step in the right direction.

Art Villasenor

Mr. Villasenor states that the applicants have already discussed the high possibility of removing the fence due to the razor wire, so he feels that they would have a plan regarding this. He knows that this has been highly discussed and there has been some verbiage in the packets about this as well. He doesn't know if they would want to add this as a potential condition.

Dan Reardon

He stated that as part of the Planning Board decision, the Commission could still put this issue with the fence as a requirement of theirs to approve or deny.

Rose Nyman

Ms. Nyman said that the Board can also separate the issue of fencing if needed.

John Lombardi

Mr. Lombardi states that he is assuming that this is all based on cost for the applicants.

Jackee Beck

Ms. Beck is not opposed to taking the fence down and is thinking it would look much better. She thinks that the priority would be fixing the building, fix the front of the building, make it look appealing to match everything that is going on in East Anaconda. She feels that at the time that she does need to take down the fence, she may not need shrubbery or trees as she is promising something that is very appealing and matches what is going on in that area. As far as security, if someone wants to break in, they will break in. They will put in nice looking graded bars from the inside. Again, she does feel that the fence looks institutional, and she would like to see this gone as well. It is just not from a business aspect, the first thing that they are looking to do. The building is her main concern currently.

Frank Fitzpatrick

Mr. Fitzpatrick is surprised that the planning staff didn't get information for a landscaping plan for this project. He says the county spent money on a berm and planting trees below that all the way down to old railroad track to disguise the Arbiter Plant, but he feels that the commissioners can decide if they want a landscaping plan. However, he, himself would like to see a landscaping plan. Mr. Hamming stated that part of the reason a landscaping plan was not an initial requirement is that it is already built out and there really isn't much room for shrubs, trees, and grasses. He focused the staff report on the exterior improvements and cleaning up the property rather than focusing on vegetation.

Rose Nyman

Ms. Nyman confirmed that if they move it on to the Commission, they can decide if they want to pursue the issues with the fence and the landscaping. Mr. Hamming verified this.

John Lombardi

Mr. Lombardi is asking if they can require a timeline as to when they are going to do what. He says that we are implying what needs to be done and that we should need a timeline for this. Mr. Hamming does state that the MDP permit does allow two to finalize the project along with all the conditions of approval.

Motion

Motion is made by Art Villasenor to approve the Major Development Permit submitted by Top Shelf Botanicals, LLC with Acme Management, Inc. to open a marijuana dispensary at 46 Town Pump Rd, formerly Mike's Sales, with the seven (7) conditions outlined in the report; Seconded by Dan Reardon. Motion passes 7-0.

Old Business

None

New Business

None

Board Questions and Comments

Rose Nyman

Ms. Nyman just wanted to express her appreciation to the Planning Department staff. The packets are always very thorough and very well prepared. Carlye never misses the deadline, and the packets are ready by noon on the Thursday prior and she does a great job with the minutes. She appreciates everything they do.

She also wanted to state that she appreciates the commitment made by the Planning Board members as volunteers. She states that she cannot remember the last time that they did not have a quorum. Everyone has read their packets and they are asking questions. She states Anaconda needs more volunteers like this on ADLC Boards. She appreciates the Board and they have been very good to work with.

Dan Reardon

Mr. Reardon just want to thank Tammy Hurley, from the Forge Hotel, for allowing us to have our meeting at the Hotel. He thinks that they should have all the meetings there as it is nice and warm and there are treats. Mr. Villasenor stated the same.

Frank Fitzpatrick

Mr. Fitzpatrick stated that the overall acoustics are better here at the Forge rather than at the courthouse and others agreed.

Staff Questions and Comments

Carl Hamming, Planning Director

Mr. Hamming wanted to say that as far as the next planning board meeting, there are no immediate items scheduled for December, so he is hoping the Board will be able to take that month off if possible. If there are any changes, the Planning Department will certainly let the members know, otherwise, will plan on meeting again in January. There is only one that he is expecting right now to be submitted this winter and that is the Georgetown 3-lot Subdivision. He has not heard anything back from them in awhile now and Ms. Hess has not heard from them either. Mr. Hamming wished everyone a Happy Thanksgiving.

Public Comment

Tammy Mattson, 704 Main Street

Ms. Mattson just wanted to thank the young people and that it is so nice to see them getting involved and investing in our community. Kudos to all of them as this is amazing.

Next Meeting

TBD

Adjournment

Motion was made to adjourn by Art Villasenor; seconded by Annette Smith; Motion passes 7-0.

Final Minutes Approved

Respectfully Submitted,
Carlye Hansen, ADLC Planning Department Secretary

Attachments: Guest Sign in Sheet