



**Minutes
Board of Adjustment Meeting
December 5, 2023 - 5:30 PM
Virtual Zoom Platform and City-County Building 330**

Members Present: Commissioner Andy Shirliff, Michael Newhouse, Bryan Topp, Carissa Beckwith

City Staff Present: Kyle Holland – Planner II, April Sparks – Administrative Assistant, Matthew Petesch – Deputy City Attorney

Call to Order and Roll Call

(0:12:39) April Sparks Called the meeting to order and instructed the board members to elect an acting chair for the meeting, as both the Chair and Vice-chair are not present this evening. Mr. Topp nominated Mr. Newhouse for the position which was accepted by Mr. Newhouse.

(0:14:59) Acting-chair Newhouse led the chamber in the Pledge of Allegiance.

(0:16:17) The minutes from the November 7, 2023, meeting were approved unanimously.

Public Hearing Items

(0:16:54) Staff read the three standards of Section 11-5-5 and the seven standards that may be considered.

Item 1

Staff Presentation and Questions for Staff

(0:19:55) Kyle Holland, City of Helena Planner II, provided a presentation which included photographs of the subject property, a vicinity map, and site plan. Staff summarized the staff report. 53 public comments were received prior to the meeting, 12 in support and 41 against.

(0:26:12) Commissioner Shirliff asked Mr. Holland what the hours of operation would be. Mr. Holland stated that he will let the applicant speak to their intended use.

(0:27:13) Mr. Topp asked about if these lights would be considered “Public Recreation Lighting” as defined in the lighting ordinance. Mr. Holland stated “yes”.

Applicant Presentation and Questions for the Applicant

(0:28:38) Jason Egeline, architect with CWG architects and representative for the applicant Carroll College, gave a presentation about the proposed lights. Mr. Egeline reiterated that the variance request is not for if lights are permitted, but only about what height they are allowed at. Mr. Egeline gave a demonstration with a flashlight, showing how

the higher lights would produce less glare on the surrounding properties. Mr. Egeline's presentation showed the similarities between the proposed lights and the existing stadium lighting at Vigilante Field, how the proposed will be shielded by surrounding buildings, and how other poles and powerlines already create similar visual impacts in the area.

- (0:43:07)** Charlie Gross, Director of Athletics at Carroll College, spoke about how they have presented their plans for stadium renovation to the City Commission over the past year, and how part of that conversation was the importance of lights. Adding these lights would allow for morning and evening practice without the need for the twelve diesel-powered construction lights currently used. Mr. Gross stated the lights would be primarily used in March, April, September, October, and November a few times per week in both the mornings and evenings, along with both Football and Soccer events on the weekends depending on the season. Mr. Gross stated that based on similar uses at other colleges, most events would be finished by 9:00 PM with dimmed to 20% of game intensity for cleanup and takedown.
- (0:49:48)** John Seck, President of Carroll College, spoke about the role of Carroll College in the community and the impacts that the stadium upgrades will have as a community asset of Helena.
- (0:54:17)** Callie Aschim, President and CEO of the Helena Area Chamber of Commerce, added that this stadium upgrade will be a huge economic impact to the Helena area.
- (0:55:47)** Mr. Topp asked the applicant about the discrepancy between the construction documents and the lighting cut sheets with regards to differences in the color temperature listed in both. Mr. Egeline stated that he was not sure of the reason for the difference and that it would be clarified for the final permit package.
- (0:58:28)** Ms. Beckwith asked the applicant for more information as to why the height needed to be 110 feet and not any shorter. Mr. Egeline stated that the height was set so that the lights could be aimed as straight down as possible.
- (0:59:38)** Commissioner Shirliff asked the applicant if any "dark skies" studies had been done. Mr. Egeline referred back to the lighting calculation document showing how many foot candles of light will reach various points and repeated that the point at which the direct light becomes zero is within the Carroll College property.
- (1:02:02)** Mr. Topp asked the applicant if he had information about the uplighting control of the proposed fixtures and how much uplighting can be created. Mr. Egeline stated that he was not the field lighting technician and that these would be very similar to the lights at Vigilante Stadium and have similar impacts on the neighborhoods.

Public Comment

- (1:03:25)** Acting-chair Newhouse opened the meeting up for public comment.

- (1:04:00)** Kenneth Wheaton commented that he is puzzled that the focus has been on the light directed down and that the issue of dark skies has been mostly ignored, and that he feels viewing the Northern Lights and Milky Way will be impacted by these lights. He continued that in his research he believes that these will be the 5th tallest building or structure in the state. Mr. Wheaton also stated his opinion against the proposed change to artificial turf at the stadium.
- (1:06:12)** David Curd distributed a handout showing his approximation of how tall the lights will be when viewed from the park to the east. Mr. Curd stated that the poles will be in his viewshed regardless of if the lights are on and that this is an extraordinary request from Carroll College, and it deserves further consideration.
- (1:08:37)** Kathy van Hook stated that her house has been there since 1880, so it is not a fact that the neighborhood has developed around the campus. Ms. Van Hook states that she is generally a supporter of Carroll College and has been a student there. Her concern is that the night skies have not been adequately considered and that the fear of the unknown is a large portion of the concern. She requested that the architects and college provide some rendered photographs that would show the visual impact and stadium lighting.
- (1:11:20)** Jeanette Fresulia, Chair of the Carroll College History Department, stated her support because the lighting upgrades would improve the safety of her students that play sports.
- (1:13:04)** Timothy Thane stated his opposition due to his personal experiences with the lights at the University of Montana's stadium and how they impact the entire Missoula Valley when in use.
- (1:14:08)** Bob Heberly stated his support for the lights. Mr. Heberly stated that he feels the lights will only make an existing facility better and he is grateful for all that Carroll College does for the community.
- (1:16:04)** John Michelotti, Chair of the Nelson Enhancement Stadium Project, stated his support for the variance. Mr. Michelotti states that these improvements will bring the stadium and Carroll College to the same level as the other teams in the conference that they play.
- (1:17:23)** Hugh Zacheim restated the intent of the night sky ordinance and urged the board to take into consideration the local residents. He stated that the lights at Vigilante Stadium were just upgrades to existing lights and that these are new lights. He said he would like to see tests once the lights are installed and a meeting with the community to determine their impact.
- (1:20:07)** William Grant spoke in support of the variance. Mr. Grant stated that he lives close to Vigilante Stadium and there is almost no impact from the stadium lights until you are at the stadium, and that these are the things that help make a vibrant community.

Board Discussion

- (1:20:51)** Acting-chair Newhouse, after seeing no more public comment, closed the public comment and moved to board discussion.
- (1:21:26)** Mr. Topp thanked the public for their comments and thanked the applicant for their presentation. Mr. Topp said the presentation answered some of the questions he had before the meeting and then restated the review criteria for the board.
- (1:23:24)** Commissioner Shirliff thanked those that submitted comments and stated that he lives in the area. He said that he hears the practices, sees the temporary lights that are used and knows how bright they can be as well as the lights that are on the cement plant. Commissioner Shirliff reiterated his question about how late the lights will be on and noted that after his stepson's football games how dark the surrounding houses are after the lights are dimmed. He repeated the ideas that were presented in the public comment of studying the effects of the lights six months after construction and producing computer renderings that could show a simulation of what the impacts of the lights will be.
- (1:26:45)** Acting-chair Newhouse stated that he also lives in the neighborhood, a bit further away than Commissioner Shirliff, and he too can hear the games when they are in action. He stated that he can see the logic behind a taller light and wondered if some concessions from Carroll College such as no lights before 6:00 AM and no later than 10:30 PM would alleviate some of the community's concerns. Acting chair Newhouse also stated that he would like to consider tabling the item to see if the Board could get further information on the impacts to the dark skies.
- (1:28:06)** Ms. Beckwith added that most of the discussion has been on the impact of the lights, while the fact remains that even when off 110' poles will create a visual impact and obstruction.
- (1:28:35)** Mr. Topp added that while meeting the dark sky ordinance is not a requirement for this type of lighting, more information would be helpful both for the consideration of what the impact will be in both the daytime and night. He stated that he feels there is not enough information presented to show the potential impacts to the general welfare and peaceful use.
- (1:30:00)** Commissioner Shirliff stated that he would like additional information about when the lights are turned off at the golf course and Batch Field to the north of the campus. He also added that he would like to see more information, specifically images that show the potential impact.
- (1:31:51)** Ms. Beckwith added that the presentations by the applicant were made in response to the public comment and that the application did not focus on many of the issues heard by the Board during the meeting.
- (1:32:27)** Acting-chair Newhouse asked the applicant if a simulation could be put together before the next board meeting. Mr. Egeline stated that they do have some renderings, but he is not sure of the accuracy of the light in them and restated that



the light plan he showed presents the exact levels of light that would be present at the ground level and that it is providing all the technical information that is being requested. Mr. Newhouse stated that he believes the biggest concern is light pollution towards the sky. Mr. Egeline directed him back to the information provided about the shielding of the fixtures and Commissioner Shirliff's anecdote about needing a flashlight to get to his car when across the street from Vigilante Stadium.

Motion

- (1:35:38)** Acting-chair Newhouse asks if anyone would like to make a motion as there is no further board discussion.
- (1:36:44)** Mr. Topp makes a motion to table the proposed variance. Ms. Beckwith seconds the motion.
- (1:38:15)** Ms. Sparks asks for any further comment. Commissioner Shirliff reiterates his desire to see more information about the impacts on the houses across the street to help make the public feel less concerned. A roll call vote is taken and the motion to table the variance passes 4-0.

New Business

- (1:40:50)** Commissioner Shirliff asks about the timing of the next meeting. Ms. Sparks states that as no applications were received by the deadline there will not be a meeting in January.

Adjournment

- (1:42:40)** Acting-chair Newhouse adjourns the meeting.