

STAFF REPORT

102 S Cooke St

*Zone Change from
R-2 to R-3*

Case# ZONC2404-001

Michael Alvarez
Planner II

Community Development Department
316 North Park Avenue, Room 402
Helena, Montana 59623





City of
Helena

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Section 1 - Project Overview

The applicant, John Iverson, is requesting a Zone Change to R-3 (residential) for the property located at 102 S. Cooke Street, legally described as:

Lots 18-20 in Block 29 of the Corbin Addition to the City of Helena, Lewis and Clark County, Montana.

The subject property is located in an R-2 (residential) zoning district. In conjunction with this application, the property owners are requesting a Conditional Use Permit (CUP). The subject property has PLI (public lands and institutions) zoning to the north, R-3 zoning to the west (adjacent), R-2 (residential) zoning to the east and south.

Section 2 - Staff Recommendation

Move to recommend **Approval** of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-3 (residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Addition to the City of Helena, Lewis and Clark County, Montana.

Section 3 - General Information

Application Date: April 17, 2024

Public Hearing Dates: Zoning Commission – July 9, 2024
City Commission – August 12, 2024 – First Passage
City Commission – September 09, 2024 – Final Passage

Applicant: John Iverson
1437 Helena Ave #8
Helena, MT 59601

Authorized Representative: Same

Property Owner: 133 7th Ave., LLC
1437 Helena Ave. #8
Helena, MT 59601

Legal Description: Lots 18-20 in Block 29 of the Corbin Addition to the City of Helena, Lewis and Clark County, Montana.

General location: The property is generally located on the southwest side of the intersection of E. Broadway St. and S. Cooke Street.

Present Land Use: Residence, single-dwelling unit

Adjacent Land Uses: North: PLI - Professional Offices (State Capitol)

South: R-2 - Residential (single-dwelling unit)

East: R-2 – Residential (single-dwelling unit and multiple-dwelling units)

West: R-3 – Residential (multiple-dwelling units)

Northwest: R-3 – Professional Offices (Montana Association of Realtors)

Tract/Property Size: Approximately 0.26 acres

2019 Growth Policy

Land Use Designation(s): **Public**– Land that is in government or quasi-government use; some public uses may be incorporated into other land use categories.

Section 4 - Public Process

- A. Zone Change applications are filed with the Community Development Department, and any required fees must be paid upon submission of an application. The application will then be reviewed by City staff, per City Code Section 11-1-10.
- B. The Zoning Commission shall hold a public hearing and make a recommendation to the City Commission, per City Code Section 11-1-10.
- D. The City Commission shall pass an ordinance approving the zoning change, which is effective thirty (30) days after the passage of the ordinance. (Ord. 3097, 4-7-2008)

This review process as defined by Helena City Code allows for public comment, staff review, and vetting through city departments and appointed and elected boards or committees prior to approval. As part of this process, the Community Development Department sends the application materials to applicable departments for their review and comment. This leads to a full evaluation of potential impacts and helps determine how the proposed conditional use relates to the review criteria.

Public Comment

An integral part of the review process is the conducting of public hearings and the solicitation of public comment. Comments are welcome throughout the entire process including during the public hearings. As of June 28, 2024, there have been no comments received regarding the proposed rezoning. Any comments received during and after the hearing conducted by the Zoning Commission will be attached to this report and presented to the City Commission for their review and final decision.

Section 5 –Evaluation

The property at 102 S. Cooke St. currently has the land uses of Residential, single-dwelling unit, and is zoned R-2 (residential). The applicant and property owner are requesting a zone change to the adjacent zoning, R-3 (residential) zone type. The merits of the associated CUP application are not considered in evaluating this zone change application.

The building was built in 1962 as a single-story, freestanding, single-dwelling unit and has existed in that capacity until its purchase by the applicant this year. The existing use on the property, residence, single-dwelling unit, is a use allowed by right in both the current and proposed zoning districts. The property has adjacency to the proposed zoning district, and staff has concluded that changing the zoning would not constitute “spot zoning.”

Future land use map designations are not zoning districts and a variety of different allowable uses in each zoning district may match a future land use map designation. Every property must have its unique characteristics considered when its zoning is analyzed through the lens of the future land use map. For the subject property, developed as it is with an existing structure, and adjacent to the state capitol, the future land use designation of Public in this location carries a similar purpose to the adjacent state Capitol campus. Considering that purpose, the current zone type, R-2 (residential) is a poor match to the future land use map designation, and the proposed zone type, R-3 (residential) improves the property’s conformity with the 2019 Growth Policy.

76-2-304. Criteria and guidelines for zoning regulations.

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.

EVALUATION

1. **Zoning regulations must be:**

a. **Made in accordance with a growth policy;**

The 2019 City of Helena Growth Policy designates this property as “Public,” defined as “[l]and that is in government or quasi-government use; some public uses may be incorporated into other land use categories.” Residential uses would not generally be considered complimentary to the Public future land use designation. However, the R-3 (residential) zone type allows for a greater number of complimentary uses, such as

Professional Offices, through the Conditional Use Permitting process.

The proposed zone change aligns with the following goals and objectives:

- [G.01] Promote and sustain Helena’s economic vitality, supporting existing businesses and attracting a diverse range of economic sectors that provide employment opportunities.
- [G.10] Plan for and establish types and quantities of land uses in Helena supporting community needs, neighborhood centers, aesthetics and the City’s long-term sustainability.
- [O.77] Apply or revise zoning designations with careful consideration of factors including:
 - Future land use mapping;
 - Compatibility with surrounding land uses;
 - Infrastructure and service plans;
 - Development of vacant and under-utilized buildings;
 - Existing and future traffic patterns;
 - Goals and objectives of the growth policy.
- [O.82] Encourage development patterns and proposals that promote efficient use of City infrastructure and resources.
- [O.99] Promote the concentration of specialized industries within the city where specialized infrastructure, information, and labor advantages may promote economic development and desirable growth.

b. Designed to:

i. Secure safety from fire and other dangers;

The subject property is within the City of Helena Urban Standards Boundary and is currently served by all City of Helena emergency services. The proposed zone change will not impact the levels of emergency services available in the surrounding area.

ii. Promote public health, public safety, and the general welfare;

The proposed zone change will not significantly affect the subject property’s zoning alignment with the surrounding residential zoning and will allow for more complimentary non-residential uses in the neighborhood. As such, the proposed zone change will not create unique impacts to health, safety, or welfare within the vicinity.

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

The property is currently fully developed and is served by City of Helena streets, utilities, and public services. The proposed zone change and any future uses will not have a significant impact on these services.

2. In the adoption of zoning regulations, the municipal governing body shall consider:
a. Reasonable provision of adequate light and air;

The existing property was built in 1962 as a single-story, freestanding, single-dwelling unit and has existed in that capacity until its purchase by the applicant this year. It conforms with both the current and proposed zoning types.

An evaluation of the property for compliance with the current zoning requirements of the R-3 zoning districts shows the following conditions:

Design Standard	Zoning Requirement for R-3	Present Condition
Lot Coverage	40% maximum	Approximately 18% (Calculation taken from Montana Cadastral data)
Height	36' maximum	<20'
Front Lot Line Setback (E Broadway St)	10' Minimum	~38' to property line (note that there is a non-standard, increased distance to the active right of way)
Front Lot Line Setback (S Cooke St)	10' Minimum	~24'
Setback from alleyway (South)	5' Minimum	~6'
Side Lot Line Setback (East)	6' Minimum	~38'
Garage door setback	20' Minimum	<24'

b. The effect on motorized and nonmotorized transportation systems;

A 0.26 acre R-2 Residential property could be expected to accommodate 1.29 – residence, single-dwelling units (9,000sf lot). The ITE trip generation manual for a detached single family home estimates 9.52 trips per unit. Two detached homes on the property would be estimated to produce 19.04 trips per day.

A 0.26 acre R-3 Residential property could be expected to accommodate 1.66 – residence, single-dwelling units (7,000sf lot) or 5.8 – residence, multiple-dwelling units (1 unit per 2,000sf). The ITE trip generation manual for a detached single family home estimates 9.52 trips per unit. six – residence, multiple-dwelling units on the property would be estimated to produce 39.99 trips per day. Estimates do not include ranges for uses approved through the CUP process.

The 2014 Greater Helena Long Range Transportation Plan designates E. Broadway St. as a minor collector and S. Cooke Street as a local road. Roads are designed to the City of Helena engineering standards. Local roads are designed to accommodate less than 1,500 vehicles per day. Minor Collectors are designed to accommodate between 1,501 and 3,500 vehicles per day.

The proposed zone change to R-3 will not have significant impact on local traffic (vehicular, bicycle, and pedestrian) compared to the existing R-2 use.

c. Promotion of compatible urban growth;

The 2019 City of Helena Growth Policy designates this area as Public, an area that is in government or quasi-government use.

The R-2 zoning district restricts the type of uses typically found in Public areas primarily by limiting commercial and recreational activities within the district. R-2 zoning districts prohibits applicable commercial use outside of community gardens, and, through the CUP process, cultural facilities and worship facilities. The zone type otherwise prohibits almost all applicable uses.

The proposed R-3 zoning district similarly restricts the type of uses typically found in Public areas. However, through the CUP process, it allows for Professional Offices, which is the prevailing use type in the adjacent PLI (public lands and institutions) zoning district that covers the Capitol campus to the north of 102 S. Cooke Street.

d. The character of the district and its peculiar suitability for particular uses; and

The zoning change to R-3 is not out of alignment with the zoning of the area. This is a predominately residential zoned area and R-3 is a residential zone type.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The proposed zone change to R-3 will increase consistency with adjacent properties and increase development opportunities unique to the area. The proposed zoning is not expected to create detrimental impacts to the surrounding properties because this zone type already exists adjacent to the subject property and affords for similar uses found in the vicinity. The increased compliance with the Growth Policy will generate uses that are wholly complimentary with surrounding properties.

Section 6 - Staff Recommendation

The approval of this zone change is consistent with the goals and objectives of the 2019 Growth Policy and is consistent with all of the Montana zoning criteria.

Staff Recommendation:

Move to recommend **Approval** of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-3 (residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Addition to the City of Helena, Lewis and Clark County, Montana.

Appendix A - Maps

102 S Cooke St Vicinity Map




 Subject Property
 Paved
 Alley



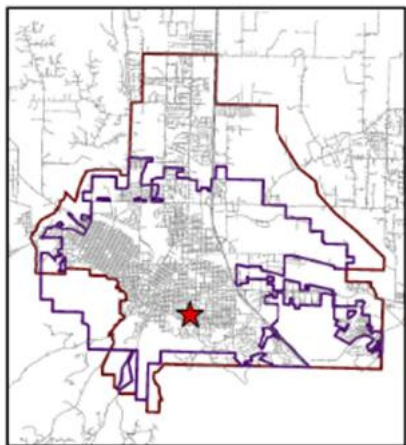
Community Development
City/County Building
316 North Park Avenue, Rm. 445
Helena, MT 59623

N

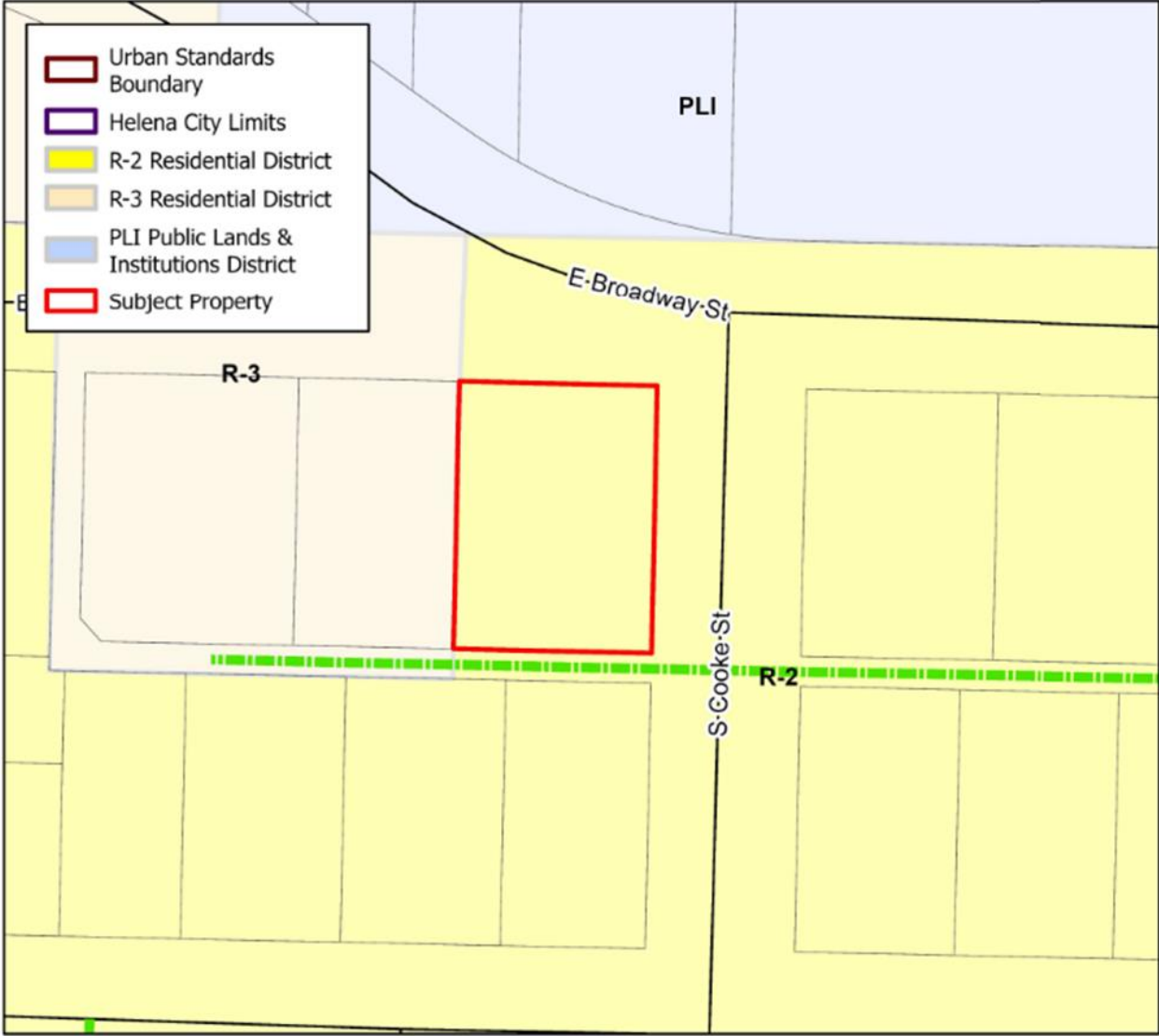


0 20 40 80 120 Feet

Legal Description: CORBIN
SUBD, S32, T10 N, R03 W,
BLOCK 29, Lot 18 - 20



102 S Cooke St Zoning Map




Legend:

- Red outline: Subject Property
- Black line: Paved
- Dashed green line: Alley

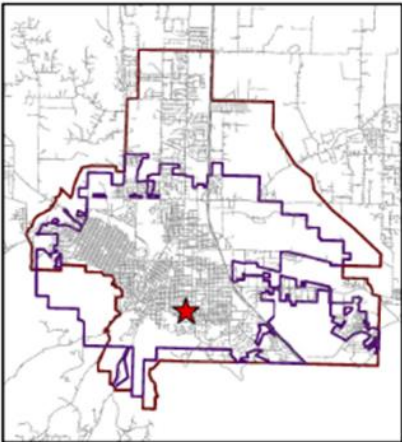


Community Development
City/County Building
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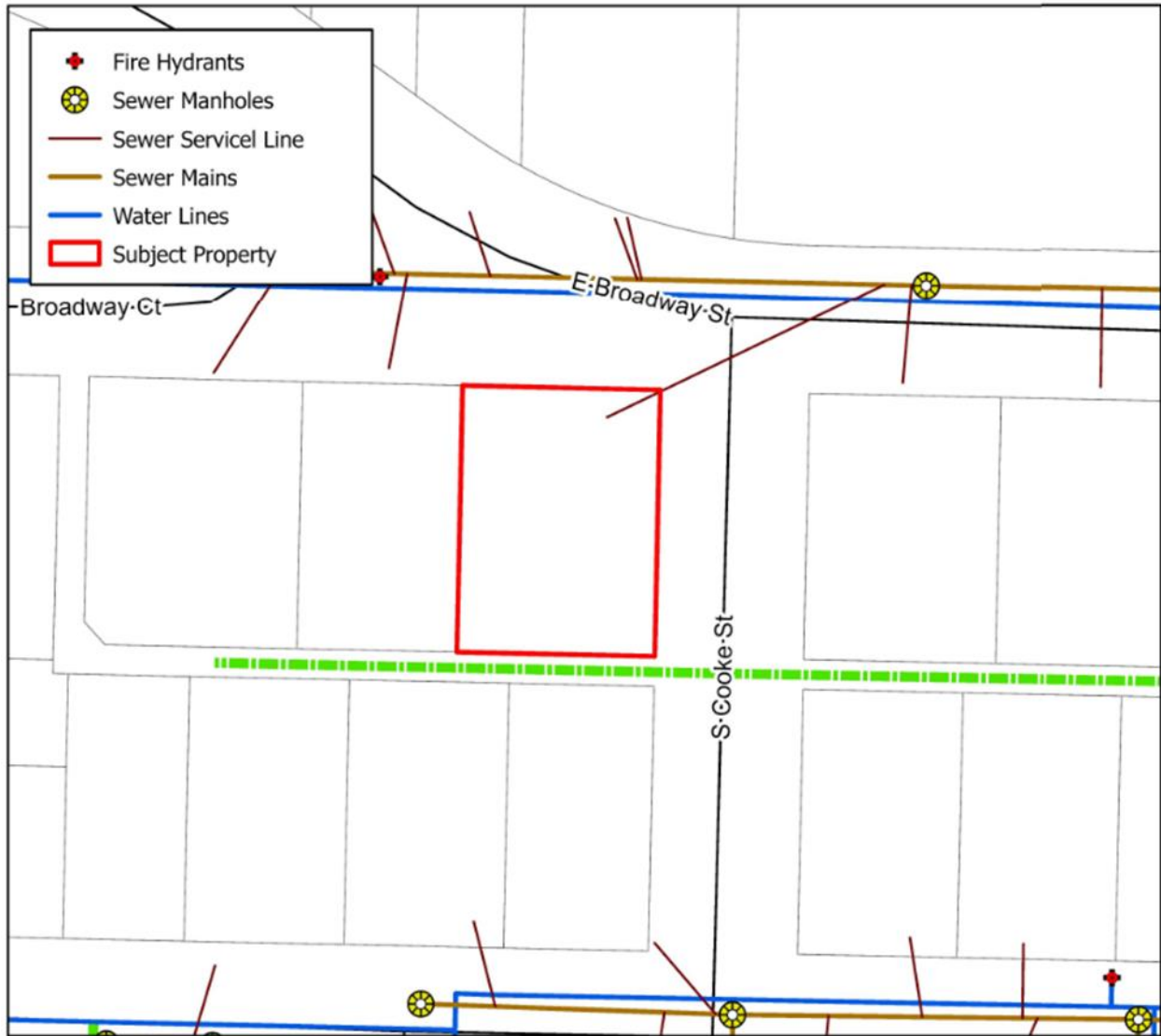


0 20 40 80 120 Feet

Legal Description: CORBIN
SUBD, S32, T10 N, R03 W,
BLOCK 29, Lot 18 - 20



102 S Cooke St Utility Map




Subject Property (Red outline)

Paved (Black line)


Alley (Green dashed line)

MT Parcels w Condos (White outline)



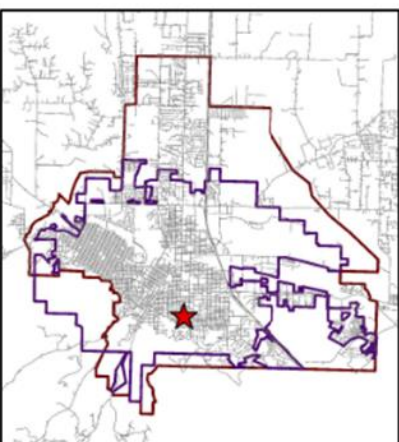
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N



0 20 40 80 120 Feet

Legal Description: CORBIN
SUBD, S32, T10 N, R03 W,
BLOCK 29, Lot 18 - 20



Appendix B – Comments



ZONE CHANGE APPLICATION

Community Development Department, Planning Division
316 North Park Avenue, Room 445, Helena, MT 59623
406-447-8490; citycommunitydevelopment@helenamt.gov

Date received:

RECEIVED

APR 17 2024

City Comm. Dev. Dept.

APPLICATION FEE: \$410.00
(PAYABLE TO THE CITY OF HELENA)
ALL FEES ARE NON-REFUNDABLE

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.

PROPERTY OWNER: Primary Contact?

Name: 133 7th Ave LLC Primary Number: (406) 459-3344
Address: 1437 Helena Ave #8 Other Phone: _____
Email: iversonmontana@gmail.com

APPLICANT (If different from property owner): Primary Contact?

Name: John Iverson Primary Number: (406) 459-3344
Address: 1437 Helena Ave #8 Other Phone: _____
Email: iversonmontana@gmail.com Company: _____

AUTHORIZED REPRESENTATIVE: Primary Contact?

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

Address of the Property: 102 S Cooke St. Helena, MT 59601
Address City State Zip Code

Legal Description (Lots, Block, & Subdivision, COS #, deed reference)
CORBIN SUBD, S32, T10 N, R03 W, BLOCK 29, Lot 18 - 20

Provide a current deed and plat/COS with the metes and bounds of the subject property

Geocode 05-1888-32-2-19-19-0000

Current City Zoning District R-2

Proposed Zoning District R-3


Adjacent Zoning Districts R-2 and R-3

Are there other related Land Use Applications being submitted: Yes No

Submit proof of current paid taxes

Existing use on the property Residential House

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

Signed:  Date: 2/14/24
Property Owner
Applicant: _____ Date: _____
(If different from Owner)

Review Criteria

(A different zoning district may be recommended if it appropriately fits the 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 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.

Per Section 11-1-10 of the Helena City Code, the Zoning Commission and the City Commission will hold public hearings, to give the public an opportunity to be heard upon the matter. The Zoning Commission will make a recommendation to the City Commission who will approve or deny the requested zoning. If approved, the zone change becomes effective 30 days after final pass of the zone change Ordinance.