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Date: March 28, 2022

STAFF REPORT

CITY OF HELENA PLANNING DIVISION
316 North Park Avenue
Helena, Montana 59632

TO: City of Helena Zoning Commission

FROM: Michael Alvarez, City Planning

SUBJECT: To consider a resolution granting a Conditional Use Permit to allow a casino use in the Downtown (DT) Zoning District for property legally described as Parcel 22 of the FIRST SUBDIVISION of LAST CHANCE REVISION OF A PORTION OF THE ORIGINAL TOWNSITE OF HELENA, Lewis and Clark County, Montana. AND Lot 23A as shown on Amended Plat of Lot 23 of the FIRST SUBDIVISION OF THE LAST CHANCE REVISION OF A PORTION OF THE ORIGINAL TOWNSITE OF HELENA MONTANA, as shown on the amended plat filed under Document Number 443830-B, records of Lewis and Clark County, Montana.

OVERVIEW

GENERAL INFORMATION

DATE OF APPLICATION: February 25, 2022
DATE DEEMED COMPLETE: March 02, 2022

PUBLIC HEARING DATES:
Zoning Commission: 6:00 P.M. Tuesday, April 12, 2022
City Commission: 6:00 P.M. Monday, May 09, 2022

PUBLIC NOTICE:
Legal notice has been published in the Independent Record; notice letters have been sent to adjacent property owners.

PUBLIC COMMENT:
As of Monday, April 04, 2022, one new public comment had been received regarding this proposed CUP. It is opposed.
An earlier CUP application submittal for a casino use in this space received 40 responses. That public comment was considered by the applicant in the creation of the application reviewed here.

APPLICANT: Ben Tintinger
ADDRESS: 428 N Last Chance Gulch, Helena, MT 59601
EMAIL: ben@mosaicarch.com

OWNER: Matt Schmechel
ADDRESS: 19 S Last Chance Gulch, Helena, MT 59601
EMAIL: matt.schmechel@gmail.com

SUBJECT PROPERTY ADDRESS: 21 S Last Chance Gulch, Helena, MT 59601

LEGAL DESCRIPTION: Parcel 22 of the FIRST SUBDIVISION of LAST CHANCE REVISION OF A PORTION OF THE ORIGINAL TOWNSITE OF HELENA, Lewis and Clark County, Montana.
AND

Lot 23A as shown on Amended Plat of Lot 23 of the FIRST SUBDIVISION OF THE LAST CHANCE REVISION OF A PORTION OF THE ORIGINAL TOWNSITE OF HELENA MONTANA, as shown on the amended plat filed under Document Number 443830-B, records of Lewis and Clark County, Montana.

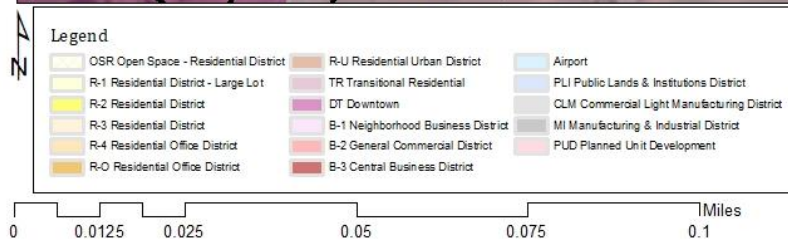
GENERAL LOCATION: The property is generally located on the east side of S Last Chance Gulch, south of W Broadway St., in between the Windbag Saloon and Lasso the Moon Toy Store.

DESCRIPTION / BACKGROUND

The Windbag Saloon currently has the land use of tavern. The applicant and property owner are requesting a Conditional Use Permit (CUP) to allow for a casino use in the DT (Downtown) Zoning District. The applicant plans to expand from their present location, the Windbag Saloon at 19 S Last Chance Gulch, into the former Ghost Art Gallery at 21 S Last Chance Gulch. Per the requirements of the DT District a CUP is required for a casino use. The intent is to create an additional bar/lounge space on the premises, that also has 6 or more gaming machines.

An earlier application was submitted and then withdrawn for the land use of casino.

VICINITY MAP:



ZONING USE DEFINITIONS:

CASINO: An establishment licensed for on premises consumption of alcoholic beverages which:

- A. Is licensed for and has six (6) or more video gaming machines or gambling devices; or
- B. Is licensed for and used to conduct any of the following types of gambling: calcutta pools, live card games, live card game tournaments, and live keno

TAVERN: Any establishment licensed by the state of Montana with a quota restricted license for the retail sale of any alcoholic beverage for on premises consumption. A restaurant that has a quota restricted license and gambling license is a tavern. This does not include premises upon which any

alcoholic beverage is catered and sold for on premises consumption to persons attending a special event; premises upon which alcoholic beverages are served pursuant to a special alcohol beverage license; or premises upon which the alcohol beverage license is restricted to premises with a special use or ownership. Sale of alcoholic beverages on property for which only special licenses have been issued is considered an accessory use to the property's primary use.

The DT (Downtown) zoning district “is intended to encourage the creation and preservation of mixed-use development opportunities, including a wide range of housing options serving a wide range of incomes and demographics; to provide for the protection and enhancement of historic and cultural resources; to establish minimum requirements and responsibilities for the installation of public improvements in support of redevelopment; and to encourage desirable site design for all development occurring in the district. These aspects are all essential for the development of a diverse, dynamic and desirable city environment.”

PRESENT LAND USE: The Windbag Saloon has the Land Use classification of Tavern. The property being expanded into was most recently occupied by the Ghost Art Gallery and had a defined use of general retail.

ADJACENT LAND USE:

North: The Windbag Saloon, north of there is a state government office building

South: General retail (Lasso the Moon Toy Store)

East: Parking Lot

West: Walking mall, historic trolley, general retail and general professional services.

PRESENT ZONING:

DT (Downtown) zoning district

ADJACENT ZONING:

DT (Downtown) zoning district

RECOMMENDATION

Staff recommends **Approval** of a resolution granting a Conditional Use Permit to allow a casino use in the Downtown (DT) Zoning District for property legally described as Parcel 22 of the FIRST SUBDIVISION of LAST CHANCE REVISION OF A PORTION OF THE ORIGINAL TOWNSITE OF HELENA, Lewis and Clark County, Montana.

AND

Lot 23A as shown on Amended Plat of Lot 23 of the FIRST SUBDIVISION OF THE LAST CHANCE REVISION OF A PORTION OF THE ORIGINAL TOWNSITE OF HELENA MONTANA, as shown on the amended plat filed under Document Number 443830-B, records of Lewis and Clark County, Montana.

1. Gambling machines be restricted to the "Gaming Area" as defined in the site plan submitted and not visible from the walking mall, save for the existing sports book machine located near the entrance to the original Windbag Saloon.
2. That devoted table games be restricted to the former Ghost Art Gallery space (21 S Last Chance Gulch).
3. Gaming machines volume be reduced to a level so that they cannot be heard if standing on the walking mall or in adjacent buildings if standing 2 feet away from the wall inside that space.
4. The word "Casino" not be used in signage on the face of the building.
5. A "No-Smoking" sign be placed near the entrance of the casino on the outside of the building.
6. All conditions must be met within one year of CUP approval, as per Section 11-3-5(D) of the Helena City Code.

REVIEW CRITERIA FOR THE CONDITIONAL USE

Section 11-3-4 of the Helena Zoning Ordinance includes certain criteria that must be reviewed as part of the conditional use permit procedure.

A. A conditional use permit may be granted by the city commission only upon a finding, supported by substantial credible evidence in the record that the following standards are met:

1. *The proposed conditional use, as conditioned, will not adversely impact the public health, safety, or general welfare.*
2. *The proposed conditional use will not adversely impact or impair the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located.*

B. In considering whether sections §11-3-4(A)(1) and (A)(2) of this chapter have been met, the following factors must be considered in determining the impacts of the proposed conditional use on the abutting properties and the neighborhood:

1. *Location, character, and natural features of the subject property as it currently exists.*
2. *Type and size of the proposed structure and improvements and their relative location on the subject property.*
3. *Historical uses, established use patterns, and recent changes and trends in the*

- neighborhood.*
4. *Conformity of the proposed use with the neighborhood plan, if one has been adopted.*
 5. *Current and proposed pedestrian, vehicular, and bicycle traffic including ingress and egress, circulation and parking.*
 6. *Whether the use is consistent with the Helena Climate Change Action Plan.*
 7. *Whether the proposal meets the zoning dimensional standards requirements for the zoning district without the need for a variance.*
 8. *Hours of operation.*
 9. *Noise.*
 10. *Glare.*
 11. *Odor.*
 12. *Expressed public opinion related to factors identified above.*

C. The above factors are weighed and evaluated depending on the circumstances of each case. Any one factor may be sufficient to find adverse impacts for the purposes of Section §11-3-4(A)(1) and (A)(2) justifying denial of the permit or placement of special conditions.

EVALUATION

1. *Location, character, and natural features of the subject property as it currently exists.*

The subject property is generally located on the east side of S Last Chance Gulch, south of W Broadway St., in between the State-owned office building and Lasso the Moon Toy Store. The Windbag Saloon is an existing licensed premise that is expanding into the adjacent vacant storefront formerly occupied by the Ghost Art Gallery.

The applicant states that the new “lounge bar” expansion to the Windbag Saloon will not have visible gaming machines, “casino” signage, or blinking lights visible from the walking mall in order to maintain the “family-friendly” nature of this portion of the Walking mall. The applicant further states that this expansion will add to the eclectic nature of this portion of the Walking Mall and increase the vitality of the area.

A previous proposal from the applicant drew a large amount of public response. The attached application presents some design changes made to mitigate those concerns as well as a more complete narrative of the proposal. Many comments received to that proposal indicated that a casino in the former art gallery space would present a change in the subject property that would influence the character of the neighborhood. Public comments consistently mentioned the proximity of the proposed casino to:

- Lasso the Moon Toy Store,
- the Yellow Trolley,
- the library, and
- the playground in Centennial Park.

Public comments considered those features in the vicinity of the proposed casino as being “family friendly” and those commenters do not consider a casino use to be in-keeping with that character (see 40 attached comments).

As a condition of the CUP it is recommended that the gaming machines be restricted to the gaming area as defined on the site plan filed with this application. This would maintain the vision of the applicant to have the space be primarily devoted to the bar/lounge area and mitigate concerns the public had with the previous application.

- a. The Windbag Saloon passes the requirement in Montana Code Annotated restricting licensed premises proximity to churches and schools (*MCA 16-3-306*). A licensed premises may not be within 600' of a school or church. The nearest school, Central School, is more than 1200' away. The nearest Church, Life Church Helena, is more than 900' away.
 - b. The Windbag Saloon passes the requirement in Helena City Code not be located within 300' of any R-1, R-2, R-3, R-4 or R-O zoning district. The nearest residential zone is ~380' away.
2. *Type and size of the proposed structure and improvements and their relative location on the subject property.*

The Windbag Saloon and the former Ghost Art Gallery space occupy the ground floor of the same historic building. There is no plan to change the physical dimensions of the building or their relative location to any other structure in the vicinity.

3. *Historical uses, established use patterns, and recent changes and trends in the neighborhood.*

The area is considered a part of the Fire Tower Area that includes the downtown historic core that was developed soon after the discovery of gold in 1864. The area includes S. Last Chance Gulch (the walking mall), Reeder's Alley and southern portions of Park Ave. It includes the Public Library, Fire Tower Park, Heritage Park, and Pioneer Park.

The Downtown Neighborhood Plan has designated the area of the proposed casino as mixed-use. Mixed use areas are defined as being “[p]laces where people can work, live, and play and learn. These areas include a variety of complementary and integrated uses such as, but not limited to, all forms of residential; office; light industrial/ manufacturing; retail, entertainment, or public uses. Development is usually in a denser comprehensive pattern to achieve a unified, functional, efficient, and aesthetically appealing physical setting, and provides opportunities for connectivity, public transportation, and walkability. Mixed-use areas do not use the traditional segregation of uses.”

The applicant has asked that the city consider a historical use of the property as a casino. The St. Louis Block was built in 1882. It derives its name from a connection it once shared to a hotel of that name. The historic register offers this list of former occupants:

- a. The Helena Independent Newspaper
- b. Morris Brothers Crockery and Glassware
- c. The Montana National Bank
- d. A boot and shoe shop
- e. The Gamer family shoe business
- f. A saloon
- g. A bowling alley
- h. The Family Theatre (a vaudeville house)
- i. A house of prostitution

Public commenters had contended in response to the previous application that the addition of a casino to the walking mall would run counter to the planning efforts of downtown groups such as the Downtown TIF Advisory Committee, and Downtown

Helena, Inc., in their efforts “to support a lively, welcoming, diverse, attractive blend of activities”. The referenced groups have made no official comment on the project.

4. *Conformity of the proposed use with the neighborhood plan, if one has been adopted.*

The Downtown Neighborhood Plan does not make specific mention of casinos. The Downtown Neighborhood Plan contends that the Downtown is central to how the greater community of Helena is defined. The overview of the plan considers the downtown, with its historic identity and unique sense of place, to be the central driver to capturing opportunities for the greater Helena area. The plan’s principles center around strengthening core existing elements at work there, including walkability, community connections, desirability, vibrancy, and convenience.

Here is the list of descriptive characteristics for the Fire Tower Area that was developed through conversations with the community:

- Public Market
- Employment
- Eclectic
- Active Lifestyle Retail
- Architectural Variety
- Art & History
- Townhomes, Condos, &
- Apartments
- Affordable/Workforce
- Housing
- Outdoor Seating
- Trails & Open Space
- Neighborhood Schools
- Gathering Places
- Restaurants, Bars, Breweries
- Performance Art

Operative to this proposal the Downtown Plan asks that the Downtown district be considered as brand for the Helena region, that the desirability of the downtown be enhanced, and that the downtown be a vibrant, year-round destination with activities in the day and evening hours.

The applicant contends that the Windbag expansion fits the goals of the Downtown Neighborhood Plan; and that the gaming area would not serve as the visual centerpiece to the site. To this extent all new gambling amenities should be limited to the former Ghost Art Gallery space. While it is the stated intent of the current Windbag ownership to primarily focus on the bar/lounge and have a limited gaming area that is secondary, ownership’s intent should carry with the CUP if granted.

5. *Current and proposed pedestrian, vehicular, and bicycle traffic including ingress and egress, circulation and parking.*

The Windbag Saloon and proposed casino addition are in the downtown district. This area is multi-modal accessible, and the proposed casino addition would have a negligible impact on transportation infrastructure.

6. *Whether the use is consistent with the Helena Climate Change Action Plan.*

With respect to the city's 2009 Climate Change Action Plan, the Windbag Saloon's CUP application makes no mention of incorporating environmentally friendly design. If a CUP is granted, City staff would like to see machines turned off when not in use or some documentation of machines having a low-energy mode when not in use. No other climate impacts are anticipated with the proposal.

The applicant states: "While the project is not slated to be certified LEED, it will be designed with sustainable strategies and energy efficiency in mind. Space will incorporate low VOC materials, ... mechanical systems will be replaced when necessary, with high efficiency systems, and the existing building envelope will be improved where possible."

7. *Whether the proposal meets the zoning dimensional standards requirements for the zoning district without the need for a variance.*

The proposal, as presented, does meet the zoning dimensional limitation requirements for the DT zoning district without the need for a variance.

8. *Hours of operation.*

The Windbag Saloon may serve alcoholic beverages between 8am and 2am, and currently posts their business hours as 10am to midnight. This time frame overlaps substantially with the listed hours of operation and peak hours of usage of the existing property improvements cited by commenters on this proposal, listed in section 1 of this report and repeated here:

- Lasso the Moon Toy Store,
- the Yellow Trolley,
- the library, and
- the playground in Centennial Park.

Lasso the Moon Toy Store lists their hours of operation as Mon - Thur 10am-5:30pm and 10am-4pm Sat. The hours of operation for the library are Mon - Fri 10am-8pm and 1pm-5pm on Sat & Sun. The Playground in Centennial Park is busiest during daylight hours. City staff unaware of any data concerning peak usage of the Yellow Trolley, especially by minors.

Further spatial limitations beyond those listed in section 1 of this report of the locations of casinos (for instance in relationship to other locations frequented by children) risks creating a de facto ban on casino operations in the City of Helena. Such a ban would be in violation of state law.

City staff could not find a credible impairment to the existing use of the public spaces with the proposed design restricting gaming machines to the rear of the space.

Public comments on the original proposal frequently cited dangers associated with the expansion of the bar area, however that expansion is allowed by right and is not the subject of the Conditional Use Permit proposal. City staff finds that the plan's limits on signage and lines of sight to the gaming machines addresses those public comments that specifically cite gambling.

9. *Noise.*

Gaming machines can be noisy and if the CUP is granted City Staff recommends that the machines be turned off or otherwise silenced when not in use. City staff further recommends that the casino entrance doors be kept shut except when patrons are passing through. Care should be taken with gambling machines to ensure compliance with noise restrictions in Helena City Code (HCC) 5-7-2 B. Likewise the Windbag Saloon should encourage their guests not to violate HCC 5-7-2 D. The noise from gaming machines may be disruptive to patrons in the adjacent business. To mitigate this, proposed gaming machines should not be heard from within adjacent buildings by occupants shopping and typically standing as close as 2 feet from the wall.

10. Glare.

The building will be regulated through the Downtown district design standards for exterior lighting and signage and any changes to the building's signage would need to conform to HCC 11-9.

11. Odor.

Smoking is not permitted on the walking mall. Smoking is also not permitted within 30 feet of the entrance to a building. If a CUP is granted, City Staff recommends the condition that the Windbag install a no smoking sign by the entrance to the casino to reinforce this policy.

12. Expressed public opinion related to factors identified above.

As of Monday, 04/04/2022, one public comment have been collected for this proposal.

This submittal was revised and updated after 40 public comments were received regarding the previous CUP proposal (Exhibit A -- None were in favor).



CONDITIONAL USE PERMIT/AMENDMENT

APPLICATION FORM

Community Development Department, Planning Division

316 North Park Avenue, Room 445

Helena, MT 59623

: Phone: 406-447-8490
: Fax: 406-447-8460
: Website: helenamt.gov

APPLICATION FEE: \$435.00
(PAYABLE TO THE CITY OF HELENA)
ALL FEES ARE NON-REFUNDABLE

APPLICANT/REPRESENTATIVE: *Primary Representative?*

Name: Ben Tintinger, Mosaic Architecture Primary Number: 406-449-2013
Address: 428 N Last Chance Gulch, Helena, MT 59601 Other Phone: 406-431-0348
Email: ben@mosaicarch.com

PROPERTY OWNER (If different from applicant): *Primary Representative?*

Name: Matt Schmechel Primary Number: 406-861-0297
Address: 19 S Last Chance Gulch, Helena, MT 59601 Other Phone: _____
Email: matt.schmechel@gmail.com

SURVEYOR/ENGINEER: *Primary Representative?*

Name: _____ Primary Number: _____
Address: _____ Other Phone: _____
Email: _____ Company: _____

ADDRESS OF PROPERTY: 19 S Last Chance Gulch, Helena, MT 59601
Address City State Zip Code

LEGAL DESCRIPTION OF PROPERTY (Block & Lots, Subdivision/Addition):
HELENA TOWNSITE 1869, S31, T10 N, R03 W, PARCELS 22 & 23A

ZONING DISTRICT: (Select Zoning District)

GEOCODE: 05-1888-31-2-34-15-0000

IT IS THE POLICY OF THE CITY COMMISSION NOT TO ACT ON A PROPOSAL IF THE APPLICANT/APPLICANT'S REPRESENTATIVE IS NOT PRESENT AT THE COMMISSION MEETING. City Planning Staff represents the City; staff cannot answer questions for the applicant.

The taxes and assessments on the applicant's property, which is the subject of the proposed action, must be paid or payment of said taxes and assessments must be made a condition of final approval of said action by the City Commission, with the taxes and assessments to be paid within fourteen (14) days after final passage. In the event the taxes and assessments are not paid, the proposal will be brought back before the City Commission at the next regularly scheduled meeting for reconsideration.



CONDITIONAL USE PERMIT/AMENDMENT


APPLICATION FORM

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316 North Park Avenue, Room 445
Helena, MT 59623

Phone: 406-447-8490
Fax: 406-447-8460
Website: helenamt.gov

I HEREBY CERTIFY AND ACKNOWLEDGE THE ABOVE STATEMENTS AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed:  Date: 01/05/2022
Applicant

Property Owner:  Date: 01/05/2022
(If different from Applicant)

Please provide all the information requested in the Application Instructions. An incomplete application may delay the review of your request.
Updated: 08/2020

Are you requesting any variances with this application? Yes No
If yes, see Board of Adjustment application.

Have any variances of CUPs been previously given for this property? Yes No
If yes, provide a copy of the variance decision or CUP Resolution.

Review Process and Criteria: The following completeness review is required for applications for conditional use permits:

- A. Within ten (10) working days of receipt of an application and required filing fee, the City shall review the submitted information to determine whether the application contains all the information required by this chapter. The application is complete if all the information required is provided, thereby forming the basis for an informed decision on the application. The City shall give written notice to the applicant of the determination as to whether or not the application is complete.
- B. If the City determines that information is missing from the application, the City will identify those elements in the notification. If the applicant fails to submit the missing information within five (5) working days of the notice of deficiency, the City may deny approval of the application.
- C. If the applicant corrects the deficiencies and resubmits the application within the time provided above; the City has ten (10) working days to notify the applicant whether the resubmitted application contains all the information required by this chapter.
- D. After a complete application has been filed, the City shall investigate the facts bearing on the application to assure that the action on the application is consistent with the intent and purpose of this Title, and then give its recommendation to the Zoning and City Commission.

A CONDITIONAL USE PERMIT IS EFFECTIVE UPON APPROVAL BY THE CITY COMMISSION AND AFTER ALL OF THE CONDITIONS FOR APPROVAL HAVE BEEN COMPLETED.

YOUR PROPOSAL MUST COMPLY WITH THE FOLLOWING:

- Building and fire codes including required building and occupancy permits.
- Zoning Ordinance requirements including but not limited to minimum lot area; front, side and rear yard setbacks; maximum lot coverage; building height; landscaping; parking; screening; and signage.
- Sidewalks, curbs and gutters; if deteriorated, repair or replacement may be required.



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Helena, MT 59623

: Phone: 406-447-8490

: Fax: 406-447-8460

: Website: helenamt.gov

APPLICATION INSTRUCTIONS:

All applications for conditional use permits must include the following information:

- A person desiring a conditional use permit shall apply to the City on the appropriate forms and pay any required fees.
- Type and extent of the proposed use (including hours of operation) 11:00am-1:00am, added gaming machines
- Site plan showing the proposed and current location of:
 - Pedestrian, vehicular, and bicycle ingress and egress to the property; Exist. parking and access
 - N/A Parking and loading areas; Existing downtown parking zone, Existing loading for Windbag Saloon
 - N/A Landscaping and screening; Existing downtown zone, existing walking mall landscaping
 - Solid waste collection areas; Existing garbage collection area at alley
 - N/A Utilities; Existing utilities
 - N/A Signs; and Existing signage
 - N/A Lighting; Existing site lighting
- N/A Proposed storm water drainage plan;
- N/A Traffic impact study for any use that will generate more than two hundred (200) vehicle trips a day;
- Vicinity map of the area showing the location of the property in relation to surrounding land and zoning in the immediate area, water and wastewater mains, other utilities, and city streets;
- Planned modifications to the existing structure;
- Preliminary architectural drawings for new construction with elevations that include building heights;
- An evaluation of the impacts on the abutting properties and the neighborhood with respect to the factors identified in section 11-3-5B. The evaluation must address any potential adverse impacts and how any such adverse impacts will be mitigated.
- Expected time when the permitted conditional use will commence; and
- Variances requested. (Ord. 3097, 4-7-2008)

All applications for conditional use permits will be evaluated against the following criteria:

- The proposed conditional use, as conditioned, will not adversely impact public health, safety, or general welfare.
- The proposed conditional use, as conditioned, will not adversely impact the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located.



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The following factors must be considered in determining the impacts of the proposed conditional use on the abutting properties and the neighborhood. **Please provide the following:**

- Location, character, and natural features of the subject property as it currently exists;
- Type and size of the proposed structure and improvements and their relative location on the subject property;
- Historical uses, established use patterns, and recent changes and trends in the neighborhood;
- Conformity of the proposed use with the neighborhood plan, if one has been adopted;
- Current and proposed pedestrian, vehicular, and bicycle traffic including ingress and egress, circulation, and parking;
- Whether the use is consistent with the Helena Climate Change Action Plan;
- Whether the proposal meets the zoning dimensional standards requirements for the zoning district without the need for a variance;
- Hours of operation;
- Noise;
- Glare;
- Odor;
- Expressed public opinion related to factors identified above.

see attached narrative

Please include the most recent Deed for impacted property.

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Updated: 08/2020

The Windbag Nextdoor

The Windbag Nextdoor is an addition to the existing Windbag Saloon Bar and Grill. The space is within the same building and directly south of the existing Windbag. It will occupy the former Ghost Art Gallery space. The building is owned by the same group that owns the Windbag.

The Windbag Nextdoor will be an upscale lounge and bar that will be directly connected to the Windbag through an open passageway. While some food may be served via the Windbag kitchen, the lounge is not intended to be a dining space.

A gaming room is provided in the rear of the space. As indicated in the 3D renderings attached, the gaming machines are not completely visible from the lounge area and are not visible at all from the walking mall. The City zoning defines any establishment with more than 5 gaming machines as a Casino. Fortunately, the negative visual and atmospheric connotations that go with the term 'casino' are not being applied here as gaming is not the central focus of the business plan for the Windbag Nextdoor.

A good comparison bar in Helena is the Silver Star in the Great Northern area or the Brewhouse Downstairs. Both of these establishments have gaming machines discreetly placed in separate rooms or the back of the space within its own area. Most would agree that the term 'casino' wouldn't be used to define either of these Helena businesses.

The Windbag Nextdoor will be a great addition to downtown Helena, providing a small step toward meeting the goals of Helena's Growth Policy Vision by **'adding to downtown vibrancy with a mix of uses'**, **'upgrading underperforming properties'** and helping to create **'a vital, active downtown, rich in history, and a source of intense community pride'** and **'promoting Historic Preservation (through reuse) to Create a Quality and Unique Experience.'**

Evaluation of impacts on abutting properties and the neighborhood. Per section 11-3-4B of the City of Helena Zoning Code

1. Location, character, and natural features of the subject property as it currently exists;

The property sits on the Walking Mall of downtown's historic Last Chance Gulch, directly adjacent to the long existing Windbag Saloon (formerly Big Dorthy's) in the currently vacant space of the former Ghost Art Gallery. The new lounge bar will be an expansion of the current Windbag Saloon. The change in use from the art store to lounge bar will potentially draw more people to the downtown, adding to its vitality and vibrancy, in keeping with this part of downtown's historic eclectic use and atmosphere.

Measures will be taken to mitigate any concerns that the 'casino', as defined by the City, will effect the 'family friendly' character of the area. As mentioned in the introduction, gaming machines are relegated to the rear of the space and not visible from the walking mall and signage will be limited, without blinking lights or the announcement of 'Casino'. As explained earlier, this is not a casino in the typical anticipated sense of the term, but rather, an upscale social gathering place (similar to the Silver Star or Brewhouse) that happens to have more than five gaming machines in a separated room at the rear of the lounge.

2. Type and size of the proposed structure and improvements and their relative location on the subject property;

The Windbag Nextdoor will occupy an approximately 1500s.f space within the existing building. There is no plan to change the existing building dimensions or the exterior existing façade.

3. Historical uses, established use patterns, and recent changes and trends in the neighborhood;

The area is considered a part of the Fire Tower Area that includes the downtown historic core. The Windbag Saloon and former Big Dorothy's (as well as other saloons and uses) undoubtedly included gaming in its history. Prior to the walking mall improvements, this section of Last Chance gulch included many restaurants, bars, and retails stores. Through the last 50 years, activity and vibrancy has waned, but the area is improving with new investment, new businesses, and a new interest in downtown. Today the area is popular day and night with a mix of businesses and activities. The new lounge will add to that mix and intended to act as a catalyst for downtown's continued development, helping 'to support a lively, welcoming, diverse, attractive blend of activities.' Again, measures will be taken to mitigate the concerns of that a limited number of gaming machines will have a negative impact on the neighborhood.

4. Conformity of the proposed use with the neighborhood plan, if one has been adopted;

As indicated in the Downtown Neighborhood Plan, the Fire Tower Area should look to strengthen and build upon its identity through the addition specifically mentioned 'Gathering Places, Restaurants, Bars, and Breweries. The new Windbag Nextdoor does just that. Further as described in the neighborhood plan, the new upscale lounge will: (excepts from Downtown Neighborhood Plan)

1. **'enhance the unique, high-quality environment that attracts a wide variety of visitors, residents, and businesses.'** Downtown must be a desirable place to live, work, shop, learn, and play. Downtown is Alive Downtown must be a vibrant, year-round destination for business and **activity throughout the day and evening hours**, including residential housing, arts and **entertainment, events and activities.**

2. **Fire Tower District is a hub of entertainment**, recreation, history, arts and culture **By embracing its eclectic mix of businesses** and architectural styles, the Fire Tower District's casual atmosphere **welcomes locals and visitors to hang out in a brewery, ...**
3. By 2020, this demand will likely generate up to \$46 million in gross sales which could be absorbed by existing businesses and/or the **opening of 45-60 new stores and restaurants.**
4. The historic Downtown core is centered around Last Chance Gulch and the Walking Mall, and includes a traditional Downtown shopping street, local shops, **bars and restaurants, breweries,** offices, local and state government, a hotel, and a small amount of residential housing.

The Windbag expansion fits very well into the goals of downtown. While limited gaming is intended to be part of the expansion, it is not the focus of the business plan or the visual centerpiece of the architecture. The finished project will be attractive and inviting and will be a good neighbor to surrounding businesses.

5. Current and proposed pedestrian, vehicular, and bicycle traffic including ingress and egress, circulation, and parking;

The Windbag Saloon and proposed addition are in the Downtown District. This area is multi-modal accessible and the proposed lounge bar would have a negligible impact on the transportation infrastructure.

6. Whether the use is consistent with the Helena climate change action plan;

While the project is not slated to be certified LEED, it will be designed with sustainable strategies and energy efficiency in mind. Space will incorporate low VOC materials will be used, mechanical systems will be replaced when necessary with high efficiency systems, and the existing building envelope will be improved where possible.

7. Whether the proposal meets the zoning dimensional standards requirements for the zoning district without the need for a variance;

The proposed plan does meet zoning dimensional standards without the need for a variance.

8. Hours of operation;

The Windbag Saloon is open for business from 10am – midnight. The addition will operate on the same hours as the space is open to the Windbag and there are no separating doors. These hours are consistent with other restaurants and bars in the area. Other bars and restaurants that may locate on this block in the future will likely also operate on similar hours. These hours fit within existing State law for serving alcohol as well as the Downtown zoning requirements.

The limited gaming machine activities in the rear of the lounge will have no adverse effect on activities on the walking mall, the city parks, the library, or the surrounding businesses.

9. Noise;

A certain amount of noise is inherent in gathering places such as a bar, brewery or restaurant. It is anticipated that the same level of socializing noise will be generated by the Windbag Nextdoor lounge as the current Windbag Saloon. The limited gaming machines in the rear of the lounge are not noisy and certainly won't be heard from outside the business. The noise from this particular use will have no effect on the surrounding area and businesses.

10. Glare;

As stated earlier, the focus of the design of the new space is that of an upscale lounge atmosphere without advertising, visually or through signage, the limited gaming machines at the rear of the space. While the façade will include signage of the name of the establishment, it will not include blinking lights or other lights that cause glare, and it will not include words 'casino' or 'gambling'. Again, the limited gaming machines will not be visible from the walking mall.

11. Odor; and

There are certain odors that are inherent in restaurants and bars. These include the cooking of food and the potential for patrons to be smoking outside in designated areas. Smoking is not allowed indoors anywhere and smoking is not allowed on the walking mall or within 30 feet of an entrance. A sign will be posted to remind patrons that smoking is not allowed on the mall or near the entry.

12. Expressed public opinion related to factors identified above.

Public opinion will be invited.

Per section 11-3-5B of the City of Helena Zoning Code

1. Special setbacks and buffers;

The addition will be within an existing building. There are no additional setbacks required. In order to mitigate any possible negative impact the limited gaming machines may have on users of the Walking Mall, the machines will be placed in the rear of the addition in a separate room. They will not be visible from the walking mall.

2. Installation of special fences, solid fences, walls, and landscaping;

No special fences or landscaping are planned.

3. Improvements to parking areas;

Parking areas are existing and no improvements are anticipated.

4. Improvements to streets and points of vehicular ingress and egress;

No improvements to streets or access are anticipated.

5. Restrictions on signs;

Signage will be included at the façade that meets the signage code for the City of Helena. The signage will be limited to the name of the establishment and will not include blinking lights or the words 'casino' or 'gambling'.

6. Restrictions on lighting;

Lighting will also be respectful of the area, primarily being building lighting. Care will be taken to keep glaring lights from spilling onto neighboring properties.

7. Restrictions on noise, vibrations, and odors;

As stated earlier, noise and odor are inherent to the restaurant and bar use. Every effort will be made to control noise to that required by city code. No Smoking signs will be included to remind patrons that smoking is not allowed on the walking mall or within 30 feet of any business entry.

8. Restrictions on hours of operation;

Restriction of hours is not anticipated. The hours of operation of the entire Windbag space is from 10am – midnight. Restrictions of hours of operation are not helpful to the area and pose burdensome financial challenges to a business.

9. Time period within which the proposed use must be developed and commenced;

If the CUP is granted, it is anticipated that construction will commence within 6 months of the approval and hopefully sooner. The project is currently moving forward and will likely start construction prior to CUP approval as the lounge addition and five gaming machines are allowed without CUP approval.

10. Limiting the conditional use to a certain size and location on the property; or

N/A – see current proposed plan

11. Any other conditions necessary to mitigate the identified adverse impacts.

Not at this time – awaiting identification of other adverse impacts.



City of Helena
LAND USE
Application Form

Please provide all of the information requested in the Application Instructions.
AN INCOMPLETE APPLICATION MAY DELAY REVIEW OF YOUR REQUEST.

- 1. APPLICANT: Name: Ben Tintinger - Mosaic Architecture, Address: 428 N Last Chance Gulch, Helena, MT 59601, Primary Phone: 406-449-2013, Secondary Phone: 406-431-0348, Email address: ben@mosaicarch.com, Authorized Representative: Ben Tintinger
2. PROPERTY OWNER (if different from applicant): Name: Matt Schmechel, Address: 19 S Last Chance Gulch, Helena, MT 59601, Primary Phone: 406-861-0297, Secondary Phone: , Email address: matt.schmechel@gmail.com
3. LEGAL DESCRIPTION (submit a deed and recent copy of the plat to verify description): Subdivision/Blocks/Lots and COS number: HELENA TOWNSITE 1869, S31, T10 N, R03 W, PARCELS 22 & 23A, Section, Township, and Range: S31, T10 N, R03 W, PARCELS 22 & 23A
4. ADDRESS OF PROPERTY: 19 S Last Chance Gulch, Helena, MT 59601
5. CURRENT ZONING: Downtown Zone
6. GEOCODE: 05-1888-31-2-34-15-0000

Please indicate the type of land use/land use change you are requesting and submit this form with your application:


- Pre-Zone, Annexation, Conditional Use Permit (checked), Variance from Zoning Regulations, Zone Change, Major Subdivision Preliminary Plat, Minor Subdivision Preliminary Plat, Final Plat, Amended Plat

IT IS THE POLICY OF THE CITY COMMISSION NOT TO ACT ON A PROPOSAL IF THE APPLICANT/APPLICANT'S REPRESENTATIVE IS NOT PRESENT AT THE COMMISSION MEETING. City Planning Staff represents the City; staff cannot answer questions for the applicant.

The taxes and assessments on the applicant's property, which is the subject of the proposed action, must be paid or payment of said taxes and assessments must be made a condition of final approval of said action by the city commission, with the taxes and assessments to be paid within fourteen (14) days after final passage. In the event the taxes and assessments are not paid, the proposal will be brought back before the city commission at the next regularly scheduled meeting for reconsideration.

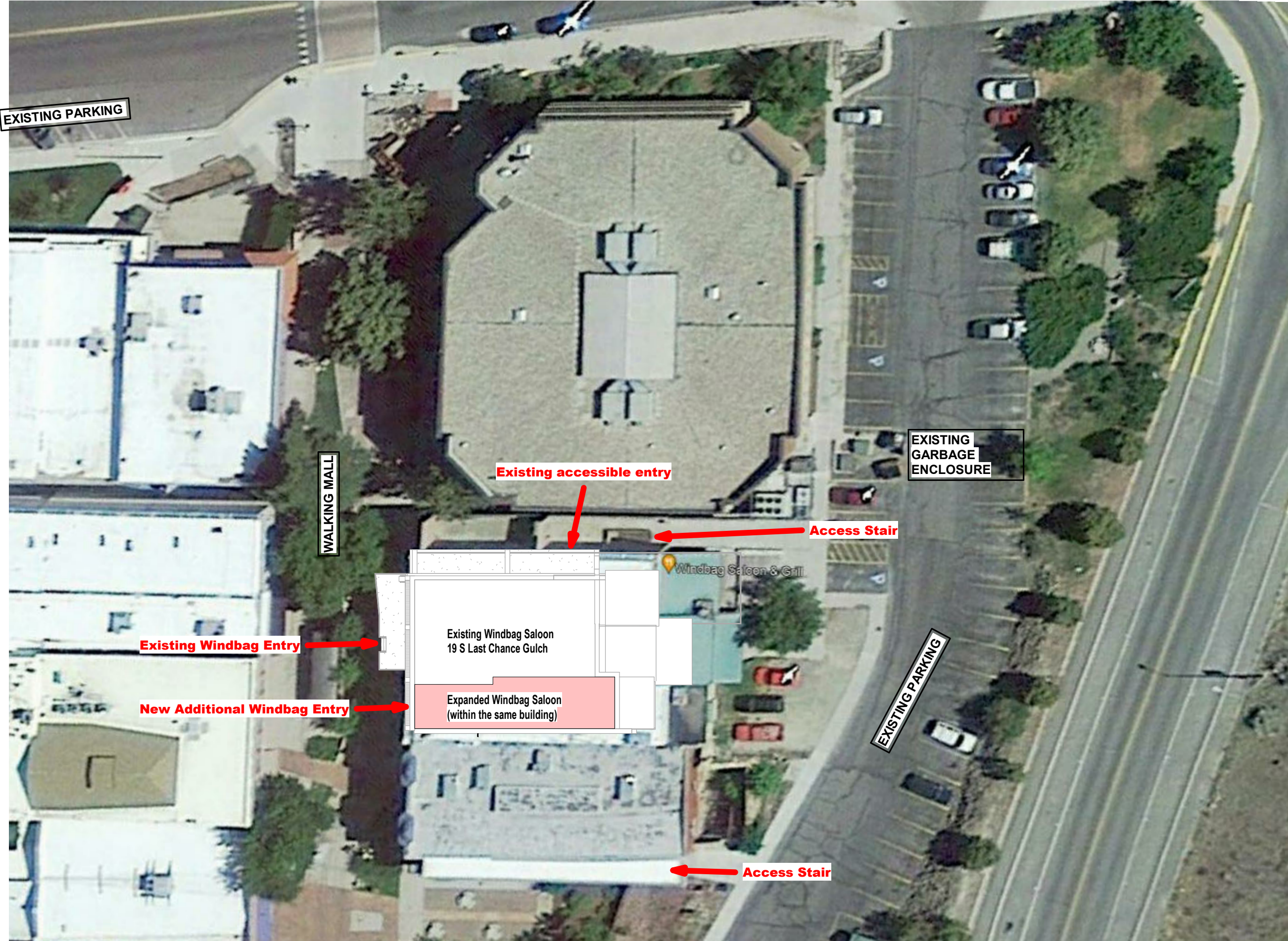
I HEREBY CERTIFY AND ACKNOWLEDGE THE ABOVE STATEMENTS AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNED:  Date: 01-19-2022
Applicant

Property Owner:  Date: 01-19-2022
(If different from applicant)

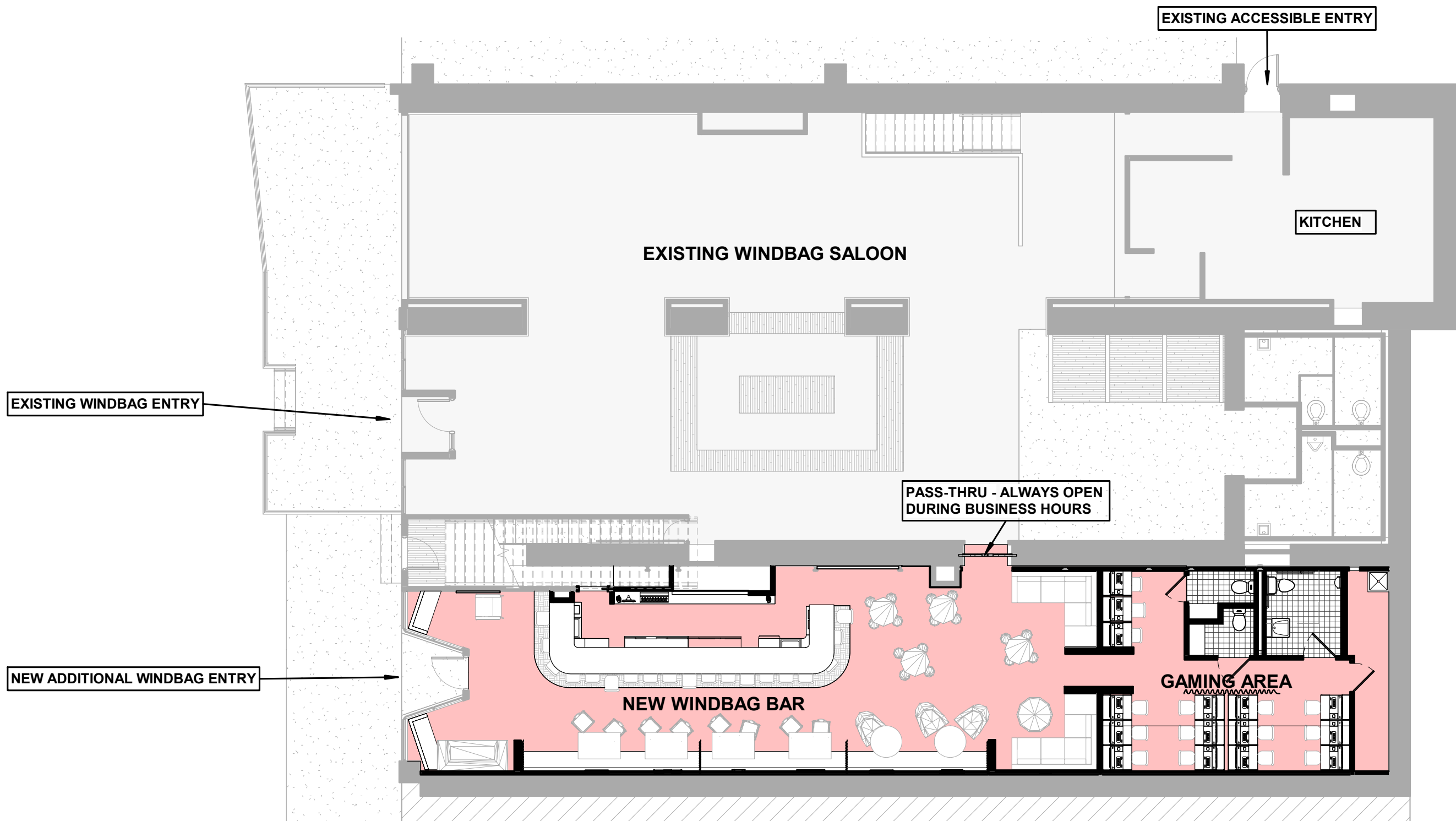
WINDBAG NEXT DOOR





SD - 1 Site Plan

Windbag Speakeasy
for Owner
01/05/22



SD - 2
Overall Floor Plan

1 Overall Plan
 1" = 10'-0"

Windbag Nextdoor
 for Owner
 02/25/22

2/25/2022 2:52:21 PM © all rights reserved



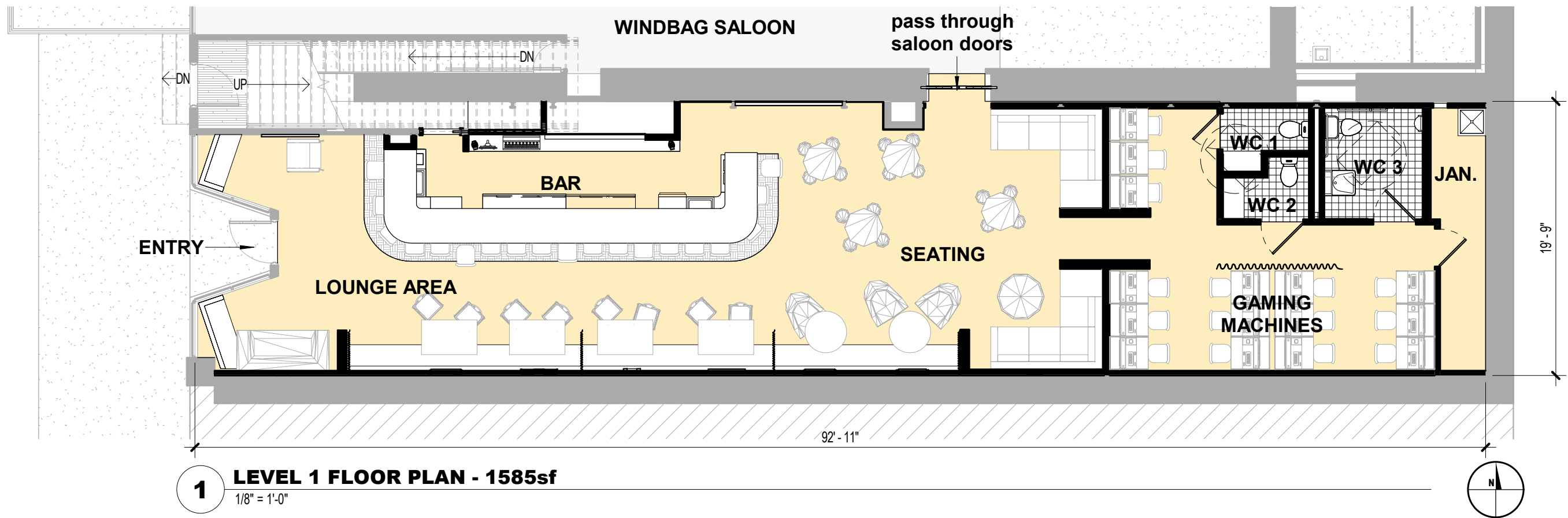
IMAGE 1



IMAGE 2



IMAGE 3



2/25/2022 2:52:25 PM © all rights reserved

SD - 3 FLOOR PLAN

Windbag Nextdoor for Owner
02/25/2022



View from outside on Walking Mall



Inside Entry Door



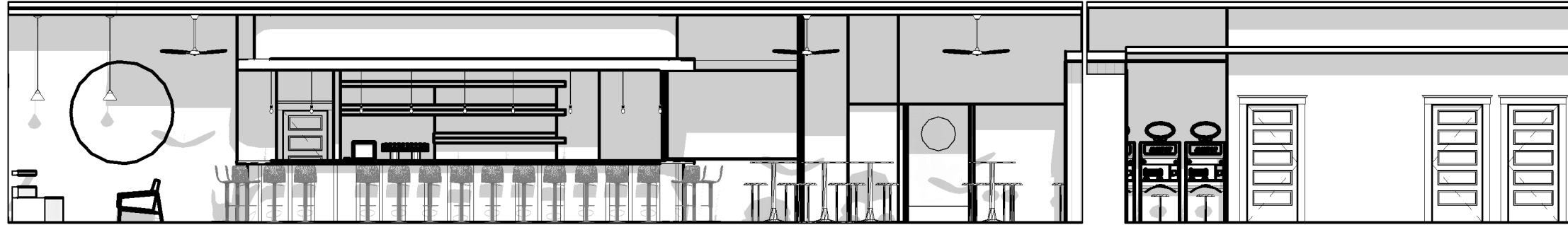
Looking back toward entry



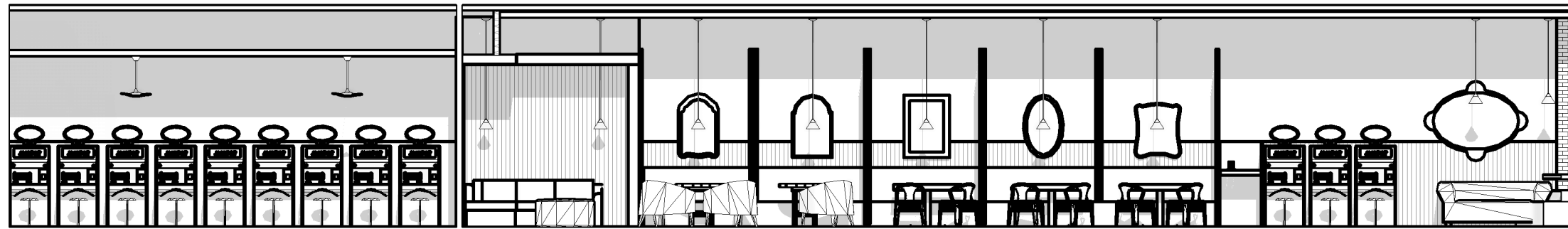
Looking toward gaming machines room



Game Room



1 NORTH WALL INTERIOR ELEVATION
1/8" = 1'-0"



2 SOUTH WALL INTERIOR ELEVATION
1/8" = 1'-0"

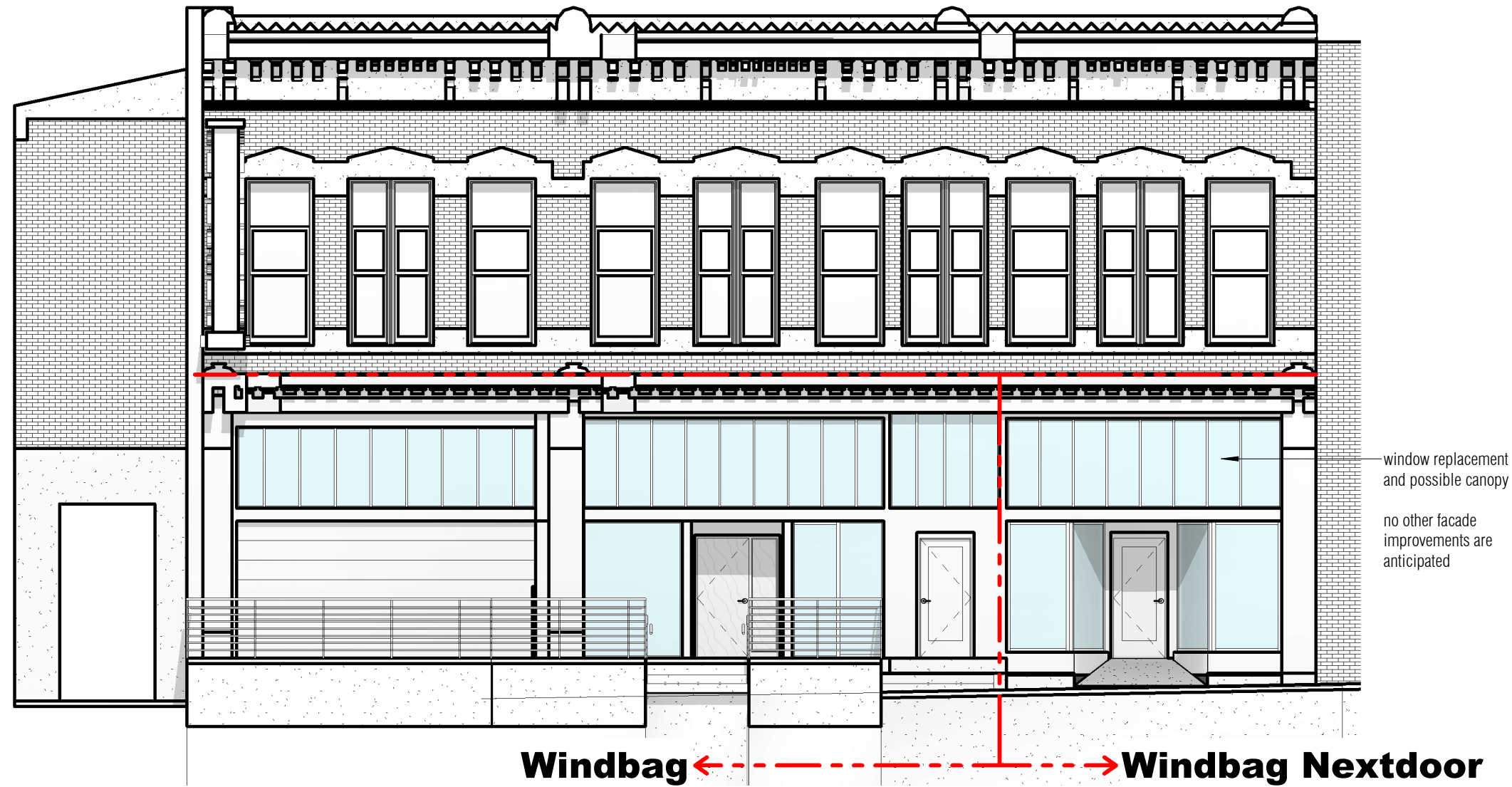


3 EAST ENTRY INT. ELEVATION
1/8" = 1'-0"



4 WEST PARTITION WALL ELEVATION
1/8" = 1'-0"

SD - 4
INTERIOR ELEVATIONS



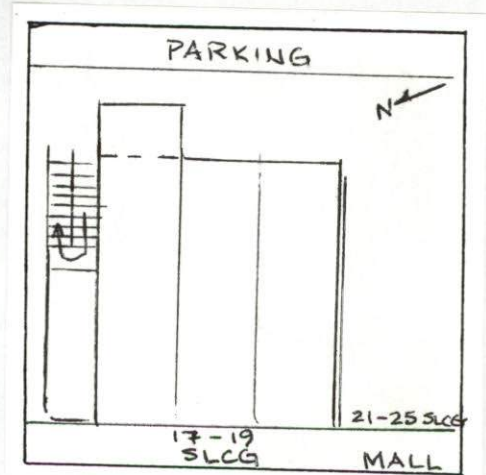
1 WEST ELEVATION Copy 1
 1/8" = 1'-0"

SD - 5
Exterior Elevation

Windbag Speakeasy
 for Owner
 01/07/2022

DOWNTOWN HELENA HISTORIC SURVEY
HISTORICAL AND ARCHITECTURAL INVENTORY

LEGAL DESCRIPTION: HT Revised Parcel #22
ADDRESS: 17-19 S. Last Chance Gulch
OWNERSHIP NAME: Larry Middaugh
ADDRESS: Howie St, Helena
HISTORIC NAME: St. Louis Block
COMMON NAME: Antique Block
DATE OF CONSTRUCTION: 1882
ARCHITECT:
BUILDER:
ORIGINAL OWNER: Frederick Gamer
ORIGINAL USE: office and commercial
PRESENT USE: restaurant, art shop



ROLL/FRAME: 5/7, 32/1, 33/6

HISTORICAL AND/OR ARCHITECTURAL SIGNIFICANCE:

The St. Louis Block is worthy of independent listing to the National Register of Historic Places for its long association with Frederick Gamer, a pioneering Helena businessman, and as a well-preserved example of 1870s-1880s, commercial architecture of the transitional town maturation period.

Downtown Helena attributed its settlement and early growth to the hundreds of merchants like Frederick Gamer, who travelled here and established small businesses which catered to the miners. As the town outgrew its mining camp origins, these businesses flourished, and many merchants expanded their businesses, and the buildings in which they plied their trade. Like Gamer, most all constructed new, lavish business blocks, giving Helena an increasingly urban character by the mid-1880s.

The design of this building is typical of the commercial, masonry architecture which emerged as the town matured. The brick construction, with banded and pedimented window openings and metal cornices was a popular design treatment from the mid-1870s to the early 1880s. These buildings were forerunners to the more elaborate commercial architecture which began to make an appearance in Helena by 1885.

HISTORICAL INFORMATION:

The St. Louis Block was built in 1882,⁸ in the heart of Helena's original downtown. During the 1880s, as Helena's prosperity peaked, early commercial buildings were cleared away to make room for more substantial, well-designed business blocks such as this one.

This block was generally known as the St. Louis Block for it connected with the hotel of the same name at the rear. A.M. Woolfolk who owned the St. Louis Hotel, also owned this building. Woolfolk owned the Helena Independent Newspaper, which had offices in the upper floor of this building during the 1880s. Soon after it was completed, the building also housed Morris Brothers Crockery and Glassware and, for a short time, the Montana National Bank.

Frederick Gamer is credited with ownership of this building in Miller's 1885 History of Montana, and from the abstract it appears that he owned the north end of the building.¹ Frederick Gamer opened a boot and shoe shop on this site in 1867 for J.P. Fink and Co. of Denver. In 1872, Gamer bought the business, and in 1882 was interested in the construction of this block where he remained in business for many years.⁸ The Gamer family shoe business is still operating in Helena, and is now located in the Capital Hill Mall.

In later years, a saloon, a bowling alley, and the Family Theatre (a vaudeville house) were all housed here.

From 1941 until 1954, the building was owned by Ida Levy;¹ from 1954 until 1973, the building was owned by Dorothy Putnam. During that period it was the last house of prostitution to operate in Helena. Presently a restaurant and frame shop/art gallery occupy the building, along with offices upstairs.

RESEARCH SOURCES/BIBLIOGRAPHY:

- 1 Abstract of Title, 1869-1954
- 2 Gold in the Gulch, Baucus, p. 30
- 3 Helena City Directories, 1884-1900
- 4 Helena Independent newspaper, January 1, 1885
- 5 Helena Journal newspaper, July 14, 1889
- 6 Helena Maps
- 7 Historic Architecture: Helena, Montana, Jacobsen and Shope, p.39
- 8 History of Montana, Miller, p. 113
- 9 History of Montana, Leeson, p. 187
- 10 Society of Montana Pioneers, author same, p. 156-157

PHYSICAL DESCRIPTION:

This is a two-story, red brick, commercial building with an asymmetrical design built against a sloping hill. Across the first floor, a series of three storefronts open onto the pedestrian mall. Long, rectangular interior spaces extend toward the rear of the building. Presently, the central and northern spaces are joined to comprise a large restaurant, the southern space is a separate shop.

The original design of the front included very tall storefront windows with wooden, panelled aprons below. A single transom was located above the doors, and the stairway to the upstairs was open to the street. Presently, between these storefronts, the

original cast iron columns frame a single, non-original wooden door which encloses the stairway to the upstairs.

By the 1960s, the storefronts at 17 and 19 S. Last Chance had been remodelled, and original fabric was replaced with smaller windows, glass blocks, and projecting metal awnings. Above the storefronts, the facade was covered with plywood panelling. On the upper story, windows above 17 S. Last Chance remained original, others had been replaced.

During the 1970s, the building was rehabilitated. New storefront windows were installed, and the upper story windows were reconstructed to match those original units still extant.

Single or paired, wooden glass doors are recessed in each storefront and appear original. The present storefront windows are framed with aluminum and finished above with a frosted transom band. The storefronts are capped by a cast iron cornice, with squat brackets and decorative caps, planted into the brick end-walls. Carved granite pedestals and capitals trim these brick piers.

Other than alterations described, elements on the front facade appear to be original. Paired and single window openings span the second floor. These openings have a continuous sill and pediments of granite, and separated by brick piers with granite bases, mid-pieces and caps. Windows are double-hung, 1/1 and their transoms are covered.

Above all a bracketed, iron cornice with squat brackets, and a series of floriated and zig-zag ornaments crowns the building. Four large caps trim the cornice, and have carved floral figures.

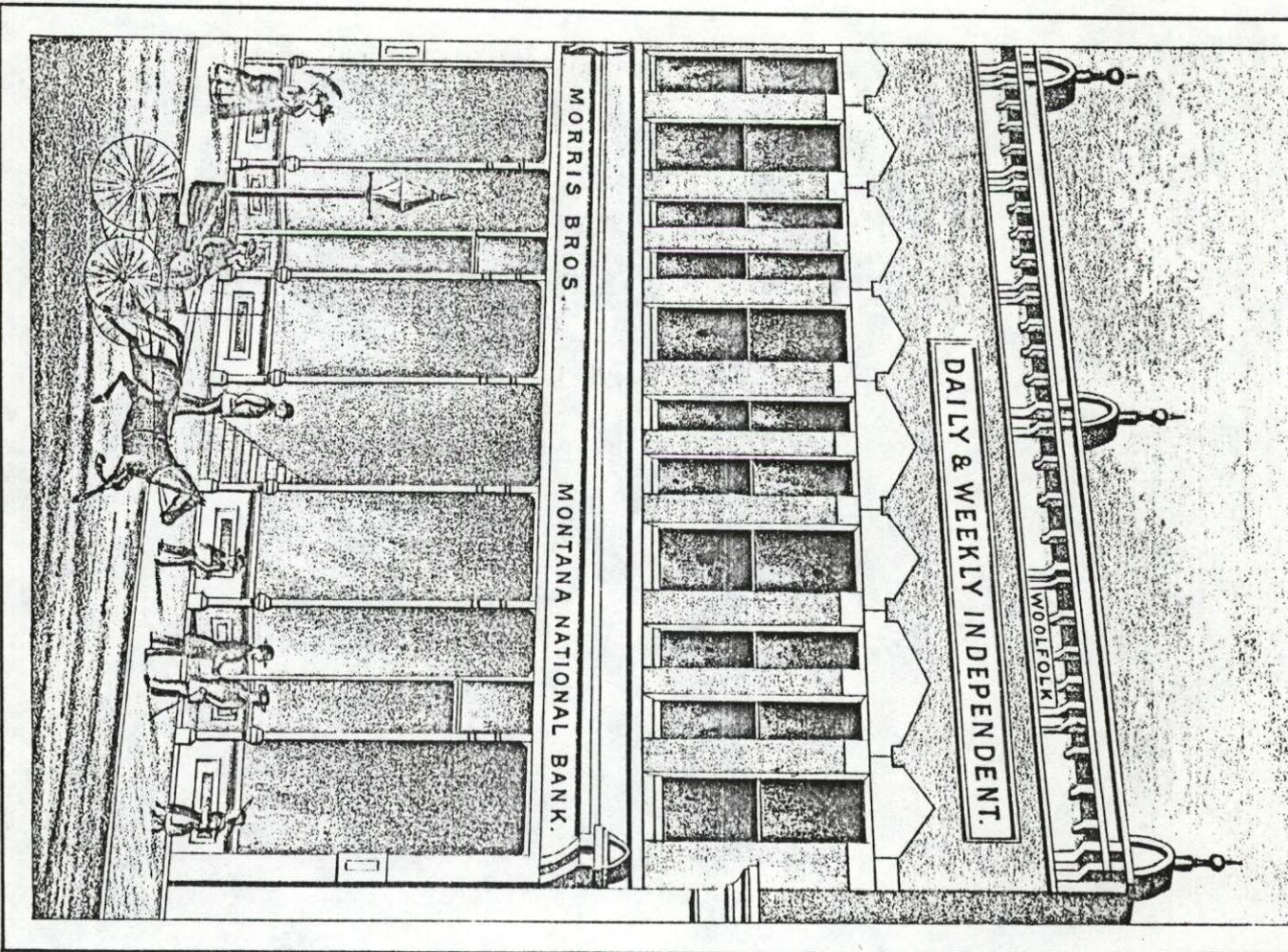
The rear of the building originally connected to the St. Louis Hotel on Jackson Street. Presently, a parking lot is located at the rear. The hotel is no longer extant; a rear wing which once led to the hotel was extant through 1965, but it was removed and the east wall is now veneered with stone blocks. Glass sliding doors, and a modern wooden door now form the entries. A sunroom with multiple, fixed-pane windows has been added on this facade. wooden stairway along the north wall runs from the parking area to the pedestrian mall.

INTEGRITY:

The main facade of this building exhibits an excellent retention of integrity, and when viewed from the west, the original design is accurately represented by the building's present appearance. Rehabilitation of the facade during the 1970s uncovered much historic detail, and efforts were made to follow the original design when elements needed to be reconstructed, although the transom band and storefront windows deviate somewhat from the original design. The rear elevation has been remodelled with no sensitivity to the historic design of the structure.

FORM PREPARED BY: Chere Jiusto
535 5th Ave
Helena, MT 59601

DATE: May 1989



Helena City D's -
 referred to as Morris Bldg or Bldg
 1888-1922

1885: Morris Brothers (Moses & David)
 Crockery, Glassware & Fancy Goods
 17 S. Main (later listed 21 Sky)

Bank at Main & Edwards by 1888

1885
 "INDEPENDENT OFFICE,"
 THE PROPERTY OF A. M. WOOLFOLK,
 HELENA.

Donor: Helena, Montana Public Library

Antique Block
Helena Historic District
Helena, Montana
Review Report January 16, 1980
Site Visit January 10, 1980

The scope of work for this project involved: West Facade Renovation, Structural Reinforcement, and Interior Rehabilitation. The exterior work is composed of a masonry buttress system and exit/balcony system on the north wall and rehabilitation of the primary street facade on the west. The interior was remodelled into a bar/restaurant and art gallery on the main floor and the Helena Alternative High School on the second floor.

West Elevation - The west elevation work consisted of restoring the original storefronts, repairing and replacing second floor windows, cleaning masonry (brick) and granite detailing, and restoring the metal cornice and architectural metalwork. The work was satisfactorily carried out in accordance with the architects plans and specifications. Cleaning of the granite was not carried out in conformance with the Secretary's Standards. The National Park Service did not approve (12/7/76) the sandblasting of the granite although this work was actually done. The sandblasting eroded the detailing on the granite and has caused a definite obscuring of the original finish. All of the other exterior work on the west facade is in conformance and is done to specifications.

North Elevation - The north wall was originally shared as a common wall with the Novelty Building (Demolished). Seismic and fire codes required a buttressing of this wall and the providing of exterior exits. The masonry buttress and balcony system were constructed as per the architects plans and specifications. The new construction is non-conforming with the Secretary's Standards but provides for the structural and fire code requirements.

Interior-Main Floor - The interior has been converted into a bar and restaurant in the north two bays of the main floor. The north stone wall has had the original lath and plaster removed and the stone exposed. The original pressed tin ceiling is still extant although damaged in many areas by the installation of hangers for exposed duct work and conduit. The attention to this interior ornament was negligible as an effort to preserve this extant and original feature. The rest of the interior finishes are provided as decor for the bar/restaurant facility and do not replicate the original design.

The south most store front contains an art gallery. The new interior finishes do not reveal the original finishes and can be considered a total modernization. The exterior signage and window display areas replicate the original.

Interior-Second Floor - The second floor has been completely rehabilitated into classrooms and offices. The original architectural details (wood sash, windows) are restored. The interior remodelling has provided a functional interior that meets the Standards and conforms to code requirements.

The major deficiencies of this project involved technical non-conformance with the Secretary's Standards for Preservation Projects.

New construction: Stabilization - keeping required structural work to a minimum, making it compatible in scale, building materials, and texture.

Designing required structural work to be compatible in materials, size, scale, color and texture with the other buildings in the neighborhood.

The stabilization of the north wall is not in keeping with the above mentioned recommended treatments. A review of design compatibility within Historic Districts should be included as an on-going process during the structural stabilization design phase. The overall compatibility on new construction design should be related to neighborhood context, adjacent properties and existing building conditions.

*Plans and Specifications were received on January 15, 1980

Architect: Taylor and Houtz, Architects
540 W. Main
Helena, MT

Contractor: Watters Construction Co.
1122 Choteau
Helena, MT 59601



Community Development Department

Michael Alvarez, Planning Division
316 N. Park Ave, Rm. 445
Helena, MT 59623
Telephone: 406 447-8459 Fax: 406 447-8460
E-mail: malvarez@helenamt.gov

January 19, 2022

TO WHOM IT MAY CONCERN: A Conditional Use Permit has been applied for in your area. Please review the included description, and vicinity map. You may respond to the proposal at the public hearing or submit written comments prior to the February 08, 2022 Zoning Commission public hearing to the City Planning Division, 316 North Park, Helena MT 59623. For written comments to be distributed to the Zoning Commission with the staff report, they must be submitted to the City by Wednesday **February 02, 2022.**

The Helena Zoning Commission will hold a public hearing on the zone change request on Tuesday, February 08, 2022 at 6:00 p. m. via a Zoom conference call. For Zoom information please use the following: Join Zoom Meeting <https://zoom.us/j/92989300533> Meeting ID: 929 8930 0533. Dial in at 1(346)248-7799 Or find your local Zoom phone number at <https://zoom.us/u/a7dWq98hm>.

Interested parties are encouraged to attend this meeting. We may not be able to reach all who may be interested in this application, and we encourage you to talk to your neighbors about this proposal.

PROPOSAL:

To consider a Resolution granting a Conditional Use Permit to allow a casino use in the Downtown (DT) Zoning District for property legally described as Parcel 22 of the FIRST SUBDIVISION of LAST CHANCE REVISION OF A PORTION OF THE ORIGINAL TOWNSITE OF HELENA, Lewis and Clark County, Montana.

AND

Lot 23A as shown on Amended Plat of Lot 23 of the FIRST SUBDIVISION OF THE LAST CHANCE REVISION OF A PORTION OF THE ORIGINAL TOWNSITE OF HELENA MONTANA, as shown on the amended plat filed under Document Number 443830-B, records of Lewis and Clark County, Montana.

This conditional use permit will allow the Windbag Saloon to operate a casino in the former *Ghost Art Gallery* Space at 21 S. Last Chance Gulch.

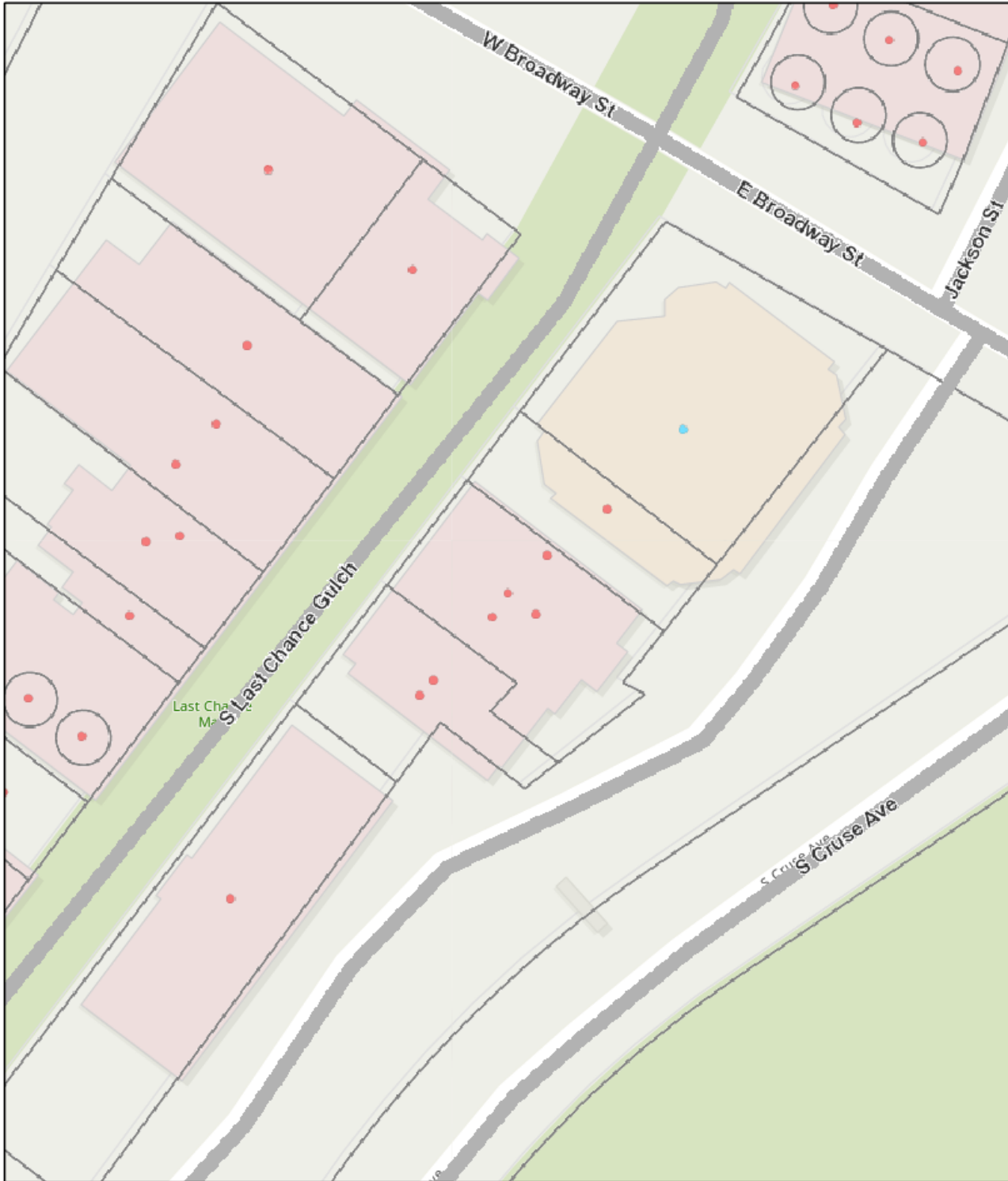
GENERALLY LOCATED: The properties is generally located on the east side of S. Last Chance Gulch South of E. Broadway St, and between the *Montana Department of Corrections Headquarters* and *Lasso the Moon Wonderful Toys*.

If you have questions concerning the proposed change, please contact the City Planning Division of the Community Development Department at (406) 447-8459.

Sincerely,

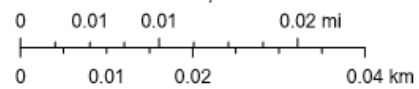
Michael Alvarez, Planner II

19 S last Chance Gulch



1/19/2022, 11:08:43 AM

1:1,128



- | | | |
|------------------|-----------------|---------------------------|
| —+— Railroads | — US Hwy | • Miscellaneous |
| Roadways (Zoom) | — Montana Hwy | • Private Non-Profit |
| — Driveway | — Secondary Hwy | • Residential Mult-Family |
| — Alley | Addresses | • School |
| Highways | • Residential | □ Parcel Boundaries |
| — Interstate Hwy | • Commercial | □ Helena City Limits |
| | • Public | □ County Boundary |

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Lewis and Clark County/City of Helena GIS Services. The data contained on this map are NOT the official

Web AppBuilder for ArcGIS

Esri Community Maps Contributors, County of Lewis and Clark, © OpenStreetMap, Microsoft, Esri Canada, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, Bureau of Land

Date: April 5, 2022

To: Michael Alvarez, Planner II

From: John E. Andrew

Helena Citizen's Council – District 1

Subject: Windbag Saloon CUP for a Casino

PROPOSAL:

To consider a Resolution granting a Conditional Use Permit to allow a casino use in the Downtown (DT) Zoning District for property legally described as Parcel 22 of the FIRST SUBDIVISION of LAST CHANCE REVISION OF A PORTION OF THE ORIGINAL TOWNSITE OF

HELENA, Lewis and Clark County, Montana.

AND

Lot 23A as shown on Amended Plat of Lot 23 of the FIRST SUBDIVISION OF THE LAST CHANCE

REVISION OF A PORTION OF THE ORIGINAL TOWNSITE OF HELENA MONTANA, as shown on

the amended plat filed under Document Number 443830-B, records of Lewis and Clark County, Montana.

This conditional use permit will allow the Windbag Saloon to operate a casino in the former Ghost Art Gallery Space at 21 S. Last Chance Gulch.

ADDRESS: 19 S Last Chance Gulch, Helena, MT, located in a DT (Downtown) zoning district.

GENERALLY LOCATED: The property is generally located on the east side of S Last Chance Gulch, south of W Broadway St., in between the State of MT Division of Worker's Compensation building and Lasso the Moon Toy Store.

Response:

Dear Zoning Commission and Helena City Commissioners,

As a Helena Citizens Council member who is representing District 1 in which the Windbag and downtown walking mall lie within its parameters; I would like to recommend that the Zoning Commission along with the Helena City Commissioners move to deny the Windbag Casino CUP

for the following reasons:

- I find that a casino would move the downtown walking mall away from being a “family friendly” environment that it has maintained over many decades as envisioned by the City of Helena’s Growth Policy and the Downtown’s future as being a Town Center for the City.
- The walking mall has in the past attracted the kind of businesses that are often specialized and cater to not only locales but tourist traffic in general and casinos and associated reputations would detract from that sort of peaceful and safe environment that is sought after by the walkability of the downtown area.
- The downtown has a significant historic aspect to the City of Helena and I feel that the character and the general retention of its features would be irreparably harmed by the introduction of a casino on the walking mall.
- CUP criteria also encapsulates hours of operation, noise, glare, odor and other situations that cannot be controlled that a casino would contribute in a public space.

So as a lifetime resident of Helena and engaged citizen of this great City, I ask you to help keep our Downtown safe, vibrant, family friendly, and above all free from the negative impacts and problems that a casino would bring with it. Just say no and vote to deny the Windbag Casino CUP!

Exhibit A: previously collected comments

Michael Alvarez

From: Lasso the Moon <info@lassothemoontoys.com>
Sent: Sunday, January 23, 2022 4:21 PM
To: Michael Alvarez
Subject: Fwd: Windbag's casino

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

From: Lasso the Moon <info@lassothemoontoys.com>
Date: Sunday, January 23, 2022
Subject: Windbag's casino
To: mmcconnell@helenamt.gov
Cc: Mike Rooney <mrooney@helenabid.com>, mayorandcommission@helenamt.gov, Moffie Funk <moffie.funk@mtleg.gov>

Hello Mr. McConnell,

I am the owner of Lasso the Moon Toy store located at 25 S. Last Chance Gulch right next door to the Windbag's proposed Casino. My business proudly provides quality toys and games to children and families. We have served Helena for the past 26 years on this block.

I would like to express my utter dismay, disappointment and complete opposition to this proposed change. It was bad enough to lose the Ghost Art Gallery's street level presence for an expansion of the restaurant, but a casino is infinitely worse.

I used to think of this southern block of the Walking Mall as the "classy block" of downtown, but with the increased losses of fine retail businesses and the sports bar focus of the Windbag, this block is losing its upscale appeal. (The Panhandler kitchen store is also closing after over 40 years of business - and rumor has it that it will be replaced with another restaurant/bar right across from my store.)

I am most concerned that a casino (as well as another bar) will diminish the charm, safety, family and child friendly aspects that made me want to locate my business on the Walking Mall. Alcohol abuse is already an issue with its attendant problems (drunk driving, violence, property damage, puke on the sidewalks...) and casinos don't usually attract the most upstanding citizens. Don't we already have enough bars and casinos in this town? Is this how we want to represent our downtown to visitors and locals?

Downtown retail business owners have been increasingly more concerned about non-retail establishments (law and real estate offices, etc.) taking up the ground floor spaces that should be used for businesses that increase pedestrian traffic and commerce. Nearly every day customers and visitors from out of town express their bewilderment as to why Helena is failing the potential to make the Walking Mall THE destination for shopping and dining.

I am pleading to the zoning commission, city commissioners, and other city planners to please DENY this request -and to please work harder to make our downtown and especially the Walking Mall a safe, beautiful, unique, vibrant place we can all be proud of.

Please forward this letter to any and all people who are involved in this important decision.

Sincerely,

Amy Barrett

Lasso the Moon Wonderful Toys

406-442-1594

Michael Alvarez

From: Savanna Barrett <studio@savannabarrett.com>
Sent: Sunday, January 23, 2022 4:45 PM
To: Michael Alvarez
Subject: Please DENY request for WINDBAG CASINO

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Alvarez,

I recently learned that the Windbag seeks permission to rezone and expand for casino use. I am shocked that this would even be considered. The Walking Mall is Helena's finest area for shopping and dining. A casino does not fit the character of this special place.

I've seen more vomit on the sidewalk and stairs since the Windbag changed ownership - this is not acceptable in a family friendly environment. Windbag tenants also use (and vomit) on the Boston Block staircase which leads from the parking lot to Lasso the Moon Toys. This staircase is property of the Boston Block owner and not the Windbag owner. It's disgusting and makes me feel that this special block is going rapidly downhill.

Kids play in the creek and on the trolley, frequently unattended. We need to keep this block safe, clean, and family friendly for the children.

Allowing a casino to take residence will only lead to more unclassy, unsafe behavior and will make shopping downtown much less appealing. Please deny this request and do not allow a casino in this unique, charming, and historic area. The space next to the Windbag would better serve the community as a retail shop, which we have so few of left.

Sincerely,
Savanna Barrett

Michael Alvarez

From: Clare Kearns <kearns.clare@gmail.com>
Sent: Monday, January 31, 2022 10:38 AM
To: Michael Alvarez; mmconnell@helenamt.gov; mayorandcommission
Subject: Casino on the walking mall

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I do not support a casino on the walking mall. A casino would change the family atmosphere on the walking mall and could ruin existing businesses.

Michael Alvarez

From: Rubi Knoles <begonia87@yahoo.com>
Sent: Monday, January 31, 2022 11:18 AM
To: Michael Alvarez
Subject: Casino on the Trolley Block

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Alvarez,

I'm writing you today in regards to The Windbag's Casino re-zoning proposal. As a Trolley block employee, a Helena native of 35 years, and mother to a young child, I absolutely do not support this proposal. For many years, I've been employed by Amy and Savanna Barrett, at Lasso the Moon Wonderful Toys. We serve the Helena family community, and I feel that a casino next door would be detrimental to the business, as well as, the safety of our customers, and their children. As an employee, who is often here alone, it greatly concerns me for my own safety. As a Helena native, it saddens me to see the possibility of a casino, on the walking mall. I feel that it would destroy the loveliest, area of Helena, for the residents who love downtown and it's history, along with the many tourists that frequent the area. As a mother of a young child, who often accompanies me to work, a casino next door would hinder his safety of playing on the trolley, and in the stream that runs through the block. Many families spend time on the Trolley, eating ice cream, taking photos, and so many children love to play in the stream. The patrons of a casino will more than likely, increase the amount of smokers near the trolley, that my sociable son, so much loves to play on, not to mention the increase of alcohol consumption, that can often leads to inappropriate behaviors. We at the toy store, along with many of the other businesses on the trolley block, like to keep our doors open to welcome customers. We have to close our doors, when there are smokers outside of our establishments, who will often times stand right next to the building. The walking mall is an enjoyable place to stretch your legs, support local shops, enjoy family friendly events, sit on the infamous yellow Trolley, read a book, visit with friends, and family, and take in the wonderful Helena community. While I fully support the importance of local business, these, along with many other reasons, are why I do not support the proposal of a casino, on the Trolley Block. Thank you, Mr. Alvarez for your time.

Warmly,
Rubi Roope

[Sent from Yahoo Mail for iPhone](#)

Michael Alvarez

From: Andrew Rivers <funkwithoutjunk@gmail.com>
Sent: Monday, January 31, 2022 11:32 AM
To: Micky Zurcher; Michael Alvarez; mmconnell@helenamt.gov; mayorandcommission
Subject: Casino on the walking mall.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I recently read about the casino potentially going on the walking mall. I have to say that I am very much against the proposal to allow this. We have so many casinos in this town, to me, it is very refreshing to go places that do not have any. I am a recovering gambling addict and find peace in the fact that we have space that is not littered with casinos. Casinos only exist due to those who are addicted, they would simply not survive without the regulars who go in every single day and throw away their life savings. This is what happened to me, and I do not want it to happen to my kids, I want them to have a safe place that is peaceful away from the casinos and their machines that steal money from those who need help every day. This is my opinion, but I think we need to leave the downtown area as casino free as possible. I realize the Rialto has machines and so does the Western/Gold Bar. But those places are not strictly casinos, though they may make a lot of money off the gambling, they are advertised as bars. Lets keep it that way and keep our families and friends safe from gambling which continues to destroy thousands of Montanan's lives and only enriches a small few who swipe up the thousands of dollars that poor souls pour into these machines.

Please respectfully consider not ruining the peaceful family nature of our downtown area. The last thing this area needs is a casino.

Andrew Rivers
406-459-6925

Michael Alvarez

From: Cheri Thornton <twomoonstudios@gmail.com>
Sent: Monday, January 31, 2022 1:45 PM
To: Michael Alvarez; Micky Zurcher; mmconnell@helenamt.gov; Sean Logan; Emily Dean; mayorandcommission
Subject: Opposed to Casino on Trolley Block

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am writing in opposition to the proposal of a casino on the trolley block. My children and I frequent this area of town often and love to walk from the Library to Lasso the Moon Toys to Birds and Beasleys and beyond. It seems to me that creating a casino in this area of town sends the wrong idea to children, and will completely scar the quaint beauty and neighborhood feel of this block. Helena has SO many casinos. Why put this addiction-supporting-eyesore in the heart of our beautiful downtown?

As a parent of young children, I am asking that you don't approve this conditional use permit as it will be detrimental to our wonderful downtown community and sends the wrong message to our children.

Sincerely,

Cheri Thornton

Michael Alvarez

From: Shannon Callahan <slmcall17@gmail.com>
Sent: Monday, January 31, 2022 12:01 PM
To: Michael Alvarez
Subject: Opposition to Casino on Helena Walking Mall

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Helena City Commission-

I am writing to oppose the approval of converting the Ghost Art Gallery space into a casino. This is a historic district and a casino would completely take away the atmosphere of keeping downtown historic and a place of retail businesses.

Our community is vibrant with casinos, the Windbag already has some machines in their location. I do not believe we need another casino in our community.

A casino is an easy money making operation for a business, thus the reason the owners of the Windbag would like to open one. They have already destroyed the historical integrity of The Windbag, I am very against them doing this to more of our downtown.

The Windbag tried to use decor from the original Windbag, but that is all they did to keep their promise of honoring Helena history. The menu is bar food, the set up is a sports bar.

I believe casino traffic on the walking mall would destroy the serene atmosphere of the area in town. It is not family friendly. It would not bring business during the hours the retail shops are open. What value would it have for our downtown? The Windbag ("new and improved") has not added one bit to the integrity of downtown.

What could we do to attract more commerce downtown? Commerce that benefits people, not that takes and takes.

I hope you will hear my adamant "NO" to this request.

Shannon Callahan
400 Butler St.
Helena, MT 59601

Shannon Callahan
Be calm, Be strong, Be grateful

Michael Alvarez

From: Penny Balcerzak <mbbpab@gmail.com>
Sent: Monday, January 31, 2022 3:02 PM
To: Michael Alvarez; Micky Zurcher; mmconnell@helenamt.gov; mayorandcommission
Subject: Proposed Re-zone on Trolley Block for a casino

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I, as a county resident residing in East Helena, frequents the downtown area and I say "NO" . I believe the Rialto has video gaming machines located at the north end of the walking mall and there is video gaming available at Miller's Crossing on Park Avenue not far behind the south end of the walking mall. I'm especially not in favor of it next to the toy store.

Thank you for your consideration.

Sincerely,
Penny Balcerzak

Michael Alvarez

From: Krys Holmes <krys.holmes@themyrnaloy.com>
Sent: Monday, January 31, 2022 5:24 PM
To: Michael Alvarez
Subject: Against a Casino in the former Ghost Art Gallery space

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Michael,

Thank you for the opportunity to submit public input on the proposed conversion of the space vacated by Ghost Art Gallery into a casino space for Windbag Saloon.

I am a member of the Downtown TIF Advisory Committee, Downtown Helena, Inc., and a host of other networks and efforts to maintain a vibrant, creative Downtown. The goal of all these organizations and efforts is to support a lively, welcoming, diverse, attractive blend of activities in the heart of our community that will **serve citizens, attract visitors, and nourish our community**.

A casino right on the Walking Mall would achieve neither of these goals, and would make building up our downtown even more challenging for the rest of us.

- Casinos repulse visitors. That's not why people enjoy the Walking Mall, or Montana.
- Casinos offer a single, homogenized, electronic experience focused on money - and thus are contrary to the experience DHI and Visit Helena work so hard to represent: A robust, uniquely Montana, human-centered experience in the heart of the Rockies
- A casino is contrary to Downtown Helena, Inc's established motto: "Distinctively Helena, Uniquely Downtown."
- This proposal is in direct conflict with the goals of the Helena Downtown Urban Renewal District to encourage business investment that enhances economic, social, aesthetic, and cultural vitality.
- This is a tough moment for the Walking Mall, losing a high-quality art gallery and a kitchenwares boutique, which were both community and commercial draws to Downtown. Replacing Ghost Art Gallery with a casino just makes the walking mall look and feel more cultureless and unattractive.
- There is not an established need in Helena for more casinos.
- The only benefit of this Conditional Use Permit would be to the owners of the business. There would be no benefit to the community, or to Downtown.

Significant community investment has been made to develop a Downtown atmosphere of small local shops, offices, and eateries that reflect and celebrate the personality of our community. It would be wrong to go against all that good effort, by many many people, so that we can have a casino in the heart of our beautiful Downtown Walking Mall.

Downtown is on the leading edge of a new wave of thoughtful, aesthetically driven investment that will potentially have positive consequences in Helena for years to come. Casinos are not the direction we want to go. Please deny this permit.

Thank you,
Krys Holmes

--
Krys Holmes (She/Her)
Executive Director
The Myrna Loy

Michael Alvarez

From: Joice Franzen <joicefranzen@yahoo.com>
Sent: Monday, January 31, 2022 6:17 PM
To: Micky Zurcher; Michael Alvarez; mmconnell@helenamt.gov; mayorandcommission
Subject: Oppose new casino

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm writing to oppose a new casino on the walking mall. The proposed space is next to a toy store, steps from the family friendly library, parks and playgrounds.

Thanks,
Joice Franzen
Helena Resident

[Sent from Yahoo Mail on Android](#)

Michael Alvarez

From: Megan Malkin <malkinhouse@gmail.com>
Sent: Tuesday, February 1, 2022 12:45 AM
To: Michael Alvarez
Subject: Rezoning on the Trolley Block

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Michael,

I just wanted to reach out as I read the re-zoning being considered on the Trolley block for the Windbag to operate a casino. There are only so many historic storefronts and Helena is so grateful for our walking mall. I hope consideration will be given to retail shops that build the patchwork of this special part of town before something that detracts and restricts the general public (21yrs.+) as a casino would. Especially with Bullock's new bar going into the Pan Handler's spot...the scene changes rapidly and not the original intent or vision of the city when the walking mall was dreamed up and built. I know you are a thoughtful decision maker , Michael. I do hope other options will be weighed, as there's plenty o' casinos in Helena and they don't really put us on the "best small art town" map that the Downtown BiD and Chamber have been so proudly toting for years. 😊

Thanks for your time. Keep up the great work!

-Megan Malkin

Sent from my iPhone

Michael Alvarez

From: Peggy Benkelman
Sent: Tuesday, February 1, 2022 7:58 AM
To: Michael Alvarez
Cc: Paul Pacini
Subject: FW: New Casino downtown - Planning Dept. wants your input

Good Morning Michael:

Below is a comment regarding the possible new casino in the Windbag building downtown from a resident of Helena in the HCC District #1 area.

From: Paul Pacini <ppacini47@gmail.com>
Sent: Monday, January 31, 2022 8:12 PM
To: Peggy Benkelman <PBENKELMAN@helenamt.gov>
Subject: Re: New Casino downtown - Planning Dept. wants your input

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Peggy,

Perhaps it is my lack of digital/internet skills but I had a very difficult time figuring out how to reply to you. Was I supposed to type my response into the space provided on your request for comment form, or Reply to your e-mail address? I was able to insert my comment in the space provided on the document but it would disappear when I closed it. So, I will cut and past my reply here:

I do not like the idea of a casino opening in the downtown area and particularly on the walking mall. The walking mall is currently friendly to family visits and hungry tourists and residents alike. In the downtown area we have a variety of restaurants, coffee shops, an ice cream shop, barbers and hair stylists, novelty shops, a kitchen supply (which may be closing), a toy store, a wild bird feeder store, a bagel shop, doctors, dentists, a crepeire, private residences in the upper stories, and the public library. A casino with bright lights, loud music, jackpot bells ringing, and raucous voices just doesn't seem like a good fit. In contrast, as the sun sinks and the shadows get long, the period street lamps fill the sidewalk with soft warm light, and the walking mall becomes a peaceful and reasonably quiet urban refuge amongst buildings that age well over a hundred years. If we must have casinos, please keep them out of downtown Helena.

Paul Pacini
303 State Street
Helena, MT 59601
January 31, 2022

Thank you for this opportunity,

Paul Pacini

303 State Street
Helena, Montana 59601-5788

U.S.A.

406.443.7730 - hm

406.431.7306 - cll

ppacini47@gmail.com

On Jan 31, 2022, at 3:28 PM, Peggy Benkelman <PBENKELMAN@helenamt.gov> wrote:

<02082022_CUP_HCC_Windbag.pdf>

Michael Alvarez

From: Domingo Zapata <dzapata711@gmail.com>
Sent: Tuesday, February 1, 2022 8:44 AM
To: Michael Alvarez; mayorandcommission
Subject: Casino downtown helena

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

We ask you to consider speaking out against a casino downtown on the trolley block. It doesn't go with the vibe of the area, especially considering its proximity to Helena's favorite local toy store.

Thank you,

Gina and Domingo Zapata
City of Helena residents

Michael Alvarez

From: Tracy Bartosik <tracybartosik@yahoo.com>
Sent: Tuesday, February 1, 2022 10:35 AM
To: mayorandcommission; Michael Alvarez; mmconnell@helenamt.gov
Subject: Proposed Casino On the Trolley Block

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

I am a lifelong Helena resident and I would like to voice my opposition to the proposed casino on the Walking Mall in downtown Helena.

The Walking Mall is one of Helena's main attractions, and for good reason. It is beautiful, it is (for the most part) family friendly, and it is one of the things that makes Helena unique. Not only is there not a lack of casinos in our town (very far from it!), but there is currently no lack of casinos or drinking establishments on the Walking Mall.

I am in favor of businesses being allowed to grow and flourish without government interference, but I also recognize when there is a need for city planning, and I believe this is one of those times. I don't think anyone wants to turn our Helena Walking Mall into a place where there are more bars and casinos than stores or family-friendly eateries and shops. Sadly, with yet another adult venue added to this location, that is exactly what we would be encouraging. The proposed location for this casino is in close proximity to a popular toy store, a park, and the library. In what way would this be smart city planning?

This proposed business is not only unneeded in this location, it is just a horrible idea. Please work for ALL of the citizens of Helena by working to preserve the integrity of our Walking Mall for ALL ages.

Thank you.

Tracy Bartosik
tracybartosik@yahoo.com

February 1, 2022

Mr. Michael Alvarez
Planning Division
316 N. Park Ave, Rm 445
Helena, MT 59623

Mr. Alvarez:

Thank you for your letter detailing the conditional use permit for a Casino at 21 South Last Chance Gulch and your request for thoughts on the matter. I am the owner of the Dunphy Block at 38 South Last Chance Gulch and appreciate the opportunity to express my thoughts.

I think the current owners of the Windbag Saloon did a great job rejuvenating the space and making it a destination for Helena Citizens. It seems to be a popular spot and brings people downtown which is good for our downtown. The old Windbag was hard to beat, but many think it is now better.

Their track record indicates that they would do a good job remodeling for a Casino, but it still doesn't seem appropriate to place a Casino in that location for the following reasons: (1.) The proposed site is next door to a toy store that attracts myriads of children and (2.) The City of Helena Parks Department has made a great investment to make this portion of the walking mall another city park which has become a great attraction for kids and families in the summer. Kids love to play in the stream and on the Trolley. Right or wrong, Casinos have a reputation for promoting addictive behavior and this consideration may inhibit families from coming downtown to go to the toy store or play on the walking mall which wouldn't be good for existing businesses.

You have a difficult decision, but I would be opposed.

Sincerely,

John E. Smith

Michael Alvarez

From: Becky Piske <beckyjpike@gmail.com>
Sent: Tuesday, February 1, 2022 5:08 PM
To: Michael Alvarez
Subject: Casino in Ghost Art space

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Michael,

My concern rests on maintaining the ambience of the historical walk mall. Is it possible to place specific guidelines on what the public sees through the windows of the casino? I think the Rialto has gambling. I actually enjoyed seeing the live poker games through the glass windows.

I am most worried about blinking neon signs screaming to all of us walking the mall to come into the casino and play these games. I am pretty ashamed of our state for ever letting gambling become so common place, but at this point, we can only hope to limit the ugliness of an establishment to the public eye.

I would prefer to not bring another casino into our town, especially our downtown. But alas, if this is unavoidable, please please put limitations on the ugly outside advertising. Gambling was certainly a part of history in Helena. Can we maintain a historical presence on the walking mall for all businesses, casinos and others.

Thank you

Are you working to get more retail into our downtown now that we have lost The Panhandler and most of the Ghost Art and Birds and Beasleys is selling? Retail makes walking in a mall interesting.

Again, thank you.

Sincerely,

Becky J. Piske

303 State Street
Helena, MT 59601-5788
406.443.7730 home
406.431.5624 cell
beckyjpike@gmail.com

February 2, 2022

To: Michael Alvarez, City Planning
From: John E. Andrew, Helena Citizen's Council - District 1

in regards to the proposal:

To consider a resolution granting a Conditional Use Permit to allow a casino use in the Downtown (DT) Zoning District for property legally described as Parcel 22 of the First Subdivision of Last Chance Revision of a Portion of the Original Townsite of Helena, Lewis and Clark County, Montana.

And

Lot 23 A as shown on Amended Plat of Lot 23 of the First Subdivision of the Last Chance Revision of a Portion of the Original Townsite of Helena, Mt. as shown on the amended plat filed under Document Number 443030-B records of Lewis & Clark County, Mt.

Response:

I would like to recommend that the Zoning Commission and Helena City Commission move to deny the Windberg Saloon located at 19 S. Last Chance Gulch a Conditional Use Permit to operate a casino in the former Ghost Art Gallery space at 71 S. Last Chance Gulch because a casino does not fit in with the Urban Renewal and Model Cities vision of yesterday that sought to develop the downtown into a vibrant and family friendly space.

The current City of Helena Growth Policy along with the Cruise Avenue Development also envisions the Downtown as a a

Towncenter, again appealing to a healthy
wholesome atmosphere that would be
enjoyed by a wide range of people that
a casino would not sustain. Thanks for
all considerations to this subject.

Sincerely,
John E. Adew on February 2, 2022
Helena Citizen's Council - District 1

Michael Alvarez

From: Robert Funk <bobfunk@gmail.com>
Sent: Wednesday, February 2, 2022 11:00 AM
To: Michael Alvarez; Michael McConnell
Subject: Casino's downtown

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Alvarez and Mr. McConnell,

I learned that yet another casino may be going in downtown. I'm excited about the growth of our downtown, but casinos will not attract new businesses in the area. We need more retail and dining. A casino in a family-oriented section of our city just doesn't seem smart or strategic. Unlike bars, restaurants, and stores, casinos do NOT attract more investment and could stifle growth in the area.

Thank you,
Robert Funk
1805 Virginia Dale St, Helena, MT 59601

Michael Alvarez

From: Julie Boehm <julie.anne.boehm@gmail.com>
Sent: Wednesday, February 2, 2022 11:35 AM
To: Michael Alvarez; Michael McConnell
Subject: New Casino

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Zoning Commision -

I am writing to express concern over the placement of a new casino in the old Ghost Art Gallery space on the walking mall. The city has done so much to preserve the historic walking mall and highlight it as a feature for families, tourism, and business. My son and I delight in summer afternoons strolling along the creeks, playing hide and seek around the trolley, visiting Lasso the Moon, and stopping by the library and playground. Some of our favorite holidays and events happen on the walking mall: box car derby, halloween, art walk, etc...

Last Chance Gulch is a cherished space in this community. Please consider very carefully what kind of businesses make a home along its path.

Thank you,
Julie Boehm

--

Julie A. Boehm
423.838.1101

Michael Alvarez

From: Michael McConnell
Sent: Wednesday, February 2, 2022 11:45 AM
To: Michael Alvarez
Subject: FW: Conditional Use Permit/ Windbag Casino



Michael McConnell
Planner II, Community Development Department
(406) 447-8492 | mmcconnell@helenamt.gov | helenamt.gov
Room 402, City-County Building



From: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Sent: Wednesday, February 2, 2022 11:29 AM
To: Michael McConnell <MMCCONNELL@helenamt.gov>
Subject: FW: Conditional Use Permit/ Windbag Casino

From: Lisa Cordingley <cord@mt.net>
Sent: Wednesday, February 2, 2022 11:21 AM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Conditional Use Permit/ Windbag Casino

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Members of the Zoning Advisory Panel;

I write to express my concern re the proposed Conditional Use Permit for 21 S Last Chance Gulch. Our Walking Mall is lovely, and although underused in many ways, I find it hard to believe that this is a wise shift in focus. I acknowledge that the word "casino" conjures images of bold neon and blackened windows and the owners of the Windbag may not have that in mind at all. However, I am not confident that the city can effectively prohibit that kind of change to this historic spot. My concern extends, not only to this instance, but to subsequent ventures that may view this as an opportunity for similar business endeavors.

The south end of the Walking Mall is anchored by our beautifully remodeled Public Library, a magnet for families. There is a toy store next door to the space under consideration. A quick Google search of "Helena Casinos" yields more than 30 hits. Is it necessary to add another, especially in this location?

Thank you for your time.

Lisa Cordingley
cord@mt.net

Michael Alvarez

From: Laura Funk <l.donegan@gmail.com>
Sent: Wednesday, February 2, 2022 11:54 AM
To: Michael Alvarez; Michael McConnell
Subject: No to casino

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Alvarez and Mr. McConnell,

I was recently made aware of the proposed zoning for a casino on the walking mall. While I appreciate efforts to bring more people downtown, I find the location rather inappropriate. As someone who loves to take my nieces, nephews, and others to Lasso the Moon, enjoy an ice cream cone on the trolley, or simply grab a bite to eat at the Windbag itself, I would hate to see that atmosphere change.

Our walking mall is a true treasure, and I hope we can continue to fill the storefronts with businesses that attract people to come and enjoy all that they have to offer. Many businesses on the walking mall have and continue to work so hard to build a community which encourages social connection, enjoyment of the arts, and patronizing local businesses. I feel strongly that a casino would work against these efforts.

Thank you,
Laura Funk
406.461.6786

Michael Alvarez

From: Jean Piske <jeanpiske@gmail.com>
Sent: Wednesday, February 2, 2022 6:31 PM
To: Michael Alvarez
Subject: your amazing walking mall

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Michael,

My husband and I have been coming over from Hayden, ID, visiting our daughter and son-in-law in Helena for decades. They live within walking distance of the impressive library and equally impressive Walking Mall. What a unique and delightful experience this has been.

The various stores that stress local talent and sell everything from unique ice cream to everything in kitchenware or bird supplies and those beautiful windows full of local pottery! Helena was different; it seemed as if this city had pride over profit, quiet enjoyment fit for kids to roam over ugly, frenzie, in this one unique place.

Please try to keep ugly displays from facing this treasured part of town. Please work to get more retail into the shops facing the Walking Mall, to continue the ambiance friendly for adults and children. Certainly you do not need frequent guests to remind you of what you have that other places would love to have.

Thank you. Jean Piske, recently widowed mother of Becky Piske and mother-in-law of Paul Pacini.

Michael Alvarez

From: Kali Wicks <kwicks48@gmail.com>
Sent: Wednesday, February 2, 2022 8:18 PM
To: Michael Alvarez; Michael McConnell; Kali Wicks
Subject: CUP - 21 S Last Chance Gulch

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Zoning Commissioners -

Thank you for the opportunity to comment on the Conditional Use Permit for the space at 21 S Last Chance Gulch.

As a parent who enjoys spending family time on the historic walking mall - particularly on this block as it is home to a toy store, yellow trolley and is near Pioneer Park and a playground - I ask you to please preserve the current atmosphere in this area.

I know the city and many other entities have worked hard to make the walking mall an attractive space for tourism, business, and families. I would hate to see the addition of a casino on this block take away from the tireless efforts that have been made to ensure that this is a wonderful area to live, work, and play.

Please vote no on the conditional use permit for 21 S Last Chance Gulch.

Thank you for your time and consideration.

Kali Wicks

Michael Alvarez

From: Moffie Funk <moffiefunk@gmail.com>
Sent: Wednesday, February 2, 2022 9:23 PM
To: Michael Alvarez
Subject: Downtown Zoning

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr Alvarez

I am writing in regard to the proposed zone change for the space recently vacated by the Ghost Art Gallery.

Out downtown needs more businesses to fill our ground floors and build on the unique character of the walking mall. However I do not see how a casino, next to a toy store and across from a trolley and the recently restored "stream," — all of which make for a wonderful and safe play area for young children — would add anything to that character.

I urge you to think carefully about zoning changes that might benefit a few but would definitely distress most of the people who currently patronize our walking mall.

Thank you for your consideration
Moffie Funk
825 8th Avenue

Sent from my iPhone

Michael Alvarez

From: Valerie Long <valerieslong@gmail.com>
Sent: Wednesday, February 2, 2022 10:17 PM
To: Michael Alvarez; Micky Zurcher; Michael McConnell; mayorandcommission
Subject: Walking mall

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I'm vehemently opposed to a casino opening on the walking mall next to Lasso the Moon. This area of the mall was a place that my children felt safe and could run around without worry. The toy store is a landmark for us and is a family space, not a place for a casino.

The trolley, Lasso the Moon and other Helena shops will suffer from what a casino will bring to this part of the walking mall. It's a space to be treasured and for families and community to congregate, a casino will ruin the block.

Please consider opposing the casino.

Thank you.

From a concerned community member.

Sent from my iPhone

Michael Alvarez

From: Michael McConnell
Sent: Thursday, February 3, 2022 7:43 AM
To: Michael Alvarez
Subject: FW: Zoning change

Michael McConnell
Planner II, Community Development Department
(406) 447-8492 | mmccconnell@helenamt.gov | helenamt.gov

Room 402, City-County Building

-----Original Message-----

From: Moffie Funk <moffiefunk@gmail.com>
Sent: Wednesday, February 2, 2022 9:23 PM
To: Michael McConnell <MMCCONNELL@helenamt.gov>
Subject: Zoning change

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr McConnell

I am writing in regard to the proposed zone change for the space recently vacated by the Ghost Art Gallery.

Out downtown needs more businesses to fill our ground floors and build on the unique character of the walking mall. However I do not see how a casino, next to a toy store and across from a trolley and the recently restored "stream," — all of which make for a wonderful and safe play area for young children — would add anything to that character.

I urge you to think carefully about zoning changes that might benefit a few but would definitely distress most of the people who currently patronize our walking mall.

Thank you for your consideration
Moffie Funk
825 8th Avenue

Sent from my iPhone

Michael Alvarez

From: Michael McConnell
Sent: Thursday, February 3, 2022 7:43 AM
To: Michael Alvarez
Subject: FW: Walking Mall Casino

Michael McConnell
Planner II, Community Development Department
(406) 447-8492 | mmccconnell@helenamt.gov | helenamt.gov

Room 402, City-County Building

-----Original Message-----

From: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Sent: Wednesday, February 2, 2022 4:13 PM
To: Michael McConnell <MMCCONNELL@helenamt.gov>
Subject: FW: Walking Mall Casino

-----Original Message-----

From: Karen Zackheim <kzackheim@icloud.com>
Sent: Wednesday, February 2, 2022 12:15 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Walking Mall Casino

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission,

I oppose the opening of a new casino next door to the Windbag Saloon. The toy store, trolley and library are a magnet for children in this area. It is the wrong message for children to be in an area that is advertising gambling and drawing on a different clientele than in the past. Gambling can be an addictive behavior that can lead to serious social problems. There are already too many casinos in Helena but at least most of them are not in the middle of a community treasure.

Please say no.

Karen Zackheim

Sent from my iPhone

Michael Alvarez

From: County_Planning_Mail
Sent: Wednesday, February 2, 2022 4:13 PM
To: Michael McConnell
Subject: FW: Casino on walking mall

From: Jeanne Underhill <junderhill31@gmail.com>
Sent: Wednesday, February 2, 2022 1:15 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Casino on walking mall

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I do not care for the idea of a casino on the walking mall. We have many options for gambling in Helena and the walking mall is more of a family place to stroll and shop. Please deny this permit.

Thank you
Jeanne Underhill

Michael Alvarez

From: County_Planning_Mail
Sent: Wednesday, February 2, 2022 4:12 PM
To: Michael McConnell
Subject: FW: Conditional Use Permit for 21 S Last Chance Gulch

From: Teresa Geremia-Chart <tgerechart@gmail.com>
Sent: Wednesday, February 2, 2022 3:43 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Conditional Use Permit for 21 S Last Chance Gulch

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Members of the Zoning Advisory Panel,

I have learned that a use permit has been requested for the purpose of establishing a casino on Helena's walking mall. Please consider that there are more appropriate places in Helena to locate another casino, if we need another at all, than our historic walking mall near our public library and next to a toy store. Helena's walking mall is beginning to attract more people, particularly in the summer and can become a hub for families and tourists. A casino located in the heart of our downtown will be detrimental to gatherings there, and I believe will chase people out of the downtown area - businesses and visitors alike. Please deny this use permit and thank you for your work.

Teresa

Teresa Geremia-Chart
406.461.6997

Michael Alvarez

From: Michael McConnell
Sent: Thursday, February 3, 2022 7:48 AM
To: Michael Alvarez
Subject: FW: Opposition to the Windbag Casino in the Ghost Art Gallery



Michael McConnell
Planner II, Community Development Department
(406) 447-8492 | mmcconnell@helenamt.gov | helenamt.gov
Room 402, City-County Building
 

From: Steffen Rasile <steffen.rasile@gmail.com>
Sent: Wednesday, February 2, 2022 1:34 PM
To: Michael McConnell <MMCCONNELL@helenamt.gov>
Subject: Opposition to the Windbag Casino in the Ghost Art Gallery

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it may concern,

I am writing to express my opposition to the proposed Casino on the walking mall.

The last thing that Helena needs is another casino especially on the walking mall.

Casinos are not good for the community and should not be in the center of our history downtown.

Please do not let this happen.

-Steffen Rasile
406-465-1826

Michael Alvarez

From: Michael McConnell
Sent: Thursday, February 3, 2022 7:48 AM
To: Michael Alvarez
Subject: FW: Conditional Use Permit to allow casino use - oppose



Michael McConnell
Planner II, Community Development Department
(406) 447-8492 | mmcconnell@helenamt.gov | helenamt.gov
Room 402, City-County Building



From: Jill Roberts <thehawthornjill@gmail.com>
Sent: Wednesday, February 2, 2022 12:10 PM
To: Michael McConnell <MMCCONNELL@helenamt.gov>
Subject: Conditional Use Permit to allow casino use - oppose

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. McConnell,

I am writing to make clear my opposition to allow a Conditional Use Permit for casino use at 21 S. Last Chance Gulch. I am a business owner on the walking mall (The Hawthorn Bottle Shop & Tasting Room @ 46 N. Last Chance Gulch). One of our main focal points as business leaders has been COMMUNITY WELLNESS and the HEALTH of Downtown Helena. I feel that a casino business model is not in harmony with the Downtown Helena Master Plan and certainly doesn't support positive growth and gathering for all.

This is an interesting and telling read on the negative community ramifications of casinos
<https://www.cnn.com/2013/09/24/opinion/frum-casinos-harm/index.html>

Thank you so much for your attention to this.

Sincerely,

Jill

JILL ROBERTS
THE HAWTHORN, BOTTLE SHOP & TASTING ROOM
46 N. LAST CHANCE GULCH, HELENA, MT 59601
C 917-576-6138 thehawthornjill@gmail.com
W 406-422-4622 www.thehawthornwine.com

Michael Alvarez

From: Christina Keener <christinask2014@gmail.com>
Sent: Thursday, February 3, 2022 8:19 AM
To: Michael Alvarez
Subject: Fwd: Objection to casino on Pedestrian Mall



IT&S finds this email suspicious! We know Christina Keener by name, but the email was sent from an unfamiliar address christinask2014@gmail.com | [Know this sender?](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Christina Keener

From: Christina Keener <christinask2014@gmail.com>
Date: February 1, 2022 at 8:07:08 PM PST
Subject: Objection to casino on Pedestrian Mall

February 1, 2022

Dear Members of the Community Development Department:

This is to express my deep concern and opposition to the proposal to place a casino at 21 South Last Chance Gulch, the trolley block of the walking mall. A casino at this location would have a significantly negative impact, not only on the residents and businesses located on the block, but also for the community as a whole.

As a resident of the Colwell building at 62 South Last Chance Gulch, I have frequently watched families strolling with their dogs, children playing in the meandering stream or climbing onto the old trolley car, and families walking to the nearby library or ice cream store.

This block has long been a major attraction for locals and tourists alike. I see visitors stopping to view the many historical buildings that line the block. I see tourists on the Last Chance Train pointing out the sites and taking in the charming ambience this neighborhood offers.

The late night hours, the excessive noise and glaring lights that would come from such an establishment would destroy the neighborhood's tranquil and charming atmosphere that Helenans and visitors have come to love. I hope you will consider the destructive impact that a casino would have on the general well-being of the residents, business owners and Helena's tourism industry and deny this proposal.

Sincerely,

Christina S. Keener

Michael Alvarez

From: County_Planning_Mail
Sent: Thursday, February 3, 2022 8:21 AM
To: Michael McConnell
Subject: FW: Last Chance Casino

From: Christopher Cordingley <cordingley.chris@gmail.com>
Sent: Wednesday, February 2, 2022 8:30 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Last Chance Casino

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Members of the Zoning Advisory Panel;

I write to express my concern re the proposed Conditional Use Permit for [21 S Last Chance Gulch](#). Our Walking Mall is still a place for children, and although underused in many ways, I find it hard to believe that this is a wise shift in focus. We need diverse development to build a well rounded community. Not more of the same.

Let's build a unique small town. Another casino doesn't do that. We have too many.

Thank you for your time.

Michael Alvarez

From: County_Planning_Mail
Sent: Thursday, February 3, 2022 8:21 AM
To: Michael McConnell
Subject: FW: Last Chance Casino

From: Christopher Cordingley <cordingley.chris@gmail.com>
Sent: Wednesday, February 2, 2022 8:30 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Last Chance Casino

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Members of the Zoning Advisory Panel;

I write to express my concern re the proposed Conditional Use Permit for [21 S Last Chance Gulch](#). Our Walking Mall is still a place for children, and although underused in many ways, I find it hard to believe that this is a wise shift in focus. We need diverse development to build a well rounded community. Not more of the same.

Let's build a unique small town. Another casino doesn't do that. We have too many.

Thank you for your time.

Michael Alvarez

From: County_Planning_Mail
Sent: Thursday, February 3, 2022 8:21 AM
To: Michael McConnell
Subject: FW: Comments on the Casino Addition to the Walking Mall

From: Kristincordingley <kristincordingley@gmail.com>
Sent: Wednesday, February 2, 2022 8:21 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Comments on the Casino Addition to the Walking Mall

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Members of the Zoning Advisory Board,

I am writing to express my opposition to a proposed Conditional Use Permit for 21 S Last Chance Gulch. The Walking Mall is one of Helena's best features, and that particular section is home to a toy store and a brand new public library. I don't see how putting in a casino betters the neighborhood or adds any value to downtown Helena.

Considering we just lost the Panhandler Plus in that stretch, I'm extremely hesitant a casino is going to encourage anything remotely close to that to take the space.

Thank you for your time,
Kristin Cordingley

Michael Alvarez

From: Steffen Rasile <steffen.rasile@gmail.com>
Sent: Wednesday, February 2, 2022 12:32 PM
To: Michael Alvarez; mmconnell@helenamt.gov; mayorandcommission
Subject: Opposition to the Windbag Casino in the Ghost Art Gallery

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it may concern,

I am writing to express my opposition to the proposed Casino on the walking mall.

The last thing that Helena needs is another casino especially on the walking mall.

Casinos are not good for the community and should not be in the center of our history downtown.

Please do not let this happen.

-Steffen Rasile
406-465-1826

Michael Alvarez

From: Mels Case <melscase@gmail.com>
Sent: Wednesday, February 2, 2022 12:49 PM
To: citycommunitydevelopment; Michael Alvarez; April Sparks; mayorandcommission
Subject: COMMENTS -- Resolution re: Conditional Use Permit to allow an (additional) casino Downtown

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: The Helena City Zoning Department, City Commission and Mayor

From: Melissa Case, Helena City Resident

Dt: 2/4/22

Thank you for the opportunity to comment on the Resolution "to consider a Resolution granting a Conditional Use Permit to allow a casino use in the Downtown (DT) Zoning District for property legally described as Parcel 22 of the FIRST SUBDIVISION of LAST CHANCE REVISION OF A PORTION OF THE ORIGINAL TOWNSITE OF HELENA, Lewis and Clark County, Montana. AND Lot 23A as shown on Amended Plat of Lot 23 of the FIRST SUBDIVISION OF THE LAST CHANCE REVISION OF A PORTION OF THE ORIGINAL TOWNSITE OF HELENA MONTANA, as shown on the amended plat filed under Document Number 443830-B, records of Lewis and Clark County, Montana."

I am extremely opposed to this consideration. The department should deny the original request and abandon any effort to allow any more casinos to operate in the downtown corridor. I am not opposed to gambling, I am opposed to reducing commercial retail store space. Helena is quickly turning into a pot shop and casino mecca. What we very much need are more unique retail stores downtown, more restaurants (maybe a farm to table place) businesses that will bring more customers to the downtown corridor enriching our local economy.

While I am not opposed to gambling or casinos, it has been consistently found that casinos are bad for local economies, largely taking advantage of low income individuals and addiction. Casinos are not large employers, people sit down, put their money in a machine and watch it light up and, often, the sole staff person brings the person gambling drinks. Expanding the casino footprint in downtown would be an economically unsound decision lacking any strategic thinking with regard to the health of our local economy. Casinos are not economic drivers, they are the opposite. Please don't do this to downtown, we need to make smart planning choices and this is a terrible choice.

Importantly, there is no compelling need for more casinos in Helena, a quick google search comes up with over 20! I am not imagining you all are hearing from outraged citizens about the lack of gambling establishments. This is not a business that we need to encourage expansion of, there are plenty of places to go stick your money mindlessly in machines while drinking bad coffee or cheap beer if that's your jam - tons to choose from for ya! What we should look to incentivize is a diverse, retail rich, downtown. Maybe a kitchen store to replace the loss of the Pan Handler or that farm to table restaurant, maybe a deli, local clothing store (Whitefish has FORLOH & Bozeman has Vormi), there are so many other options for businesses downtown. I want to keep places like Eureka, Birds and Beasley's, and Lasso the Moon. A casino next door to a children's toy store seems like a TERRIBLE idea. This is NOT the image we want for Helena. More casinos downtown will not create an environment enticing investors who might think a clothing store or a farm to table restaurant would be a sound investment on this block.

Finally, this sets a precedent for further expansion. No one wants to see, block by block, a pot shop and casino on every corner. We need a proactive plan to ensure store fronts are used for retail & restaurant space, we need thriving storefronts and diverse eateries for a thriving downtown economy. We need to partner with investors to encourage downtown economic growth. We should be asking the legislature to expand beer and wine licenses to encourage more diverse eating options in Helena.

Casinos are simply not the thing we need more of, especially downtown! Please kill this idea dead – if needed, please vote no to the expansion of the casino footprint downtown.

--

Melissa Case
406-422-9126

Michael Alvarez

From: Barbara <bbenish59@gmail.com>
Sent: Wednesday, February 2, 2022 1:32 PM
To: Michael Alvarez
Subject: Windbag's Future Building Plans

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for serving on the Zoning Committee for the City Commission. I just wanted you to know that I would like the committee to look seriously about the wisdom of putting a casino and bar in the space where the Ghost Art Gallery once resided.

Also, since the Pan Handler is losing their lease, and rumors are that a restaurant and bar will be residing there, I wonder what will happen to the retail and community feel (i.e., a place for families and children to stroll & shop) for this section of our walking mall?

Sincerely, Barb Benish

Sent from my iPhone

Michael Alvarez

From: Jim Benish <benishjim@gmail.com>
Sent: Wednesday, February 2, 2022 1:40 PM
To: Michael Alvarez
Subject: Casino

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am concerned about a casino being put next to a children's toy store and less than a block from a public library. Having folks who feel like drinking and gambling hanging out in the area seems ludicrous! Why people think that this would help our community is beyond me. It would certainly make customers entering either place use more caution when they see folks standing around a gambling area. Maybe this town has enough casinos elsewhere. Please do not approve this request!

Jim Benish

Sent from my iPad

Michael Alvarez

From: Chelsia Rice <chelsia@mtbookco.com>
Sent: Wednesday, February 2, 2022 2:28 PM
To: mmconnell@helenamt.gov; Michael Alvarez
Subject: Fwd: Downtown Business Development

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor Collins, Commissioners, Mr. Alvarez and Mr. McConnell:

I'm writing to you today with regard to our downtown business district and the inevitable development of our beloved city. As a business owner, I've seen the changes first hand; they have been beneficial to my business overall. I try to see the growth of our downtown business district through the eyes of many: as a business owner, a customer, a planner, and a visitor. I am always thinking about better ways to engage our existing community and develop our downtown business district mindfully.

Since I relocated here in 2011 to join my partner who grew up here, I have seen businesses open that have brought great energy to downtown. Without the retail development of the 400 block, the anchor businesses at the North end of the walking mall, I often wonder if Last Chance Gulch would have much of the energy it currently has. Development of restaurants/bar and retail businesses has been a boon to our downtown and will continue to do so, but we are a growing locale, with people moving here who find neighboring cities unaffordable. I'm excited and concerned about that growth, and want to support a well-managed approach as we move forward.

I'm asking you to consider and help our downtown district flourish with consideration of design aesthetic, economic flow into downtown and through the downtown district. As an Oregonian, I'm thinking of the displacement of people in Bend, Oregon as the city became more affluent. We are in a *very* similar situation regionally. With recreation and a small ski hill in our backyard, we are a major draw for folks that could make us more like Bend and less like Lewistown, which has amazing foot traffic in their downtown, as small as it is.

I'm thinking of the ways in which Santa Fe, Sedona, and even Bozeman has create a vital and vibrant, well managed downtown retail and restaurant district.

Because of the influx of people, businesses downtown have been discussing the ways in which we need to manage and promote downtown. We need to figure out ways in which we can fill vacant storefronts that have long been empty, and recruit businesses that offer retail and restaurants on the main floor. The economic flow in downtown is inordinately interrupted by businesses that do not promote foot traffic. We *need* to look more closely at the Master/Capital Plan, make sure our ordinances for development are considered during development and that we manage growth mindfully.

This comes on the heels of some changes in our downtown. The growth of the Windbag into a bar/casino, the closing of Panhandler and the opening of what is rumored to be another dining establishment, and a cornerstone business like Birds & Beasley's changing hands. It's stirred up a lot of divisiveness, in which I choose to not participate. I want progressive action from here on out.

However, I do want to be sure that the casino is developed in such a way that adds to the charm of downtown with consideration of the businesses it surrounds.

Finally, we've got to figure out how to get people to bring their retail businesses downtown and fill up those storefronts that are sitting empty. Perhaps incentives for retail and fines for unutilized spaces?

I will be looking into ordinances and city plans for development for future communications. I appreciate you all taking the onslaught of comments about the Casino and future development into consideration.

We love our town, we love our downtown, and we're looking to our city leadership to help us make it an attractive space for customers, business owners, visitors and those who relocate here.

Sorry for the verbose email. I hope to hear from you and I will remain engaged in this conversation. Please let me know if I can answer any questions, too.

Chelsia Rice (she/her/hers)
Montana Book Company Redux
331 N Last Chance Gulch
Helena, MT 59601
406.443.0260

Note: I'm unavailable on Mondays, but will return your email as soon as possible on Tuesday.

February 1, 2022

City Planning Division
316 North Park
Helena, Montana 59623

Dear Members of the Helena Zoning Commission,

I am writing to express my concern and disapproval of the proposal to grant a Conditional Use Permit to allow a casino to be operated on the Walking Mall, in particular at this time at 21 S Last Chance Gulch.

I am a homeowner in the Colwell Building at 62 S Last Chance Gulch. Besides the personal impact that a casino would have on me, my family and neighbors, I am concerned about the impact that it will have on the many local families that currently enjoy the neighborhood.

Families bring their children and pets to go to the library, play in the park, and splash in the streams on this end of the Walking Mall. They shop in the toy store, sit on the park benches, roll down the park lawn, walk their dogs and all in all have a lovely time in a family friendly neighborhood that offers beautiful, clean, welcoming public space.

While enjoying this beautiful, historic part of Helena they support the local businesses. They wander down the Walking Mall to get ice cream cones, look at toys, have lunch, buy things in the small storefronts.

I have no objection to a casino itself. My objection is to approving a conditional permit to operation on the Walking Mall. I believe that it will change the character of Last Chance Gulch in an irreparable way.

Thank you for taking the time to consider my request to deny this proposal.

Sincerely,

Joan Nugent

Joan Nugent

Joan Nugent 62 S Last Chance Gulch #4, Helena, Montana 59601

February 1, 2022

City Planning Division
316 North Park
Helena, Montana 59623

Dear Members of the Helena Zoning Commission,

We are writing to express our concern and *disapproval* of the proposal to grant a Conditional Use Permit to allow a casino to be operated on the Walking Mall at 21 South Last Chance Gulch in downtown Helena.

We are homeowners in the Colwell Building at 62 South Last Chance Gulch.

We do not believe that a casino on the Trolley Block on the Walking Mall meets the standards set out in the conditional use permit review criteria for these reasons:

1. A casino *will adversely impact the public health, safety and general welfare* of the folks who live, work, and walk in that area, which includes the main branch of our county public library, Anchor Park, nearby apartments, medical offices, retail businesses, professional offices and gift shops. The area currently is frequented by locals and out-of-town visitors who enjoy the charming and quaint atmosphere of a genuine small town in the Rocky Mountains.
2. A casino *will adversely impact the peaceful use of existing property or improvements in the vicinity* and the zoning district in which the business property is located. As mentioned above, local residents, families and visitors currently enjoy the peaceful neighborhood atmosphere of the area and appreciate that others do as well. In fact, many families walk their dogs and children through the area, stroll through the nearby park, use the library for reading and community events, and take advantage of the small stream that courses through the block's Walking Mall. It's a genuinely welcoming small-town feeling that provides solace and comfort to families, fun for children and shopping opportunities for all.

We hope that you will visit this area at different times of the day and week, and see that it is a special place in Helena that those of us who live here appreciate on a daily basis. A casino simply does not fit in this special part of historic Helena that is on the cusp of a renewal as more and more people realize the advantage of living, working and shopping in charming small downtowns all across the country. To allow such a conditional use permit would mar the integrity of this historic part of downtown Helena.

As residents, shoppers and homeowners in this special area, we respectfully ask that you closely consider the criteria set out in Helena's laws and regulations and deny a conditional use on the basis that a casino simply does not meet the standards as laid out before you.

We appreciate your work and interest in this matter, and look forward to hearing from you.

Sincerely,

Bill Lombardi Jan Lombardi

Bill and Jan Lombardi
62 South Last Chance Gulch #6
Helena, MT 59601



Community Development Department

Michael Alvarez, Planning Division

316 N. Park Ave, Rm. 445

Helena, MT 59623

Tel: 406 447-8459 Fax: 406 447-8460

E-mail: malvarez@helenamt.gov

March 21, 2022

TO WHOM IT MAY CONCERN: A Conditional Use Permit has been applied for in your area. Please review the included description, and vicinity map. You may respond to the proposal at the public hearing or submit written comments prior to the April 12, 2022 Zoning Commission public hearing to the City Planning Division, 316 North Park, Helena MT 59623. For written comments to be distributed to the Zoning Commission with the staff report, they must be submitted to the City by Wednesday **April 04, 2022.**

The Helena Zoning Commission will hold a public hearing on the zone change request on Tuesday, April 12, 2022 at 6:00 p. m. via a Zoom conference call. For Zoom information please use the following: Join Zoom Meeting <https://zoom.us/j/92989300533>

Meeting ID: 929 8930 0533. Dial in at 1(346)248-7799 Or find your local Zoom phone number at <https://zoom.us/u/a7dWq98hm>.

Interested parties are encouraged to attend this meeting. We may not be able to reach all who may be interested in this application, and we encourage you to talk to your neighbors about this proposal.

PROPOSAL:

To consider a Resolution granting a Conditional Use Permit to allow a casino use in the Downtown (DT) Zoning District for property legally described as Parcel 22 of the FIRST SUBDIVISION of LAST CHANCE REVISION OF A PORTION OF THE ORIGINAL TOWNSITE OF HELENA, Lewis and Clark County, Montana.

AND

Lot 23A as shown on Amended Plat of Lot 23 of the FIRST SUBDIVISION OF THE LAST CHANCE REVISION OF A PORTION OF THE ORIGINAL TOWNSITE OF HELENA MONTANA, as shown on the amended plat filed under Document Number 443830-B, records of Lewis and Clark County, Montana.

This conditional use permit will allow the Windbag Saloon to operate 6 or more gaming machines (a casino use) in the former *Ghost Art Gallery* Space at 21 S. Last Chance Gulch. This conditional use permit is only for the land use associated with the gaming machines and does not impact the planned expansion of a bar and/or restaurant into the space.

If you have questions concerning the proposed change, please contact the City Planning Division of the Community Development Department at (406) 447-8459.

Sincerely,

Michael Alvarez, Planner II

