

STAFF REPORT

102 S Cooke St

Professional Offices Conditional Use Permit

Case# CUP2405-001

Michael Alvarez
Planner II

Community Development Department
316 North Park Avenue, Room 403
Helena, Montana 59623





City of
Helena

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Section 1 - Project Overview

The applicant, John Iverson, are requesting a Conditional Use Permit to allow for a Professional Offices use in an R-3 (Residential) zoning district 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 currently zoned R-2 (Residential). In conjunction with this application, the property owners are requesting a zone change to R-3. 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 a resolution granting a Conditional Use Permit to allow a Professional Offices use in a R-3 (residential) zoning district 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: May 14, 2024

Public Hearing Dates: Zoning Commission – July 09, 2024
City Commission – September 09, 2024

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. Conditional Use Permit 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 11-3-2.
- B. The zoning commission shall hold a public hearing and make a recommendation to the city commission per City Code Section 11-3-6.
- D. The city commission shall pass a resolution approving the conditional use, which is effective upon the date of resolution. (Ord. 3097, 4-7-2008; amd. Ord. 3279, 1-13-2020)

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 conditional use permit (CUP). 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, to allow them to seek the present CUP to allow Professional Office use to operate at the property. Consideration of the CUP application is predicated upon prior approval of the zone change request.

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 Conditional Use Permit will allow the owners to bring the use of Professional Offices into conformity with the zoning district.

The City's land use table no longer distinguishes between public administrative office uses and private professional office uses. The subject property's location is appealing to the applicant's work as a lobbyist due to its close proximity to the state Capitol. While the lobbying work would not be considered a "quasi-government" use, the Professional Offices use is the use type that a government office would work under if one were to be located at the subject property is most appropriate for a lobbying office.

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

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

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

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

- 1. Location, character, and natural features of the subject property as it currently exists.*
- 2. Type and size of the proposed structure and improvements and their relative location on the subject property.*
- 3. Historical uses, established use patterns, and recent changes and trends in the neighborhood.*
- 4. Conformity of the proposed use with the neighborhood plan, if one has been adopted.*
- 5. Current and proposed pedestrian, vehicular, and bicycle traffic including ingress and egress, circulation and parking.*
- 6. Whether the use is consistent with the Helena Climate Change Action Plan.*
- 7. Whether the proposal meets the zoning dimensional standards requirements for the zoning district without the need for a variance.*
- 8. Hours of operation.*
- 9. Noise.*

10. *Glare.*
11. *Odor.*
12. *Expressed public opinion related to factors identified above.*

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

EVALUATION

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

The existing property is a freestanding, one-story, residential, single-dwelling unit built in 1962. The applicant has no plans for alterations to the exterior of the building, other than what is required to comply with the Americans with Disabilities Act (ADA).

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

The existing property is a freestanding, one-story, residential, single-dwelling unit built in 1962. The applicant has no plans for alterations to the exterior of the building, other than what is required to comply with the Americans with Disabilities Act (ADA).

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

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.

Most of the surrounding residential blocks and properties are similarly sized and dated to the subject property's era. Specifically, the two single-dwelling units to the south are from 1955 and 1959. The multiple-dwelling unit residential structure to the east is similarly dated to 1955. The adjacent two-story, residential, multiple-dwelling units to the west were built in 2013.

There are two buildings in the immediate vicinity with the Professional Offices use: The state Capitol, directly to the north, was built in 1902 and had wing-annexes added between 1909 and 1912. The Montana Association of Realtors has offices across Broadway Ct. and along E. Broadway St.

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

This area of Helena does not have a neighborhood plan and development is instead guided by the 2019 Growth Policy, which designates this area as Public. Areas designated Public are lands intended to be used in government or quasi-government use.

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

Vehicular and bicycle traffic is accommodated in the existing adjacent rights-of-way: East Broadway and S. Cooke Streets. The estimated trips per day, based on the IT & E trip generation rate for General Office (11.01 trips per 1,000 sq. ft.) and the size of the building, is ~17-28 trips (the high estimate including the garage space). A freestanding, single-dwelling unit residence (the historical use) would be expected to generate ~9-10 trips per day.

The subject property is required to have five parking spaces, and, while it has off-street parking, on-street parking spots could accommodate all the zoning parking requirement, per §11-22-9. The subject property will need to create an ADA parking space to applicable standards.

The property is in a developed neighborhood, with no changes proposed to the subject property, save modifications for ADA compliance. There is an existing sidewalk along East Broadway St. There are no pedestrian facilities along S. Cooke St., and the City will ask that a condition be placed on the property to install the S. Cooke St. sidewalk to further aid pedestrian connectivity.

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

The use of an existing building with minor upgrades allows for minimal environmental impacts compared to the construction of a new structure. The proposed occupancy has the potential to reduce vehicular traffic to the Capitol from a similar use located in another neighborhood within the city.

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

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'

- No new construction is being proposed and there are no nonconformities.
8. *Hours of operation.*
Hours of operation will be normal business hours (~8am-5pm).
9. *Noise.*
No increases in noise level are expected. The proposed use will be internal to the building and noise levels are anticipated to be similar to current and historic levels.
10. *Glare.*
No new lights will be installed as part of this conditional use. There are no known issues with glare at the property. With the anticipated hours of operation, cars and their associated headlight glare would be expected at the same hours as a residence.
11. *Odor.*
Odors are expected to be minimal, or even reduced on the site, with an expected reduction in the use of the cooking facility on the premises. The subject property is currently served by City of Helena Solid Waste services and the level of solid waste disposal is not expected to be increased from a residence with a Professional Office uses.
12. *Expressed public opinion related to factors identified above.*
As of Friday, June 28, 2024, no public comments have been collected for this proposal.

Section 6 - Staff Recommendation

The approval of this conditional use in a R-3 zoning district is consistent with the goals and objectives of the 2019 Growth Plan. Those goals are intended to guide City decision making and implement a citizen guided vision for the future of Helena.




Staff Recommendation:


Move to recommend **Approval** of a resolution granting a Conditional Use Permit to allow Professional Offices uses in a R-3 zoning district 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

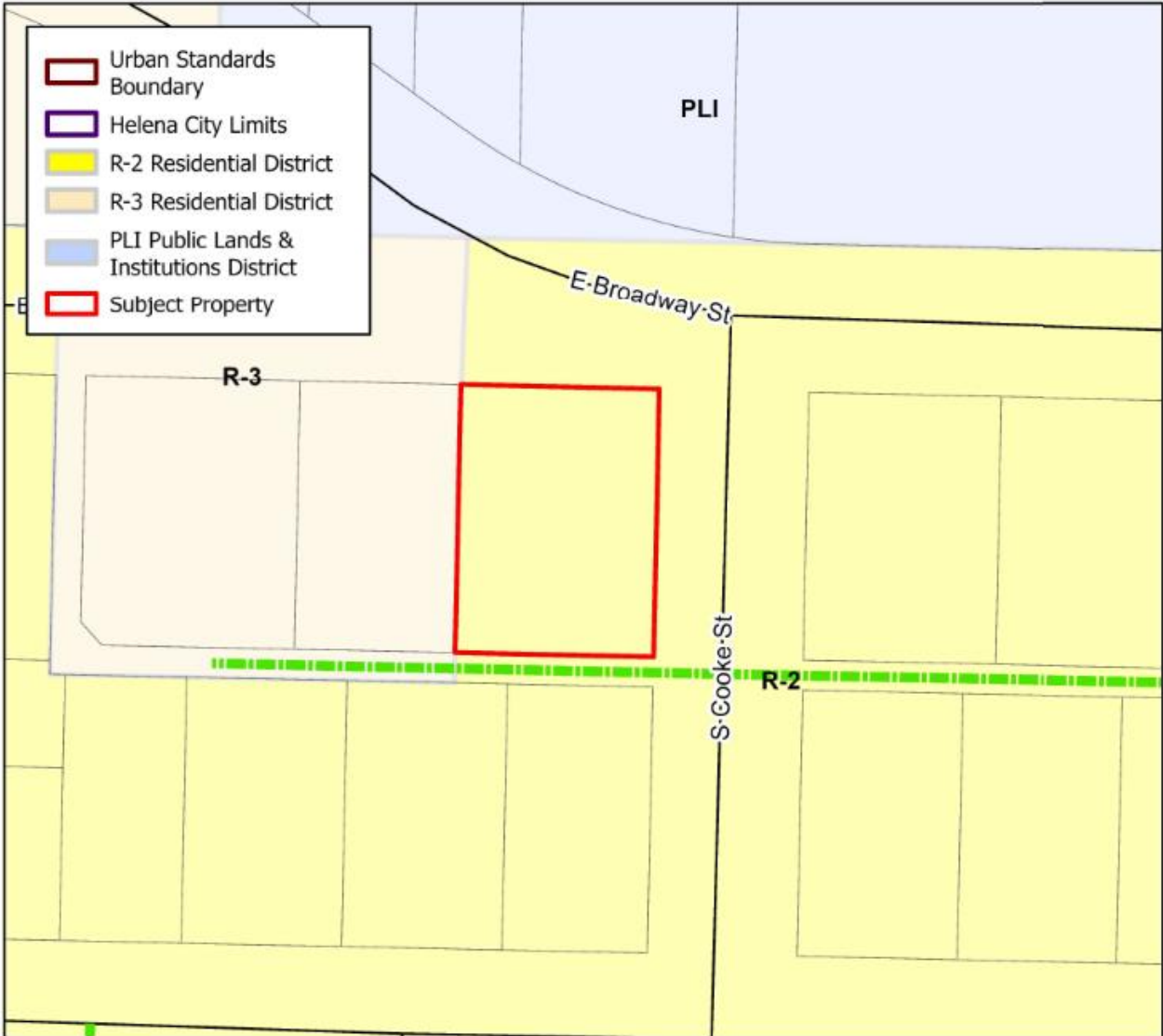


0 20 40 80 120 Feet

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



102 S Cooke St Zoning Map

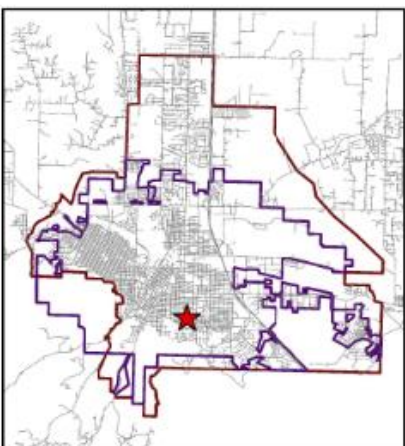


- Subject Property
- Paved
- Alley

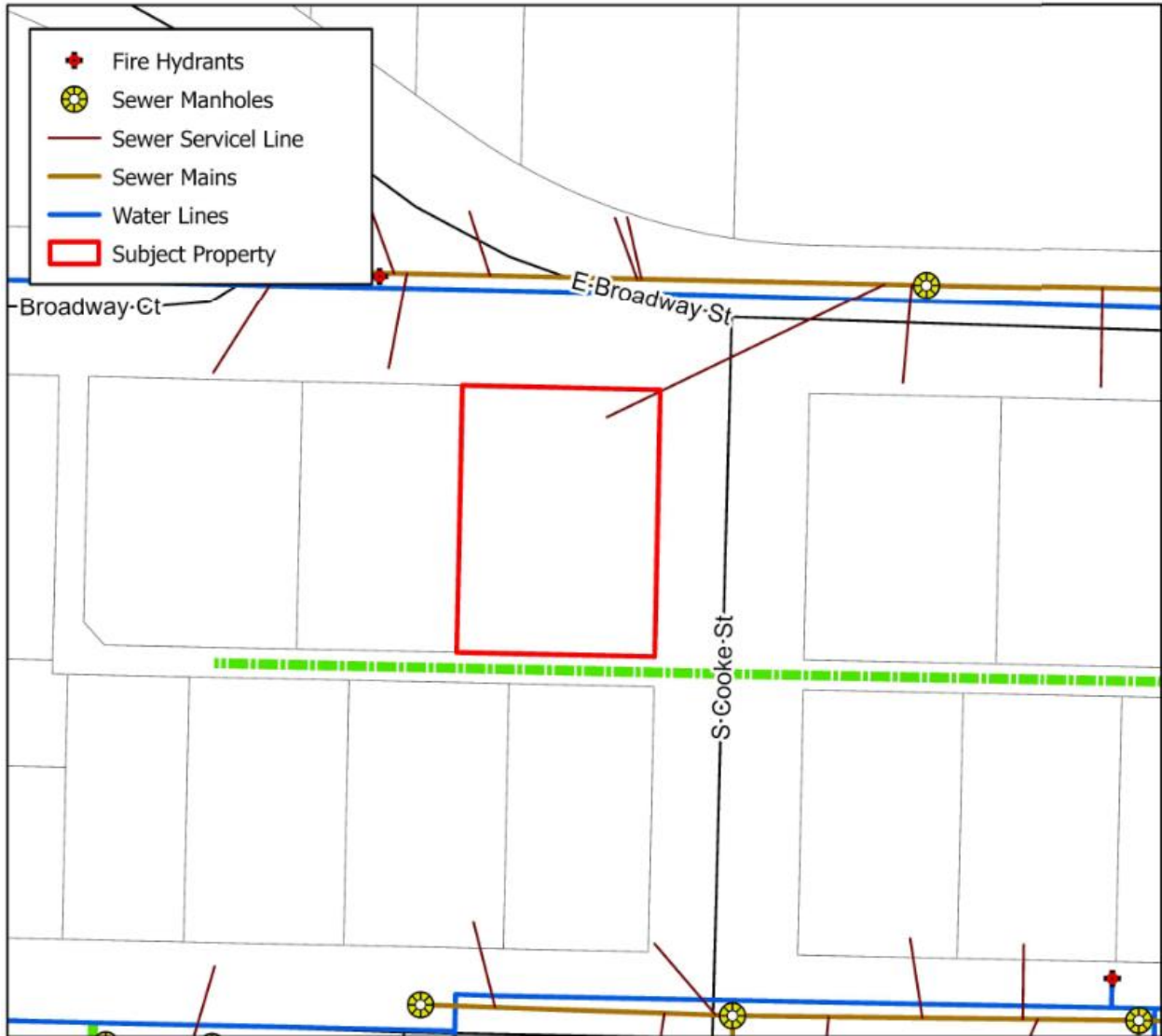
Community Development
City/County Building
316 North Park Avenue, Rm. 445
Helena, MT 59623

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



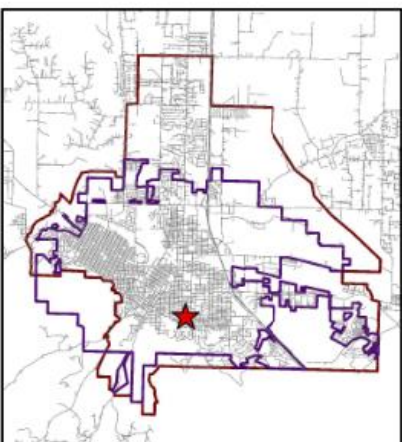
Subject Property (Red outline)
Paved (Black line)
Alley (Green dashed line)
MT Parcels w Condos (White outline)

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

North arrow pointing up (N)

Scale bar: 0, 20, 40, 80, 120 Feet

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



Appendix B – Comments



CONDITIONAL USE PERMIT/AMENDMENT APPLICATION

Community Development Department, Planning Division

Date received:

316 North Park Avenue, Room 445, Helena, MT 59623

406-447-8490; citycommunitydevelopment@helena.mt.gov

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

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: 46 459-3344

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 PROPERTY: 102 South Cooke St. Helena, MT 59601

Address _____ City _____ State _____ Zip Code _____

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

Current Zoning District R-2 (there is a pending application to change it to R-3)

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


Provide a current deed & plat

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

Submit proof of current paid taxes

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: 5/14/24

Property Owner

Applicant:

(If different from Owner)

Date: _____

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

Are you requesting any variances with this application?

Yes

No

If yes, see Board of Adjustment application.

Have any variances or CUPs been previously given for this property?

Yes

No

If yes, provide a copy of the variance decision or CUP Resolution.

Review Process and Criteria per 11-3-3 City Code: The following completeness review is required for applications for conditional use permits:

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

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

YOUR PROPOSAL MUST COMPLY WITH THE FOLLOWING:

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



Shopping Cart: 0 Items [\$0.00]

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- [History](#)
- [Payoff](#)
- [PayTaxes](#)
- [Help](#)

Property Tax ID: 4544

Status: Current
Realware#: 188832219190000
Receipt: 10440

2023 Owner(s):
 CHOVANAK MICHAEL T & SHIRLEY

Mailing Address:
 102 S COOKE ST
 HELENA, MT 596015235

Levy District:
 01-01, Tax District 01

[Tax Comparison](#)

2023 Value:

Market: \$328,300
Taxable: \$4,432

[Detail](#)

2023 Taxes: [View Pie Charts](#)

First Half:	\$1,825.12	Due:	11/30/2023
Second Half:	\$1,825.09	Due:	5/31/2024
Total:	\$3,650.21		

[Detail](#)

2023 Payments:

First Half:	\$1,825.12
Second Half:	\$1,825.09
Total:	\$3,650.21

(May include penalty & interest)

2023 Legal Records:

Geo Code: 05-1888-32-2-19-19-0000 **Deed Book:** M40 **Page:** 7842 **Instru#:** 3174141 **Date:** 2009-08-31

Property address: 102 S COOKE ST, HELENA MT 59601
Subdivision: (COR) SubDiv COR Lot: 18 **Block:** 29
TRS: T10 N, R03 W, Sec. 32
Legal: CORBIN SUBD, S32, T10 N, R03 W, BLOCK
 29, Lot 18 - 20
Acres: 0.26

Note: The accuracy of this data is not guaranteed. Property Tax data was last updated 02/14/2024 01:00 PM.

Send Payments to:
 Lewis & Clark County
 316 North Park Ave; Room #113
 Helena, Montana 59623
 Phone: (406) 447-8329
 Email: propertytax@lccountymt.gov

