



Michael Alvarez, Planner II
Community Development Department
316 North Park Avenue, Room 403
Helena, MT 59623

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

helenamt.gov

Date: February 08, 2023

CONDITIONAL USE PERMIT

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: **Consider a resolution granting a Conditional Use Permit to allow a residence, multiple-dwelling units (3 or more units) use in the R-3 T #12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.**

OVERVIEW

GENERAL INFORMATION

DATE OF APPLICATION: Dec 27th, 2022
DATE DEEMED COMPLETE: Jan 05th, 2023

PUBLIC HEARING DATES:

Zoning Commission: 5:30 P.M. Tuesday, February 14, 2023
City Commission: 6:00 P.M. Monday, March 27, 2023

PUBLIC NOTICE:

Legal notice has been published January 29, 2023 in the Independent Record; notice letters have been sent to adjacent property owners and a sign posted on the property.

PUBLIC COMMENT:

As of Wednesday, February 08, 2023, no public comments have been expressed regarding this proposed CUP.

OWNER: Erik & Michelle Gorman
ADDRESS: 1240 Cannon St, Helena, MT 59601
EMAIL: erikgorman93@gmail.com
PHONE: 406-558-9114

AUTHORIZED REP: Erik Gorman
ADDRESS: see above

EMAIL: see above

SUBJECT PROPERTY ADDRESS: 1000 Cannon St, Helena, MT 59601

LEGAL DESCRIPTION: Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

GENERAL LOCATION: This property is generally located on the northwest corner of Cannon St and Lincoln St.

DESCRIPTION / BACKGROUND

The applicant/property owner is looking to obtain a Conditional Use Permit (CUP) to allow a multiple-dwelling unit residence in the R-3 (Residential) T #12 Zoning District. The subject parcel currently sits vacant. The previous use was for a single-dwelling unit residence. The owner received a demolition permit to remove that structure in June of 2021, and the applicant now seeks to build multiple dwelling-unit residences at the location. Multiple dwelling-unit residential is allowed by right in the zoning district R-3; however, the R-3 T #12 transitional district overlay requires a CUP for any use other than single dwelling-unit.

The “T” districts are to be treated as temporary in and this “T” district specifically appears to be in conflict with the 2019 Growth Policy’s designation of the area as “mixed-use.” The property owner has already received a similar variance in this district for a residential multiple dwelling-unit building in this district at 1240 Cannon St.

DEFINITIONS:

R-3 (RESIDENTIAL) DISTRICTS: It is the intent of this district to provide for the development of a mixture of residential structures to serve varied housing needs and allows limited compatible nonresidential uses.

“T” Standard #12 R-3-T: Due to the location of this property, abutting a B-2 and R-O zone, with substantial residential development located to the south, this zone is created to provide a buffer between the existing residential and commercial uses. To protect existing uses and to provide for harmonious development, and permitted use, and [sic] permitted use, except single family dwelling and its assessor[sic] uses, in the R-3 zones must first receive as[sic] conditional use permit prescribed in Section 17 of the Zoning Ordinance.

MULTIPLE-DWELLING UNITS RESIDENCE: A building containing three (3) or more dwelling units for occupancy by three (3) or more groups living separately from each other, including condominiums.

2019 GROWTH POLICY FUTURE LAND USE DESIGNATION:

MIXED USE: Places where people can work, live, and play and learn. These areas include a variety of complementary and integrated uses such as, but not limited to, all forms of residential; office; light industrial/manufacturing; retail, entertainment or public uses. Development is usually in a denser comprehensive pattern to achieve a unified, functional, efficient, and aesthetically appealing physical setting, and provides opportunities for connectivity, public transportation, and walkability. Mixed-use areas do not use the traditional segregation of uses.

PRESENT LAND USE & ZONING:

R-3-T #12 (Residential) – land is presently vacant and last had the land use designation of single dwelling-unit residential

ADJACENT LAND USE & ZONING:

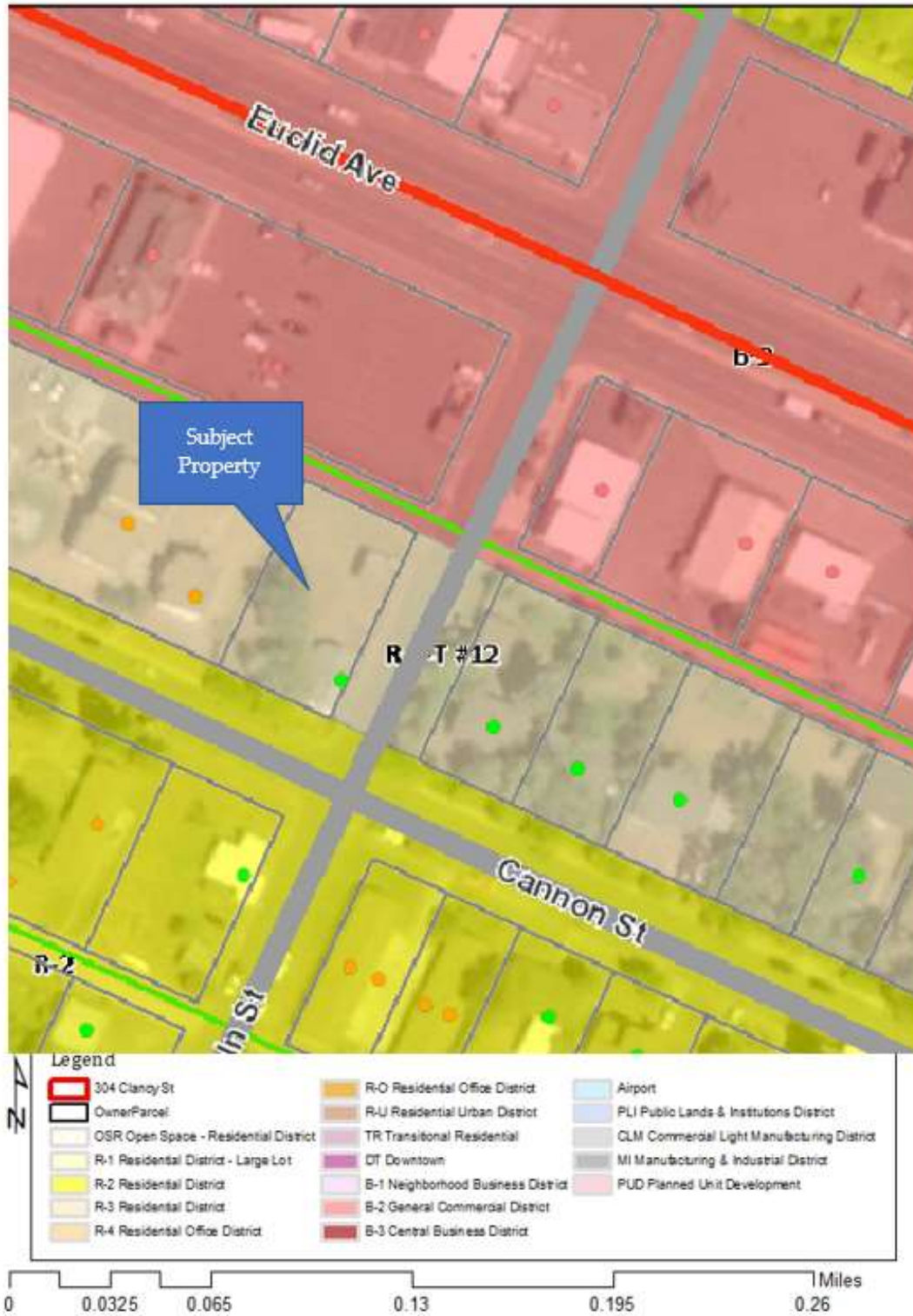
North: B-2 (commercial) – restaurant (Early Bird Cafe, and its parking lot)

South: R-2 (residential) – single-dwelling and two dwelling unit residences

East: R-2 (residential) – single-dwelling unit residences

West: R-3 (residential) – multiple dwelling-unit residential (Helena Housing Authority)

VICINITY MAP:
1000 Cannon St



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 site is located on the northwest corner of Cannon and Lincoln Streets. Euclid Avenue and the commercial district centered on it is one block to the north, zoned B-2 (General Commercial). To the south lies an R-2 (Residential) District neighborhood, which is almost exclusively residential in nature with the exception of churches and home occupations. This area includes a blend of multi-dwelling unit residential alongside single-family residential uses with a blend of homeowner and rental units. Along Cannon Street where the R-3 T#12 District exists, there are numerous residential multiple dwelling-unit properties to both the east and west of the subject parcel denoting a prevalence of non-conformities in existence already.

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

property.

The applicant proposes construction of a nine-unit building. The proposed structure is two-stories tall with a shed roof, very similar in style and massing to the multiple dwelling-unit home to the west. The applicant is not requesting any variances for the building with this proposal. All other structures have already been removed.

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

The site currently has the land use single dwelling-unit residential. The applicant's block of Cannon Street has other multiple dwelling-unit residential structures along it both to the east and west. Despite the stated intent of the R-3 T #12 District to serve as a buffer district between the B-2 District fronting Euclid Avenue and the lower-density R-2 District, the land use pattern in the area points to a prevalence of non-conformities – largely in the form of residential multiple dwelling-unit buildings. The applicant has already received approval from the City Commission for one such residential multiple dwelling-unit building located at 1240 Cannon Street in 2021.

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

The subject area does now fall under an approved neighborhood planning area. Looking to the 2019 Growth Policy Land Use chapter, the City of Helena Future land Use map designates this area as Mixed-Use. This proposal would fit the definition of mixed-use by providing a place where people can live a short distance from a commercial corridor.

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

This proposal uses some on-street spaces to meet its off-street parking requirement as is allowed under §11-22-9-B. Four off-street parking spaces including ADA would be accessed off the alley.

The applicant will need to install new boulevard sidewalks on Cannon and Lincoln Streets in-keeping with City standards.

The estimated trip generation for the building is below the 200 trip per day threshold for requiring a traffic impact study.

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

This proposal will provide additional housing in a mixed-use area that is in close proximity to shopping, schools, and recreational opportunities. The CUP proposal, as mentioned in the analysis above, is not anticipated to add more than 200 vehicle trips per day to local rights-of-way. The parcel's proximity to other non-residential uses implies that future residents of the condominiums will have an opportunity to use non-vehicular means of transportation to go about daily activities. As a result, the proposal supports the overall goal of reducing carbon dioxide emissions into the atmosphere. The applicant intends to use permeable pavers to reduce the impervious area to rainwater. At the time of this report staff has not determined if it will accept the proposed paving system.

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

The proposal will meet the district dimensional standards and not require a variance

8. *Hours of operation.*

Not applicable.

9. *Noise.*

Noise levels can be expected to be typical of a nine dwelling-unit building.

10. *Glare.*

Proposed structure will not result in an unusual amount of glare.

11. *Odor.*

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

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

As of Wednesday, 02/08/2023, no public comments have been given for this proposal.

RECOMMENDATION

To recommend **Approval of** a resolution granting a Conditional Use Permit to allow a Residence, multiple-dwelling units (3 or more units) use in the R-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana, 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.



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

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

helenamt.gov

February 03, 2023

TO WHOM IT MAY CONCERN: A land use 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 February 14, 2023 Zoning Commission public hearing to the City Planning Division, 316 North Park, Helena MT 59623.

The Helena Zoning Commission will hold a public hearing on the CUP request on Tuesday, February 14, 2023 at 5:30 p. m. via Zoom at <https://zoom.us/j/92989300533>, Meeting ID: 929 8930 0533. Dial in at (346) 248-7799 or find your local Zoom phone number by going to <https://zoom.us/j/92989300533>.

PROPOSAL (Zoning Commission):

To make a recommendation on a resolution granting a Conditional Use Permit to allow a Residence, multiple-dwelling units (3 or more units) use in the R-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

The Helena City Commission will hold a public hearing on the CUP request on Monday, February 27, 2023, at 6:00 p. m. via Zoom at <https://us06web.zoom.us/j/81262666408>, Webinar ID: 812 6266 6408. Dial in at US: +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 564 217 2000 or +1 646 931 3860 or +1 929 205 609 or find your local Zoom phone number by going to <https://us06web.zoom.us/j/81262666408>

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 (City Commission):

Consideration of a resolution granting a Conditional Use Permit to allow a Residence, multiple-dwelling units (3 or more units) use in the R-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

ADDRESS:

1000 Cannon St, Helena, MT, located in a R-3 T#12 (Residential) zoning district.

GENERALLY LOCATED:

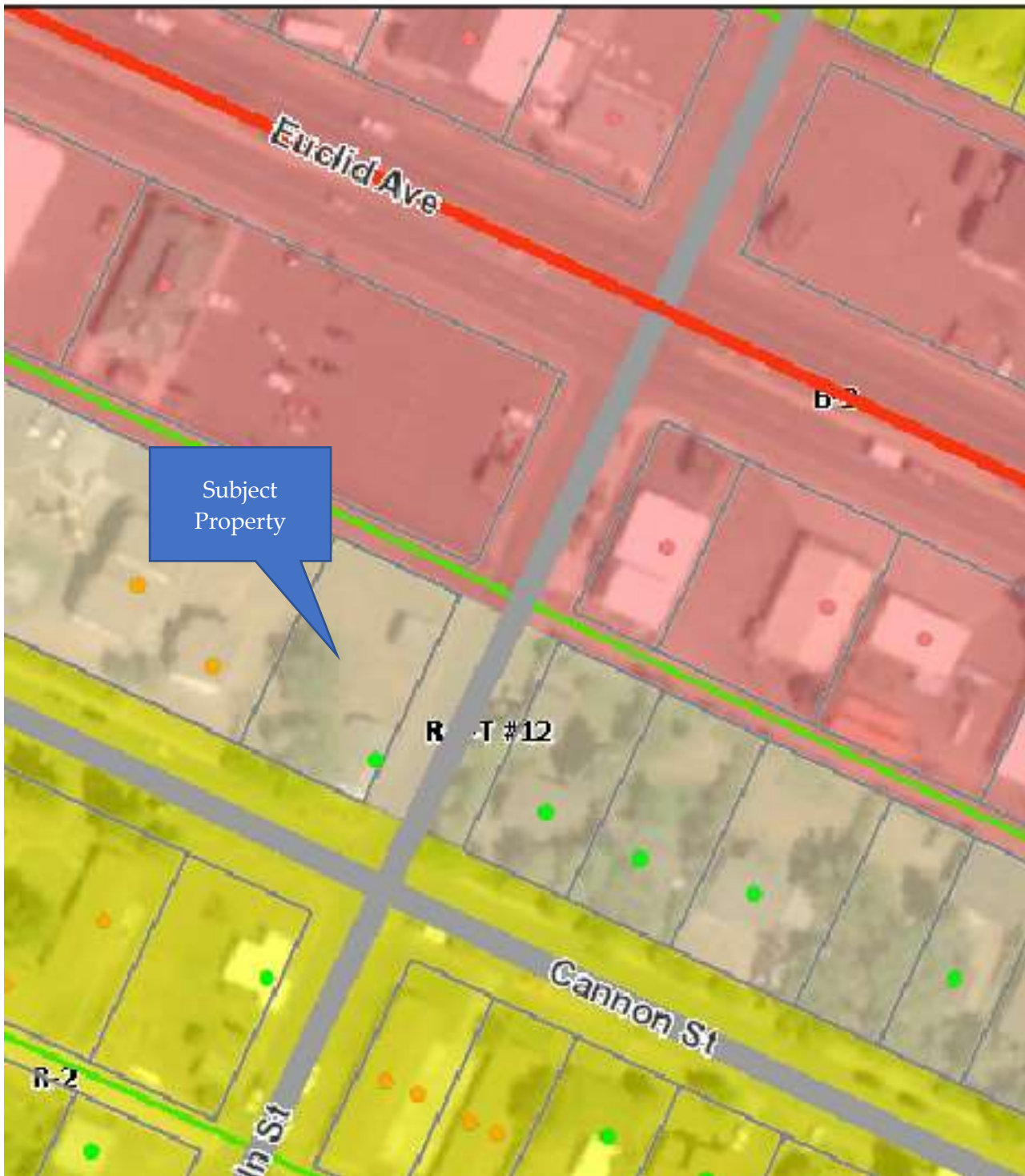
This property is generally located on the northwest corner of Cannon St and Lincoln St.

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

Sincerely,

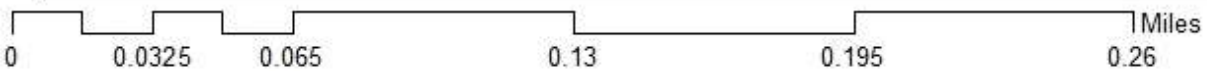
Michael Alvarez, Planner II

1000 Cannon St



Legend

304 Clanoy St	R-O Residential Office District	Airport
Owner Parcel	R-U Residential Urban District	PLI Public Lands & Institutions District
OSR Open Space - Residential District	TR Transitional Residential	CLM Commercial Light Manufacturing District
R-1 Residential District - Large Lot	DT Downtown	MI Manufacturing & Industrial District
R-2 Residential District	B-1 Neighborhood Business District	PUD Planned Unit Development
R-3 Residential District	B-2 General Commercial District	
R-4 Residential Office District	B-3 Central Business District	



Conditional Use Permit Application for a 9-unit Residential Structure located at 1000 Cannon Street, Helena, MT 59601.

Prepared by Erik Gorman, December 2022. Updated January 2023.

- 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.
 - *9-unit residential structure to provide housing for Helena residents.*
- 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;
 - Utilities;
 - Signs;
 - Lighting

See attached Site Plan
- Proposed stormwater drainage plan.
 - *Per the City of Helena Engineering Division, a civil engineer designed stormwater drainage plan is required if the project results in a net increase of 5,000 square feet or more of impervious surfaces. The net increase of impervious surface for this project will be less than 5,000 square feet through the use of permeable pavers for the parking area. Stormwater will be retained as necessary so as to not negatively impact neighboring properties.*
- Traffic impact study for any use that will generate more than two hundred vehicle trips a day.
 - *N/A (this project will not result in more than two hundred vehicle trips a day).*
- Vicinity map of the area showing the location of the property in relation to surrounding land and zoning in the immediate area, water and wastewater mains, other utilities, and city streets.
 - *See attached Vicinity Map showing surrounding zoning. Please see the attached site plan for locations of water and wastewater mains, other utilities, and city streets.*
- Planned modifications to the existing structure.
 - *N/A. No structures currently exist at the property.*
- Preliminary architectural drawings for new construction with elevations that include building heights.
 - *See attached drawings.*
- 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.
 - *This project will not adversely impact abutting properties or the neighborhood.*
- Expected time when permitted conditional use will commence.

- *March 2023.*
- Variances requested.
 - *No variances requested.*
- The proposed conditional use, as conditioned, will not adversely impact public health, safety, or general welfare.
 - *Being residential construction, this project 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.
 - *Being residential construction, this project 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.*
- Location, character, and natural features of the subject property as it currently exists.
 - *This project will take place at 1000 Cannon St, Helena, MT 59601. This is a gently sloping parcel located across the alley from the parking lot for the Early Bird Cafe . There are no remarkable natural features.*
- Type and size of the proposed structure and improvements and their relative location on the subject property.
 - *The proposed structure is a two-story, nine-unit residential apartment building with a footprint of approximately 3,564 square feet. Please refer to the attached site plan for details regarding improvements and their relative locations on the property.*
- Historical uses, established use patterns, and recent changes and trends in the neighborhood.
 - *This neighborhood is residential with commercial use across the alley. The occupants of the neighborhood are a mix of homeowners and renters. There are several multi-family structures on Cannon Street west of the proposed building site.*
- Conformity of the proposed use with the neighborhood plan, if one has been adopted.
 - *To my knowledge there is currently no neighborhood plan in place.*
- Current and proposed pedestrian, vehicular, and bicycle traffic including ingress and egress, circulation, and parking.
 - *Current: Pedestrians use the existing sidewalk on the east side of Lincoln Street. Vehicles park on Lincoln Street and Cannon Street and drive on the alley on the north side of the property. Bicycles use the alley and adjacent streets.*
 - *Proposed: Sidewalks will be installed along Cannon Street and Lincoln Street. Vehicles will continue to be able to park on the adjacent streets and drive along the alley. Three off-street parking spaces, plus one van accessible ADA parking space, will be provided as shown on the Site Plan. Six additional parking spaces are shown along Lincoln and Cannon Streets. This parking plan meets the City Zoning Division requirements for R-3 multi-family construction.*
- Whether the use is consistent with the Helena Climate Change Action Plan.

- *This project will provide housing within Helena city limits. The occupants will enjoy close proximity to shopping, schools, and recreation.*
- Whether the proposal meets the zoning dimensional standards requirements for the zoning district without the need for a variance.
 - *The proposed project meets zoning dimensional standards requirements for the zoning district without the need for a variance.*
- Hours of operation.
 - *N/A (residential structure).*
- Noise.
 - *N/A (residential structure).*
- Glare.
 - *Proposed structure will not result in an unusual amount of glare.*
- Odor.
 - *N/A (residential structure).*
- Expressed public opinion related to factors identified above.
 - *To be determined during commission meetings.*

CODE REVIEW

PROJECT DESCRIPTION: 9-UNIT APARTMENT BUILDING
 (4) 2-BEDROOM UNITS
 (5) 1- BEDROOM UNITS
 (1) COMMON MECH/STORAGE ROOM

OWNER: MICHELLE & ERIK GORMAN
 1215 ALLISION ST, UNIT A
 HELENA, MT 59601

BUILDING CODES: INTERNATIONAL BUILDING CODE 2021

LOCAL AUTHORITY: CITY OF HELENA

WATER: CITY OF HELENA

EXISTING LOT USE: VACANT

PROPOSED USE: MULTI-FAMILY RESIDENCE

EXISTING ZONE: R-3-T #12 TRANSITIONAL RESIDENTIAL DISTRICT

ESTIMATED VALUATION: \$800,000

PARCEL #: 051887251390000 LOT AREA = 9,369 SF

BUILDING HEIGHT: TWO-STORY, < 36 FEET

BUILDING AREA: FIRE AREA UNDER ROOF 3,432 SF
 LIVING AREA FIRST FLOOR 2,290 SF
 LIVING AREA SECOND FLOOR 3,128 SF

CONSTRUCTION TYPE: VB

OCCUPANCY TYPE: R-2, FIRE SPRINKLERS REQUIRED

SEPARATION WALLS: 1 HR FIRE PARTITION & HORIZONTAL ASSEMBLY BETWEEN UNITS

SITE AREA: .21 ACRES

BUILDING COVERAGE: 3,564 SF ROOF AREA/BUILDING AREA = 36.66%

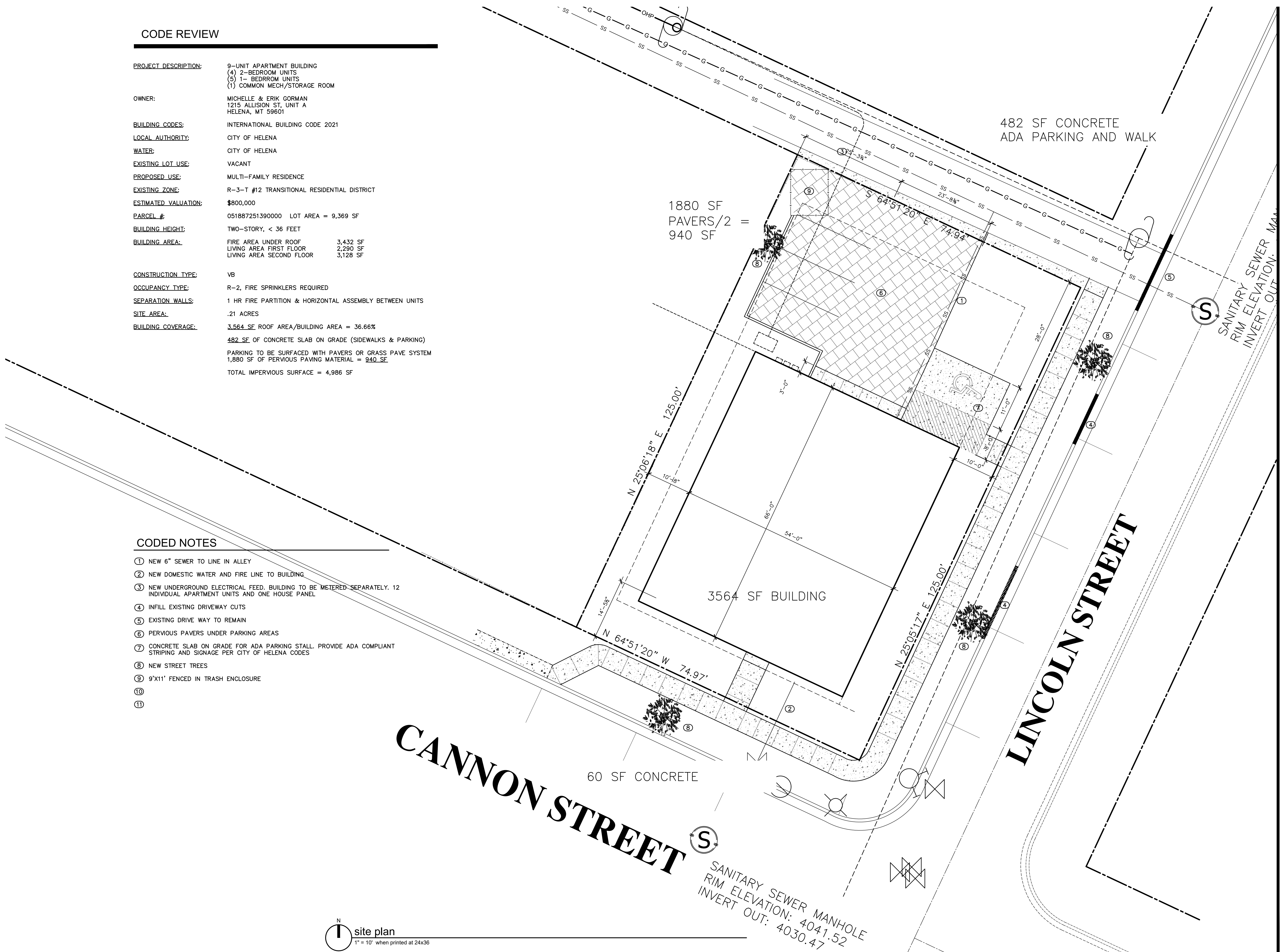
482 SF OF CONCRETE SLAB ON GRADE (SIDEWALKS & PARKING)

PARKING TO BE SURFACED WITH PAVERS OR GRASS PAVE SYSTEM
 1,880 SF OF PERVIOUS PAVING MATERIAL = 940 SF

TOTAL IMPERVIOUS SURFACE = 4,986 SF

CODED NOTES

- ① NEW 6" SEWER TO LINE IN ALLEY
- ② NEW DOMESTIC WATER AND FIRE LINE TO BUILDING
- ③ NEW UNDERGROUND ELECTRICAL FEED. BUILDING TO BE METERED SEPARATELY. 12 INDIVIDUAL APARTMENT UNITS AND ONE HOUSE PANEL
- ④ INFILL EXISTING DRIVEWAY CUTS
- ⑤ EXISTING DRIVE WAY TO REMAIN
- ⑥ PERVIOUS PAVERS UNDER PARKING AREAS
- ⑦ CONCRETE SLAB ON GRADE FOR ADA PARKING STALL. PROVIDE ADA COMPLIANT STRIPING AND SIGNAGE PER CITY OF HELENA CODES
- ⑧ NEW STREET TREES
- ⑨ 9'X11' FENCED IN TRASH ENCLOSURE
- ⑩
- ⑪



site plan
 1" = 10' when printed at 24x36

REVISIONS

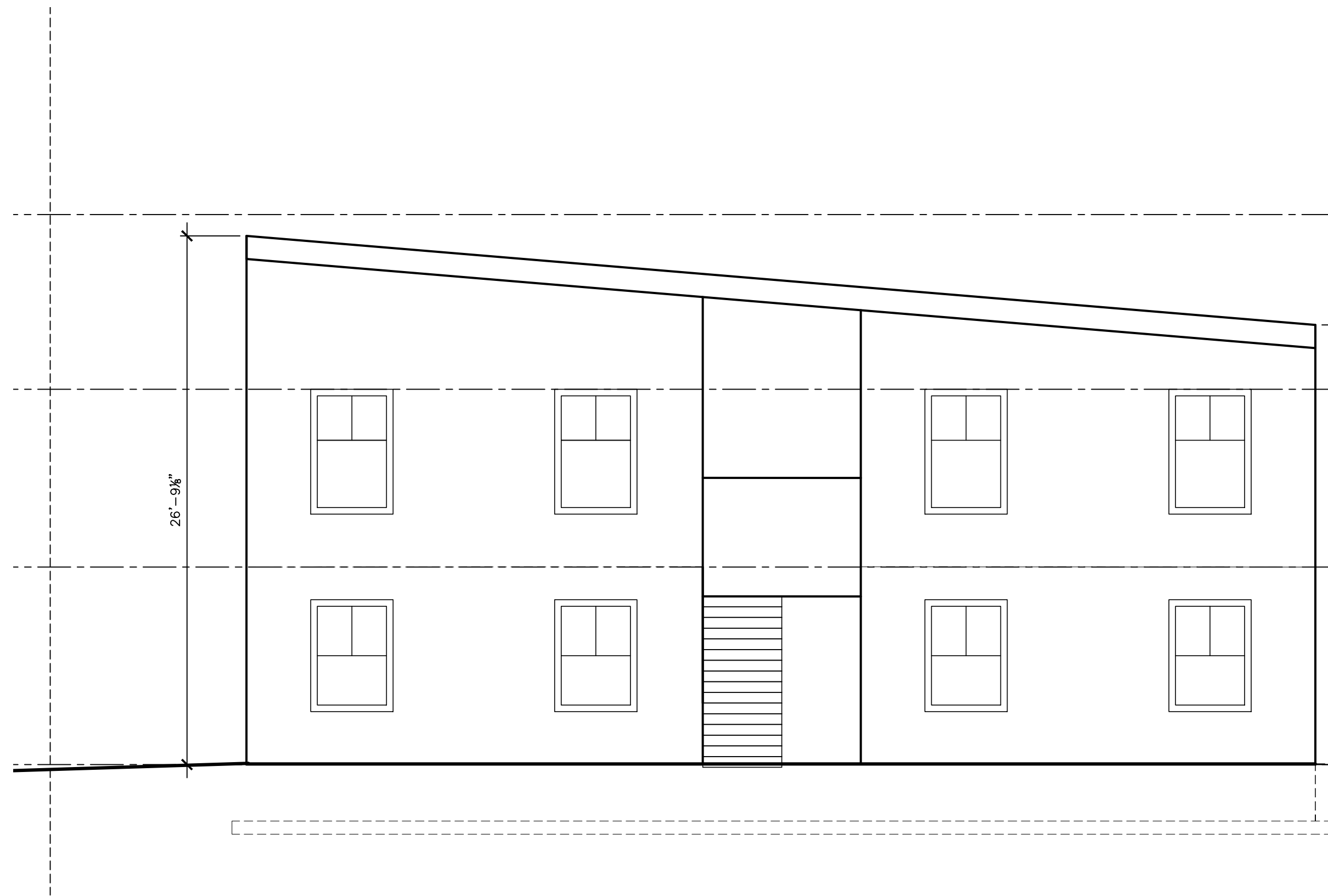
CUP APPLICATION

new apartment building for:
lincoln st. apartments
 1000 CANON STREET
 units 101-106 & 201-206
 helena, mt 59601

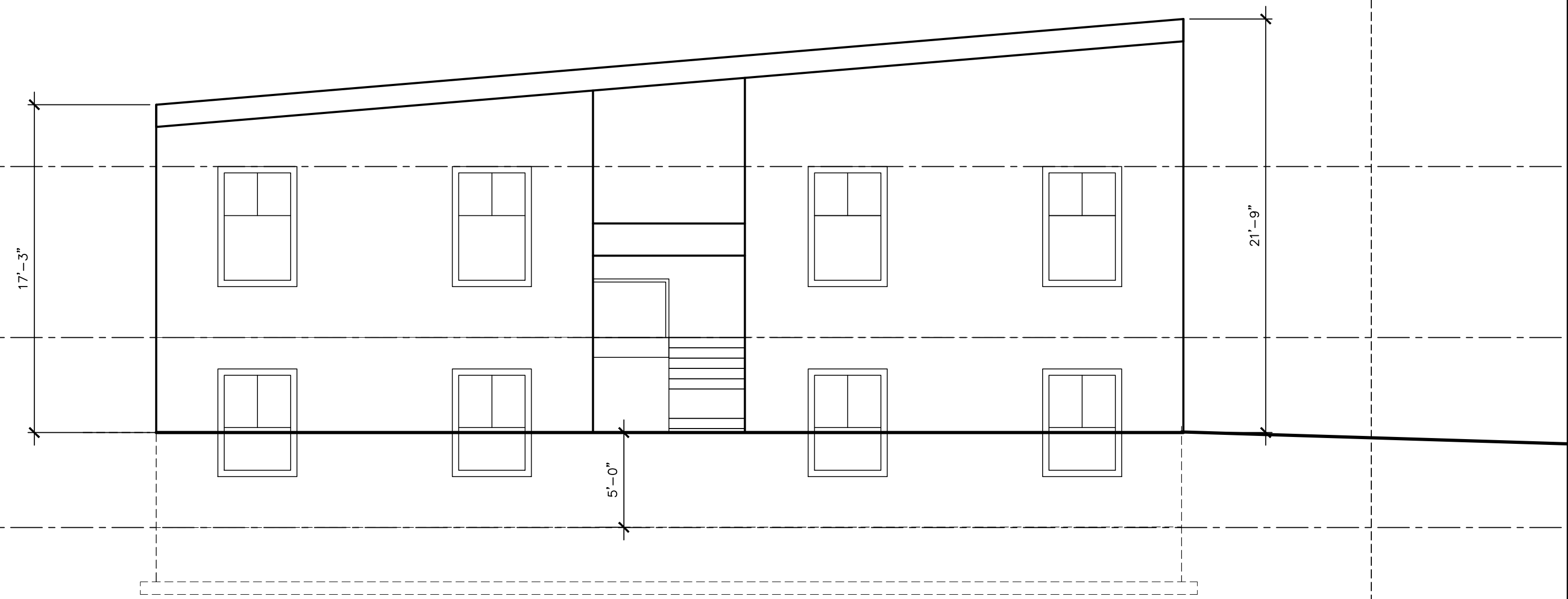
a101

site plan

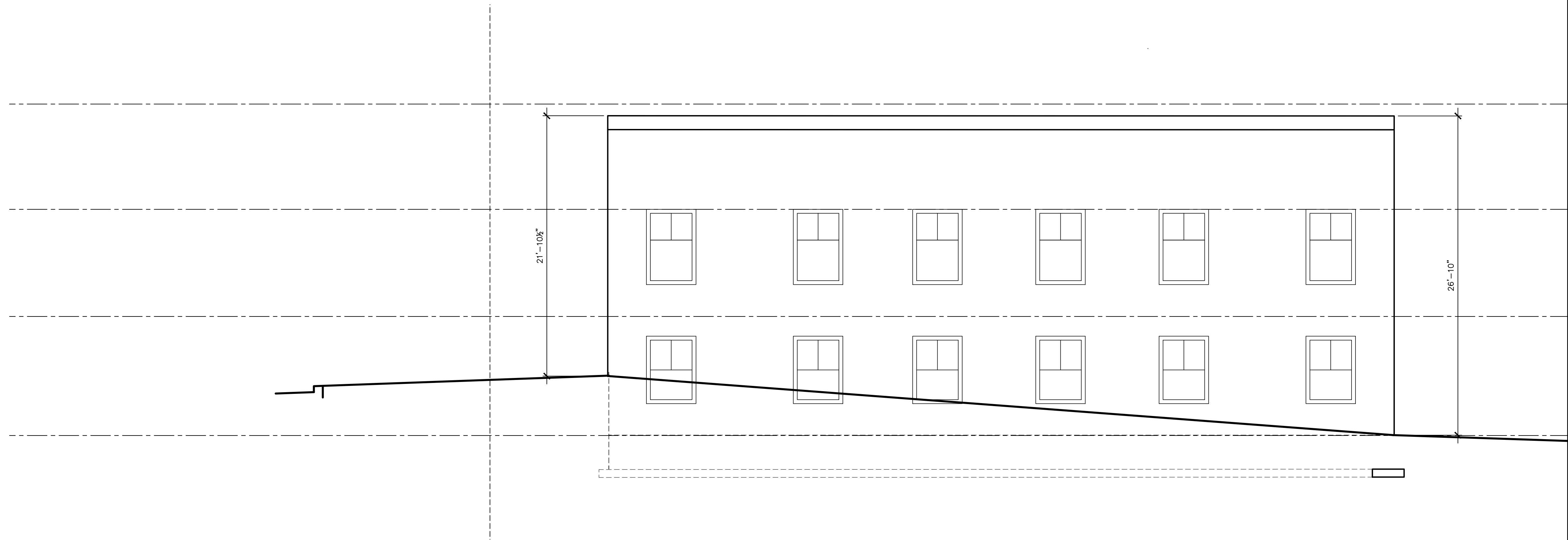
SHS NO. 2137 DRAWN
 DATE 10.21.21 REVIEWED psh



○ north elevation - alley



○ south elevation - cannon street
3/16" = 1'-0" when printed at 24x36



○ east elevation - lincoln street

REVISIONS

CUP APPLICATION

new apartment building for:
lincoln st. apartments
 1000 CANON STREET
 units 101-106 & 201-206
 helena, mt 59601

a401

exterior elevations

SHS NO. 2137 | DRAWN
 DATE 10.21.21 | REVIEWED path

PARTIAL AS-BUILTY/TOPOGRAPHICAL SURVEY OF LOTS 17, 18, 19 IN BLOCK 66 OF THE CANNON ADDITION TO THE CITY OF HELENA, MONTANA. (BOOK M60, PAGE 9630)

PROPERTY OWNER: ERIK & MICHELLE GORMAN
PROPERTY ADDRESS: 1000 CANNON STREET
 HELENA, MT 59601

ZONING: R-3-T Transitional Residential District

GEO CODE: 05-1887-25-1-39-09-0000, ASSESSMENT CODE: 0000004661



- NOTE:**
- (1) THIS PARTIAL AS-BUILT SURVEY IS NOT TO BE USED AS AN EXTENSIVE BOUNDARY SURVEY OR ENCROACHMENT SURVEY.
 - (2) THE BEARING/DISTANCES SHOWN AREA FOUND MEASUREMENTS AND WERE BASED FROM THE ORIGINAL SURVEYS/PLATS, ADJACENT FOUND MONUMENTS, AND STREET RIGHT-OF-WAYS.
 - (3) ALL UTILITIES DEPICTED ON THIS PARTIAL ASBUILT/TOPOGRAPHICAL SURVEY ARE FROM VISIBLE AND/OR OBSERVABLE EVIDENCE. RIES & ASSOCIATES, P.C. IS NOT RESPONSIBLE FOR THE LOCATION OR NATURE OF UTILITIES. CLIENT IS ADVISED TO CONTACT "ONE CALL" (811) LOCATE SERVICE AND UTILITY PROVIDERS PRIOR TO CONDUCTING ANY EXCAVATION/NEW CONSTRUCTION.
 - (4) BUILDING SET BACK LINES ARE NOT SHOWN ON THIS SURVEY. SEE ZONING FOR BUILDING SET BACKS.

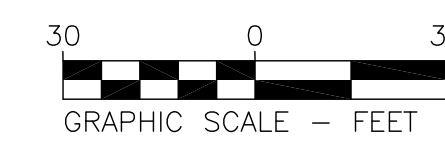
- LEGEND:**
- TO BE SET 5/8" REBAR W/Y.P.C. (D.J. RIES 18368LS);
 - △ FOUND 1/2" REBAR (ELEVATION: 4040.58);
 - CALCULATED POSITION, NOTHING FOUND/SET;
 - ⊙ EXISTING SANITARY SEWER MANHOLE;
 - ⊗ EXISTING WATER GATE VALVE
 - ⊙ EXISTING CURB STOP;
 - ⊕ EXISTING FIRE HYDRANT;
 - ⊙ COMMUNICATION MANHOLE
 - ⊙ EXISTING LIGHT POLE;
 - ⊙ EXISTING UTILITY POLE;
 - G — G — EXISTING GAS LINE;
 - SS — SS — EXISTING SANITARY SEWER LINE.



BASIS OF BEARINGS:
GPS CONTROL SURVEY, ROTATED TO GEODETIC NORTH.

BASIS OF VERTICAL:
LOCAL DATUM, BASED ON GPS HERE SHOT.

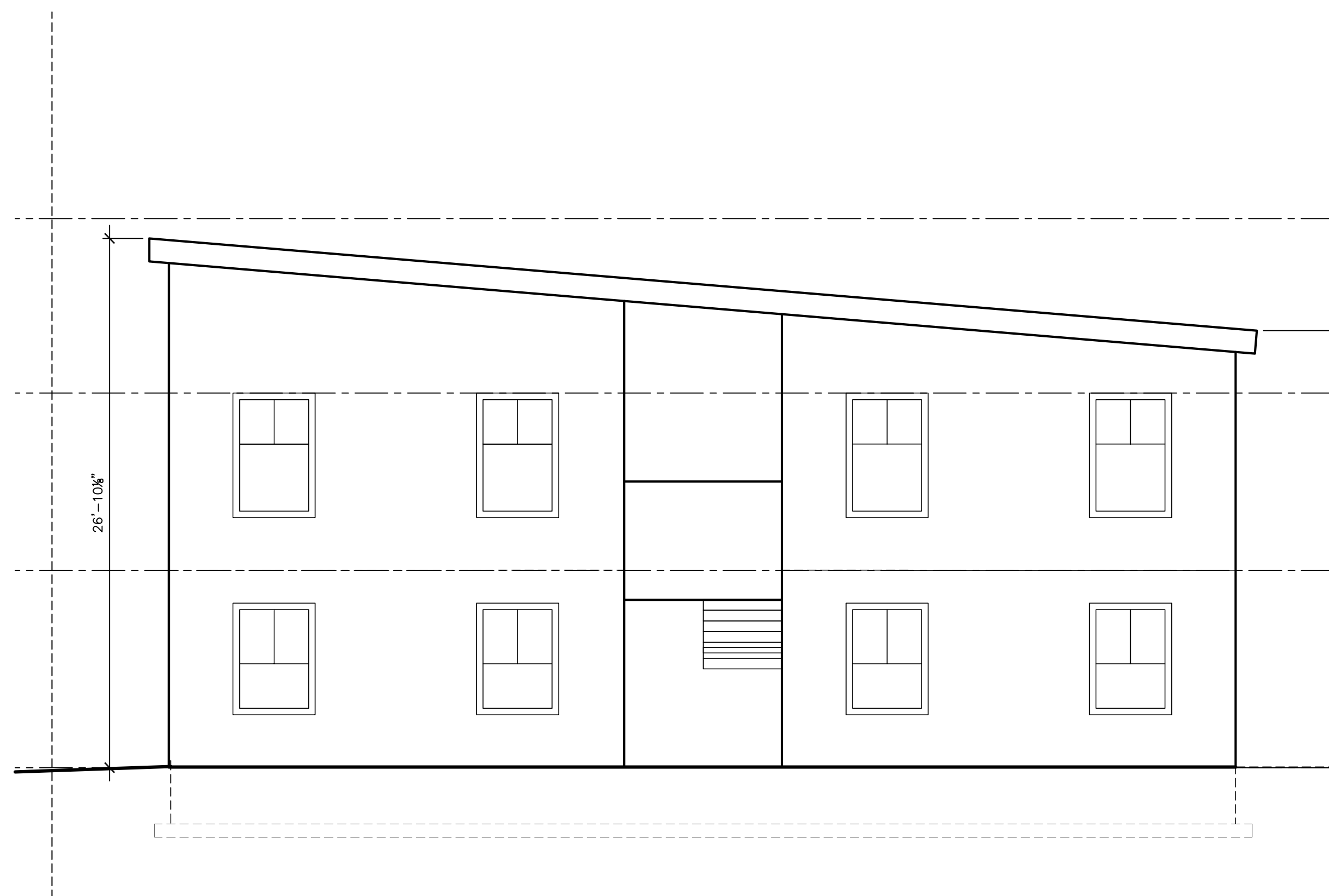
CONTOUR INTERVAL:
1/2 FOOT W/ONE FOOT INDEX CONTOUR LABEL.



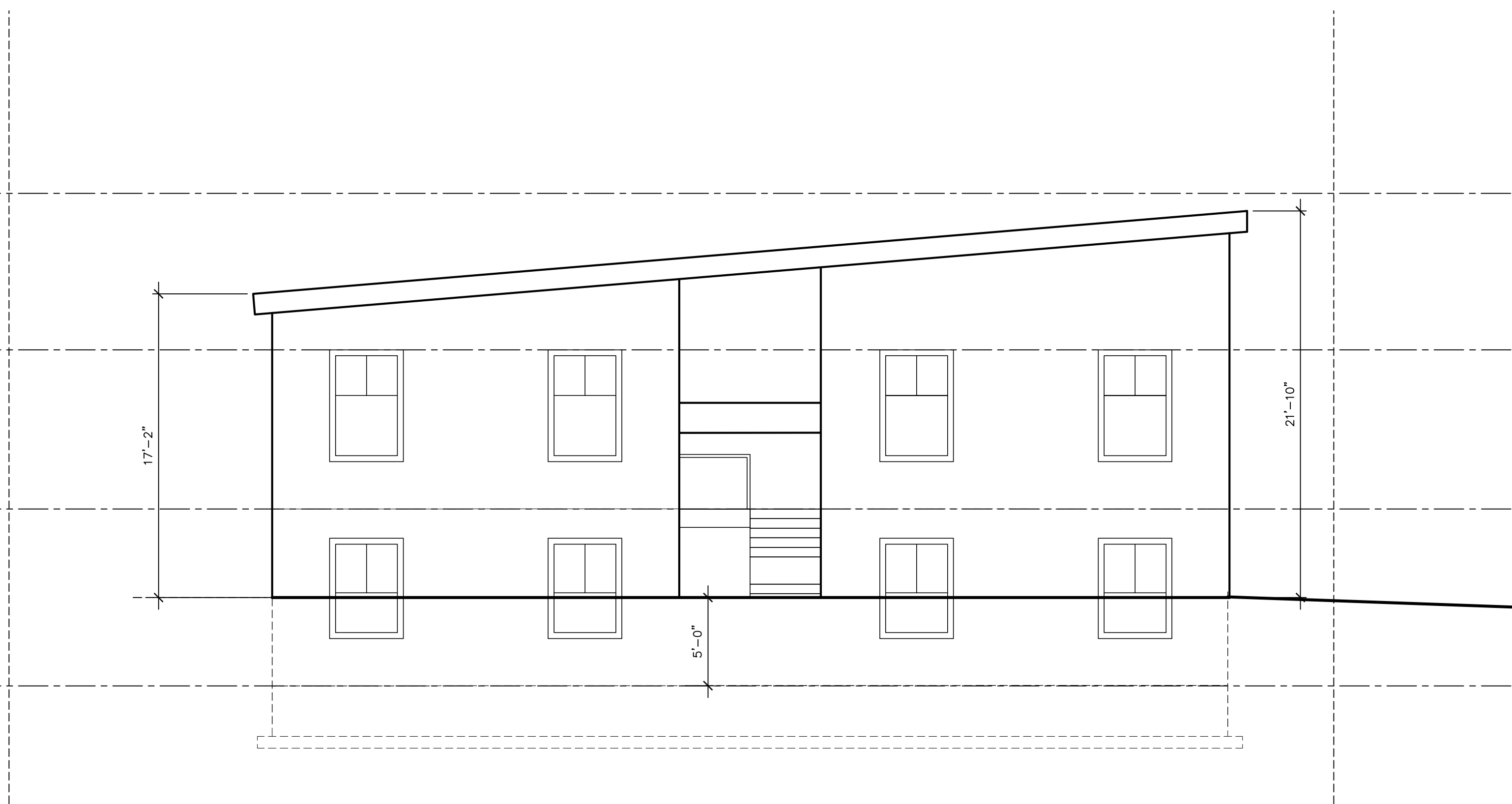
DATE: OCTOBER 04, 2022
 JOB NO.: 22151-AB-T
 FIELD BY: DJR, NFR
 DRAFTED BY: DJR

PREPARED BY:
RIES & ASSOCIATES P.C.
 6850 GREEN MEADOW DR.
 HELENA, MONTANA 59602

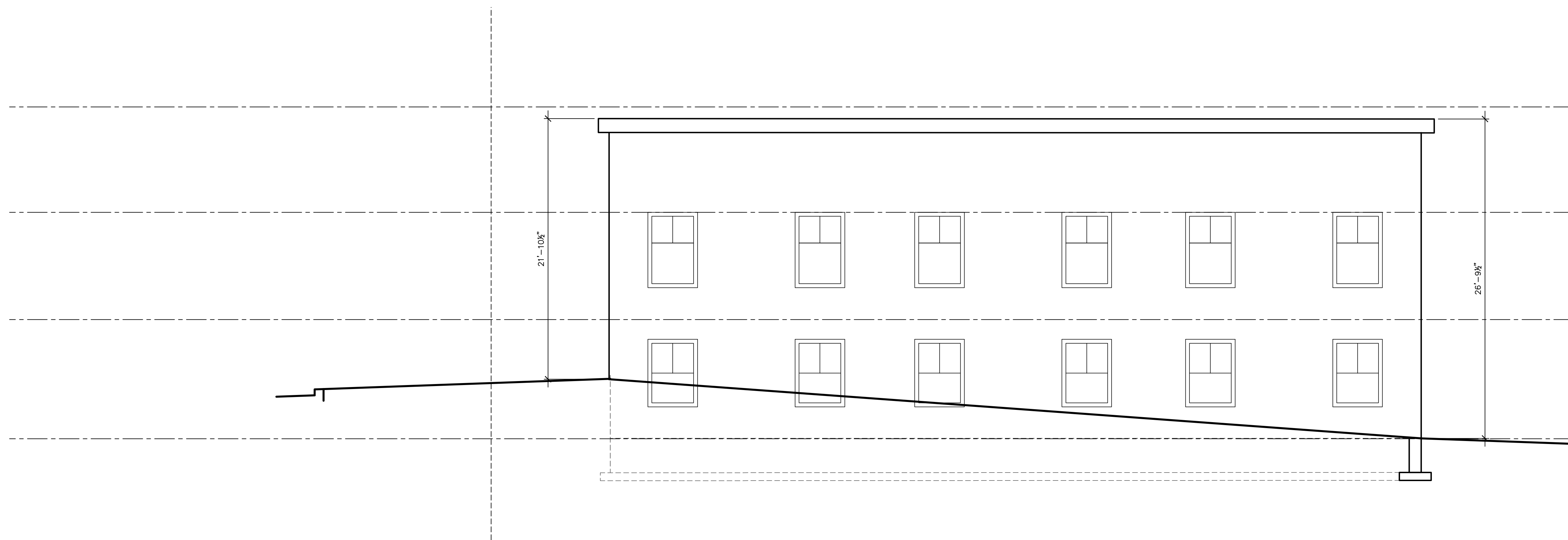
1/4 SEC.	T.	R.
25	10N	4W



○ north elevation - alley



○ south elevation - cannon street
3/16" = 1'-0" when printed at 24x36



○ east elevation - lincoln street

REVISIONS

CUP APPLICATION

new apartment building for:
lincoln st. apartments
1000 CANON STREET
units 101-106 & 201-206
helena, mt 59601

a401

exterior elevations

SHS NO. 2137 | DRAWN
DATE 10.21.21 | REVIEWED pah

© 2021 SOUTH HENRY STUDIOS

L & C 200579
Return to:
First Montana Land Title
P.O. Box 251
Helena, MT 59624

AND WHEN RECORDED MAIL TO:

Filed for Record at Request of:
First Montana Land Title Company

Space Above This Line for Recorder's Use Only

Order No.: LC200579
Parcel No.: 4661

WARRANTY DEED
(Joint Tenancy)

FOR VALUE RECEIVED,

Gotlieb's Five, LLC

hereinafter called Grantor(s), do(es) hereby grant, bargain, sell and convey unto

Erik Gorman and Michelle Gorman

whose address is: **1240 Cannon Street, Helena, MT 59601**

hereinafter called Grantees, as joint tenants (and not as tenants in common) and to the survivor of said named joint tenants, and to the heirs and assigns of such survivor, the following described premises, in **Lewis and Clark** County, **Montana**, to-wit:

Lots 17, 18 and 19 in Block 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

SUBJECT TO Covenants, Conditions, Restrictions, Provisions, Easements and encumbrances apparent or of record.

TO HAVE AND TO HOLD, the said premises, with its appurtenances unto the said Grantees, as joint tenants with the right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named tenants forever. And the said Grantor(s) do(es) hereby covenant to and with Grantees, he/she or they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances except for taxes and assessments for current and subsequent years and he (she or they) will warrant and defend same from all lawful claims whatsoever.

L & C 200579
Return to:
First Montana Land Title
P.O. Box 251
Helena, MT 59624

THIS DOCUMENT HAS BEEN ELECTRONICALLY
RECORDED. SEE THE ATTACHED COVER PAGE
FOR THE RECORDING INFORMATION

AND WHEN RECORDED MAIL TO:

Filed for Record at Request of:
First Montana Land Title Company

Space Above This Line for Recorder's Use Only

Order No.: LC200579
Parcel No.: 4661

**WARRANTY DEED
(Joint Tenancy)**

FOR VALUE RECEIVED,

Gotlieb's Five, LLC

hereinafter called Grantor(s), do(es) hereby grant, bargain, sell and convey unto

Erik Gorman and Michelle Gorman

whose address is: **1240 Cannon Street, Helena, MT 59601**

hereinafter called Grantees, as joint tenants (and not as tenants in common) and to the survivor of said named joint tenants, and to the heirs and assigns of such survivor, the following described premises, in **Lewis and Clark** County, **Montana**, to-wit:

Lots 17, 18 and 19 in Block 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

SUBJECT TO Covenants, Conditions, Restrictions, Provisions, Easements and encumbrances apparent or of record.

TO HAVE AND TO HOLD, the said premises, with its appurtenances unto the said Grantees, as joint tenants with the right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named tenants forever. And the said Grantor(s) do(es) hereby covenant to and with Grantees, he(she or they) is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances except for taxes and assessments for current and subsequent years and he (she or they) will warrant and defend same from all lawful claims whatsoever.

Acknowledgment

Be it known that the undersigned C.W. Cannon, D.A. & Flowerree, A.J. Steele and S.C. Ashby Proprietors of the Hauser, and John H. Ming, Proprietor of the Ming; C.A. Broadwater Proprietor of the Broadwater, and C.W. Cannon, S.P. Hauser, Bliza Gillette and George H. Mullery Proprietors of the Cannon Addition to Helena, situated in the S 1/4 of Sec. 24 and N 1/4 of Sec. 25 T.10. N. R. 2 W. Principal Base and Meridian Montana, acknowledge and certify that we procured and caused to be made a survey of record, and we hereby devote and dedicate the streets and Alleys therein designated to the public use and benefit forever.

In testimony whereof we have hereunto set our hands and seals this 6th day of May A.D. 1887.

Charles W. Cannon
D.A. Flowerree
A.J. Steele
S.C. Ashby
S.P. Hauser
Bliza Gillette
G.H. Broadwater.

MAP
—OF—
HAUSER, MING,

CANNON & BROADWATER
ADDITIONS TO HELENA.

Scale 200 ft. = 1 inch.

CUMMING & HOVEY
CIVIL & MINING ENGINEERS

Territory of Montana }
Lewis and Clarke County } ss

Be it known that on this 18 day of May 1887, personally came before me a Notary Public C.W. Cannon, D.A. Flowerree, A.J. Steele, S.C. Ashby, C.A. Broadwater, S.P. Hauser, and Bliza Gillette, the signers and Sealers of the foregoing plat and acknowledged the same to be their free act and for the purpose therein expressed.

In witness whereof I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Notarial Seal
Geo. H. Hill
Notary Public

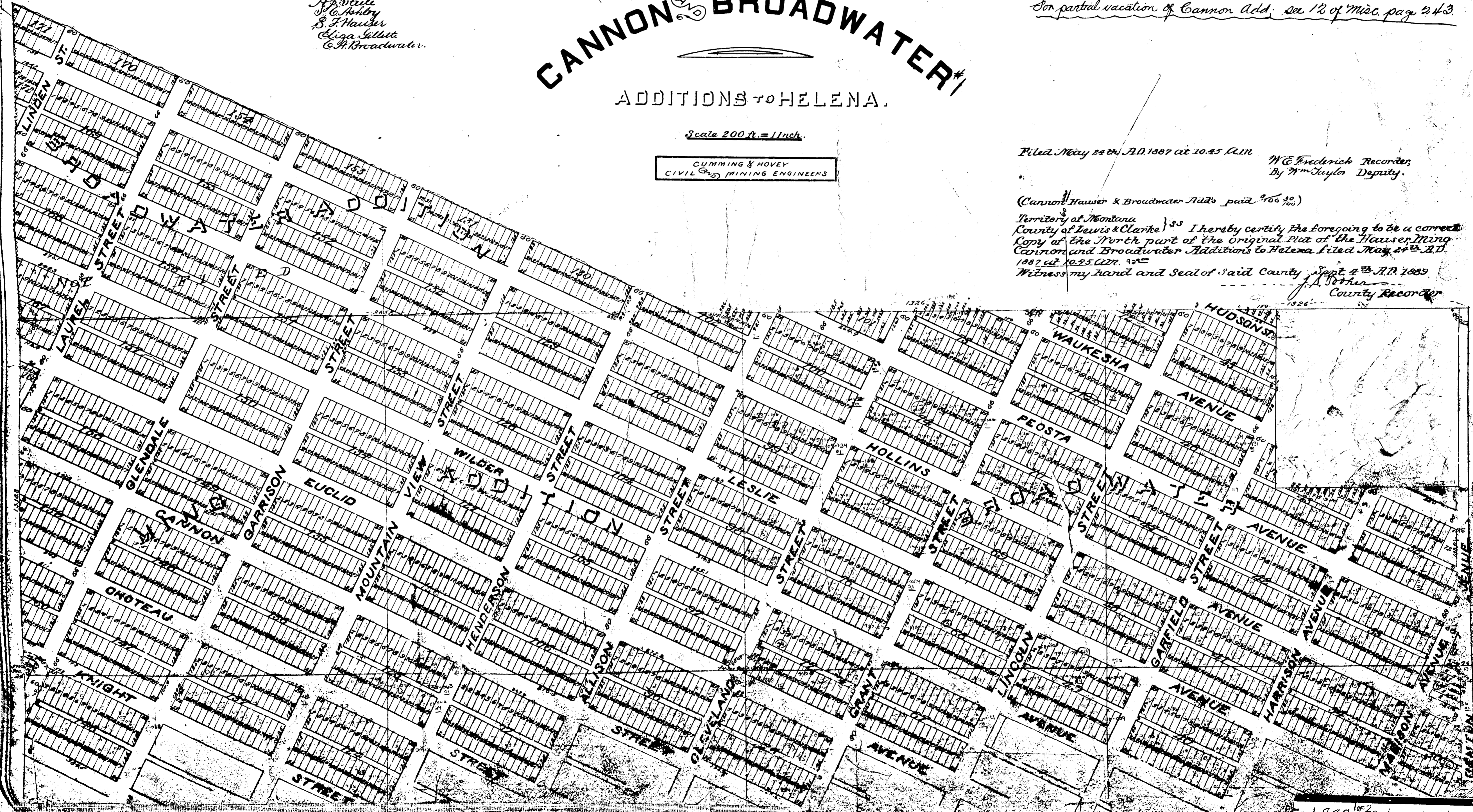
For partial vacation of Cannon Add. see 1/2 of Misc. pag. 243.

Filed May 24th A.D. 1887 at 10:45 AM

W.E. Frederick Recorder,
By Wm. Taylor Deputy.

(Cannon Hauser & Broadwater Add. paid \$60.00)

Territory of Montana }
County of Lewis & Clarke } ss I hereby certify the foregoing to be a correct
Copy of the North part of the Original Plat of the Hauser, Ming
Cannon and Broadwater Additions to Helena filed May 24th A.D.
1887 at 10:45 AM. 952
Witness my hand and Seal of said County Sept 2nd A.D. 1889
County Recorder





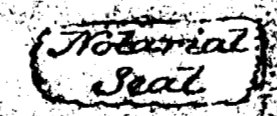
Ordinance No. 1530
 closing a portion which lies between Blk 26 & 29
 of Broadwater Addition, Runwell Act 24, 1905 Book
 of Proceedings miss.
 page
 For partial vacation of Cannon Add. see 123 of Misc. page 243.
 " " " " " 56 of Under 6c 5.

For Rededication see Book 22 of Misc Records at page 219

I, A.B. Gunning, do solemnly swear that I made
 careful Survey of the Hauser, King, Cannon and Broadwater Ad-
 ditions to Helena, and that the Streets and Alleys are of the width
 stated in the foregoing remarks, and in figures on this plat and that
 said Additions have been laid out on the ground according to this
 plat and that said Additions embrace the N.W. 1/4 and part of the
 N.W. 1/4 of Sec. 25; S.W. 1/4 of Sec. 24 and part of the
 N.E. 1/4 of pr. 1/4 of Sec. 24, Terr. Montana. Being more particularly described
 as follows:
 Beginning at 1/2 Sec. Cor. on West side of Sec. 25. Thence North
 along 1/2 line 311.5 ft. to South line of Cemetery, thence West along Cem-
 etery line 906 ft. to S.W. Cor. Cemetery, thence North 604 ft. to N.W. Cor. of
 Cemetery, thence West along line between North and South 1/2 of S.W. 1/4 of Sec. 24
 to Southern side of Alley in Bl. No. 208, thence N. 89° 25' W. to West side of
 Sec. 24. Thence South along West side of Sec. 24 445 ft. to S. side of Alley in
 Block No. 114. Thence South Easterly along Southern side of said Alley
 189.5 ft. to the westerly side line of Lincoln St. Thence South westerly along

said westerly side line of Li. cor. N. 52° 31' E. Thence South Easterly along
 southerly side line of University St. 324 ft. to the South boundary of the N.W. 1/4
 of Sec. 25. Thence East along the South boundary of the N.W. 1/4 of Sec. 25 to place
 at beginning

Subscribed and sworn to before me this 4th day of May 1887
 A.B. Gunning
 Civil Engineer
 Albert S. Henry
 Notary Public and for
 Montana



Territory of Montana }
 County of Lewis & Clark }
 I hereby certify that the foregoing is a correct
 Copy of the Original Plat of the Hauser, King, Cannon and Broadwater
 Additions to Helena, filed May 22nd AD 1887 at 10:45 AM.
 and Seal of said County - Sept. 4th A.D. 1889

Witness my hand
 County Recorder



Michael Alvarez, Planner II
Community Development Department
 316 North Park Avenue, Room 403
 Helena, MT 59623

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

helenamt.gov

Date: February 08, 2023

CONDITIONAL USE PERMIT

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: **Consider a resolution granting a Conditional Use Permit to allow a residence, multiple-dwelling units (3 or more units) use in the R-3 T #12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.**

OVERVIEW

GENERAL INFORMATION

DATE OF APPLICATION: Dec 27th, 2022
DATE DEEMED COMPLETE: Jan 05th, 2023

PUBLIC HEARING DATES:
Zoning Commission: 5:30 P.M. Tuesday, February 14, 2023
City Commission: 6:00 P.M. Monday, March 27, 2023

PUBLIC NOTICE:
 Legal notice has been published January 29, 2023 in the Independent Record; notice letters have been sent to adjacent property owners and a sign posted on the property.

PUBLIC COMMENT:
 As of Wednesday, February 08, 2023, no public comments have been expressed regarding this proposed CUP.

OWNER: Erik & Michelle Gorman
ADDRESS: 1240 Cannon St, Helena, MT 59601
EMAIL: erikgorman93@gmail.com
PHONE: 406-558-9114

AUTHORIZED REP: Erik Gorman
ADDRESS: see above

EMAIL: see above

SUBJECT PROPERTY ADDRESS: 1000 Cannon St, Helena, MT 59601

LEGAL DESCRIPTION: Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

GENERAL LOCATION: This property is generally located on the northwest corner of Cannon St and Lincoln St.

DESCRIPTION / BACKGROUND

The applicant/property owner is looking to obtain a Conditional Use Permit (CUP) to allow a multiple-dwelling unit residence in the R-3 (Residential) T #12 Zoning District. The subject parcel currently sits vacant. The previous use was for a single-dwelling unit residence. The owner received a demolition permit to remove that structure in June of 2021, and the applicant now seeks to build multiple dwelling-unit residences at the location. Multiple dwelling-unit residential is allowed by right in the zoning district R-3; however, the R-3 T #12 transitional district overlay requires a CUP for any use other than single dwelling-unit.

The “T” districts are to be treated as temporary in and this “T” district specifically appears to be in conflict with the 2019 Growth Policy’s designation of the area as “mixed-use.” The property owner has already received a similar variance in this district for a residential multiple dwelling-unit building in this district at 1240 Cannon St.

DEFINITIONS:

R-3 (RESIDENTIAL) DISTRICTS: It is the intent of this district to provide for the development of a mixture of residential structures to serve varied housing needs and allows limited compatible nonresidential uses.

“T” Standard #12 R-3-T: Due to the location of this property, abutting a B-2 and R-O zone, with substantial residential development located to the south, this zone is created to provide a buffer between the existing residential and commercial uses. To protect existing uses and to provide for harmonious development, and permitted use, and [sic] permitted use, except single family dwelling and its assessor[sic] uses, in the R-3 zones must first receive as[sic] conditional use permit prescribed in Section 17 of the Zoning Ordinance.

MULTIPLE-DWELLING UNITS RESIDENCE: A building containing three (3) or more dwelling units for occupancy by three (3) or more groups living separately from each other, including condominiums.

2019 GROWTH POLICY FUTURE LAND USE DESIGNATION:

MIXED USE: Places where people can work, live, and play and learn. These areas include a variety of complementary and integrated uses such as, but not limited to, all forms of residential; office; light industrial/manufacturing; retail, entertainment or public uses. Development is usually in a denser comprehensive pattern to achieve a unified, functional, efficient, and aesthetically appealing physical setting, and provides opportunities for connectivity, public transportation, and walkability. Mixed-use areas do not use the traditional segregation of uses.

PRESENT LAND USE & ZONING:

R-3-T #12 (Residential) – land is presently vacant and last had the land use designation of single dwelling-unit residential

ADJACENT LAND USE & ZONING:

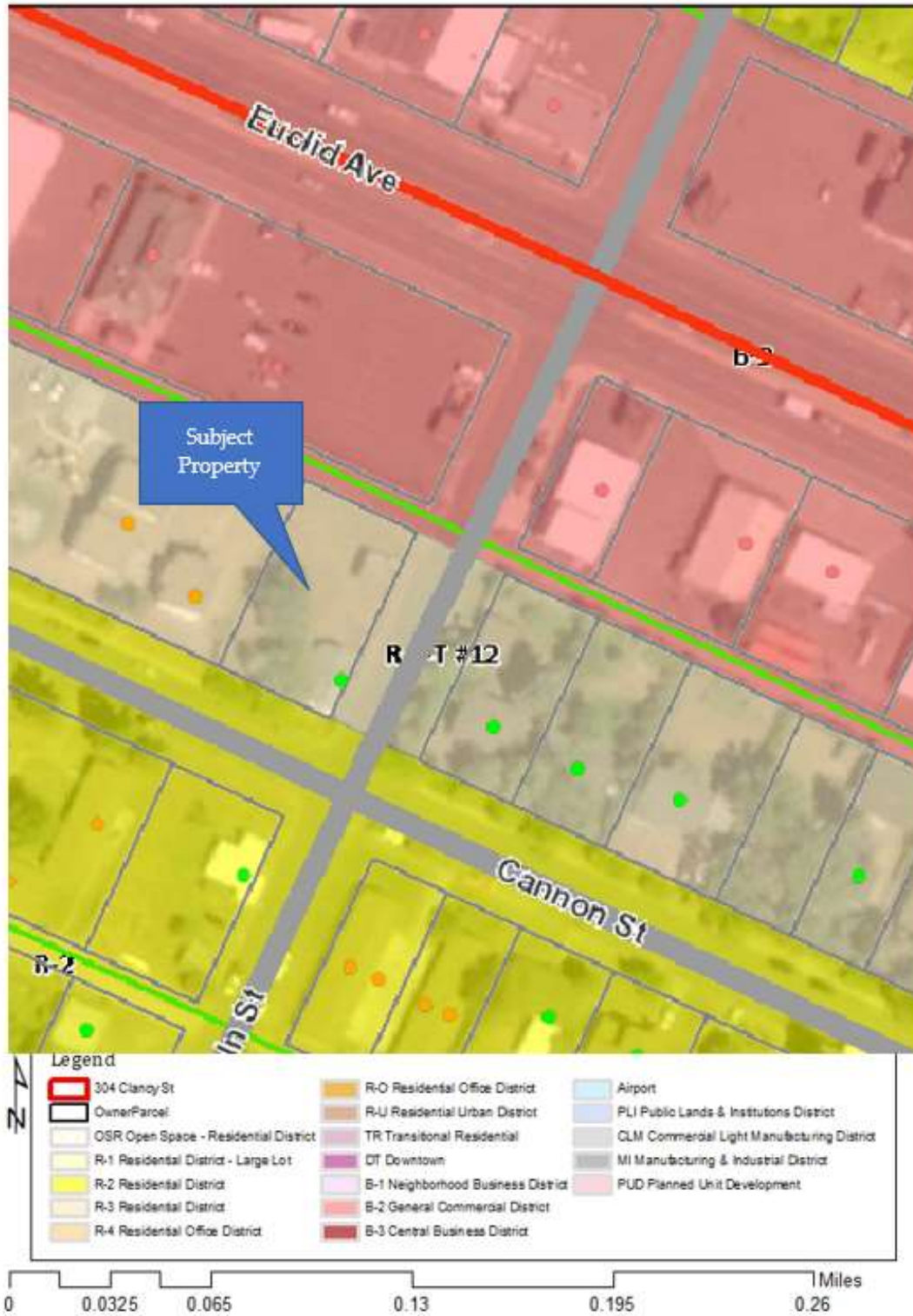
North: B-2 (commercial) – restaurant (Early Bird Cafe, and its parking lot)

South: R-2 (residential) – single-dwelling and two dwelling unit residences

East: R-2 (residential) – single-dwelling unit residences

West: R-3 (residential) – multiple dwelling-unit residential (Helena Housing Authority)

VICINITY MAP:
1000 Cannon St



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 site is located on the northwest corner of Cannon and Lincoln Streets. Euclid Avenue and the commercial district centered on it is one block to the north, zoned B-2 (General Commercial). To the south lies an R-2 (Residential) District neighborhood, which is almost exclusively residential in nature with the exception of churches and home occupations. This area includes a blend of multi-dwelling unit residential alongside single-family residential uses with a blend of homeowner and rental units. Along Cannon Street where the R-3 T#12 District exists, there are numerous residential multiple dwelling-unit properties to both the east and west of the subject parcel denoting a prevalence of non-conformities in existence already.

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

property.

The applicant proposes construction of a nine-unit building. The proposed structure is two-stories tall with a shed roof, very similar in style and massing to the multiple dwelling-unit home to the west. The applicant is not requesting any variances for the building with this proposal. All other structures have already been removed.

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

The site currently has the land use single dwelling-unit residential. The applicant's block of Cannon Street has other multiple dwelling-unit residential structures along it both to the east and west. Despite the stated intent of the R-3 T #12 District to serve as a buffer district between the B-2 District fronting Euclid Avenue and the lower-density R-2 District, the land use pattern in the area points to a prevalence of non-conformities – largely in the form of residential multiple dwelling-unit buildings. The applicant has already received approval from the City Commission for one such residential multiple dwelling-unit building located at 1240 Cannon Street in 2021.

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

The subject area does now fall under an approved neighborhood planning area. Looking to the 2019 Growth Policy Land Use chapter, the City of Helena Future land Use map designates this area as Mixed-Use. This proposal would fit the definition of mixed-use by providing a place where people can live a short distance from a commercial corridor.

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

This proposal uses some on-street spaces to meet its off-street parking requirement as is allowed under §11-22-9-B. Four off-street parking spaces including ADA would be accessed off the alley.

The applicant will need to install new boulevard sidewalks on Cannon and Lincoln Streets in-keeping with City standards.

The estimated trip generation for the building is below the 200 trip per day threshold for requiring a traffic impact study.

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

This proposal will provide additional housing in a mixed-use area that is in close proximity to shopping, schools, and recreational opportunities. The CUP proposal, as mentioned in the analysis above, is not anticipated to add more than 200 vehicle trips per day to local rights-of-way. The parcel's proximity to other non-residential uses implies that future residents of the condominiums will have an opportunity to use non-vehicular means of transportation to go about daily activities. As a result, the proposal supports the overall goal of reducing carbon dioxide emissions into the atmosphere. The applicant intends to use permeable pavers to reduce the impervious area to rainwater. At the time of this report staff has not determined if it will accept the proposed paving system.

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

The proposal will meet the district dimensional standards and not require a variance

8. *Hours of operation.*

Not applicable.

9. *Noise.*

Noise levels can be expected to be typical of a nine dwelling-unit building.

10. *Glare.*

Proposed structure will not result in an unusual amount of glare.

11. *Odor.*

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

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

As of Wednesday, 02/08/2023, no public comments have been given for this proposal.

RECOMMENDATION

To recommend **Approval of** a resolution granting a Conditional Use Permit to allow a Residence, multiple-dwelling units (3 or more units) use in the R-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana, 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.