

# Staff Report

CITY OF HELENA PLANNING DIVISION  
316 North Park Avenue  
Helena, Montana 59623

DATE: January 04, 2021  
File: Woodlawn-Dunbar B-2 to R-O

TO: City of Helena Zoning Commission  
FROM: Michael Alvarez, City Planning

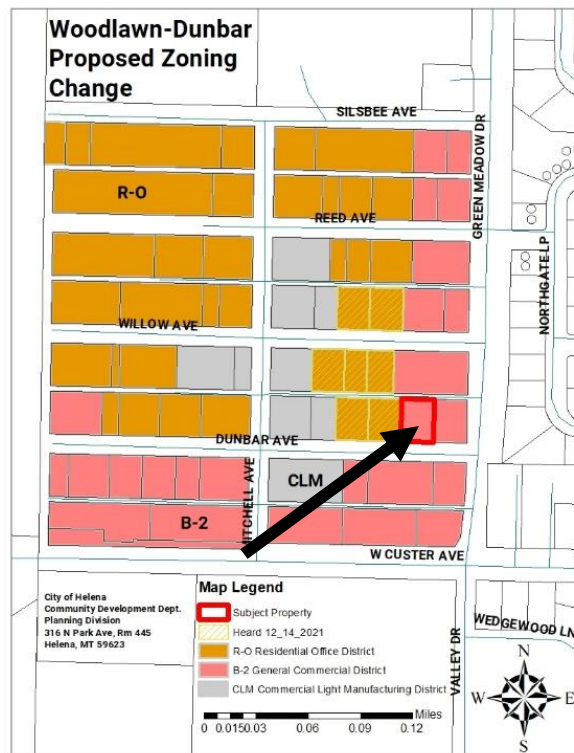
Telephone: 406-447-8459

## OVERVIEW

### SUBJECT:

**Consider an Ordinance for a change in zoning district to change the zoning district from B-2 (General Commercial) to R-O (Residential Office) for properties with the legal description of:  
Lots 29, 30, 31 and 32 in Block 4 of the Woodlawn Park Addition to the City of Helena, Lewis and Clark County, Montana.**

### VICINITY MAP:



GENERAL INFORMATION

DATE OF APPLICATION: November 23, 2021

**PUBLIC HEARING DATES:**

**Zoning Commission --**  
**City Commission --**

**6:00 P.M., Tuesday, January 11, 2022**  
**6:00 P.M., Monday, February 08, 2022**

Public Comment

As of Tuesday, January 04, 2021, no comments about the proposed zone change have been received.

PROPERTY APPLICANT: City of Helena, Community Development Dept  
ADDRESS: 316 North Park Ave, Helena, MT 59623

PROPERTY OWNER: Gotliebs Five LLC  
ADDRESS: 3205 Wheatland Dr, Helena, MT 59602  
MAILING ADDRESS: Same

LEGAL DESCRIPTION:

Lots 29, 30, 31 and 32 in Block 4 of the Woodlawn Park Addition to the City of Helena, Lewis and Clark County, Montana.

GENERAL LOCATION: The properties occupy 2.25 acres and are generally located in the middle of the block between Mitchell Ave and Green Meadow Ave, south of the alley between Reed Ave and Willow Ave, and north of Dunbar Ave.

DESCRIPTION:

The City is requesting a change in zoning district from B-2 (General Commercial) to R-O (Residential Office). A change in the zoning to R-O will allow any of the permitted uses in that district. The City is bringing forward this change in zoning so that the zoning district better matches the residential use on the property. When the Woodlawn-Dunbar neighborhood was annexed into the City the residents in the area were asked to identify the zoning districts that they wanted to be considered when the property was annexed. The area and the uses in the area have changed, and a recent proposal heard by the Zoning Commission led to a recommendation from that body to change several properties in the area to R-O (ZC 12/14/2021). This proposal, to change 114 Dunbar Ave from B-2 to R-O, wishes to join that group of properties in being re-zoned. There is no change of use on the property being proposed.

SIZE:

Approximately 0.3 acres.

PRESENT LAND USE:

The property consists of a single dwelling-unit, a non-conforming use in the B-2 district.

ADJACENT LAND USE:

North: Commercial property

East: Commercial property (vehicle sales)

South: Commercial property and residential (single dwelling-unit)

West: Residential (single dwelling unit)

PRESENT ZONING:

B-2 (General Commercial)

ADJACENT ZONING:

North: B-2

East: B-2

South: B-2

West: CLM (pending R-O)

RECOMMENDATION

Staff recommends **APPROVAL** of an **Ordinance for a change in zoning district to change the zoning district from B-2 (General Commercial) to R-O (Residential Office) for properties with the legal description of: Lots 29, 30, 31 and 32 in Block 4 of the Woodlawn Park Addition to the City of Helena, Lewis and Clark County, Montana.**

EVALUATION

GROWTH POLICY:

Montana MCA Section 76-2-304 (1.a), Criteria and guidelines for zoning regulations: Zoning regulations must be made in accordance with a growth policy.

Growth Policy Area Designation	The 2019 Helena Growth Policy Land Use Chapter and Future Land Use map identifies the neighborhood that the proposed rezone area is in (Woodlawn-Dunbar) as mixed use. Properties to the east of the Woodlawn-Dunbar neighborhood are similarly designated as mixed-use. The County Fairgrounds are to the west and are designated as open space. The Growth Policy also includes several goals and objectives that are applicable to the proposed zone change.
Growth Policy Area Definition	The 2019 Growth Policy identifies Mixed Use future land use areas as “places where people can work, live, and play and learn,” with “a variety of complementary uses such as, but not limited to, all forms of residential; office; light industrial/manufacturing; retail, entertainment or public uses.” Usually, developments sought in these areas are denser and well-integrated with one another. These areas are also typified by multi-modal

	<p>transportation offerings and should strive for high levels of walkability. Uses in these areas are not segregated from one another and may, in fact, collocate within a parcel or structure. R-O is a residential zoning district type that also allows for a wide variety of complimentary commercial uses.</p> <p>The Land Use chapter of the 2019 Growth Policy sets forth a range of objectives relevant to the present rezoning application. When considering rezoning of lots within the city, consideration must be made for factors such as the future land use mapping (discussed above), compatibility with surrounding land uses, and the development of vacant and under-utilized spaces, to name a few.</p>
<p>Growth policy Objectives of note</p>	<p>Objective 12 of the Growth Policy seeks to “Promote and maintain development of a diverse housing stock, helping to:</p> <ul style="list-style-type: none"> <li>• Minimize depletion of natural resources;</li> <li>• Reduce land consumption and demands on the physical environment;</li> <li>• Provide housing for all residents;</li> <li>• Optimize infrastructure use;</li> <li>• Prepare Helena to meet emerging needs.</li> </ul> <p>The B-2 (General Commercial) district does not accommodate the type of housing stock prevalent in the Woodlawn-Dunbar neighborhood – single-dwelling units. While Residential-Office (R-O) allows for the development of all types of housing stock, including the denser types of housing that B-2 allows.</p> <p>Objective 78 of the Growth Policy seeks to “Encourage infill development on vacant and under-utilized land within the city, directing growth to areas currently served by, or in close proximity to existing infrastructure and that harmonizes with the character of existing neighborhoods.”</p> <p>The Woodlawn-Dunbar neighborhood was annexed into the City and the residents in the area were asked to identify the zoning districts that they wanted to be considered for during that process. The area and the uses in the area have changed, and this proposal recognizes these changes and provides an opportunity to rezone the property to better fit the current character of the neighborhood and anticipated uses in the future. The 2019 growth policy encourages development of vacant and under-utilized land within city limits. Development in this neighborhood has nearly exclusively occurred in the areas designated R-O. There has not been new development in areas with B-2 zoning. City staff considers development more likely in this neighborhood on properties with residential zoning.</p> <p>Objective 77 of the Growth Policy specifically asks that development “Apply or revise zoning designations with careful consideration of factors</p>

	<p>including:</p> <ul style="list-style-type: none"> <li>• Future land use mapping;</li> <li>• Compatibility with surrounding land uses;</li> <li>• Infrastructure and service plans;</li> <li>• Development of vacant and under-utilized buildings;</li> <li>• Existing and future traffic patterns;</li> <li>• Goals and objectives of the growth policy, related master plan and/or facility plans.”</li> </ul> <p>The property is located mid-block, on a gravel road. There is generally little through-traffic from W Custer Ave to Green Meadow Dr based on the current type of uses. A general lack of traffic volume makes the area more suitable for residential development over many types of commercial development.</p> <p>The intent of the B-2 district is to “provide[] for compatible residential uses and a broad range of commercial and service uses that serve large areas of the City and that are normally required to sustain a community.” The zoning of this property should not be encouraging activity on this unimproved road that attracts a “large area” of the City to come into the neighborhood.</p> <p>The Charles Van Hook wetland preserve in the northwest corner of the Woodlawn-Dunbar neighborhood serves as a benefit to the community of Helena. One aspect of this community asset is the opportunity it gives for the enjoyment of nature. In this capacity the Van Hook wetland relates more to a greater enjoyment of residents than commercial activity.</p>
<p>Zoning compatibility</p>	<p>The Woodlawn-Dunbar neighborhood has a mix of commercial and residential uses within it and the zoning reflects that. The neighborhood has three zoning types, Commercial-Light Manufacturing (CLM), General Commercial (B-2), and Residential-Office (R-O). The B-2 district extends along the two arterials, W Custer Ave, and Green Meadow Dr, that create the neighborhood’s southern and eastern borders. The CLM district contains five businesses along Mitchell Ave and several residences along Willow Ave and Dunbar that recently went before the Zoning Commission and received a recommendation for their zone type to be changed to R-O (ZC 12/14/2021).</p> <p>The proposed zoning, R-O, would most squarely address the Growth Policy’s interest in having places where people can live located in the area. The change in zoning from B-2 to R-O would allow for the development of all types of housing. R-O does allow for more types of businesses than many other strictly residential districts, however, the variety of businesses allowed is much smaller than in the B-2 district.</p>

	<p>The proposal to rezone from a B-2 to R-O District will maintain the mixed-use zoning designation that the city has established for the neighborhood. This change in zoning has the intent of better matching the zoning in the neighborhood to the existing uses. In consideration of the analysis above, the proposed zoning change is compatible with the identified goals, objectives, and policies of the Growth Policy.</p>
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<p>Montana MCA Section 76-2-304(1.b), Criteria and guidelines for zoning regulations:  (1) Zoning regulations must be (b) <i>designed to</i>:  (i) <i>secure safety from fire and other dangers</i>;  (ii) <i>promote public health, public safety, and the general welfare</i>; and  (iii) <i>facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements</i>.</p> <p>Montana MCA Section 76-2-304(2.a thru e), “Purposes of Zoning” states:  (2) <i>In the adoption of zoning regulations, the municipal governing body shall consider</i>:  (a) <i>reasonable provision of adequate light and air</i>;  (b) <i>the effect on motorized and non-motorized transportation systems</i>;  (c) <i>promotion of compatible urban growth</i>;  (d) <i>the character of the district and its peculiar suitability for particular uses</i>; and  (e) <i>conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area</i>.</p>
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The proposed zone change from CLM to R-O District meets all the zone change requirements outlined in MCA Section 76-2-304(1.b) and (2.a thru e). This is documented below.

<i>Designed to (i) secure safety from fire and other dangers</i> ;	All structures built in either a B-2 district, or an R-O district would need to adhere to all applicable safety and fire codes. City Code secures safety from fire and other dangers primarily through Title 3: Building Regulations.
<i>Designed to (ii) promote public health, public safety, and the general welfare</i> ; and	This change in zoning would benefit the general welfare of the neighborhood by granting the existing homeowner greater use of their property. Currently the single-dwelling unit on this property is non-conforming and cannot be expanded. Both zoning districts contain provisions that address the promotion of public health and safety through dimensional limitations and allowed uses. The intent of B-2 districts is to serve large areas of the City. The uses and intensity of development allowed in the B-2 district should be limited to

	<p>the arterials in the area that can handle the amount of traffic those activities encourage.</p> <p>The property is currently served by water, sewer, the Helena Police Department, and Helena Fire Department.</p>
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The application shall also be reviewed through Montana MCA Section 76-2-304. Montana MCA Section 76-2-304(2.a thru e), In the adoption of zoning regulations, the municipal governing body shall consider:

<p>(a) <i>reasonable provision of adequate light and air.</i></p>	<p>The city's zoning districts, and their accompanying regulations are intended to protect the public health and general welfare by identifying appropriate land uses for each zoning district found in the community. Additionally, the provisions outlined in the city's zoning code under Title 11 are designed to ensure that properties located in each zoning district will be developed in accordance with the zoning requirements and restrictions for the district, such as: use, size, setbacks, lot coverage, off street parking, landscaping, and screening.</p> <p>The minimum lot size, setbacks, height restrictions of City Code are intended to prevent the overcrowding of the land and ensure buildings that are compatible in size and scale to others in the district. In addition, these requirements are also intended to assure adequate light and air will be provided. The dimensional limitations for both the B-2 and R-O Districts are included in the appendix.</p> <p>B-2 does not require that buildings be setback from their front property lines. R-O requires that buildings be setback from their front property lines.</p> <p>B-2 allows buildings up to 75' in height. R-O allows buildings up to 42' in height.</p>
<p>(b) <i>the effect on motorized and non-motorized transportation systems;</i></p>	<p>R-O is considered a less intensive land use than B-2 in traffic impact studies. The area currently has gravel streets and lacks sidewalks. Any development in the area would need to install curb and sidewalk or receive a variance.</p>

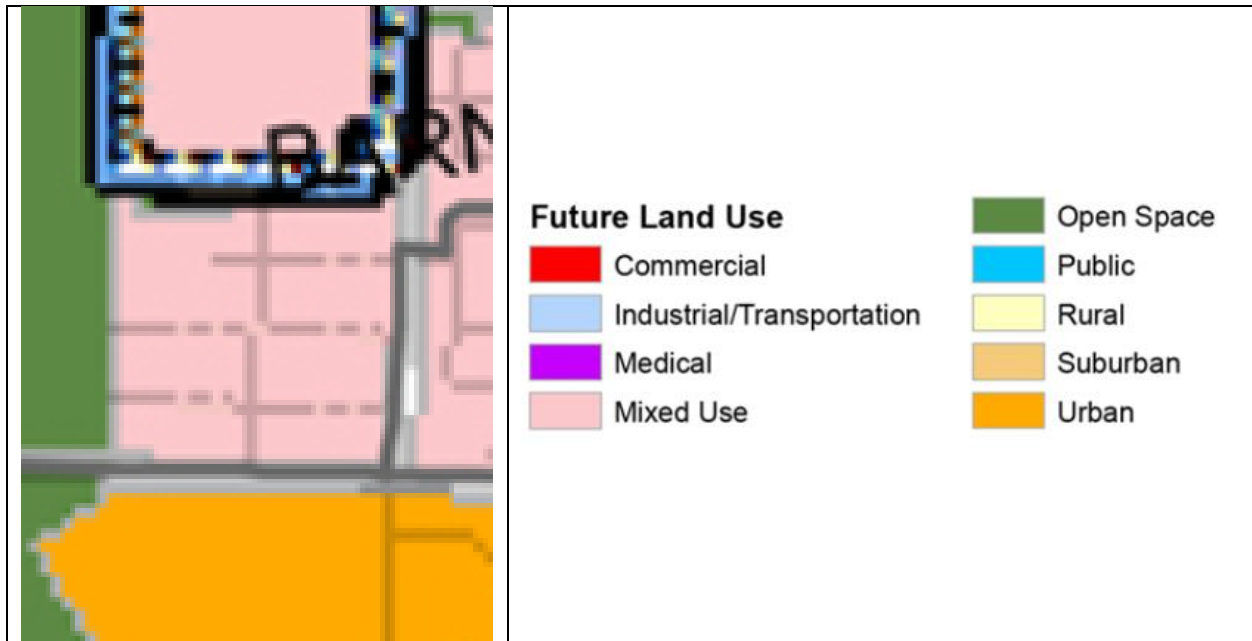
<p><i>(c) promotion of compatible urban growth;</i></p>	<p>The proposed zone change would result in compatible urban growth because the property is currently developed as residential single-dwelling unit and would be adjacent to properties developed as single dwelling-units. The property will be adjacent to properties with the same zoning designation if City Commission acts on Zoning Commission’s previously recommended adjacent zone change (ZC 12/14/2021). It is the intention of the R-O zone that it meet the community’s housing needs while allowing for a limited amount of commercial activity.</p> <p>There have been two previous zone change requests in the area, both for the same property to the north of the seven subject properties. The requested zone change was from CLM to R-O zoning. Originally the request was denied in part because of how recently the area had been pre-zoned, annexed and zoned (the applicant’s submittal was made in 2010), doubt about how well the applicant understood the zoning of the property when they purchased it, and because of neighbor opposition (Aug 23, 2010, City Commission Meeting). That same property was approved for a zone change by City Commission on November 1<sup>st</sup>, 2012.</p>
<p><i>(d) the character of the district and its peculiar suitability for particular uses; and</i></p>	<p>Based on permitted uses in Section 11-2-3 of City Code, the proposed change to R-O would better reflect the peculiar suitability for uses in the area than B-2. The focus of the zone would shift from commercial, to residential, preserving the neighborhood as a place where people can live. The neighborhood is near parks, and schools. The neighborhood is bordered by arterial roads on the south and east that would continue to serve the greater area’s commercial needs.</p>
<p><i>(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area</i></p>	<p>Under R-O the home on the property would be permitted to expand if the property owner wanted. Under B-2 they are legal non-conforming and may not expand. Changing the zoning allows the existing building the flexibility to match potential market demand through expansion in size while maintaining its existing use.</p>



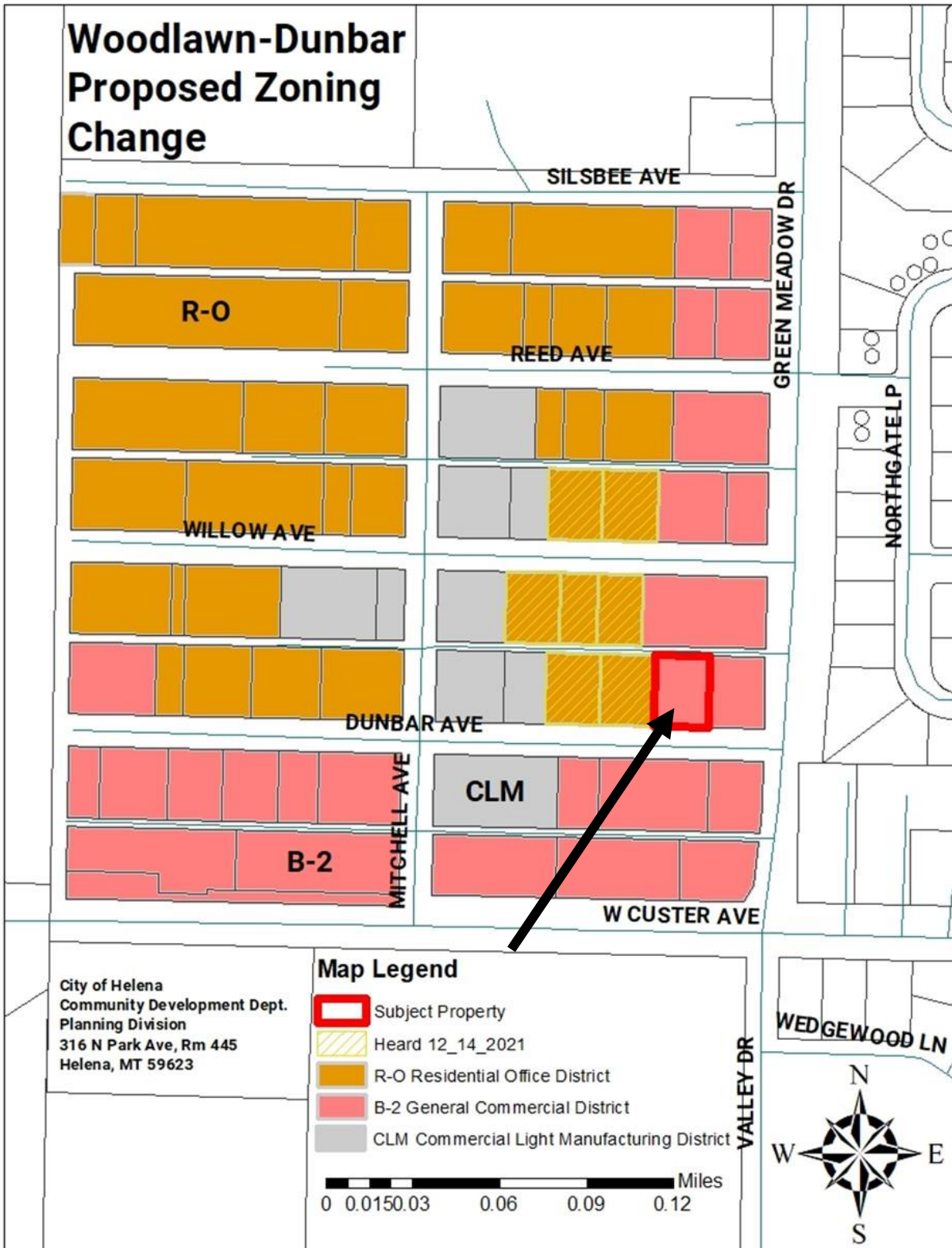
**CONCLUSION**

Staff concludes this proposal is consistent with the 2019 Helena Growth Policy and is consistent with all the Montana zoning criteria.

**2019 Growth Policy Future Land Use Map**



# Proposed Zone Change from B-2 to R-O District



# Appendix

## ZONING REGULATIONS

The below section is provided to offer a comparison between B-2 and R-O zoning districts. Section 11-2-2 provides the following district intent statements for the R-O (Residential-Office), and B-2 (General Commercial) districts:

- D. The R-4/R-O (residential-office) districts provide for a compatible mix of higher density residential development with professional and business offices and associated service uses.*
- G. The B-2 (general commercial) district provides for compatible residential uses and a broad range of commercial and service uses that serve large areas of the City and that are normally required to sustain a community.*

### 11-2-3: LAND USE TABLE FOR ZONING DISTRICTS:

Permitted, conditionally permitted, and not permitted uses for the zoning districts are shown in table 1 of this section. The key for this table is as follows:

P	=	The use is permitted in the district by right, consistent with applicable development standards.
CUP	=	The use is allowed in the district through the conditional use process.
NP	=	The use is not permitted in the district.

TABLE 1  
PRINCIPAL LAND USES BY DISTRICT

Use	R-4/ R-O	B-2	Supplemental Requirements
Residential uses:			
Boarding/ rooming house, 1 - 3 residents	P	P	B-2, B-3, CLM and M-I Districts, see subsection 11-2-5C of this chapter  For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter

Boarding/rooming house, 4 - 20 residents	P	P	B-2, B-3, CLM and M-I Districts, see subsection 11- 2-5C of this chapter
Community residential facility, type I, 1 - 12 residents	P	P	For the DT and TR districts, see subsections 11- 2-5C and 11-2- 5D of this chapter
Community residential facility, type II, 13 or more residents	P	P	B-2, B-3, CLM, and M-I districts, see subsection 11- 2-5C of this chapter
Community residential facility, type II, 13 or more residents	P	P	For the DT and TR districts, see subsections 11- 2-5C and 11-2- 5D of this chapter
Mobile home park	P	CUP	B-2, B-3, CLM, and M-I districts, see subsection 11- 2-5C of this chapter
Residence, single-dwelling unit	P	P	For the DT and TR districts, see subsections 11- 2-5C and 11-2- 5D of this chapter
Mobile home park	P	CUP	See chapter 7 of this title
Residence, single-dwelling unit	P	P	B-2, B-3, CLM and M-I Districts, see subsection 11- 2-5C of this chapter
Residence, single-dwelling unit	P	P	For the DT and TR districts, see subsections 11-

			2-5C and 11-2-5D of this chapter
Residence, two-dwelling units	P	P	B-3, CLM, and M-I Districts, see subsection 11-2-5C of this chapter R-U District, stand-alone single or duplex structures
			For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter
			R-U District, stand-alone single or duplex structures
Residence, multiple-dwelling units (3 or more units)	P	P	For the DT and TR districts, see subsections 11-2-5C and 11-2-5D of this chapter
Nonresidential uses:			
Agricultural uses:			
Horticulture	P	P	
Medical marijuana grow operation	NP	NP	See subsection 11-2-5H of this chapter
Community services/uses:			
Administrative government agency	P	P	
Animal shelter	NP	CUP	
Community center	NP	P	
Community cultural facility	CUP	P	
Correctional facility	NP	NP	
Prerelease center	NP	CUP	
Public safety facility	CUP	P	

Worship facility	P	P	
Education:			
Higher education	CUP	CUP	
Instructional facility	P	P	
K - 12	CUP	CUP	
Food and beverage sales:			
Casino	NP	CUP	See chapter 40 of this title
Restaurant	P	P	Airport District, see subsection 11-2-5F2 of this chapter
Restaurant, drive-in	NP	P	
Specialized food production	NP	P	
Tavern	NP	P	Airport District, see subsection 11-2-5F2 of this chapter; PLI District, see subsection 11-2-5E of this chapter
Healthcare:			
Healthcare center	P	P	
Healthcare facility	CUP	P	
Industrial/manufacturing:			
Contractor yard	NP	CUP	
Industrial, heavy	NP	NP	
Industrial, light	NP	CUP	
Industrial park	NP	NP	
Junkyard	NP	NP	
Motor vehicle wrecking facility	NP	NP	
Overnight accommodations:			
Bed and breakfast	CUP	P	
Campground/RV park	NP	CUP	
Country inn	CUP	P	
Emergency shelter	CUP	CUP	
Hotel/motel	NP	P	

Recreation, indoor:			
Indoor entertainment, sports and recreation	CUP	P	
Recreation, outdoor:			
Open space	P	P	
Outdoor entertainment, sports and recreation	NP	CUP	
Parks/playgrounds	P	P	
Rental and repair:			
General repair	CUP	P	R-3, R-O and B-1 Districts, see subsection 11-2-5G of this chapter
Large equipment rental	NP	P	
Small equipment rental	NP	P	
Sales:			
Agriculture supply sales	NP	P	
Auction sales	NP	P	B-1 District, see subsection 11-2-5B of this chapter
Construction material sales	NP	P	
General retail sales	NP	P	B-1 District, see subsection 11-2-5B of this chapter
Manufactured housing sales	NP	P	
Medical marijuana dispensary	NP	P	See subsection 11-2-5H of this chapter
Sexually oriented business	NP	NP	
Shopping center	NP	CUP	
Services:			
Administrative services	P	P	
Artisan shop	CUP	P	
Commercial kennel	NP	CUP	
Crematorium	NP	NP	
Daycare, adult (up to 12)	P	P	

Daycare center (13 or more children)	CUP	P	See chapter 38 of this title
Daycare, family	P	P	
Daycare, group	P	P	
Financial services	CUP	P	
Funeral home	NP	P	
General/professional services	P	P	
Veterinary clinic, large animals	NP	CUP	
Veterinary clinic, small animals	NP	P	
Storage:			
Agricultural commodity storage facility	NP	NP	
Fuel tank farm	NP	NP	
Ministorage facility	NP	CUP	
Warehouse	NP	CUP	
Temporary uses by district:			
Carnivals and circuses	NP	P	
Itinerant outdoor sales with business license	NP	P	
On site construction office	P	P	
Outdoor concerts and theatrical performances	NP	P	
Transportation:			
Airport	NP	NP	Airport District, see subsection 11-2-5F of this chapter
Bus terminal	NP	P	
Freight terminal	NP	NP	
Parking lot	CUP	P	See chapter 22 of this title
Parking structure	NP	CUP	
Railroad yard	NP	NP	
Utilities:			
Composting	NP	NP	
Recycling	NP	NP	



Utility, distributed power	P	P	
Utility, major	NP	NP	See subsection 11-2-5H of this chapter
Utility, minor	P	P	See subsection 11-2-5H of this chapter
Vehicle trade and service:			
Vehicle fuel sales	NP	P	Airport District, see subsection 11-2-5F of this chapter
Vehicle repair	NP	CUP	
Vehicle sales and rental	NP	P	Airport District, see subsection 11-2-5F of this chapter
Vehicle services	NP	P	
(Ord. 3222, 9-26-2016; amd. Ord. 3254, 5-20-2019; amd. Ord. 3256, 6-24-2019)			

**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.
- B. The standards for setback of buildings from property lot lines are:
  1. No portion of any building, including decks and excepting roof eaves, fences, stair steps, and landscaping ornaments, may be in any lot line setback.
  2. A lot that has more than one front lot line must provide a front lot line setback for each front lot line. When a lot has more than one front lot line, the remaining lot lines are side lot lines, and no rear lot line setback is required. The remaining side lot lines must meet the minimum side lot line setback for the zoning district in which it is located.
  3. The vehicular entrance of a garage must be set back at least twenty feet (20'), measured in a straight line from the vehicular entrance of the garage to the lot line of the property that abuts public right of way designated as a street and has a driveway approach.
  4. The lot line setback is five feet (5') for any lot line that abuts a dedicated public right of way that provides only a secondary means of access to property and is not intended for general travel.

5. The sight distance triangle as required in title 7, chapter 3 of this code, must be observed for corner lots regardless of minimum setbacks established in this chapter.
- C. The standards for height of buildings are:
1. Height limitations for any district do not apply to the following: spires, belfries, cupolas, chimneys, water tanks, elevator housings, solar energy systems, streetlights, and utility poles.
  2. A building or structure may not exceed the height limitations of the district within which it is located except as allowed by a variance granted under this title.
- D. A lot that existed at the effective date of this title may not be reduced in dimension or area below the requirements set forth herein. All lots created after the effective date of this title must meet the minimum requirements of this title. Nonconforming lots may be redesigned or aggregated to reduce the nonconformity without a variance. (Ord. 3097, 4-7-2008)
- E. The dimensional, area, coverage, and design standard requirements for property in the various zoning districts are shown in table 2 of this section.

TABLE 2  
 LOT REQUIREMENTS BY ZONING DISTRICT  
 DU = Dwelling unit

	B-2 (General Commercial)	R-4/R-O (Residential- Office)
Lot area	No minimum	No minimum
Lot coverage	No minimum	60% maximum
Front lot line setback	No minimum	10' minimum
Rear lot line setback	No minimum unless abutting residential zone, then 15' minimum	10' minimum
Side lot line setback	No minimum unless abutting residential zone, then 10' minimum	6' minimum
Height	75' maximum	42' maximum



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: B.G. Stumberg III  
 Address: 3205 wheatland Dr  
Helena, Mt. 59602  
 Primary Phone: 406 439 3175  
 Secondary Phone: \_\_\_\_\_  
 Email address: gotlieb5five@gmail.com  
 Authorized Representative B.G. Stumberg III  
 (The representative is authorized to represent the property owner and to receive all correspondence)
2. **PROPERTY OWNER (if different from applicant):**  
 Name: Gotlieb's Five LLC  
 Address: 3205 wheatland Dr  
Helena, Mt. 59602  
 Primary Phone: 406 439 3175  
 Secondary Phone: \_\_\_\_\_  
 Email address: gotlieb5five@gmail.com
3. **LEGAL DESCRIPTION (submit a deed and recent copy of the plat to verify description):**  
 Subdivision/Blocks/Lots and COS number: Woodland Park - Lot 2932  
 \_\_\_\_\_  
 Section, Township, and Range: S 13 - T 10 - N Range R 04 - West
4. **ADDRESS OF PROPERTY:** 114 Dunbar
5. **CURRENT ZONING:** B-2
6. **GEOCODE:** 05188713404130000

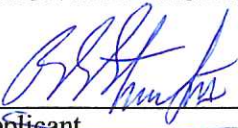
Please indicate the type of land use/land use change you are requesting and submit this form with your application:

- 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:  Managing Partner  
Applicant Gottlieb's Five LLC Date: 11/23/21

Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
(If different from applicant)



DATE RECEIVED:

Gothlieb's Five LLC - B.G. Stumberg III  
3205 Wheatland Dr.  
Helena, MT. 59602

City of Helena  
**ZONE CHANGE**  
Application Form

**APPLICATION FEE: \$410.00**  
(Payable to the City of Helena)  
**ALL FEES ARE NON-REFUNDABLE**

406-439-3175

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

1. **PROPOSED ZONING:** RO **ADJACENT ZONING:** B2
2. **PRESENT USE:** Residential
3. **PROPOSED USE:** (attach additional information if necessary) Residential
4. **ADJACENT USES:** Commercial + Residential
5. **REASON(S) THIS PROPOSAL SHOULD BE APPROVED** (attach additional information if necessary)

This is a residential house and want it to stay that way

**Application Instructions**

**INTENT:** Application to the Helena Zoning Commission and City Commission for an amendment to the official Zoning Map. Such amendments re-classify property from one zoning district to another.

**GENERAL REQUIREMENTS:**

1.  **Submit an application, including the application fee, according to the Zone Change application deadline schedule available in the Community Development Department.**
2.  **The application must be COMPLETE and SIGNED by the applicant and property owner. An incomplete application may delay review of your request. Attach additional information if needed.**
3.  **Submit the following materials with your signed application:**
  - A. A description of the boundaries of the area of the proposed zone change and its relationship to the City of Helena Growth Policy and future land use map.**
  - B. A vicinity map of the area showing the location of the property in relation to surrounding land and zoning in the immediate area, and City streets.**

C. The most recently filed plat or certificate of survey;

D. A current tax receipt for the subject property (if available).

E. Any information you may find relative to the review criteria listed below:

#### Review Criteria

Your application will be reviewed using Montana MCA Section 76-2-304, "Criteria and Guidelines for Zoning Regulations" stated below:

(1) Zoning regulations must be:

(a) made in accordance with a growth policy; and

(b) designed to:

(i) secure safety from fire and other dangers;

(ii) promote public health, public safety, and the general welfare; and

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) In the adoption of zoning regulations, the municipal governing body shall consider:

(a) reasonable provision of adequate light and air;

(b) the effect on motorized and nonmotorized transportation systems;

(c) promotion of compatible urban growth;

(d) the character of the district and its peculiar suitability for particular uses; and

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

#### PROCESS:

Section 11-1-10 of the Helena Zoning Ordinance states the Zoning Commission and the City Commission will hold public hearings, to give the public an opportunity to be heard upon the matter.

**ANY ZONE CHANGE ACTION IS NOT EFFECTIVE UNTIL THIRTY (30) DAYS FOLLOWING SECOND PASSAGE OF AN APPROVED ZONING ACTION BY THE CITY COMMISSION.**

The Zoning Commission will make a recommendation to the City Commission who will approve, deny or conditionally approve the requested change.

First Montana Land Title Company  
400 North Park Avenue, Ste 100  
Helena, MT 59601

After Recording Return to:  
First Montana Land Title Company  
400 North Park Avenue, Ste 100  
Helena, MT 59601  
#118338

## WARRANTY DEED

For Value Received:

JEFFERY A. CHRISTISON and CRYSTAL R. CHRISTISON, as joint tenants

the grantor(s) do(es) hereby grant, bargain, sell and convey unto



GOTLIEB'S FIVE LLC, a MONTANA LIMITED LIABILITY COMPANY

The grantee(s) the following described premises, in Lewis & Clark County, Montana, to-wit:

Lots 29, 30, 31 and 32 in Block 4 of the Woodlawn Park Addition to the City of Helena, Lewis and Clark County, Montana.

TO HAVE AND TO HOLD the same premises, with the appurtenances unto said Grantee(s) his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the Grantee(s), that he/she/they are/is the owner(s) in fee simple of said premises; that is free from all encumbrances SUBJECT to all legal taxes and assessments levied with respect to said premises and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: July 30, 2021

  
JEFFERY A. CHRISTISON  
  
CRYSTAL R. CHRISTISON

STATE OF Montana

COUNTY OF Lewis & Clark

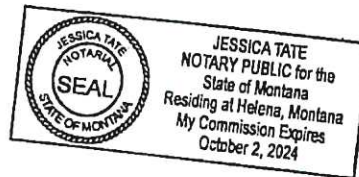
I, a Notary Public of the County and State first above written, do hereby certify that

Jeffrey A. Christison and Crystal R. Christison personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this day July 30, 2021.

  
Notary Public

My Commission Expires: 10/02/2024  
(SEAL)





Michael Alvarez, Planner II  
Community Development Department  
316 North Park Avenue, Room 445  
Helena, MT 59623

Phone: 406-447-8459  
Fax: 406-447-8460  
Email: malvarez@helenamt.gov

[helenamt.gov](http://helenamt.gov)

December 23, 2021

**TO WHOM IT MAY CONCERN:** A zone change is being proposed in your area. Please review the enclosed description, and vicinity map. You may respond to the proposal at the public hearing or submit written comments prior to the January 11, 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 **December 31, 2021**.

**The Helena Zoning Commission will hold a public hearing on the zone change request on Tuesday, December 14, 2021 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:**

**Consider an ordinance amending the official zoning map for the City of Helena for a zone change from B-2 (General Commercial) to R-O (Residential Office) for property legally described as: Lots 29, 30, 31 and 32 in Block 4 of the Woodlawn Park Addition to the City of Helena, Lewis and Clark County, Montana.**

A change in the zoning to R-O will allow any of the permitted uses in that district to be developed. The City is bringing forward this change in zoning so that the zoning district best matches the residential quality of the area.

**GENERALLY LOCATED:** The property address is 114 Dunbar Ave and occupies 0.3 acres. The property is generally located on the north side of Dunbar Ave between Mitchell Ave and Green Meadow Dr.

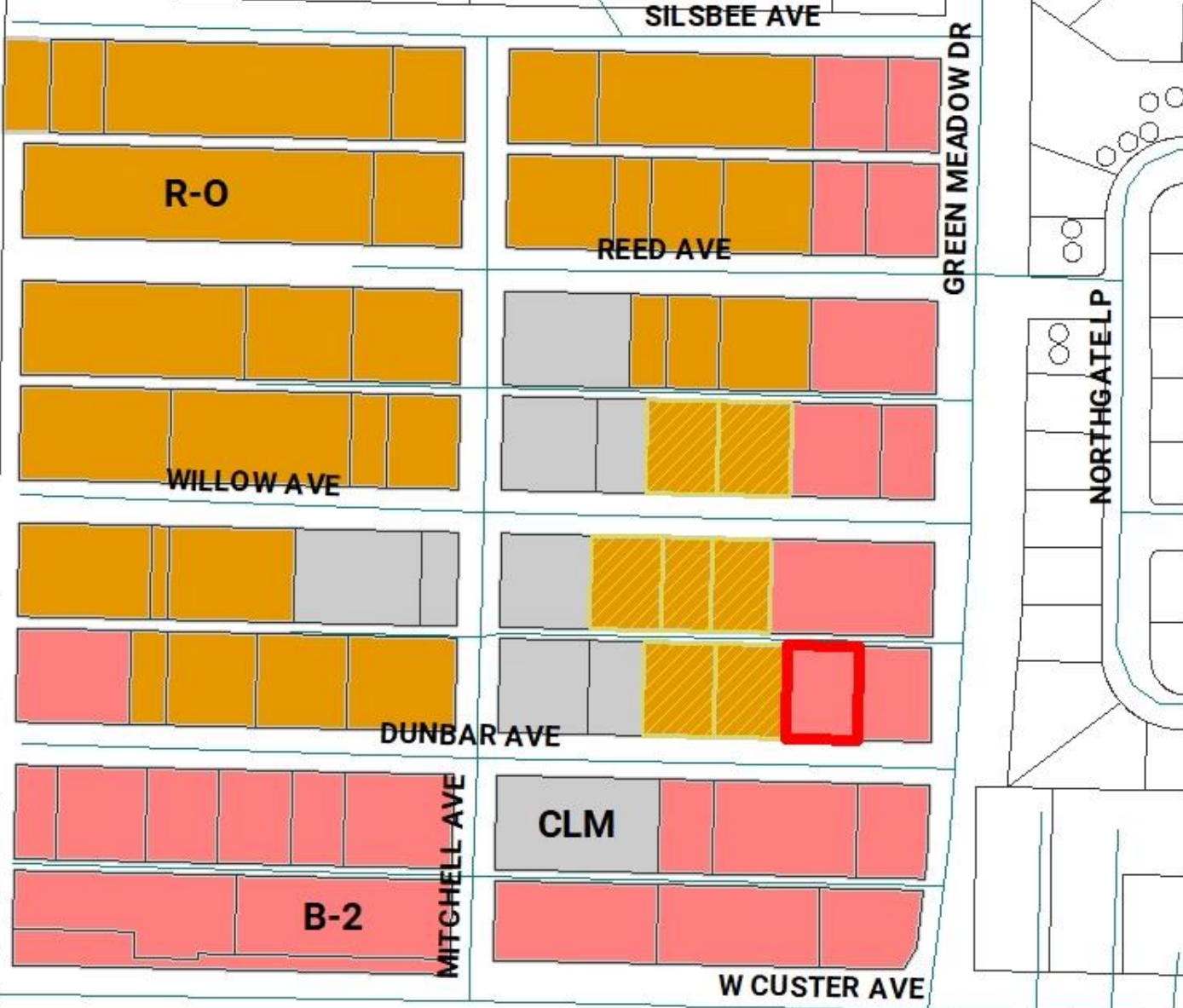
If you have questions concerning the proposed change, please contact the City Planning Division of the Community Development Department at (406) 447-8459.

Sincerely,

Michael Alvarez, Planner II



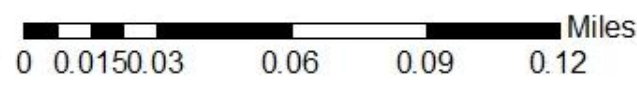
# Woodlawn-Dunbar Proposed Zoning Change



City of Helena  
Community Development Dept.  
Planning Division  
316 N Park Ave, Rm 445  
Helena, MT 59623

## Map Legend

-  Subject Property
-  Heard 12\_14\_2021
-  R-O Residential Office District
-  B-2 General Commercial District
-  CLM Commercial Light Manufacturing District





Shopping Cart: 0 items [\$0.00]



New Search



History



Payoff



Pay Taxes



Help

**Property Tax ID:** 7915

**Status:** Current  
**Realware#:** 188713404130000  
**Receipt:** 17163

**2021 Owner(s):**  
 GOTLIEBS FIVE LLC  
 CHRISTISON CRYSTAL R

**Mailing Address:**  
 3205 WHEATLAND RD  
 HELENA, MT 59602

**Levy District:**  
 01-18, Tax District 01

**2021 Value:**

**Market:** \$129,900  
**Taxable:** \$1,754

**2021 Taxes:**

[View Pie Charts](#)

**First Half:** \$1,126.57 **Due:** 11/30/2021  
**Second Half:** \$1,123.32 **Due:** 5/31/2022  
**Total:** \$2,249.89

**2021 Payments:**

**First Half:** \$1,126.57  
**Second Half:** \$0.00  
**Total:** \$1,126.57

(May include penalty & interest)



Detail



Detail

**2021 Legal Records:**

**Geo Code:** 05-1887-13-4-04-13-0000 **Deed Book:** M59 **Page:** 773 **Instru#:** 3376769 **Date:** 2021-04-15

**Property address:** 114 DUNBAR AVE, HELENA MT 59602  
**Subdivision:** (WDL) SubDiv WDL **Lot:** 29 **Block:** 4  
**TRS:** T10 N, R04 W, Sec. 13  
**Legal:** WOODLAWN PARK, S13, T10 N, R04 W, BLOCK  
 4, Lot 29 - 32

**Note:** The accuracy of this data is not guaranteed. Property Tax data was last updated 01/04/2022 09:00 AM.

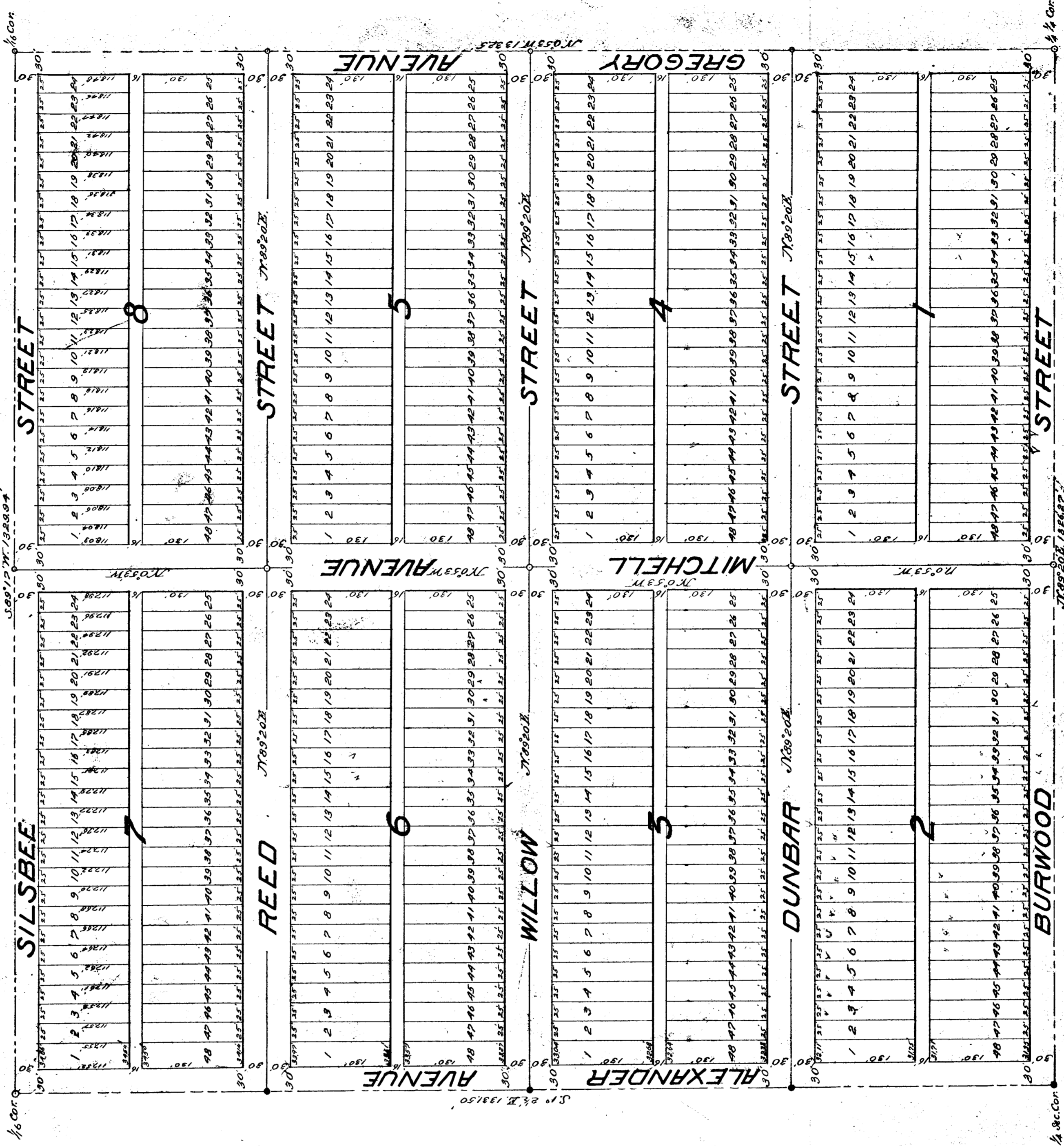
Send Payments to:  
 Lewis & Clark County  
 316 North Park Ave; Room #147  
 Helena, Montana 59623

Phone: (406) 447-8329  
 Email: propertytax@lccountymt.gov



# PLAN OF WOODLAWN PARK —in— Lenris & Clarke Co. Mont.

Surveyed under the direction of  
Sizer & Steen, Civil & Mining Engineers.  
September 1890. Scale 1"=100'



Note:  
• Granite Monuments 6 1/2" x 1 1/2"  
• Cast Iron 2" x 2"

### Certificate of Dedication

I, E. D. Edgerton, President of the St. Paul and Helena Land and Improvement Company, do hereby certify that the said Company has caused to be surveyed, subdivided and platted into lots, blocks, streets and alleys as shown by the plat and certificate of survey herewith attached, the following described tract of land to wit: The SW 1/4 of Section 13 T. 10 N. R. 4 W. Fourth Base and Meridian of Montana, to be known and designated Woodlawn Park, avenues and alleys shown on said plat are hereby granted and donated to the use of the public forever.

E. D. Edgerton,  
President of the St. Paul & Helena Land & Improvement Co.

State of Montana }  
County of Lenris & Clarke } ss.

On this 16<sup>th</sup> day of September, A.D. 1890, personally appeared before me G. Diana Linn, a Notary Public in and for said State and County, E. D. Edgerton, the signer and sealer of the foregoing plat, personally known to me to be the same person who executed the foregoing certificate and who acknowledged to me that he as President of the St. Paul & Helena Land and Improvement Company executed the same freely and voluntarily, for the uses and purposes therein mentioned. In Witness Whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

G. Diana Linn,  
Notary Public.

State of Montana }  
County of Lenris & Clarke } ss.

I, J. S. Neal do solemnly swear that I made careful survey of Woodlawn Park, Lenris & Clarke County, Montana, in September, A.D. 1890, that the avenues, streets, alleys and lots are of the width in feet stated in figures on this plan and that said Park has been laid out on the ground according to said plan.

J. S. Neal  
Civil Engineer

Subscribed and sworn to before me this 16<sup>th</sup> day of September, A.D. 1890.  
G. Diana Linn,  
Notary Public.

Notarial Seal

The accompanying Plat and Field Notes of the Survey of Woodlawn Park in the County of Lenris and Clarke County, Montana, which has been made at the instance of the St. Paul and Helena Land and Improvement Company who are the owners of the land embraced in said Survey, is hereby accepted and approved. Dated this 17<sup>th</sup> day of September, A.D. 1890.

Chairman Board County Commissioners,  
Lenris & Clarke County, Montana.

State of Montana, }  
County of Lenris & Clarke } ss.

I, hereby certify that the within instrument was filed in my office on the 17<sup>th</sup> day of September, A.D. 1890, at 10 min. past 1 o'clock P.M. and recorded on Page 39 of Book 2 of Plats, Records of Lenris & Clarke County, State of Montana.

J. A. Wheeler,  
County Recorder  
By Stewart Wheeler  
Deputy

Fees, \$ 67<sup>00</sup>/<sub>100</sub> paid