

Motion failed
2-5

RESOLUTION NO. R17-22

A RESOLUTION OF THE CITY COUNCIL GRANTING A VARIANCE FROM THE CITY'S ZONING ORDINANCE TO ALLOW A MEDICAL MARIJUANA DISPENSARY BUSINESS AT 204 SOUTH WASHINGTON AVENUE, UNIT A-1, A PROPERTY CURRENTLY ZONED HIGHWAY COMMERCIAL UNDER THE LAUREL MUNICIPAL CODE.

WHEREAS, the property located at 204 South Washington Avenue is currently zoned Highway Commercial pursuant to 17.20.010 of the Laurel Municipal Code, which does not allow the operation of a medical marijuana dispensary;

WHEREAS, the owner of the property at issue currently seeks a variance of the zoning that currently only allows medical marijuana dispensary businesses for properties zoned Light Industrial; and

WHEREAS, the owner submitted the request for a variance to the Laurel-Yellowstone City-County Planning Board. The Planning Board acting as the City's Zoning Commission held a public hearing on the variance request. The Zoning Commission received testimony and written support for the variance from a number of proponents, and one protest from an adjacent business owner, as provided in the Zoning Commission meeting minutes and documents contained in the record which are all incorporated as part of this Resolution by this reference; and

WHEREAS, the Zoning Commission considered all of the documentary evidence in the record along with the testimony presented at the public hearing, and recommends the approval of the variance, subject to the conditions recommended by Staff as follows:

1. The variance is approved only for the Applicant and is restricted to this location;
2. The variance is restricted to allow only a medical marijuana dispensary, a grow operation remains prohibited in the Highway Commercial Zone.
3. The applicant shall apply for and obtain a City Business License.

WHEREAS, the City Council held a public hearing concerning this matter on June 6, 2017. No objections were noted or received into the record.

WHEREAS, based on the evidence contained in the record, including the Zoning Commission's File, 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 allow the variance since:

1. granting the variance in this case relates only to a special condition that is specific to the applicant;
2. the current hardship was not created by the applicant;
3. the variance requested appears to be within the spirit, intent and purpose of the zoning regulations; and
4. granting the variance will not injure or result in an injustice to others.

NOW THEREFORE, BE IT RESOLVED that the owner's request for a variance is hereby approved for the property located at 204 South Washington Avenue, allowing the owner to open and operate a medical marijuana dispensary on the property;

BE IT FURTHER RESOLVED, that the variance is approved subject to the following conditions:

1. The variance is approved only for the applicant and is restricted to this location;
2. The variance is restricted to allow only a medical marijuana dispensary, a grow operation remains prohibited in the Highway Commercial Zone; and
3. The applicant shall apply for and obtain a City Business License.

Introduced at a regular meeting of the City Council on June 6, 2017 by Council Member
Herr.

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 6th day of June, 2017.

APPROVED BY THE MAYOR this 6th day of June, 2017.

CITY OF LAUREL

Mark A. Mace, Mayor

ATTEST:

Bethany Keeler, Clerk/Treasurer

APPROVED AS TO FORM:

Sam S. Painter, Civil City Attorney



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City Council
FROM: Noel Eaton, Laurel City Planner
RE: Variance for 204 South Washington Avenue Unit A-1
HEARING
DATE: June 6th, 2017

Richard Abromeit has submitted an application for variance. The request is for allowable uses in Highway Commercial Zoning LMC 17.20.010 "Medical marijuana dispensary or dispensary".

The property is currently zoned Highway Commercial.

1. The applicant is requesting a variance from Laurel Municipal code 17.20.010 to allow "medical marijuana dispensary or dispensary" in Highway Commercial Zoning.
2. The property is currently a 24 unit commercial rent or own development. Two 12 unit buildings are connected by shared walls on the north and south side of the property.
3. In 2011 City Council changed the zoning code to allow for medical marijuana dispensaries in Light Industrial Zoning. Medical marijuana cultivation facility or cultivation facility is allowed in Light Industrial and Heavy Industrial Zoning.
4. A map identifying the property and letter of application are attached.
5. The applicant included a justification for the variance as it relates to LMC 17.60.020
6. As per the requirements of LMC 17.72.070, a public hearing on the matter shall be held before the zoning commission before being heard by the Laurel City Council. As per B. of the section, public notice was published in the Laurel Outlook and adjacent property owners were notified by certified mail more than 15 days prior to the public hearing.

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

1. According to Chapter 17.60.020 of the LMC the Zoning Commission may not recommend granting a land use variance:
 1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
 2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
 3. Unless the basis is something more than mere financial loss to the owner;
 4. Unless the hardship was created by someone other than the owner;
 5. Unless the variance would be within the spirit, intent, purpose, and general plan of this title;
 6. Unless the variance would not affect adversely or injure or result in injustice to others; and
 7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.

2. As per LMC 17.72.060 the Zoning Commission shall make a recommendation to the City Council to:
 1. Deny the application for amendment to the official map;
 2. Grant action on the application for a period not to exceed thirty days;
 3. Delay action on the application for a period not to exceed thirty days;
 4. Give reasons for the recommendation.

The Zoning Commission held a public hearing on May 4th 2017, The Board voted 5-2 to approve the variance (Please see attached minutes)

There were 6 proponents and 1 letter supporting the item. There was 1 letter not supporting the item.

A discussion from the board about parking took place. The property is zoned highway commercial and was permitted for storage purposes. Section 17.40.090.J states "Retail Establishments including personal service shops, equipment or repair shops in HC commercial district shall have one space for each 200 square feet of floor area." The unit is 1500 total square feet.

2025/04/24 10:00 AM

If the City Council recommends approval of the land use variance, the following conditions are suggested:

1. The variance shall only be allowed for the applicant and at this location.
2. The variance shall only be allowed for Medical marijuana dispensary or dispensary.
3. The applicant shall apply for a City of Laurel business license.



Laurel Variance Request Application

This application covers appeals from decisions of the Planning Department (and sometimes other officials) and for requests for variances concerning setbacks, structures, heights, lot coverage, etc.

The undersigned owner or agent of the owner of the following described property requests a variance to the Zoning Ordinances of the City of Laurel as outlined by the laws of the State of Montana.

1. Name of property owner: Richard Adromet
2. Name of Applicant if different from above: _____
3. Phone number of Applicant: 406-698-7242
4. Street address and general location: 204 South Washington Ave
5. Legal description of the property: _____
6. Current Zoning: HC
7. Provide a copy of covenants or deed restrictions on property.

I understand that the filing fee accompanying this application is not refundable, that it pays part of the cost of process, and that the fee does not constitute a payment for a variance. I also understand I or my agent must appear at the hearing of this request before the Planning Board and all of the information presented by me is true and correct to the best of my knowledge.

Signature of Applicant: _____

Date of Submittal: 4/10/17

To: Laurel City County Planning Board

I am asking that a variance be granted at the property located at 204 S Washington Street Unit A-1 to allow Light Industrial zoning in this Highway Commercial zoned area. There are several reasons behind changing this variance at this location.

Currently medical marijuana dispensaries are zoned Light Industrial only in Laurel. With this current zoning, there are not any areas available for a medical cannabis dispensary to rent or lease. These areas are currently owned by the railroad, Fox Lumber, and Fiberglass structures, which due to the federal regulations within their industry prevents them from renting/leasing to a business such as ours.

Montana Advanced Caregivers is the city of Billings only licensed dispensary and have been licensed there since 2009. Currently, we have over 20 patients in Laurel that have to travel for our services because there isn't safe access of medical cannabis within its city limits. This location provides this access while still being away from churches, parks and schools. Only our cardholders are allowed in the premises with a deadbolt locked "buzz in" security door as well as security alarms and cameras that would be installed. We are well known for being stricter than the DPHHS in the regulation of our medicine.

In 2011, Montana Advanced Caregivers attended the city council meeting to advocate that Laurel not ban dispensaries but to set ordinances to accept medical cannabis and regulate it through zoning. This ordinance has been in place over 5 years and Laurel still does not have a medical cannabis dispensary to provide safe access.

The city rezoned this area (light industrial to highway commercial) to allow for Best Western to come in.

Steve Solberg purchased this property on 5-25-1995 when it was still light industrial prior to the enactment of Laurel Municipal Code Chapter 17.60.202.

The truth is with twenty-eight states and our nation's capital already having legalized marijuana programs, medical cannabis is coming. So why not plan for Laurel's future growth by having a professional, legal, community-worth place, like the facility I have in Billings, not a "pot shop". I have already spoken to the chief of police regarding this matter as well as the owners of this property who had

initial concerns. However, after speaking at length with my business partner and I, and seeing how we ran our operation in Billings they were more than convinced that Montana Advanced Caregivers would be the cannabis dispensary they would want in their community helping our citizens. The variance is only 1500 square feet and it butts up against two properties that are already zoned light industrial.

Thank you

Richard Abromeit

CEO Montana Advanced Caregivers

1101 Maggie Lane

Billings, MT 59101

406-656-0026 business

506-698-7242 cell

EXHIBIT A
BASIC UNIT FLOOR PLAN
WITHIN
CANYON CREEK CONDOMINIUMS - LAUREL, MT

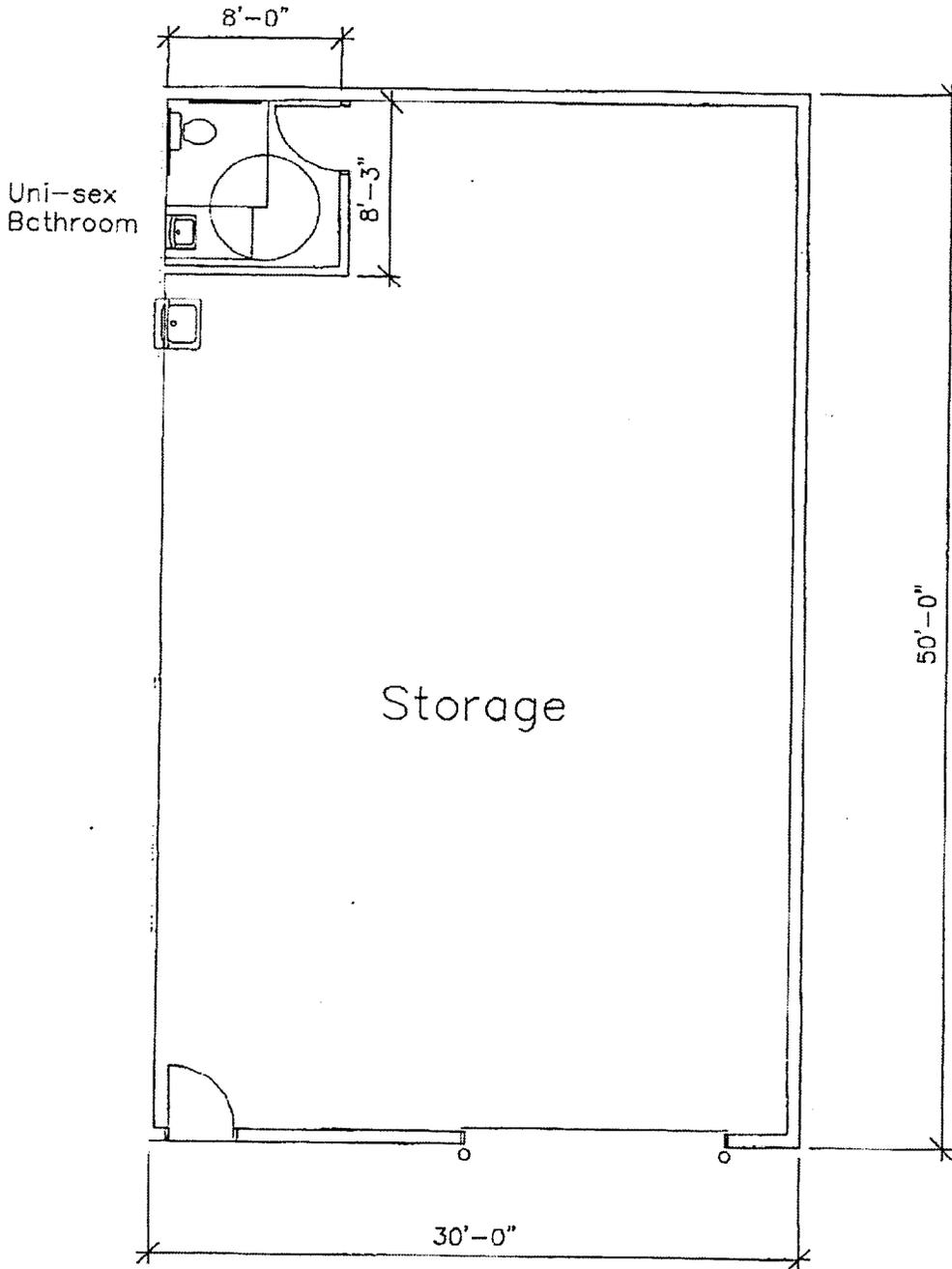
FOR : CANYON CREEK STATION, LLC.

BY : SANDERSON STEWART

JANUARY, 2015

BILLINGS, MONTANA

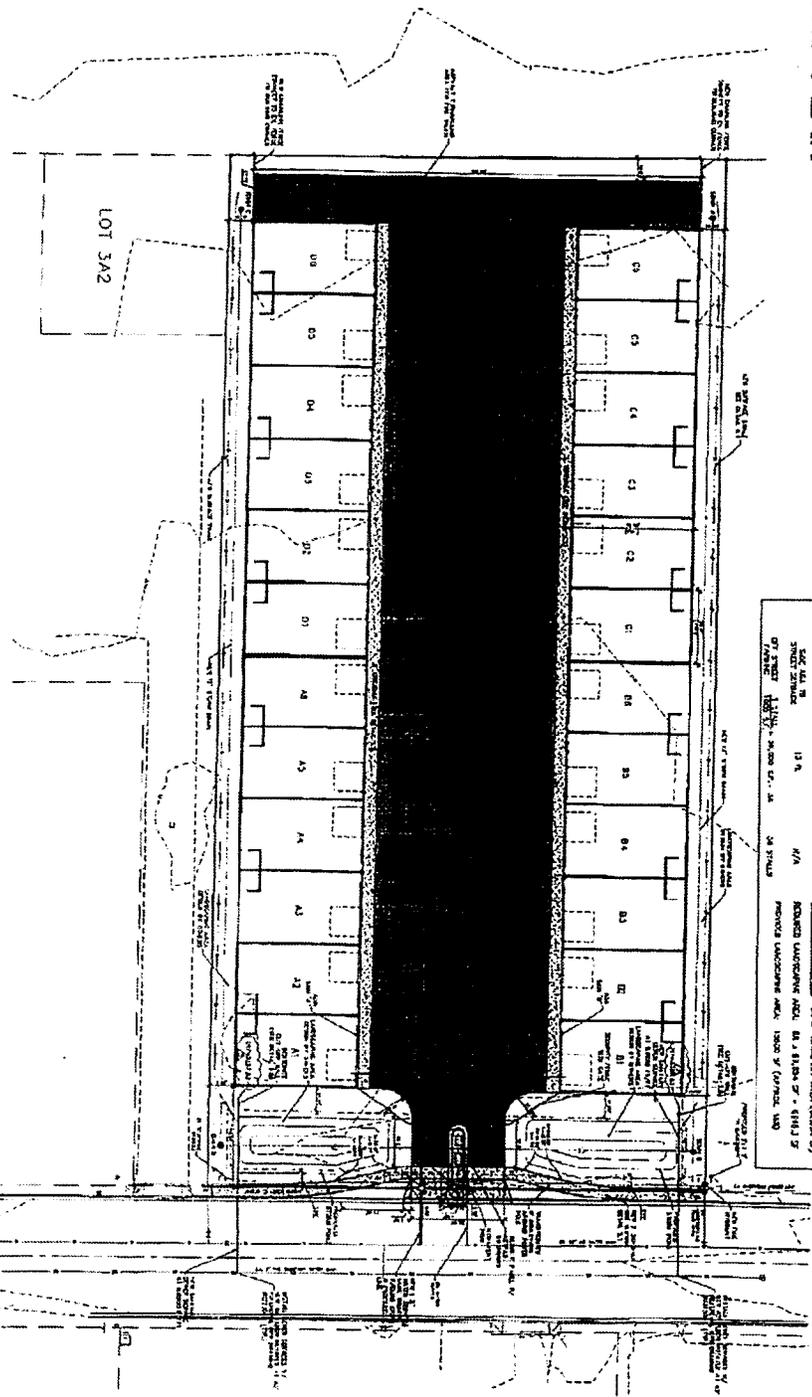
DRAWING NOT TO SCALE



DCL
3734535
03/19/2015 04:10 PM Pages: 15 of 18 Fees: 135.00
Jeff Martin Clerk & Recorder Yellowstone MT

EXHIBIT B

SITE PLAN



SEE 3A1A
 ZONING: HEAVY INDUSTRIAL
 LOCAL ORDINANCE: LOT 1, SECTION 1,
 LAUREL INDUSTRIAL PARK SUBDIVISION

ITEM	DESCRIPTION	AMOUNT	REMARKS
FRONT SETBACK	30 FT	30 FT	MINIMUM SETBACK
REAR SETBACK	30 FT	30 FT	MINIMUM SETBACK
SIDE SETBACK	10 FT	10 FT	MINIMUM SETBACK
STREET SETBACK	10 FT	10 FT	MINIMUM SETBACK
OFF STREET PARKING	10 FT	10 FT	MINIMUM SETBACK

GENERAL NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL UTILITIES SHOWN ARE AS SHOWN ON RECORD PLANS.
 3. ALL UTILITIES TO BE DELETED OR RELOCATED AS SHOWN ON RECORD PLANS.
 4. ALL UTILITIES TO BE INSTALLED AS SHOWN ON RECORD PLANS.
 5. ALL UTILITIES TO BE MAINTAINED AS SHOWN ON RECORD PLANS.
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LAUREL INDUSTRIAL PARK SUBDIVISION
 LOT 1, BLOCK 1
 SANDERSON STEWART ARCHITECTS
 LAUREL, MD
 OVERALL SITE PLAN

NO.	DESCRIPTION	DATE
1	PRELIMINARY	08/11/14
2	REVISED	08/11/14
3	REVISED	08/11/14
4	REVISED	08/11/14
5	REVISED	08/11/14
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7	REVISED	08/11/14
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50	REVISED	08/11/14



SANDERSON STEWART
 ARCHITECTS, INC.
 www.sandersonstewart.com

MINUTES
LAUREL – YELLOWSTONE CITY-COUNTY PLANNING BOARD
May 4, 2017 10:00 am
COUNCIL CHAMBERS

Members present: Kathy Siegrist, President
Dan Koch, City Rep.
Judy Goldsby, County Rep. & Vice-President
Lee Richardson, County Rep.
Hazel Klein, City Rep.
Jerry Williams, Conservation Corps Rep.
Gary Colley, City Rep.
Roger Giese, City Rep.

Others present: Noel Eaton, City Planner
Cheryll Lund, City Secretary

Members absent: Ron Benner, County Rep.

CALL TO ORDER: The meeting was called to order at 10:00 a.m. by President Siegrist.

ROLL CALL: Members present were Koch, Goldsby, Giese, Richardson, Colley, Klein, Williams and Siegrist.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS: A motion was made by Dan Koch and seconded by Judy Goldsby to approve minutes of the March 2, 2017 meeting. The motion carried by a vote of 7 – 0.

NEW BUSINESS: Public Hearing – Variance Request – LMC 17.20.010 Allowable Uses for Highway Commercial Zoning, “Medical marijuana dispensary or dispensary”.

President Siegrist stated that today the board will be considering a variance request about a medical marijuana dispensary. She went on to state that this is not about recreational use, gateway drugs, federal law on marijuana or states that already allow medical marijuana. This is about a business that is legally defined by Montana law. It is solely about whether this application meets the criteria for a variance on the zoning as passed by the Laurel City Council in 2011. She went on to state that it would be greatly appreciate if all comments and discussion were kept to that topic alone.

President Siegrist opened the public hearing at 10:02 am and asked Planner Noel Eaton to present the application for the variance request.

Noel presented the application and read her staff report to the Board.

DISCRIPTION/LOCATION:

Richard Abromeit has applied for a variance. The request is for allowable uses in Highway Commercial Zoning LMC 17.20.010 “Medical marijuana dispensary or dispensary”. The property is currently zoned Highway Comercial which does not allow a medical marijuana dispensary.

STAFF FINDINGS:

1. THE APPLICANT IS REQUESTING A VARIANCE FROM Laurel Municipal Code 17.20.010 to allow "medical marijuana dispensary or dispensary" in Highway Commercial Zoning.
2. The property is currently a 24-unit commercial rent or own development. Two 12-unit buildings are connected by shared walls on the north and south side of the property.
3. In 2011 Laurel City Council changed the zoning code to allow for medical marijuana dispensaries in Light Industrial Zoning. Medical marijuana cultivation facility or cultivation facility is allowed in Light Industrial and Heavy Industrial Zoning.
4. A map identifying the property and the letter of application are attached.
5. The applicant included a detailed justification as it relates to LMC 17.60.020.
6. As per the requirements of LMC 17.72.070, a public hearing on the matter shall be held before the zoning commission before being heard by the Laurel City Council. As per B. of the section, public notice was published in the Laurel Outlook and adjacent property owners were notified by certified mail more than 15 days prior to the public hearing.

ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATIONS:

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

1. According to Chapter 17.60.020 of the LMC the Zoning Commission may not recommend granting a land use variance:
 1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
 2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
 3. Unless the basis is something more than mere financial loss to the owner;
 4. Unless the hardship was created by someone other than the owner;
 5. Unless the variance would be within the spirit, intent, purpose, and general plan of this title;
 6. Unless the variance would not affect adversely or injure or result in injustice to others; and
 7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.
2. As per LMC 17.72.060 the Zoning Commission shall make a recommendation to the City Council to:
 1. Deny the application for amendment to the official map;
 2. Grant action on the application for a period not to exceed thirty days;
 3. Delay action on the application for a period not to exceed thirty days;
 4. Give reasons for the recommendation.

STAFF SUGGESTED CONDITIONS:

If the Planning Board recommends approval of the land use variance, the following conditions are suggested:

1. The variance shall only be allowed for the applicant and at this location.
2. The variance shall only be allowed for Medical marijuana dispensary or dispensary.
3. The applicant shall apply for a City of Laurel business license.

APPLICANT:

Richard Abromeit from Montana Advanced Caregivers spoke. He lives at 2705 Sage Spring Circle in Billings and his business is located at 1101 Maggie Lane in Billings.

Richard stated that in 2011 his partner and the co-owner of Montana Advanced Caregivers, Jason Smith, attended the Laurel city council meeting and urged council members to please be compassionate with the state law as it was just starting to emerge. He asked the board to allow medical marijuana in Laurel.

Richard went on to say that because the city council in 2011 went with the Planning Boards recommendation of allowing medical marijuana only in Light Industrial zoning there are not any areas available for a medical cannabis dispensary to rent or lease. These areas were already owned by the railroad, Fox Lumber, and Fiberglass structures and due to the federal regulations within their industry this prevents them from renting/leasing to a business such as ours.

Richard's business, Montana Advanced Caregivers, is the city of Billings' only licensed marijuana dispensary. They have been licensed since 2009. Currently they serve over 350 patients within the state and are the second largest provider of medical marijuana in Montana. They have 20 patients that live in Laurel that travel to Billings to get their medical marijuana, and another 150 patients in the outlying areas near Laurel. The governor has SB-333 is going across the governor's desk. He is either going to veto it or sign it. SB-333 would enact a taxable fee system and put some heavy regulations on larger providers. Smaller providers don't have to do a lot of the things that the larger providers do. Richard stated that Montana Advanced Caregivers would provide safe access in Laurel and bring a lot of foot traffic and shoppers to Laurel.

Richard stated that safety is one of their top priorities. They are good neighbors to the Billings city operation center which is close to where they produce everything in house from seed to sale with a commercial kitchen all under one roof. They have never had to call the police.

Richard stated they are in complete ambiguous compliance of state laws. They work with the Billings Fire Department, Code Enforcement, City council and the Billings Police Department and all departments have taken a tour of the business. They have allowed the departments to take photos of every room.

Richard continued to say they are big on safety at the business. They have security cameras and every customer must be buzzed in to enter the building. Their employees are trained to watch the parking lots and people's behaviors.

Richard went on to say they do not want medical marijuana to become black market marijuana. If people are doing those kinds of things in their parking lot they send those people's cards back to the state and mark them "deference questionable". They also send that information back to DPHHS and then Montana Advanced Caregivers no longer provides them with medical cannabis. In the 9 years they have been in business, they have sent back 80 – 90 cards.

Richard went on to say they are stricter in their process than the state says they have to be. The state says they can sell an ounce per day. Montana Advanced Caregivers allow their patients to buy one ounce per week.

Richard went on to say that they give back to their community in a positive way and donate to many different organizations. Montana Advanced Caregivers does not charge people for medical cannabis for terminal cancer patients. This is another way they give back to the community.

Richard has worked and lived in Laurel since 1988. His children went to school in Laurel and he worked for Montana Rail Link until he had a severe back injury. He was on the Board of Directors for the Laurel Rod and Gun Club and served on the board for SEG Credit Union. Montana Advanced Caregivers believe that you give back to a community where you live and work. His business has long set standards and is not just a pot store. They provide precision based care. He invited the board and audience to come and take a tour of his business in Billings. Dr. Uphues is the medical doctor at Montana Advanced Caregivers and does precision based medicine. Dr. Uphues works with each patient on correct dosing so that each patient can get the best care possible.

Richard introduced Dr. Michael Uphues and asked him to speak.

Dr. Michael Uphues states he lives at 3600 Maritime Drive in Billings, Montana. He has been in practice for 22 years. He is a board-certified family practice physician and sees patients with all different types of issues who require different treatments. He has spent most of his years on the Fort Peck Indian Reservation. He became interested in cannabinoid medicine in 1998 because he had a cancer patient that was coming down to Billings for chemotherapy treatments and the only thing that would relieve his symptoms after chemo was using cannabis. The patient was pulled over one time coming home and they through the book at him for using cannabis. After spending thousands of dollars on lawyers fees he finally got out of the charges. Dr. Uphues thought that was a very heavy handed way of dealing with a patient that was that sick and obvious using cannabis for medicinal reasons. Dr. Uphues then did some research and became certified in cannabinoid medicine in California. The way they treat patients will vary. It is not a matter of signing patients up with a medical marijuana card so they can go out and just pick what you like off the shelf. That doesn't happen in his clinic. The way it works is that he prescribes different doses of pills that contain cannabis to different types of patients with varying diseases. For patients that are children it works differently and they use a different part of the cannabis plant and a different dose.

Dr. Uphues stated that no one has ever died from an overdose of cannabis in the entire history of mankind. Seventy-nine people in this country die every day from prescription overdoses of opiates.

Dr. Uphues stated cannabis was in over the counter products in this country from 1864 to 1941. What did away with it was the marijuana tax act of 1937 which had more to do with the commercial hemp industry than medicinal cannabis. Medicinal cannabis got caught in the cross hairs and was then made illegal.

PROPOSERS:

Jason Smith who lives at 4515 Palisades Park in Billings Montana spoke. He is a co-owner of Montana Advanced Caregivers.

Jason came to the Laurel city council meeting in 2011 and tried to get the message across that new law on medical marijuana was passed out of compassion. The air shifted once money was brought into the scenario. What they are asking for is just a 1500 square variance which is not much unless you are the predicament where you need that (medical cannabis). He came to Montana thinking it was a get rich

quick business. But after he helped somebody that had been given 2 weeks (to live) and you spend two years with that person holding their hand and hugging you can't put a price on that. That 1500 square feet can make the difference to people. The law was built out of compassion and Montana people voted for it. The community of Billings accepted their business. His company is built on ethics and they have been successful because of that.

Brandon Arthur of 501 2nd Avenue in Laurel spoke. He supports the variance for the location based on the proximity of the original ordinance that was placed in 2011 and for the opportunity of this business to apply for a medical marijuana permit and business license for the city of Laurel.

Richard Giesepe of 77 S. Whitehorse Bench Road in Laurel Montana spoke. He has been at that address since 1992. Richard's wife was diagnosed with ovarian cancer 12 years ago and had a tumor the size of a baseball. They could not get medical marijuana that the oncologist recommended but was not available. He had to go purchase marijuana illegally. He asked that it be made available.

President Siegrist read a letter of support from James Horning of 101 W. Railroad in Laurel Montana. (see attachment A).

Jean Lucas who lives at 2705 Sage Springs Drive in Billings Montana spoke. She is Richard Abromeit's wife and she works in the medical marijuana industry. She is a registered pharmacist in Idaho, Washington and Oregon. She came from a traditional background as far as medicine goes. Even with Richard's education she was very skeptical of cannabis because when people talk about it they say "no way and no how". Now with her education of cannabis she has seen miracles happen everyday and sees it help people in many ways. This is not the pot that everyone grew up with. It is a medicine and it should be treated as such. It is not for children and it should be locked up in the medicine cabinet like every other medication. It is a very useful thing and has helped the community of Billings. She hopes the board will give them a chance as it will help Laurel's community thrive.

Tami Zeglis of 3600 Marathon Drive in Billings spoke. She has been a nurse in Montana for over 30 years. If you would have told her 10 years ago that she would be helping people obtain medical cannabis she would have laughed at you. She grew up in the Midwest in a traditional family. She has seen wonderful miraculous things with cannabis patients. She has seen and done studies with patients she has given medical cannabis to in nursing homes. She has seen how well patients react to medical cannabis, especially her cancer patients. They get relief. Parkinson patients don't shake anymore when they use medical cannabis. It's been a good experience for her.

Tami went on to say that she has study alternative medicine in the past and traveled all over the state of Montana. She has seen many dispensaries across the state and Montana Advanced Caregivers is by far the most secure, most strict rules and well run facility. They do not advocate smoking marijuana and prescribe mostly edibles and capsules that can be measured. She asked the board to contact her with any other questions. She has business cards.

President Siegrist asked if there were any other proponents wishing to speak in favor of the variance. There was none.

OPPONENTS:

President Siegrist asked 3 times if there were any opponents wishing to speak in opposition of the variance. There were none.

President Siegrist read a letter of opposition from Square One Cabinets located at 210 S. Washington Avenue in Laurel Montana. (Attachment B)

Noel Eaton stated that the variance request is only for a medical marijuana dispensary and not for growing marijuana. The zoning does not allow for a grow operation.

President Siegrist closed the public hearing at 10:32 am.

A motion was made by Judy Goldsby and seconded by Dan Koch to recommend approval of the application for variance along with the staff findings and suggested conditions.

BOARD DISCUSSION:

Gary Colley stated that the building at 204 S. Washington was designed for storage units and not retail operations. He sees a conflict with there not being enough parking for the business as they need 8 parking spaces to comply with city parking requirements.

Dan Koch asked how the other tenants of the building feel about this type of business.

Noel stated all the tenants were notified by letter and she has not heard any comments back except for Square One Cabinets at 210 S. Washington.

Noel stated that this property is zoned Highway Commercial property and does allow certain types of retail businesses. She also stated the parking issue will be reviewed prior to the business receiving a building permit, if the variance is approved by the city council.

Lee Richardson stated he talked with the owner of the property Dean Rankin regarding the proposed business. Owners Dean Rankin and Steve Solberg toured Montana Advanced Caregivers business in Billings and expressed that they were impressed with how well the business is run. Lee also talked with Rob Harris who manages Fiberglass Structures located across the street and he is not in favor of the variance. He also chatted with Chief Musson from the Laurel PD and was told that the police department is only concerned with following state law. Lee went on to say that he knows medical marijuana has a place for medicinal issues but he is not in favor of approving the variance in that building.

At this time the board discussed the seven (7) criteria in L.M.C. 17.60.020 as it relates to this variance.

1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
All members of the board agree that it meets this criteria.
2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
All members of the board agree that it meets this criteria.
3. Unless the basis is something more than mere financial loss to the owner;
All members of the board agree that it meets this criteria.
4. Unless the hardship was created by someone other than the owner;

- All members of the board agree that it meets this criteria.
5. Unless the variance would be within the spirit, intent, purpose, and general plan of this title; All members of the board agree that this meets this criteria.
 6. Unless the variance would not affect adversely or injure or result in injustice to others; and All members of the board agree that it meets this criteria because there was only one opponent.
 7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.
All members of the board agree that it meets this criteria because the property will be purchased by the applicant.

At this time President Siegrist asked for the vote on the motion to recommend approval with staff findings and conditions. The motion carried by a vote of 5 in favor and 2 against (Richardson & Colley).

OLD BUSINESS:

- Regal Community Park was approved.
- The annexation of 202 8th Avenue was approved.
- The Special Review for Town and Country located on W. Main was approved.

MISCELLANEOUS:

- a) The next meeting will be June 1, 2017 at 10:00 am.
- b) Planning Grant to create a Master Plan for Riverside Park.
Noel asked if there were any board members wanting to be on the committee to create a master plan for Riverside Park. Roger Giese and Judy Goldsby volunteered.

PUBLIC COMMENT ON NON-AGENDA TOPICS : There was no public comment.

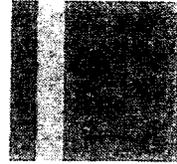
ADJOURNMENT: A motion to adjourn was made by Judy Goldsby and seconded by Dan Koch. The meeting was adjourned at 11:00 am.

Respectfully submitted,

Cheryll Lund, Secretary

Rapid Fire

101 West Railroad St., Laurel, MT 59044
406-828-4604 rapidfire.inc@gmail.com



5/3/17

Planning Board
City of Laurel

Dear Planning Board,

I would like to share with you my support of Rich and Montana Advanced Caregivers. I believe there is a place and a need for medical marijuana in our community.

In the fall of 2014 my wife was diagnosed with AML. Thankfully she is cancer free today but her fight has continued in the form of graft versus host disease. She has struggled with chronic pain throughout her battle. She has begun the process to be allowed to purchase medical marijuana for her pain because the medications prescribed by her doctors have proven ineffective. Throughout her journey we have met many people fighting the same fight. For some of them medical marijuana has been a blessing that has allowed them to regain a more normal life.

Montana Advanced Caregivers has been a part of the Billings business community for many years. Why not Laurel? Please give Rich the opportunity.

Sincerely,

James Horning

Rapid Fire



SQ			Square One Cabinets 210 South Washington Ave Laurel, MT 59044 Ph: (406) 628-8443 Fax: (406) 628-8878
		1	

April 26, 2017

City of Laurel
City County Planning Board
115 W First Street
Laurel, MT 59044

Re: Zoning Variance for Medical Marijuana Dispensary

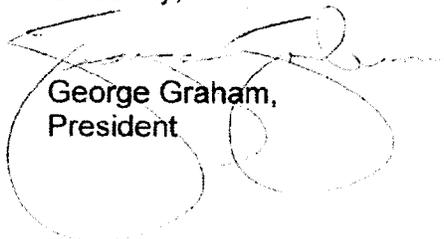
I received your letter stating a zoning variance has been requested for a medical marijuana dispensary at 204 South Washington Avenue.

I am against this zoning variance because of security concerns resulting from this type of business. We have outside material storage and I am concerned that if this business is allowed, the security for the neighborhood would greatly diminish.

The letter states that the variance is for a medical marijuana dispensary but I feel that the next step would be medical marijuana growing operations. Where does it end?

I realize that this area is a commercial area, but unless the City of Laurel is prepared to provide increased security at their expense, such as street lights and increased police patrols, I don't feel that this variance should be approved.

Sincerely,



George Graham,
President

Chapter 17.40

OFF-STREET PARKING
REQUIREMENTS

Sections:

- 17.40.010 **Applicability of provisions.**
- 17.40.020 **Location specified.**
- 17.40.030 **Expansion and enlargement to be provided for.**
- 17.40.040 **Nonconforming uses allowed.**
- 17.40.050 **Mixed occupancy requirements computed separately.**
- 17.40.060 **Use not specified—
Determination dependent on requirements.**
- 17.40.070 **Joint use authorized when.**
- 17.40.080 **Conditions required for joint use.**
- 17.40.090 **Off-street parking requirements—
Procedure—
Specifications.**
- 17.40.100 **Retail and commercial off-street loading.**
- 17.40.110 **Warehouse and wholesale off-street loading.**
- 17.40.120 **Screening around parking facility required when.**
- 17.40.130 **Landscaping requirements.**
- 17.40.140 **Construction permit—
Requirements—
Procedure.**
- 17.40.150 **Cash in lieu of required parking spaces.**

17.40.010 Applicability of provisions.

There shall be provided at the time of erection of any building or structure minimum off-street parking accommodations meeting the provisions of this chapter. (Ord. 800 (part), 1985; prior code § 17.76.010 (part))

17.40.020 Location specified.

Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be in walking distance measured from the nearest point of parking facility to the nearest point of the lot that such facility is required to serve. All such off-street parking shall be improved as required by Sections 17.40.080 and 17.40.140.

A. For one- and two-family dwellings, off-street parking is required on the same building site with the building it is required to serve.

B. For multiple dwellings, retirement homes, lodging and boardinghouses, etc., off-street parking is required within the walking distance of one hundred feet.

C. For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, homes for the aged and asylums, off-street parking is required within six hundred feet for employees and three hundred feet for visitors.

D. That portion of the city zoned central business district (CBD) shall not have any off-street parking requirements; provided, however, that the owners of expanded or new structures must consider the off-street parking needs of their projects.

E. For uses other than those specified above, off-street parking within four hundred feet is required. (Ord. 05-11, 2005; Ord. 927, 1987; Ord. 800 (part), 1985; prior code § 17.76.010(A))

17.40.030 Expansion and enlargement to be provided for.

Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for the expansion or enlargement in accordance with the requirements of this chapter: provided, however, that no parking space be provided in the case of enlargement or expansion, where the number of parking spaces required for such expansion or enlargement is less than ten percent of the parking spaces required for the enlarged facility as specified in this chapter. Nothing in this provision shall be construed to require off-street parking spaces for the portion of such building existing at the time of passage of the ordinance codified in this chapter. (Prior code § 17.76.010(B))

17.40.040 Nonconforming uses allowed.

Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings even though nonconforming; provided, that all regulations herein governing the location, design, and operation of such facilities are adhered to. (Prior code § 17.76.010(C))

17.40.050 Mixed occupancy requirements computed separately.

In the case of mixed uses, the total requirements for the various uses shall be computed separately. The total requirements to be the sum of the area computed. Off-street parking facilities for one use shall not be considered as a substitute for joint use. (Prior code § 17.76.010(D))

**17.40.060 Use not specified—
Determination dependent on requirements.**

In the case of a use not specifically mentioned in the Table of Minimum Standards, the requirements for off-street parking facilities shall be determined by the building official. Such determination shall be based upon the requirements for the most comparable use listed. (Prior code § 17.76.010(E))

17.40.070 Joint use authorized when.

The building official may authorize the joint use of parking facilities for the following uses or activities under conditions specified.

A. Up to fifty percent of the parking facilities required by this chapter for primarily nighttime uses such as theaters, bowling alleys, bars, restaurants, and related uses herein referred to as daytime uses such as banks, offices, retail, personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses.

B. Up to one hundred percent of the

parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking facilities provided by uses primarily of a daytime nature. (Prior code § 17.76.010(F))

17.40.080 Conditions required for joint use.

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within five hundred feet of such parking facilities, in addition to which:

A. The applicant shall show that there is no substantial conflict in the principal operating hours at the two buildings or uses for which joint use of off-street parking facilities is proposed;

B. The applicant shall present to the building official a legal agreement executed by the parties concerned for joint use of off-street parking facilities. (Prior code § 17.76.010(G))

17.40.090 Off-street parking requirements—Procedure—Specifications.

Except as provided elsewhere in this chapter, no application for a building permit or certificate of occupancy in any zone shall be approved unless there is included with the plan for such building, improvement or use, a site plan showing the required open space designated as being reserved for off-street parking incidental to such building, improvement, or use, in accordance with this section. No certificate of occupancy shall be issued until the required off-street parking spaces have been provided. Each required off-street parking space should be of an area at least ten feet wide and twenty feet long, not including the re-

quired ingress and egress approaches and driveways also required by this code. However, at a minimum, each off-street parking space shall conform to the size and layout standards set forth in the Table of Parking Dimensions in Feet, attached to the ordinance codified in this chapter and on file in the office of the city clerk-treasurer and incorporated by reference as though set out in full. Off-street parking on the street side of properties shall be paved with an all-weatherproof surface of concrete or asphalt. Off-street parking on the alley side of properties shall also be paved with an all-weatherproof surface material unless the city street and alley committee and the building official gives approval in writing of a different surfacing material. The number of off-street parking spaces shall be provided according to the following minimum requirements:

A. Dwellings.

1. Single-family and two-family dwellings — Two spaces for each dwelling unit,
2. Multiple-family dwellings — One and one-half spaces for each dwelling unit,
3. Reserved.

B. Roominghouses. One space for each two sleeping rooms rented, plus one additional space for the owner or operator of the roominghouse;

C. Hotels, Including Clubs. One space for each two guest rooms; if, in addition to sleeping rooms, patrons or residents are provided with assembly halls, bars, restaurants, nightclubs, retail shops, service establishments or other businesses, additional off-street parking spaces will be required for such other uses in accordance with the regulations of this section for such uses;

D. Tourist Homes, Motel. One space for each guest room or cabin; off-street parking for auxiliary uses in the same building or on the same lot shall be provided in accordance with the regulations set forth in

this section for such uses. For tourist homes there must be provided in addition to off-street parking space for guests, one additional space for each family permanently residing in the building;

E. Hospitals. One space for each two patient beds; plus one additional space for each two regular employees, including nurses;

F. Restaurants, etc. Restaurants, including bars, taverns, nightclubs, lunch counters, diners and all other similar dining and drinking establishments - - One space for each four seats provided for patron use, or one space for each one hundred square feet of floor area used for patron use whichever requirement is greater;

G. Theaters. One space for each five seats provided for patron use;

H. Places of Public Assembly. Places of public assembly, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, convention halls, auditoriums, skating rinks, dancehalls, bowling alleys, sport arenas, stadiums, gymnasiums, amusement parks, racetracks, fairgrounds, circus grounds, churches, funeral homes, and mortuaries, community centers, libraries, museums, and all other similar places of relatively infrequent public assembly - - One space for each ten seats provided for patron use, or one space for four hundred square feet of gross floor area used or intended to be used for service to the public as customers, patrons or clients, whichever requires the greater number of parking spaces;

I. Medical Facilities. Medical clinics, including the offices of doctors, dentists and drugless physicians - - Three spaces for each doctor using the office or clinic, plus one additional space for each two regular employees, including nurses;

J. Retail Establishments. Retail establishments including personal service shops, equipment or repair shops:

1. In a NC, CBD and HC commercial district - - One space for each two hundred square feet of floor area on the ground floor, plus one space for each four hundred square feet of floor area in the basement or any story above the ground floor,

2. In a CC commercial district: One space for each two hundred square feet of floor area;

K. Office Buildings. Office building, including commercial, governmental and professional building, except as otherwise provided for in this section: One space for each four hundred square feet of floor area;

L. Wholesale, Manufacturing and Industrial Plants. Wholesale, manufacturing and industrial plants, including warehouses and storage buildings and yards, public utility buildings, contractor equipment and lumber yards, research laboratories, business service establishments such as blueprinting, printing and engraving, soft drink bottling establishments, fabricating plants and all other structures devoted to similar mercantile or industrial pursuits - - One space for each employee plus sufficient space to park all company-owned or leased vehicles including passenger cars, trucks, tractors, trailers, and similar motor vehicles, but in no case less than one off-street parking space for each one thousand square feet of gross floor area;

M. Terminal Facilities. Terminal facilities including airports, railroad, passenger and freight stations, bus depots, truck terminals and all other similar personal or material terminal facilities - - Off-street parking space in an amount determined by the board of adjustment to be adequate to serve the public as customers, patrons and visitors, plus space to provide one off-street parking space for each two regular employ-

ees, plus space to provide off-street parking for all owned, leased or operated commercial vehicles, buses and similar motor vehicles;

N. Schools. Schools, including colleges, elementary schools, junior and senior high schools, including public, private and parochial schools -- One space for each two staff members or employees, plus one space for each classroom, plus additional space for any place of public assembly in accordance with the requirements set forth in this section for such use:

O. Miscellaneous Institutions. Sanitariums, asylums, orphanages, convalescent homes, homes for the aged and infirm, and similar institutions -- One space for each four patient beds, plus one additional space for each staff doctor, plus one additional space for each two regular employees including nurses. (Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; Ord. 97-2 § 4 (part), 1997; Ord. 96-5 (part), 1996; Ord. 918, 1987; prior code § 17.76.010(H)) (Ord. No. 009-02, 3-17-09)

17.40.100 Retail and commercial off-street loading.

In any district, any building or part thereof having a gross floor area of ten thousand square feet or more which is to be occupied by a use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional loading space for each twenty thousand feet or major fraction thereof of gross floor area. Each loading space shall be not less than twenty feet in width, twenty-five feet in length, and fourteen feet in height. The loading space shall be located so as to preclude backing maneuvers on the public right-of-way. (Prior code § 17.76.010(I))

17.40.110 Warehouse and wholesale off-street loading.

Off-street loading space for warehouse, wholesale shipping and similar facilities will be determined by the city engineer. The loading space shall be located so as to preclude backing maneuvers on the public right-of-way. (Prior code § 17.76.010(J))

17.40.120 Screening around parking facility required when.

Screening in the form of walls, architectural fences or dense coniferous hedges shall be required where any parking facility has a common boundary with any residentially zoned property. (Prior code § 17.76.010(K))

17.40.130 Landscaping requirements.

In the neighborhood commercial limited (NCL), neighborhood commercial (NC), community commercial (CC), and highway commercial (HC) zoning districts, landscaping shall be provided according to the following schedules:

A. New Site Development: Percentage of Landscaping Required:

Up to 22,000 sq. ft.	10% minimum
22,000 sq. ft. to 5 acres	8% minimum
5 acres to 10 acres	6% minimum
over 10 acres	4% minimum

B. Existing Site Development: Building additions in excess of fifty percent -- Percentage of landscaping required one-half of new site development. Building additions less than twenty-five percent -- No landscaping required.

The building official shall determine that existing site development does not substantially alter the use of the property before approving reduced landscaping requirements.

C. Landscaping area shall be based on the square footage of the lot or lots less the square footage of the building or buildings