



Michael Alvarez, Planner II
Community Development Department
316 North Park Avenue, Room 403
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Date: April 04, 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 worship facility use in the (R-3) Residential Zoning District for a property with a legal description of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana, Together with the vacated alley adjacent to lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 in block 33 as vacated by ordinance no. 2080. The property generally occupies the entirety of the block bordered by Elm St on the north side, Dodge Ave on the east side, Cedar St on the south side, and National Ave on the west side.**

OVERVIEW

GENERAL INFORMATION

DATE OF APPLICATION: February 25, 2022
DATE DEEMED COMPLETE: March 30, 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, and a sign has been posted on the property.

PUBLIC COMMENT:

As of Friday, March 31, 2022, no public comments have been expressed regarding this proposed CUP.

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

OWNER: Helena First Assembly of God Church
ADDRESS: 2210 Dodge Ave, Helena, MT 59602
EMAIL: doug@helenafirstassembly.com

SUBJECT PROPERTY ADDRESS: 2210 Dodge Ave, Helena, MT 59602

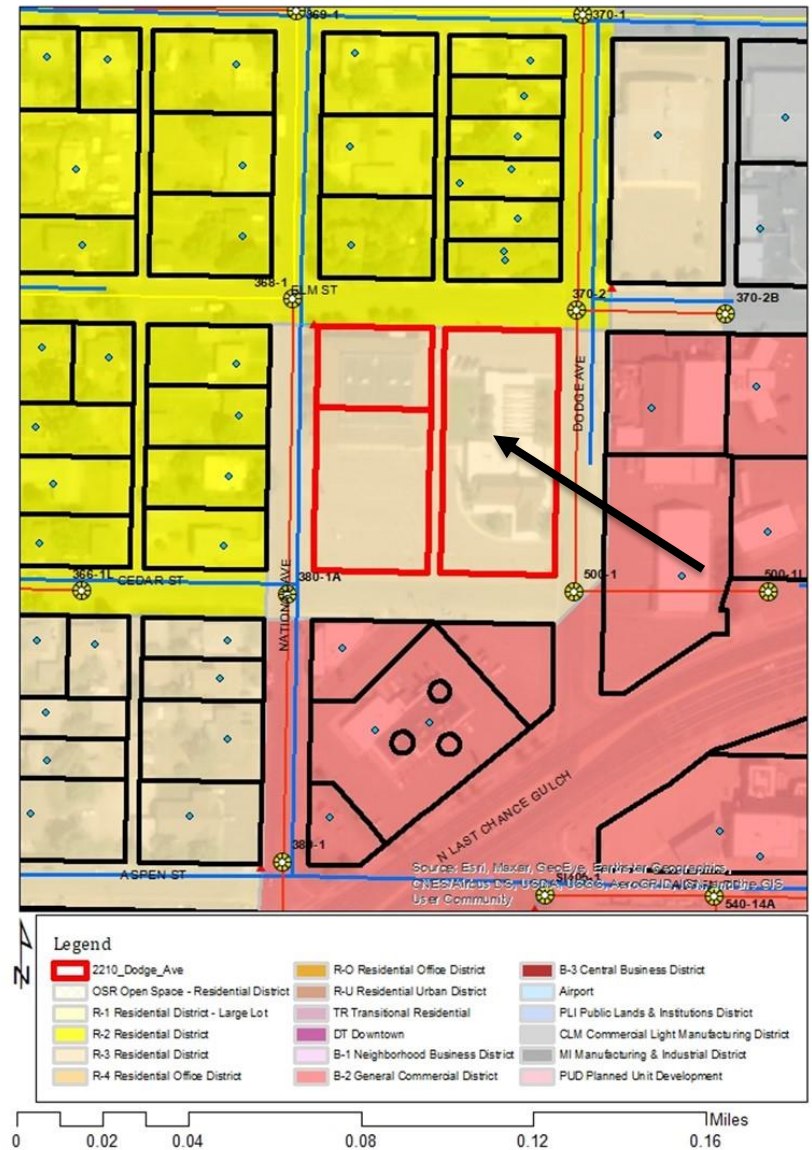
LEGAL DESCRIPTION: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana, Together with the vacated alley adjacent to lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 in block 33 as vacated by ordinance no. 2080

GENERAL LOCATION: The property generally occupies the entirety of the block bordered by Elm St on the north side, Dodge Ave on the east side, Cedar St on the south side, and National Ave on the west side.

DESCRIPTION / BACKGROUND

The Helena First Assembly of God Church currently has the land use of worship facility on the subject property. The applicant and property owner are requesting a Conditional Use Permit (CUP) to continue that same use in an expanded facility. The applicant plans to unite the existing buildings on the site with a new worship space that will span the vacated alley between the buildings. Per the requirements of the R-3 District a CUP is required for the expansion of the worship facility use. The intent is to generally update and improve the facility and its grounds, unite the existing facilities under one roof, and to expand the number of seats available to the congregation.

VICINITY MAP:



ZONING USE DEFINITIONS:

WORSHIP FACILITY: A building designed and used for public worship by a religious body, group, sect, or organization, but not including church residences and private schools.

The R-3 (residential) district provides for the development of a mixture of residential structures to serve varied housing needs and allows limited compatible nonresidential uses.

PRESENT LAND USE: The Helena First Assembly Church of God has the Land Use classification of worship facility.

ADJACENT LAND USE:

North: Residential neighborhood

South: Commercial uses

East: Commercial uses

West: Residential neighborhood

PRESENT ZONING:

R-3

ADJACENT ZONING:

North: R-2

South: B-2

East: B-2

West: R-2

RECOMMENDATION

Staff recommends **Approval** of a resolution granting a Conditional Use Permit to allow a Conditional Use Permit to allow a worship facility use in the (R-3) Residential Zoning District for a property with a legal description of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana, Together with the vacated alley adjacent to lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 in block 33 as vacated by ordinance no. 2080.

The property generally occupies the entirety of the block bordered by Elm St on the north side, Dodge Ave on the east side, Cedar St on the south side, and National Ave on the west side
With the following conditions:

1. A building permit must be submitted for within one (1) year.
2. All conditions must be met within one year of CUP approval, as per Section 11-3-9 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.

FINDINGS & EVALUATION

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

The subject property generally occupies the entirety of the block bordered by Elm St on the north side, Dodge Ave on the east side, Cedar St on the south side, and National Ave on the west side.

The applicant states that they do not anticipate “that the remodel and addition will have any additional impacts to [the adjacent] residential neighborhoods that they haven’t had for the past 50 years.” Based on building permits the location has been used as a worship facility by the Helena First Assembly Church of God since at least 1965.

The worship facility’s buildings and parking areas are not currently screened from the adjacent residential neighborhoods. Helena City Code does not require buildings, including commercial buildings, to be screened from adjacent residential zones. Helena City Code does require that parking areas be screened from adjacent residential areas. The applicant has applied for a variance from screening requirements of the northeast parking area. The applicant contends that parking area is primarily for the use of employees. That parking lot is currently non-conforming and encroaches on the right-of-way (ROW). It is the subject of several variances (all listed in the application materials) in an effort to maintain its current configuration and retain as much parking on-site as possible after the addition.

The applicant’s property currently only has improved sidewalks on the east side of the block (Dodge Ave). With this project sidewalks would be installed on the north, west, south, northeast corner, and southeast corner – improving pedestrian amenities in an

area that generally lacks them. The sidewalk on the south and west side would be of a boulevard type. The applicant is applying for a variance for the sidewalk on the north side for a curbside sidewalk.

The project will primarily lead to improvements in the area's tree coverage, landscaping, building condition, and pedestrian amenities.

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

The building proposal connects the two existing buildings on site. The resulting single building would occupy 38,580 sf and occupy the site which is 88,800sf. This would require a variance for total lot coverage (40%) in the R-3 (residential) zoning district by 3.4%. The applicant states that "given the existing building pieces that we are utilizing and connecting, and the program requirement to provide a 700-seat worship space, we are unable to trim the area down by 3,000sf."

The commercial areas to the east and south do not have lot coverage maximums. The R-2 districts to the north and west have 40% lot coverage maximums. All requested variances will need to be obtained within one-year and must be resolved prior to receiving a building permit. The CUP, variance, and building permit process are best handled together and so it is recommended that the CUP approval expire if a building permit has not been submitted for during the 1-year time frame of possible variance approvals.

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

The applicant states that "First Assembly of God Church has coexisted with the neighborhood for over fifty years." Further stating that "[t]he new addition will change the use very little" beyond increasing the number of worship facility users they can serve. One effect identified by the applicant is on the local availability of parking during Sunday service and "possibly" during the Wednesday evening service.

The 2019 Growth Policy future land use map has designated the area as commercial. Commercial areas are defined as being "[l]ands where the predominant use is the transaction of goods or services such as retail, office, restaurants, entertainment, etc.; such areas are usually near arterials or have good access to major streets. These properties are expected to have limited single-unit residential uses, but may include high-density residential uses and residences associated with a commercial use."

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

This location better conforms to the future land-use map designation, commercial, than to its current zoning. Specific to this proposal a worship facility is allowed by right in the commercial (B-1, B-2, DT, & CLM) and residential-commercial (R-4/R-O, & TR) zones.

The future land use map designates the more residential areas beyond the commercial area, to the north and to the west, as urban. Urban areas are defined as "predominantly moderate- to high-density residential uses, and may include public uses such as schools, **churches**, and open lands such as parks and occasional commercial uses that serve the immediate area or are relatively small and low-intensity. Within the County, this category includes areas closer to the City; areas with few development constraints;

areas that may be currently developed or could be redeveloped at higher densities; and may include a variety of uses including commercial and light industrial.”

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

Pedestrians would benefit from new sidewalk amenities on 3 sides of the block where none currently exist. The facility will receive new bicycle racks. A worship facility located near residential areas provide more opportunity for walking and cycling.

The proposed plan, with associated variances, would maintain the same number of parking spaces on-site.

The northeast parking lot would remain nearly identical to existing non-conforming configuration if approved for its variances save for the addition of some trees and a curbside sidewalk on its north side. The parking lot currently encroaches into the ROW and the applicant will require variances from City Commission to maintain that encroachment and to eliminate the boulevard from the north sidewalk.

The northeast parking lot will need to receive further variances from the Board of Adjustment to eliminate the screening of the parking lot from the adjacent residential zone, as well as a variance to extend the minimum distance of a parking spot to the trunk of a tree from 35' to 55'.

The southern parking lot would receive improvements to bring it up to code including new landscaping and lighting. Parking lot landscaping will be installed per HCC 11-24-4 Helena First Assembly has reached out to nearby businesses along Custer Ave for cross-parking agreements.

The applicant states that the addition will not create an increase of 200 vehicle trips per day on average. The site is on a grid street pattern, 1 block off a state-controlled major arterial (N Last Chance Gulch). In part because its greatest periods of activity are off-hours from major periods of traffic, it is unlikely that the project would have a significant impact on traffic.

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 First Assembly's CUP application reads "While the project is not slated to be certified LEED, it will be designed with sustainable strategies and energy efficiency in mind. Space will be daylit, low VOC materials will be used, mechanical systems will be replaced in many cases with high efficiency system, with high efficiency systems, and the existing building envelope will be improved where possible while the new addition will meet and exceed envelope standards."

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 not meet the zoning dimensional limitation requirements for the R-3 zoning district without the need for a variance. The building proposal connects the two existing buildings on site. The resulting single building would require a variance from the Board of Adjustments for total lot coverage (40%) in the R-3 (residential) zoning district by 3.4%. The applicant states that "given the existing

building pieces that we are utilizing and connecting, and the program requirement to provide a 700-seat worship space, we are unable to trim the area down by 3,000sf.”

The building will need to comply with HCC 11-4-2 and/or receive the above listed variance. The western edge of the existing northwest building is an existing non-conformity and does not require a variance. The eastern edge of the existing sanctuary is also an existing non-conformity that does not require a variance.

8. *Hours of operation.*

The applicant states that the hours of operation “will not change.” The current hours of operation are Mon-Thurs, 9a-5p, with worship hours on Sunday morning to early afternoon and Wednesday evenings. The city is not recommending conditioning these hours.

9. *Noise.*

It is not anticipated that there would be a greater amount of noise generated from the proposed configuration than is produced from the existing one.

10. *Glare.*

The parking lots are currently not screened from the adjacent residential neighborhood. The parking lots would need to be screened per HCC 11-24-5-B or receive a variance from that requirement from the Board of Adjustments.

11. *Odor.*

There are no expected new odors to be produced from this proposal.

12. *Expressed public opinion related to factors identified above.*

As of Monday, 04/04/2022, no public comments have been collected for this proposal.



**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: Helena First Assembly of God Church - Doug Greenman Primary Number: 406.442.6851
Address: HELENA FIRST – 2210 Dodge Ave. Helena, MT. 59602 Other Phone: 425.422.0433
Email: doug@helenafirstassembly.com

SURVEYOR/ENGINEER: Primary Representative?

Name: Greg Wirth - Stahly Engineering Primary Number: (406) 495-2298
Address: 3530 Centennial Dr., Helena, MT 59601 Other Phone: _____
Email: gwirth@seaeng.com Company: Stahly Engineering

ADDRESS OF PROPERTY: 2210 Dodge Ave. Helena, MT. 59602
Address City State Zip Code

LEGAL DESCRIPTION OF PROPERTY (Block & Lots, Subdivision/Addition):
GRAND AVE ADDN AMEND, S19, T10 N, R03 W, BLOCK 33, Lot 1 - 12

ZONING DISTRICT: R-3 Residential

GEOCODE: 05-1888-19-4-23-06-0000, 05-1888-19-4-23-14-0000, 05-1888-19-4-23-01-0000

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

Community Development Department, Planning Division
316 North Park Avenue, Room 445
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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: [Signature] Date: 02.08.2022
Applicant
Property Owner: [Signature] Date: 02.08.2022
(If different from Applicant)

Please provide all the information requested in the Application Instructions. An incomplete application may delay the review of your request.

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.



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 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) M-Th 9am-5pm, Worship on Sun & Wed. evening
- Site plan showing the proposed and current location of:
 - Pedestrian, vehicular, and bicycle ingress and egress to the property;
 - Parking and loading areas;
 - Landscaping and screening;
 - Solid waste collection areas; Solid Waste collection is located at the Youth Building north side on the Helena First property across the street and north of this project.
 - Utilities;
 - Signs; and
 - Lighting;
- Proposed storm water drainage plan;
- Traffic impact study for any use that will generate more than two hundred (200) vehicle trips a day; Not anticipating more than 200 vehicle trips per day for a seven day average.
- 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.



**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

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.

Please include the most recent Deed for impacted property.

Helena First Assembly of God Church Redevelopment

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 does not directly abut other properties but is bordered by public streets of Cedar on the south, Elm on the north and National and Dodge on the west and east respectively. Residential areas exist on the north and west. Currently there are no buffers to the residential area and haven't been since Helena First took ownership of the property in 1969. It is not anticipated that the remodel and addition will have any additional impacts to those that residential neighborhoods that they haven't had for the past 50 years.

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

Currently there are two structures on the site; the worship and office building and the Kids Building, used for Sunday kids religious education. The new addition is located in such a way to connect the two buildings and have the least impact on the existing parking and the neighborhood. The addition infills the area between the buildings and leaves the existing parking area on the north. This parking area will be improved to add a sidewalk on the north edge and landscaping where possible.

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

As stated above, Helena First Assembly of God Church has coexisted with the neighborhood for over fifty years. Little has changed in the area in that time. The new addition will change the use very little although they will have the capacity to have more people attend services. This will affect parking in the area on Sundays and possibly Wednesday evenings. As calculated for the 700 seat worship space, the parking will meet the zoning requirements.

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

The use as a church, like many churches in Helena, is currently a non-conforming use in the R3 district. Again, the church has been non-conforming since the zoning went into effect in this area and has been a church since 1969.

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

Improvements are being made to walkways, outdoor gathering areas, parking, and landscaping along with the addition of bicycle racks. The ingress and egress should be slightly better than it currently is and this will make a positive impact on the area.

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 be well daylit, low VOC materials will be used, mechanical systems will be replaced in many cases with high efficiency systems, and the existing building envelope will be improved where possible while the new addition will meet and exceed envelope standards.

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

In most areas, the proposed plan does meet zoning dimensional standards. The exceptions are the variance being requested which includes the parking encroachment on the north east parking lot, the lack of a boulevard in this area, and the request to leave the east sidewalk as it exists (meaning that the sidewalk will abut the back of curb rather than include a boulevard). This east sidewalk, as exists, includes mature landscaping and grass between the sidewalk and the building.

8. Hours of operation;

The hours of operation will not change. These hours are Monday through Thursday 9am – 5pm, Sunday worship in the morning to early afternoon, and Wednesday evenings.

9. Noise;

All services are held indoors and noise has not been a factor. It is not anticipated that noise will be a factor going forward.

10. Glare;

All services are held indoors and glare has not been a factor. It is not anticipated that glare will be a factor going forward.

11. Odor; and

All services are held indoors and odor has not been a factor. It is not anticipated that odor will be a factor going forward.

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 property does not directly abut other properties but is bordered by public streets of Cedar on the south, Elm on the north and National and Dodge on the west and east respectively. Residential areas exist on the north and west. Currently there are no buffers to the residential area and haven't been since Helena First took ownership

of the property in 1969. It is not anticipated that the remodel and addition will have any additional impacts to those that residential neighborhoods that they haven't had for the past 50 years. Buffers and special setbacks do not seem that they would be helpful in mitigating any concerns.

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

Landscaping could be helpful. There are existing young trees on the west and north sides of the large Kids Building that are well on their way to maturing. These will be protected during construction. New landscaping and trees will be added around parking areas and along boulevards, particularly along the west side.

3. Improvements to parking areas;

Parking areas will be improved for parking and circulation and will include new landscaping/trees and lighting.

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

Sidewalks will be added to complete walkways all the way around the property. Parking ingress is from Dodge Street and National. Egress is on to National.

5. Restrictions on signs;

Signage will be subtle and primarily located at the south side of building facing the commercial zone.

6. Restrictions on lighting;

Lighting will also be respectful of the area, primarily being building lighting and parking lot lighting. Care will be taken to keep glaring lights from facing the residential areas.

7. Restrictions on noise, vibrations, and odors;

Noise, vibrations and odor should not be a factor with this project.

8. Restrictions on hours of operation;

The public will generally come and go from the sides facing the commercial zones although limited access is provided on the north, typically for employees. The hours of operation are intended to be those that currently exist and should not be a factor for neighboring properties.

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 2 years of the approval and hopefully sooner depending on fund raising efforts.

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.**

<p>1. APPLICANT:</p> <p>Name: <u>Ben Tintinger - Mosaic Architecture</u></p> <p>Address: <u>428 N Last Chance Gulch</u> <u>Helena, MT 59601</u></p> <p>Primary Phone: <u>406.449.2013</u></p> <p>Secondary Phone <u>406.431.0348</u></p> <p>Email address: <u>ben@mosaicarch.com</u></p> <p>Authorized Representative <u>Ben Tintinger - Mosaic Architecture</u> <u>Doug Greenman - Helena First Church</u> (The representative is authorized to represent the property owner and to receive all correspondence)</p>	<p>2. PROPERTY OWNER (if different from applicant):</p> <p>Name: <u>Helena First Assembly of God Church</u></p> <p>Address: <u>2210 Dodge Ave, Helena, MT 59602</u></p> <p>Primary Phone: <u>406.442.6851</u></p> <p>Secondary Phone: <u>425.422.0433</u></p> <p>Email address: <u>doug@helenafirstassembly.com</u></p>
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3. **LEGAL DESCRIPTION (submit a deed and recent copy of the plat to verify description):**

Subdivision/Blocks/Lots and COS number: _____
GRAND AVE ADDN AMEND, S19, T10 N, R03 W, BLOCK 33, Lot 1 - 12

Section, Township, and Range: _____

4. **ADDRESS OF PROPERTY:** 2210 Dodge Ave., Helena, MT 59602

5. **CURRENT ZONING:** R3

6. **GEOCODE:** 05-1888-19-4-23-06-0000, 05-1888-19-4-23-14-0000, 05-1888-19-4-23-01-0000

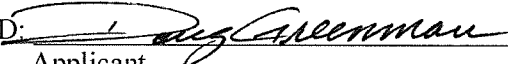
Please indicate the type of land use/land use change you are requesting and submit this form with your application:


- Pre-Zone Annexation
- Conditional Use Permit 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: 02.08.2022
Applicant

Property Owner:  Date: 02.08.2022
(If different from applicant)





nf helena **first**
**CONCEPT DESIGN
PACKAGE**

09.2021

SITE CONSTRAINTS

Four major site constraints exist on this site: (1) existing facilities including utility location, (2) parking, (3) City of Helena zoning, and (4) existing facilities on multiple blocks.

EXISTING FACILITIES

Existing facilities split the main campus into 4 quadrants with the existing Kid's First building in the north west quadrant and the Central building in the east/south east quadrant of the site. Parking lots are located in the north-east and south-east portions of the site. Between the two buildings are utilities (running north/south) and a courtyard. Additionally, each building has a unique architectural style reflective of the time period in which it was constructed. Challenges lie in (1) finding a location on the site for an addition and (2) how to connect existing buildings (each with their own architectural style) into a cohesive singular building.

PARKING

Parking quantity and layout needs to be considered in order to ensure Helena First is meeting the City of Helena's parking requirements. Additional parking is preferred so worshipers do not have to walk a significant distance to/from the building.

Current City of Helena parking requirements & exceptions are as follows:

Off street parking for worship spaces: .25 per seat

Helena First: 700 seats @ .25 = 175 parking spots (with no reductions applied)

Exceptions/Reductions:

- On Street parking sub 1 for 1 if along property
- 20% Reduction if a city transit stop is within 300 ft of the property
Nearest bus stop: Aspen St & National Ave = 1 city block from property = 300 ft
- 2 to 1 reduction for each bicycle parking spot up to 20%
- 10% reduction if min 300 sf landscaped public area is provided (not to be included in landscape reqmts)
- Up to 90% reduction if parking is within 1,000 ft of property

R2
Residential

R3
Residential

B2
Business

ZONING

Helena First is located in R3 zoning which currently requires a conditional use permit in order to house a place of worship. Helena First will need to include the following as a part of the conditional use permit application (per 11-3-1):

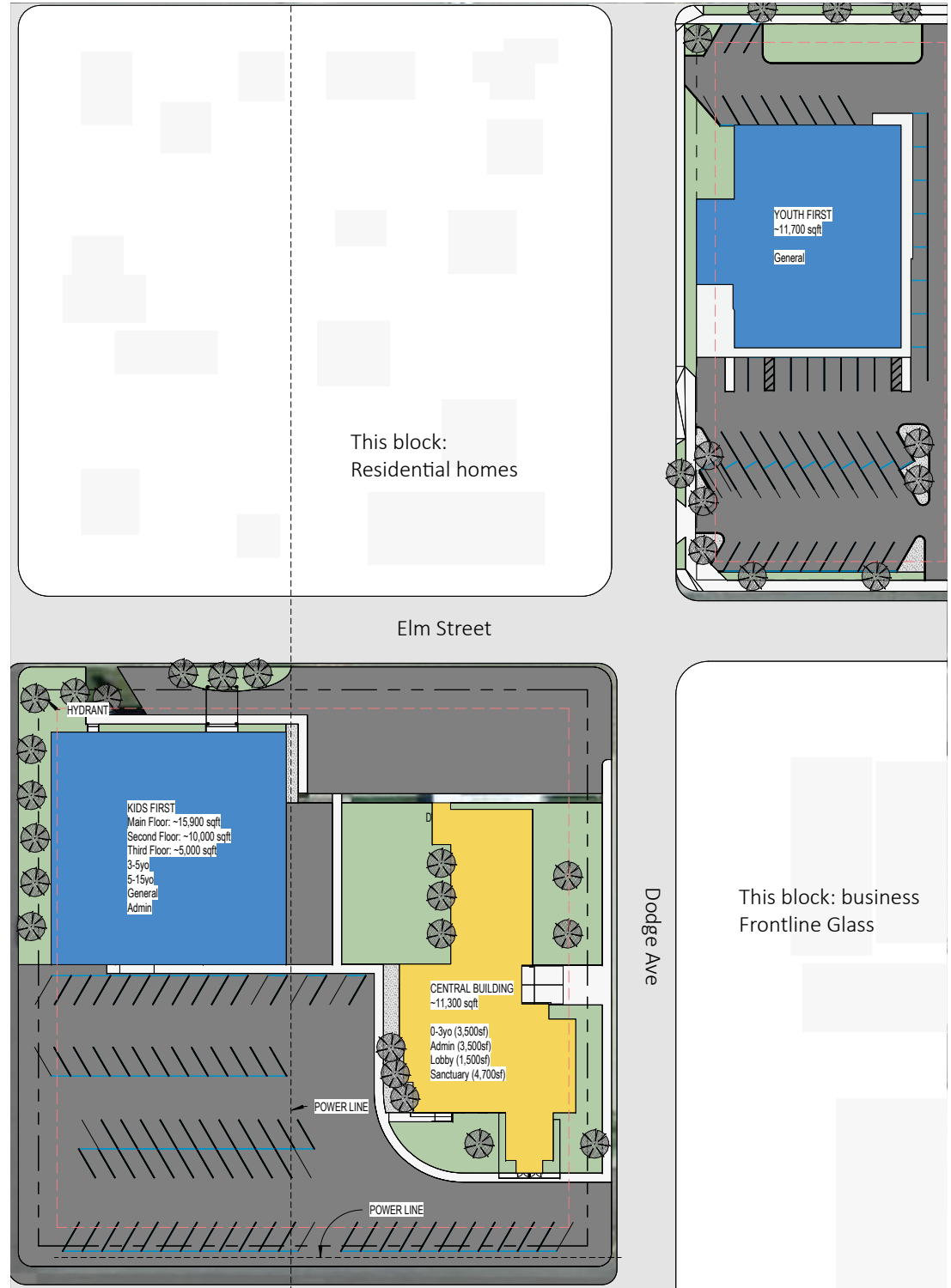
1. Type and extent of the proposed use;
2. Site plan showing the proposed and current location of: a. Pedestrian, vehicular, and bicycle ingress and egress to the property; b. Parking and loading areas; c. Landscaping and screening; d. Solid waste collection areas; e. Utilities; f. Signs; and g. Lighting;
3. Proposed storm water drainage plan;
4. Traffic impact study for any use that will generate more than two hundred (200) vehicle trips a day;
5. 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;
6. Planned modifications to the existing structure;
7. Preliminary architectural drawings for new construction with elevations that include building heights;
8. An evaluation of the impacts on the abutting properties and the neighborhood with respect to factors identified in section 11-3-5B. The evaluation must address any potential adverse impacts and how any such adverse impacts will be mitigated.
9. Expected time when the permitted conditional use will commence; and
10. Variances requested. (Ord. 3097, 4-7-2008; amd. Ord. 3279, 1-13-2020)

The City of Helena may modify current zoning ordinances to allow places of worship as a permitted use in R-3 zoning. If this occurs, Helena First will be obligated to follow R-3 lot requirements. This includes (11-4-2): (1) no minimum lot area, (2) 40% maximum lot coverage, (3) 10' minimum setback for front lot line, (4) 10' minimum setback for rear lot line, (5) 6' minimum for each side yard setback, (6) 36' maximum height.

MULTI-BLOCK CAMPUS

Youth First is located across Elm Street, a public street with vehicular access. As such Youth First feels disconnected from the main campus. Possible solutions include incorporating traffic calming elements between the two blocks and purchasing adjacent lots for greater connection between Youth first & the main campus.

EXISTING SITE PLAN



ELM ST

NATIONAL AVE

300' - 0"

11 SPACES

296' - 0"

NEW OHP POLE (approximate NWE to provide plan) 7 SPACES

R 35' - 0"

3 SPACES

24 SPACES
LAN REQD: 720 SF
LAN PROVIDED: 770 SF

EXISTING KID'S FIRST
TO BE REMODELED
15,945sf

NEW SANCTUARY
& MAIN
ENTRANCE
15,300 sf

EXISTING BLDG TO BE DEMOLISHED
4750 sf

14'-4"

6'-7"

EXISTING SANCTUARY
TO BE REMODELED
7335 sf

9 SPACES

R 35' - 0"

57 SPACES
LAN REQD: 1710 SF
LAN PROVIDED: 3461SF

(E) OHP POLE

14 SPACES

(E) OHP POLE

(E) OHP POLE

CEDAR ST

DODGE AVE

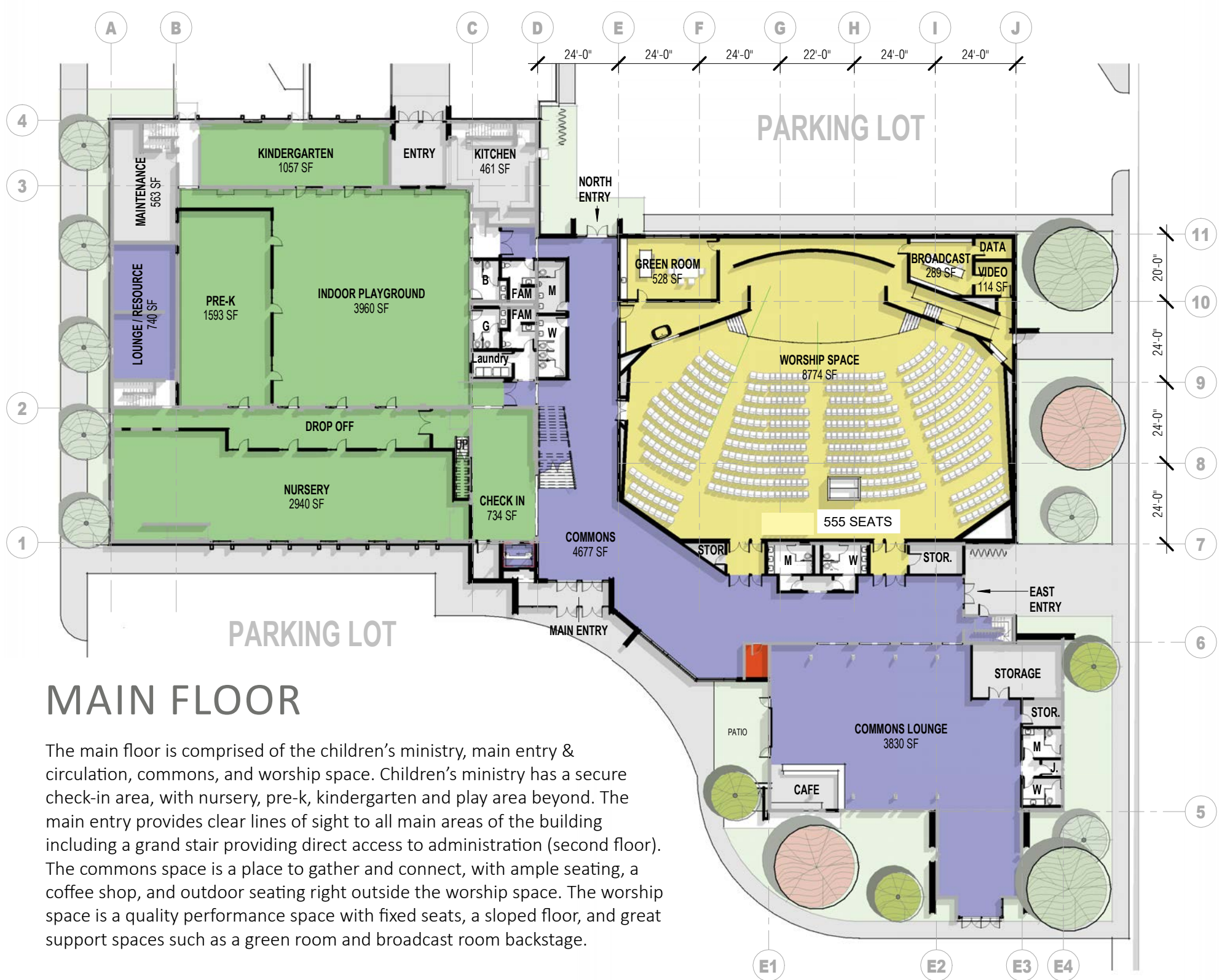
CITY OF HELENA ZONING

Parking Requirements
 Off Street Parking for worship spaces = .25 per seat
 700 seats @ .25= 175 spots
 Reduction- on street parking: 41 spots
 Reduction- bike parking: 35 spots
 Reduction - public landscape area: 17 spots
 Parking reqd with reductions = 82
 Parking off street provided = 84 (ok)

R-3 Setbacks
 Front: 10' minimum (ok)
 Side: 6' minimum (ok)

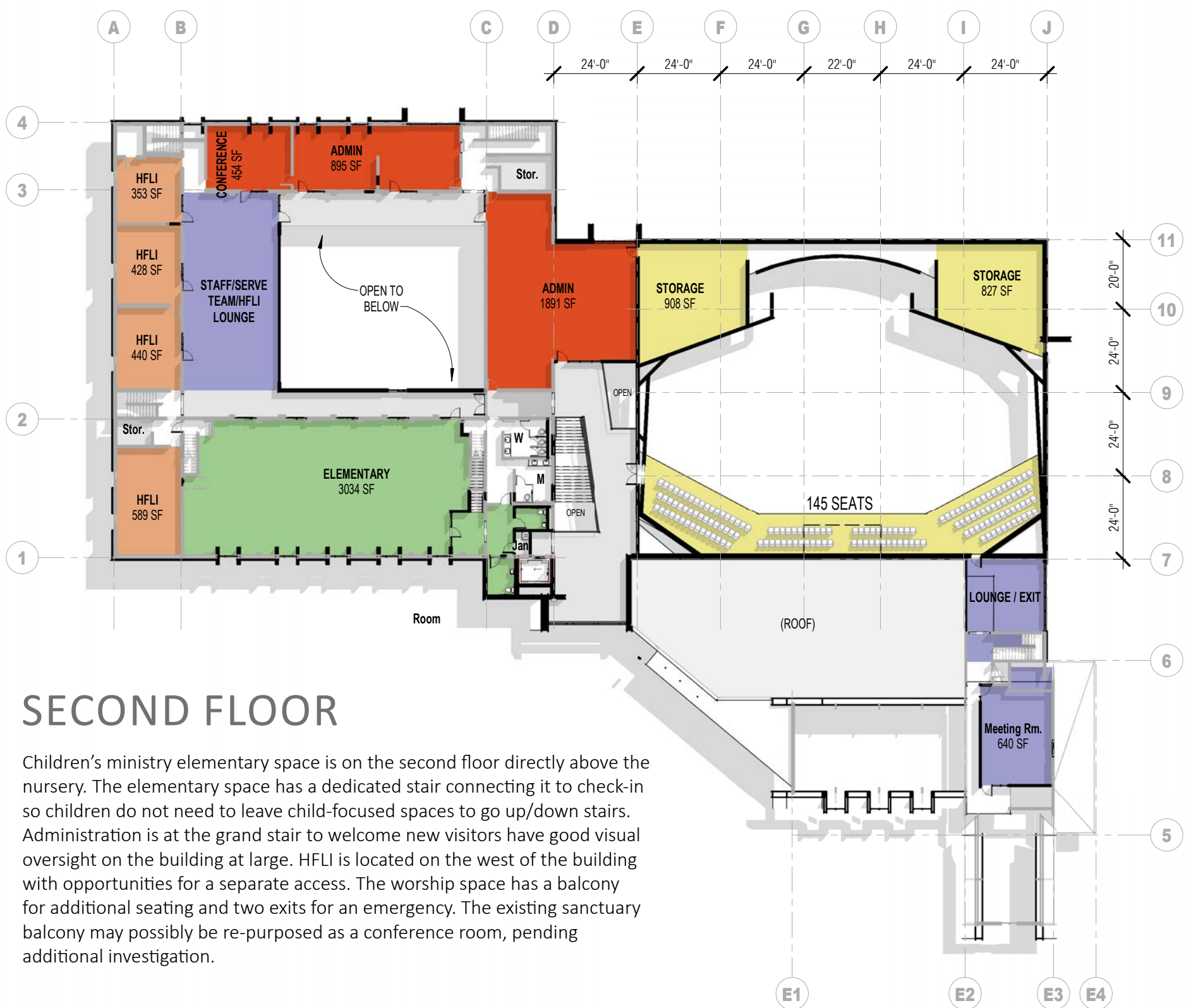
Lot Coverage
 Site: 88,800 sf
 Total building area: 38,580 sf current design (43.4% lot coverage) variance requested





MAIN FLOOR

The main floor is comprised of the children’s ministry, main entry & circulation, commons, and worship space. Children’s ministry has a secure check-in area, with nursery, pre-k, kindergarten and play area beyond. The main entry provides clear lines of sight to all main areas of the building including a grand stair providing direct access to administration (second floor). The commons space is a place to gather and connect, with ample seating, a coffee shop, and outdoor seating right outside the worship space. The worship space is a quality performance space with fixed seats, a sloped floor, and great support spaces such as a green room and broadcast room backstage.



SECOND FLOOR

Children’s ministry elementary space is on the second floor directly above the nursery. The elementary space has a dedicated stair connecting it to check-in so children do not need to leave child-focused spaces to go up/down stairs. Administration is at the grand stair to welcome new visitors have good visual oversight on the building at large. HFLI is located on the west of the building with opportunities for a separate access. The worship space has a balcony for additional seating and two exits for an emergency. The existing sanctuary balcony may possibly be re-purposed as a conference room, pending additional investigation.

RENDERINGS



Birds eye view of Helena First main entry



Existing Sanctuary entries are remodeled to be a more subdued version of the main entry.





RENDERINGS

The building form highlights the main entry with a sweeping overhanging connecting the entry to outdoor cafe seating and bike parking. The outdoor play area, on the north side of the building, is enclosed with a fence and supports children's ministry.

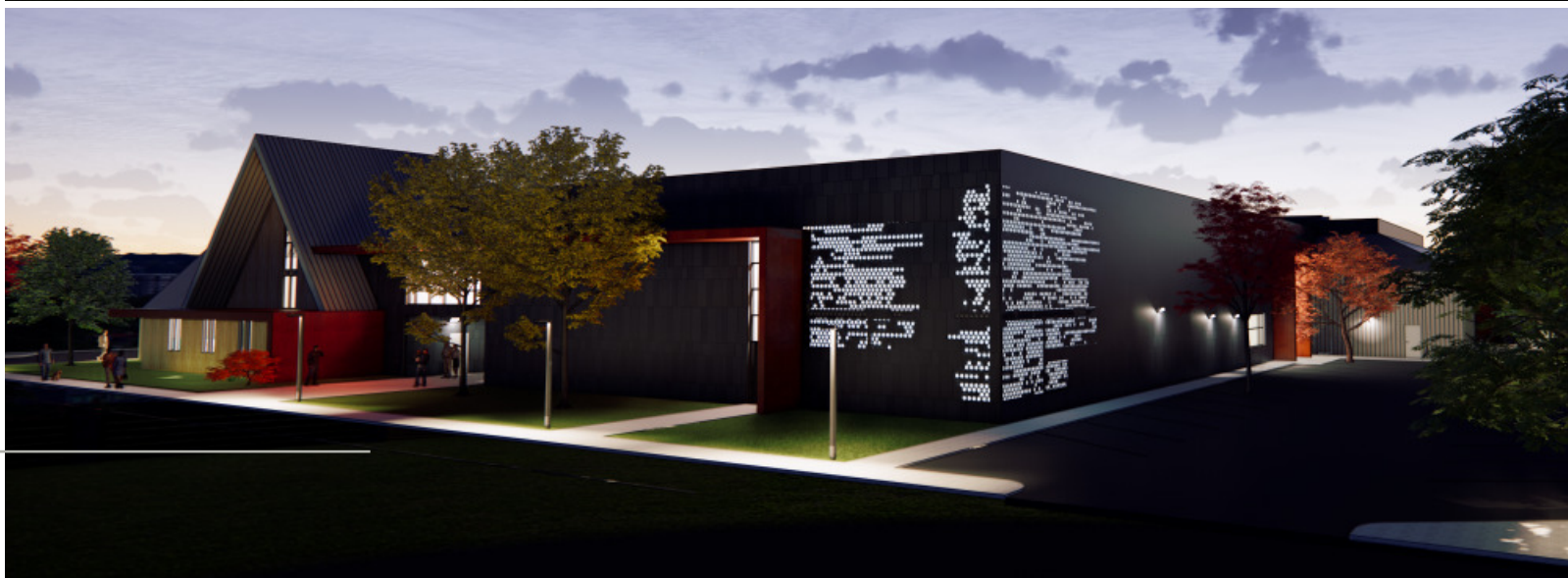




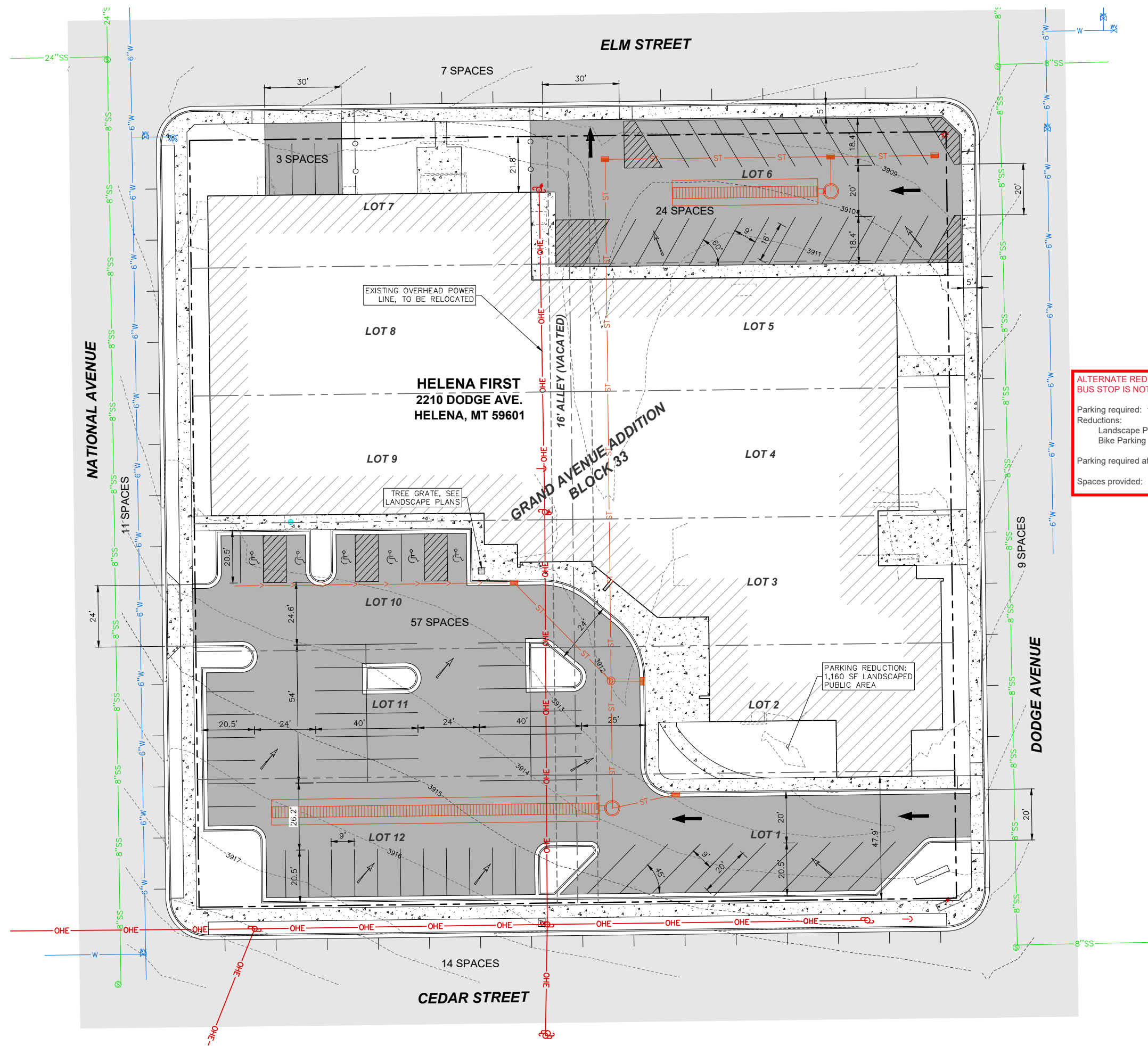
RENDERINGS

As the days get shorter, the perception of the building in the dark becomes more significant. Elements such as building form, window placement, and exterior lighting play an important role to feature Helena First as an active, welcoming community.

Additional opportunities exist for the material and building facade to reflect the mission and vision of Helena First. For example, as shown in the lower right hand rendering, light can be projected through perforations in material to provide a graphic message to passersby.



L:\1238-Mosaic\1221_Helena_First\DWG\Exhibit\Helena_First_Concept.dwg, 24x36(landscape), Plotted: Feb 04, 2022 - 8:06am, jmorris
 Stahly Engineering & Associates, Inc. COPYRIGHT 2020



ALTERNATE REDUCTION COUNT IF BUS STOP IS NOT ALLOWED

Parking required: 175 spaces
 Reductions:
 Landscape Pubic Area: -17 spaces
 Bike Parking Space: -35 spaces

Parking required after reductions: 123
 Spaces provided: 125

PARKING REQUIREMENTS:

BUILDING [WORSHIP FACILITY]: (700) SEATS
 REQUIREMENT:
 (0.25) PARKING SPACE/SEAT
 (HELENA CITY CODE, 11-22-3-A)

MINIMUM NUMBER OF ADA PARKING SPACES: 6
 (208.2, ADA STANDARDS DESIGN)

PARKING SPACES (BEFORE REDUCTIONS):
 - REQUIRED: 175 (TOTAL), ADA SPACE: 6

PARKING SPACES (AFTER REDUCTIONS):
 - REQUIRED: 114 (TOTAL), ADA SPACE: 6
 REDUCTIONS:
 - 20% IF WITHIN 300 FT OF PUBLIC BUS STOP [REDUCED, 35]
 - 2:1 FOR EACH BICYCLE PARKING SPOT, 18 SPOTS [REDUCED, 9]
 - 10% IF A MINIMUM 300 S.F. LANDSCAPED PUBLIC AREA IS PROVIDED [REDUCED, 17]

- PROVIDED: 125 (TOTAL), ADA SPACE: 6

STORM WATER CALCULATION:

TOTAL WATER QUALITY VOLUME REQUIRED = 3,410 CUBIC FEET
 DEVELOPMENT AREA = 88,866 SQUARE FEET (2.04 AC)
 PERCENTAGE OF IMPERVIOUS AREA = 87%

$$V_{WQ} = [(0.05 + 0.9 * 87\%) (88,866 \text{ SF})] / 12"$$

$V_{WQ} = 3,100$ CUBIC FEET REQUIRED
 TOTAL VOLUME REQUIRED + 10%: 3,410 CUBIC FEET
 TOTAL VOLUME PROVIDED: 3,610 CUBIC FEET

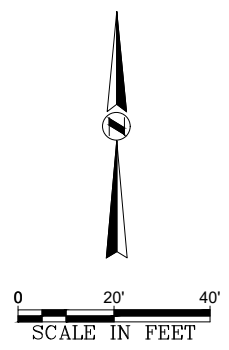
NORTH STORM WATER STRUCTURE:

WATER QUALITY VOLUME REQUIRED = 1,023 CUBIC FEET
 DEVELOPMENT AREA = 26,660 SQUARE FEET (0.61 AC)
 VOLUME PROVIDED: 1,110 CUBIC FEET
 UNDERGROUND RETENTION FOOTPRINT: 10'x57'
 DESIGN INFILTRATION RATE (WATER QUALITY EVENT): _____ IN/HR

SOUTH STORM WATER STRUCTURE:

WATER QUALITY VOLUME REQUIRED = 2,387 CUBIC FEET
 DEVELOPMENT AREA = 62,206 SQUARE FEET (1.43 AC)
 VOLUME PROVIDED: 2,500 CUBIC FEET
 UNDERGROUND RETENTION FOOTPRINT: 10'x128'
 DESIGN INFILTRATION RATE (WATER QUALITY EVENT): _____ IN/HR

***REFERENCE:** MONTANA POST-CONSTRUCTION STORM WATER BMP DESIGN GUIDANCE MANUAL, SEPTEMBER 2017, SECTION 3.2, EQUATION 3-1.



STAHLY ENGINEERING & ASSOCIATES
 PROFESSIONAL ENGINEERS & SURVEYORS
 www.seceng.com

2223 MONTANA AVE.
 STE. 201
 BILLINGS, MT 59101
 Phone: (406)601-4055

3530 CENTENNIAL DR.
 HELENA, MT 59601
 Phone: (406)442-8594

851 BRIDGER DR. STE. 1
 BOZEMAN, MT 59715
 Phone: (406)522-9526

ISSUE/REVISION	DESCRIPTION	EOR	QCR
DATE	###		
No.	###		
	CONCEPT PLAN		

HELENA FIRST
 2210 DODGE AVENUE
 MOSAIC
 ARCHITECTURE

CONCEPT
 PLAN

Helena First Assembly of God Church Redevelopment

Request for Variance.

Per section 11-24-4: PARKING LOT LANDSCAPING of the City of Helena Zoning Code

For parking lots on tracts for which this chapter requires landscaping, the minimum landscaping requirements are as follows:

- A. Any edge of a parking space must be within thirty-five feet (35') of the trunk of a tree on the same tract or contiguous public rights of way.

Helena First Church requests an increase to the distance from a parking space to the truck of a tree from 35' to 55'. The current parking layout has eight of the twenty-four spaces that are not within 35' of a tree.

Per section 11-22-5: OFF STREET PARKING DESIGN STANDARDS:

- A. Off street parking spaces must be at least nine feet (9') wide and twenty feet (20') long, exclusive of access drives, rights of way, or ramps for all uses except for tracts with only a single-dwelling unit residence, two-dwelling unit residence, or three-dwelling unit residence.

Helena First Church requests a variance to the parking stall length from 20' to effectively 16' as shown on the site plans included. These stalls can be signed for compact only and are typically used by church staff.

Per section 11-24-5: SCREENING:

- B. All parking lots on tracts adjacent to residential districts and for which landscaping is required under this chapter must be screened from the residential districts. A parking lot tract is considered adjacent to a residential district even if it is separated by a public right of way.

Helena First Church requests a variance to the screening of the parking. While the screening with a fence could be accomplished, in this case, it doesn't seem appropriate and may cause more harm than good. Screening with a fence or dense landscaping could potentially pose a safety hazard as cars pull out on to the public way across sidewalks. Fencing poses its own aesthetic challenge and seems imposing on the residential neighborhood rather than welcoming, particularly for a church property. While we understand that the current situation can't be used to justify a variance, the existing parking lots that have not been screened for many years with no complaints from the neighbors.

Per 11-4-2: LOT REQUIREMENTS FOR ZONING DISTRICTS:

Buildings must conform to the dimensional standards for a lot as follows:

- A. Lot coverage may not exceed the limitations of the district within which the lot is located.

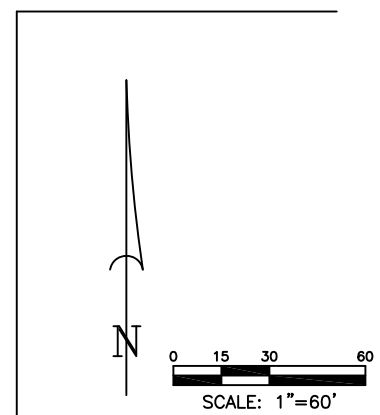
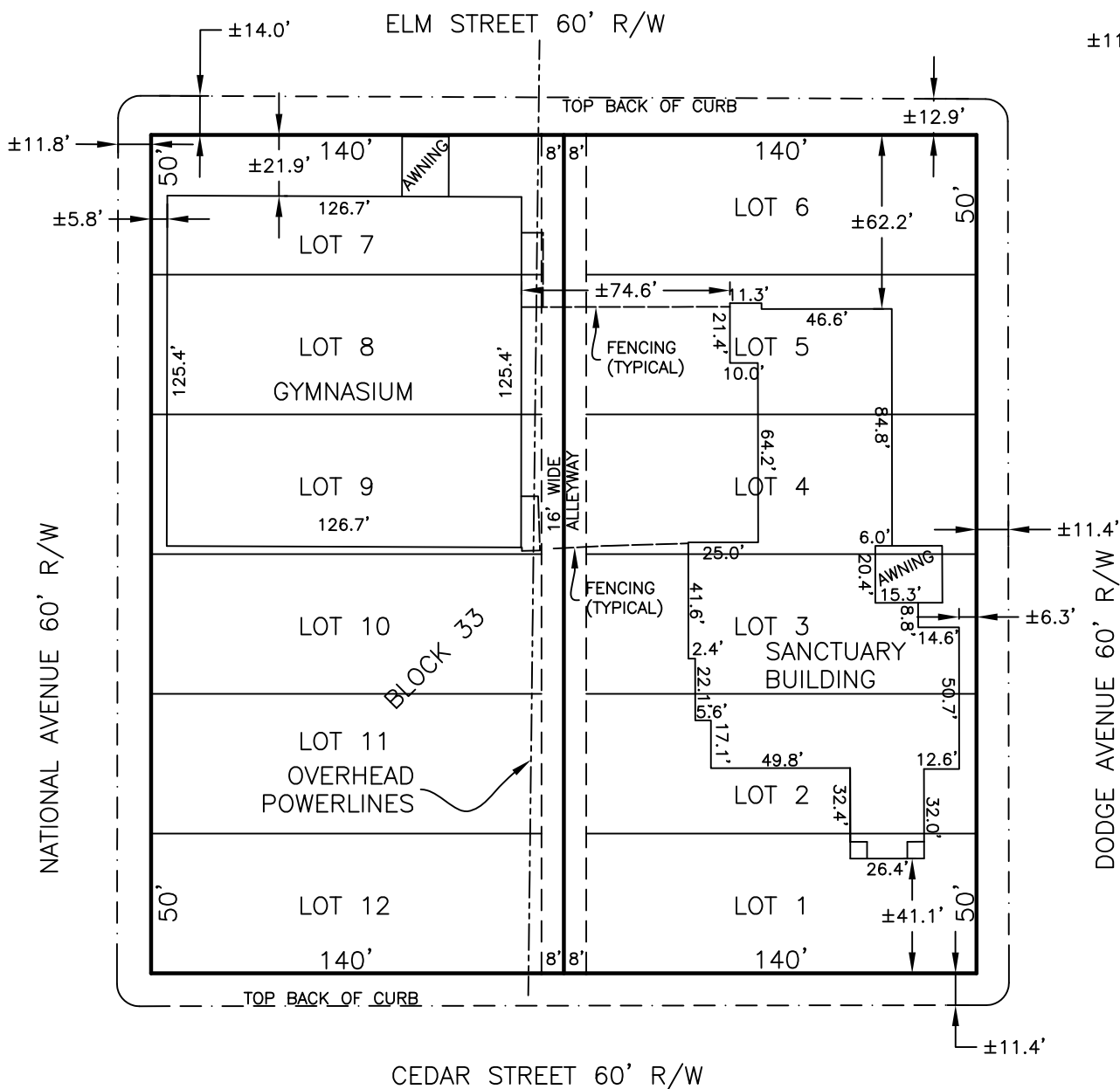
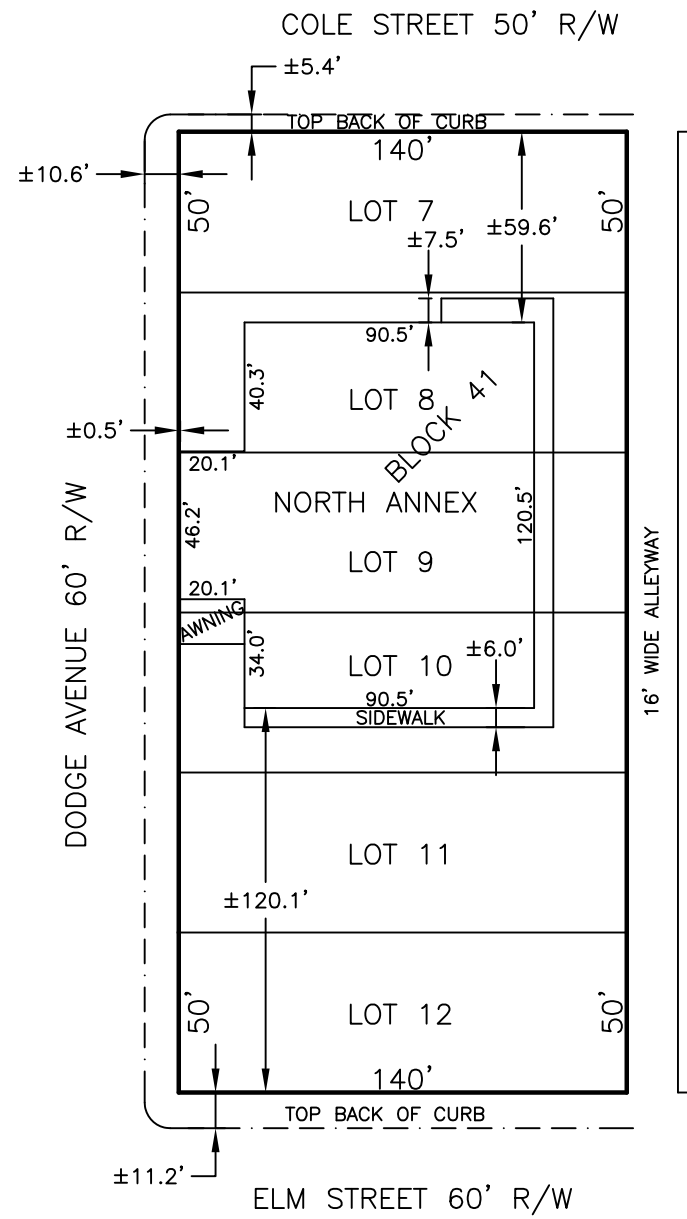
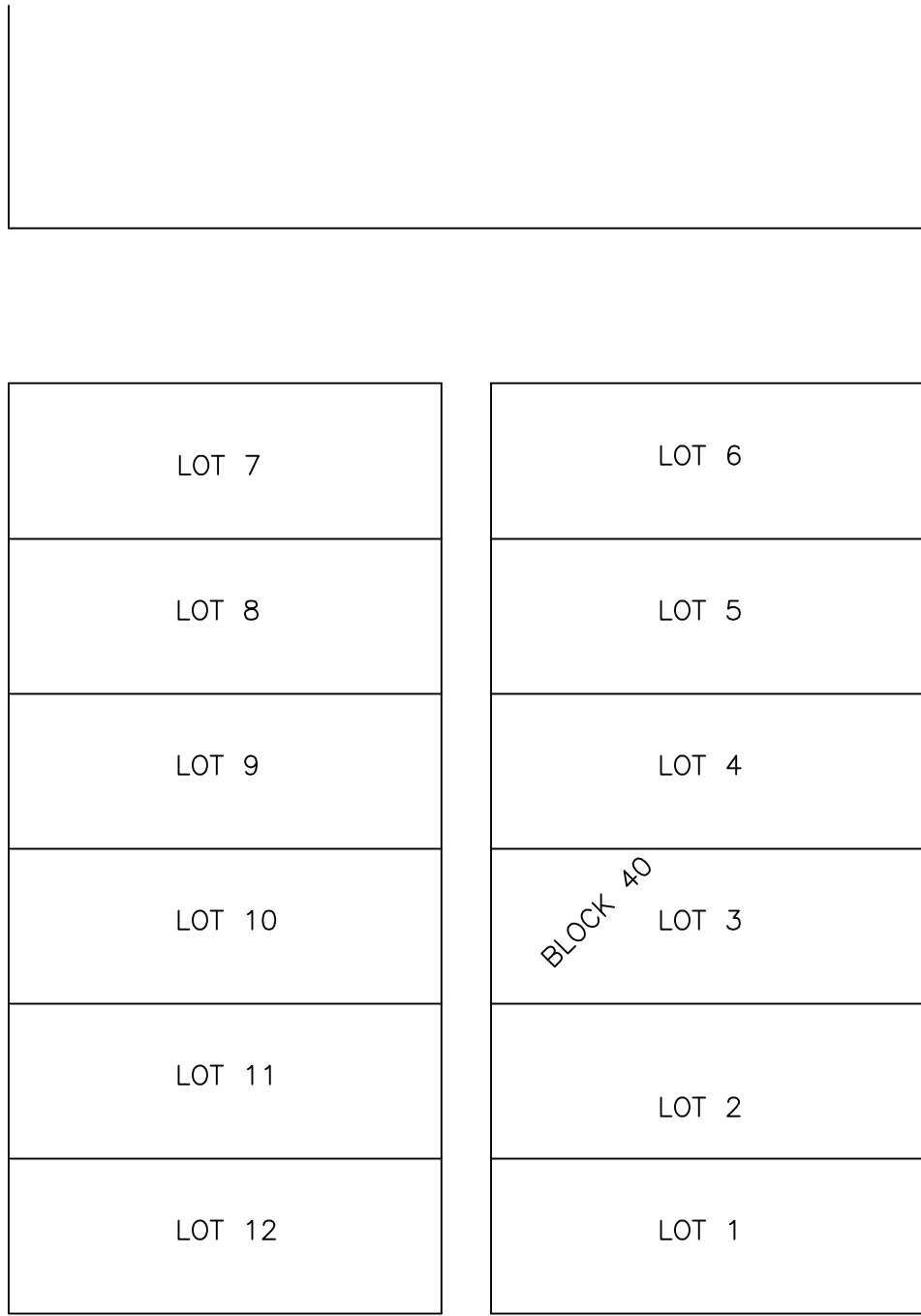
	OSR (Open Space/ Residential)	R-U (Residential- Urban)	R-1/R-2 (Residential)	R-3 (Residential)	R-4/R-O (Residential- Office)
Lot coverage	No maximum	60% maximum Additional 5% for porch attached to front or side	40% maximum	40% maximum	60% maximum

Helena First Church requests a variance to the lot coverage maximum required from 40% to 44%. The lot size is 88,800sf. The 40% maximum coverage allows for a 35,520 sf footprint. The current design has a footprint of 38,580sf. This is 3060sf (3.4%) over the limit. We have looked at ways to reduce the 3000sf but given the existing building pieces that we are utilizing and connecting, and the program requirement to provide a 700-seat worship space, we are unable to trim the area down by 3000 sf. If the variance is not granted, it will make the site unusable for the needs of the church based on the growth goals.

ENCROACHMENT EXHIBIT

LOTS 1 THROUGH 12 IN BLOCK 33 AND LOTS 7 THROUGH 12 IN BLOCK 41 OF THE
GRAND AVENUE ADDITION AS AMENDED TO THE CITY OF HELENA, MONTANA

NOTE : PROPERTY LINE DISTANCES ARE ALL RECORD.



CERTIFICATE OF SURVEYOR

I, Daniel E. Dengel, a Licensed Professional Land Surveyor in the State of Montana, do hereby certify that this is a true representation of a survey made under my direct supervision.

Daniel E. Dengel 14733LS

cc: Planning
Man Nails
Angel
Co Clerk
Rec'd
Co Assessor

RECEIVED

MAY 25 1978

CITY of HELENA
ENGINEER

AN ORDINANCE CLOSING AND VACATING A PORTION OF THAT CERTAIN ALLEY IN BLOCK 33 OF THE GRAND AVENUE ADDITION TO THE CITY OF HELENA, MONTANA, SUBJECT TO THE USE THEREOF BY ALL PUBLIC UTILITIES NOW IN EXISTENCE THEREON AND THEREIN AND SUCH UTILITIES AS THE CITY OF HELENA MAY DEEM NECESSARY TO PLACE THEREON AND THEREIN IN THE FUTURE, AND PROVIDING FOR REVERSION THEREOF.

WHEREAS, a petition has heretofore been filed requesting the closing and vacating of a portion of that certain alley in the City of Helena, Montana, hereinafter described; and,

WHEREAS, on the 8th day of May, 1978, a resolution of intention to close and vacate a portion of said alley was finally passed by the City Commission of the City of Helena, Montana, in regular session met and held; and

WHEREAS, notice of intention to close and vacate said portion of said alley was duly and regularly served and published in accordance with the law, and a hearing was held thereon on the 28th day of February, 1966; and,

WHEREAS, the owners of fifty-one per cent (51%) of the abutting and affected property failed to appear and object to the closing and vacating of said portion of said alley; and,

WHEREAS, the Commission of the City of Helena, Montana, has deemed that said closing and vacating of a portion of said alley is in the best interests of the City of Helena, the public and the abutting and affected property owners;

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. That certain portion of the alley in Block 33 of the Grand Avenue Addition to the City of Helena, Montana, be, and the same is hereby closed and vacated, subject, however, to the use thereof by all public utilities now in existence and in place thereon and therein, and that said City may, from time to time, deem necessary to place thereon and therein in the future; and subject further that in the event that petitioner fails to complete development of the area involved in this closing and vacating within three (3) years from the date hereof, then and in that event, the above-described alley shall revert to and be and become revested in the City of Helena, Montana, for alley purposes, and this possibility of reverter shall be incorporated in the quit claim deed running from the City of Helena to petitioner herein or his successors and assigns.

Ordinances of City of Helena, Montana

FIRST PASSED by the Commission of the City of Helena, Montana, this 8th day of May, 1978.

Kathleen Ramey
MAYOR

ATTEST:

Nora E. Dougherty
CLERK OF THE COMMISSION

FINALLY PASSED BY the Commission of the City of Helena, Montana, this 22nd day of May, 1978.

Kathleen Ramey
MAYOR

ATTEST:

Nora E. Dougherty
CLERK OF THE COMMISSION

STAFF REPORT

DOCKET #CPB-78-6

To: City Planning Board

From: Planning Staff

Date: March 28, 1978

Subject: Requested alley closure and vacation

Applicant: First Assembly of God Church, Del Sharbono

Location: The alley is a 16' wide by 300' long north-south alley in Block 33 of the Grand Avenue Addition. Block 33 is bounded by Cedar Street, National Avenue, Elm Street and Dodge Avenue.

Land Use: The Church is located on the eastern portion of Block 33. Paved parking is located around the structure, as well as in the southwest quarter of the block. The northwestern portion of the Block is vacant. Surrounding land use is residential to the west and north of Block 33. Bair's Truckstop is located south of the block, and Taylor rental is to the east.

Reason for Use: Plans have been drawn up to construct a new multi-purpose building. The plot plan shows a portion of a structure within the platted alleyway. In order to build as planned, closure and vacation is necessary.

Services: Mountain Bell has underground cable in the southern part of the alley, as well as overhead line on poles travelling northward in the alley. Montana Power has overhead line in the entire length of the alley; gas lined are located in nearby streets. A 16' easement to provide for maintenance and future operations has been requested. The proposed multi-purpose building is located such that relocation of the overhead lines will probably be necessary. If so, the Church will be required to pay 100% of relocation costs.

The City of Helena does not have sewer or water in the alley. Since the Church owns all of Block 33, the City Sanitation Department does not foresee that collection services would be impeded by closure; therefore, Sanitation does not object.

Discussion: Policy adopted by the City Commission calls on the Planning Board to make recommendations relative to street closures based on:

1. How the closure or vacation will affect the public's interest,
2. The affect the closure may have on future planning in the area,
3. The severity of the hardships imposed on the applicant if the request is denied. Staff does not believe that closure would adversely affect public interest or future planning, as long as a 16' utility easement is required and the Church bears the full cost of relocation. The applicant has presented firm plans for intended use, and it appears that a hardship could indeed result if the request were denied.

Recommendation: Staff recommends approval of the requested closure and vacation with the following condition:

1. That a 16' utility easement be retained.



REQUESTED ALLEY
CLOSURE & VACATION

R-3

CLM

R-3

COLUMBIA
GRAND
R-3

COLUMBIA

NATIONAL

DODGE

TANA AVE.

ROBERTS

SANDERS

B-2
GARDEN

PLI

R-0

DEF

BEF

ADD.

1

19120

19120

STATE OF MONTANA.

County of Lewis & Clark ss. Filed for record this 28th day of February 1969 at 1:16 o'clock P.M. and Recorded in Book of Deeds on Page of the Records of County of Lewis & Clark State of Montana. Clerk and Recorder By Carol Smith 2.00

This Indenture, Made the 19th day of February A. D. one thousand nine hundred and sixty-nine (1969) BETWEEN ORA A. GUFFEY and THEO E. GUFFEY, in her own right and as the wife of Ora A. Guffey, Helena, Montana part ies of the FIRST PART and ASSEMBLY OF GOD OF HELENA, MONTANA a Montana corporation of Helena, Montana

the part Y of the SECOND PART;

WITNESSETH, that the said part ies of the FIRST PART, for and in consideration of the sum of One Dollar & other valuable considerations DOLLARS (\$1.00) lawful money of the United States of America to them in hand paid by said part Y of the SECOND PART, the receipt whereof is hereby acknowledged; do by these presents grant, bargain, sell, convey, warrant and confirm unto the said part Y of the SECOND PART, and to its successors and assigns forever, the hereinafter described real estate situated in the city or town of City of Helena, County of Lewis and Clark and State of Montana, to-wit: Lots Seven (7) and Eight (8), in Block Thirty-three (33) of the Grand Avenue Addition to said City of Helena, as said lots and block are numbered, designated and described on the official plat of said addition on file and of record in the office of the County Clerk and Recorder of Lewis and Clark County, Montana.

TOGETHER with all and singular the hereinbefore described premises together with all tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, right of dower and right of homestead, possession, claim and demand whatsoever, as well in law as in equity, of the said part ies of the FIRST PART, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging, TO HAVE AND TO HOLD, all and singular the above mentioned and described premises unto the said part Y of the SECOND PART, and to its successors and assigns forever.

And the said part ies of the FIRST PART, and their heirs, do hereby covenant that they will forever WARRANT and DEFEND all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said part Y of the SECOND PART its successors and assigns, against all acts and deeds of the said part ies of the FIRST PART, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said part ies of the FIRST PART have hereunto set their hands and seals the day and year first hereinbefore written.

Signed, Sealed and Delivered in the presence of Ora A. Guffey (SEAL) Theo E. Guffey (SEAL)

STATE OF MONTANA, County of Lewis and Clark ss.

On this 19th day of February in the year nineteen hundred and sixty-nine (1969) before me Paul W. Smith a Notary Public for the State of Montana, personally appeared ORA A. GUFFEY and THEO E. GUFFEY

known to me (or proved to me on oath of) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Paul W. Smith Notary Public for the State of Montana.

Residing at Helena, Montana My Commission expires June 24 1970

MABLE M. MILLER, Administratrix)
of the Estate of THOMAS E.)
NEWCOME, Deceased, to ASSEMBLY)
OF GOD OF HELENA, MONTANA, a)
Montana corporation.)

281 PAGE 193

D E E D

THIS INDENTURE, made the 17th day of July, 1975, at Helena, County of Lewis and Clark, State of Montana, by and between MABLE M. MILLER, the duly appointed, qualified and acting Administratrix of the Estate of THOMAS E. NEWCOME, Deceased, the Party of the First Part, and ASSEMBLY OF GOD OF HELENA, MONTANA, a Montana corporation, of said county and state, the Party of the Second Part,

W I T N E S S E T H :

WHEREAS, on the 6th day of May, 1975, the District Court of the First Judicial District of the State of Montana, in and for the County of Lewis and Clark, made its Order of Sale authorizing said Party of the First Part to sell certain real estate belonging to said estate, and which is situate in said county and state, and specified and particularly described in said Order of Sale, reference to which is hereby made, and,

WHEREAS, under and by virtue of said Order of Sale, said Party of the First Part, on the 30th day of June, 1975, sold said real estate subject to confirmation by said District Court, to said Party of the Second Part, for the sum of \$13,086.00, and,

WHEREAS, said Court did, on the 16th day of July, 1975, make an Order confirming said sale and directing proper conveyance to be executed to the purchaser of said property, a certified copy of which Order of Confirmation was recorded in the Office of the County Recorder of said County of Lewis and Clark, State of Montana, on said ~~16th~~^{17th} day of July, 1975, which said Order of the Court is now on file and of record, in said District Court and with said Recorder's Office, hereby referred to and made a part of this indenture,

NOW, THEREFORE, the said MABLE M. MILLER, as Administratrix of the Estate of said THOMAS E. NEWCOME, Deceased, the Party of the First Part, pursuant to the Order last aforesaid of said District Court, for and in consideration of the payment to her of the sum of \$13,086.00 lawful money of the United States by said Party of the Second Part, receipt of which is hereby acknowledged, has bargained, granted, sold and conveyed, and by these presents, does grant, bargain, sell, and convey to said Second Party, its successors in interest, and assigns, forever, all right, title, interest and estate of the said THOMAS E. NEWCOME, Deceased, at the time of his death, and also, all the right, title, and interest that such party had according to law or otherwise, or may have acquired at the time of his death, in and to all that certain real property situate in said County of Lewis and Clark, State of Montana, and more particularly described as follows, to-wit:

Lots 9, 10, 11 and 12 of Block 33 of the Grand Avenue
Addition to said City of Helena, Lewis and Clark County,
State of Montana,

together with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, to have and to hold, all and singular, the above-described premises, together with the appurtenances, unto the said Party of the Second Part, its successors in interest and assigns, forever.

IN WITNESS WHEREOF, the said Party of the First Part, Administratrix, as aforesaid, pursuant to authority of the Court hereinabove referred to, has hereunto set her hand the day and year first above written.

Mable M. Miller
Mable M. Miller, Administratrix of the Estate of Thomas E. Newcome, Deceased.

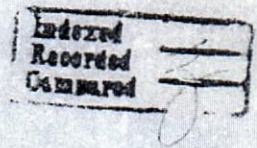
STATE OF MONTANA)
: ss.
County of Lewis and Clark)

On this 17th day of July, 1975, before me, VICTOR H. FALL, Notary Public for the State of Montana, personally appeared MABLE M. MILLER, known to me to be the person who executed the above and foregoing conveyance, and who did execute the same in my presence and declared the same to be her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first in this certificate above written.



Victor H. Fall
NOTARY PUBLIC for the State of Montana,
Residing at Helena, Montana.
My Commission expires 1/4/78.



255269

STATE OF MONTANA }
COUNTY OF LEWIS & CLARK } ss:

I hereby certify that the within instrument was filed in my office on this 17 day of July A.D. 19 75 at 2:55 min. past 2 o'clock P.M. and recorded on page 194 of Book 281 of the Records of Lewis and Clark County, State of Montana.

John Daniels
County Recorder
Carol Richardson
Deputy
4:00

ASSEMBLY OF GOD CHURCH
2210 DODGE AVE
HELENA, MT. - 59601

Know All Men by These Presents:

That ASSEMBLY OF GOD OF HELENA, MONTANA, a Montana Corporation, sometimes incorrectly called HELENA ASSEMBLY OF GOD, a Montana Corporation a corporation, organized and existing under the laws of the State of Montana in consideration of the sum of One Dollar and other valuable consideration Dollars (\$ 1.00 & OVC), the receipt whereof is hereby admitted, does hereby grant, bargain, sell, convey and confirm unto ASSEMBLY OF GOD OF HELENA, MONTANA, a Montana Corporation

and to its heirs and assigns, **FOREVER**, the following described real property, situated in the city or town of Helena County of Lewis and Clark, State of Montana, to-wit:

Lots 1, 2, 3, 4, 5 and 6 in Block 33 of the Grand Avenue Addition to the City of Helena, Montana.

TOGETHER, with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

And the said GRANTOR hereby covenants that it will forever **WARRANT** and **DEFEND** all right, title, and interest in and to said premises, and the quiet and peaceable possession thereof, unto the said GRANTEE, its heirs and assigns, against the acts and deeds of said grantor, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, said GRANTOR has caused its corporate name to be subscribed and its corporate seal to be affixed, by its proper officers, thereunto duly authorized, on this 23rd day of April A. D. 19 76.

ASSEMBLY OF GOD OF HELENA, MONTANA

ATTEST: By [Signature] President.

STATE OF MONTANA, Secretary.
County of Lewis & Clark ss.

On this 23rd day of April in the year 1976, before me the undersigned, a Notary Public for the State of Montana, personally appeared [Signature] (known to me or proved to me on oath of [Signature]) of the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.

Notary Public for the State of Montana.
My Commission expires 7-18, 1977

Residing at Helena, Montana

"Your Locally Owned Title Co."
Compliments of HELENA ABSTRACT & TITLE COMPANY
1 N. Last Chance Gulch — Helena, Montana 59601
Phone 442-5080



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 23, 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 worship facility use in the (R-3) Residential Zoning District for a property with a legal description of Lots 1, 2, 3, 4, 5 and 6, and Lots Seven (7) and Eight (8), and Lots 9, 10, 11 and 12 of Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana.

This conditional use permit will allow for the expansion of the existing worship facility.

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

