

Minutes
Zoning Commission Meeting
July 12, 2022, 6:00 p.m.
Via ZOOM Virtual Platform and in Commission Chambers

Commission Members Present:

Rebecca Harbage, *Chair*
 Alyssa Sorenson Nicole Anderson Betsy Story

Members of the Public Present:

Geralynne "GG" Grotbo,
 8715 North Montana
 Gabe Nistler, 7299 Priest
 Pass Rd John Ramirez, 1300
 Mount Helena Dr John
 Simkins, 1103 Stuart
 Myles Grotbo, 8715 North
 Montana Einar Larsen, 615
 Linden St
 Jan Larsen, 615 Linden St Aaron Williams,
 5295 York Rd

Staff Present:

Michael Alvarez, Planner II
 April Sparks, Administrative Assistant III
 Chris Brink, Community Development Director

<u>Topic</u>	<u>Time</u>	<u>Description</u>
<i>Call to Order & Staff Introduction</i>	<i>(0:00:00)</i>	Meeting began at about 6:00 pm with a brief introduction.
<i>Public Hearing: Item 1</i>	<i>(0:00:25)</i>	Mr. Alvarez presented a power point staff report on his findings regarding the public hearing item: Consider a resolution granting a Conditional Use Permit to allow a K-12 Educational use in the R-2 (Residential) Zoning District for property legally described as Parcel 1 and Tract A-1 of the Dean Minor Subdivision of the Bradford Addition to the City of Helena and more particularly described on the COS filed under Document Number 493013/B, records of Lewis and Clark County, Montana. This property is located at 1900 Flowerree St and is known as St. Andrew's School.
	<i>(0:08:54)</i>	Staff recommends that the Zoning Commission <u>recommend Approval</u> of a resolution granting a Conditional Use Permit to allow a K-12 (Educational Facility) use in the (R-2) Residential Zoning District for a property with a legal description of Parcel 1 and Tract A-1 of the Dean Minor Subdivision of the Bradford Addition to the City of Helena and more particularly described on the COS filed under Document Number 493013/B, records of Lewis and Clark County, Montana
		<ol style="list-style-type: none"> 1. That temporary buildings be used on-site for no more than 3- years from installation. 2. That temporary buildings are not replaced by new or additional temporary buildings.

3. That a school zone be instituted along the frontage of Linden St at owner expense.
4. That the parking lots be brought into conformance with the construction of any new permanent building(s) or additions to existing buildings that increases the total gross floor area of buildings on the lot, parcel, or tract by more than twenty five percent (25%) as calculated by the existing permanent structures on the property. The temporary buildings should not have their square footage used in that calculation.
5. That sidewalks be installed with the construction of any new permanent building(s) or additions to existing buildings that increases the total gross floor area of buildings on the lot, parcel, or tract by more than twenty five percent (25%) as calculated by the existing permanent structures on the property. The temporary buildings should not have their square footage used in that calculation.
6. A building permit must be submitted for within one (1) year.
7. All conditions must be met within one year of CUP approval, as per Section 11-3-9 of the Helena City Code.

**Questions for Staff
by the Commission** (0:10:56)

Commissioners asked Mr. Alvarez some questions regarding the surrounding streets and sidewalks. There were also questions about the temporary buildings being proposed.

**Applicant Addressed
the Commission** (0:19:15)

The applicant, Gabe Nistler, noted that he has built in areas such as the subject property and is hesitant to put in sidewalks when street dimensions, curb, etc. standards can change. Mr. Nistler noted that there are existing sidewalks on Flowerree and school the pick-up loop currently exists in that location. He also noted that many students have siblings also attending the school and so there is not as much traffic as other schools.

**Questions for the
Applicant**

Commissioners asked about student body growth. Mr. Nistler responded that the high school enrollment had lessened, but that the lower grades were up by about 10%.

Public Comment (0:27:27)

Einar and Jan Larsen, 615 Linden St, stated that they live across from St Andrew's School and voiced that their main concerns are for child safety and the intersection of Flowerree and Linden, and that there is no cross walk or school zone. Mr. Larsen also stated traffic lines up along Linden and Flowerree and if emergency vehicles needed to get through, they would be severely inhibited, as the lined-up traffic effectively make it a one lane road. Mr. Larsen stated he and his wife have nothing against the school expanding but feel that the stipulations they noted in their letter (see attached) regarding child safety, traffic, and emergency vehicle access are resolved they cannot support the proposal. Ms. Larsen asked if their letter was received and stated they know that expansion is needed, but are not about the modulars given the aesthetic, but their major concern is traffic on Linden and

Flowerree. Mr. Larsen asked if the applicant had agreed to put in sidewalks and appropriate parking. Chair Harbage reminded Mr. Larsen this was a public comment period, and that is a question one of the Commissioners bring up. Mr. and Ms. Larsen concluded their comments.

**Commission
Discussion, Motion,
and Vote**

(0:31:01)

Ms. Anderson asked if there had been any discussions with the fire marshal relating to the public comment on traffic on Linden. Mr. Alvarez stated that he has not been in contact with the fire marshal in relation to Linden St. Mr. Alvarez stated that the fire marshal is very thorough and has incorporated the recommendations into the building permit process.

(0:32:05)

Chair Harbage asked Mr. Alvarez to describe what is described in a school zone. Mr. Alvarez stated it is the installation of school zone signs, and that his understanding is fines are doubled in that area, while it is not listed the Commission can condition a change in speed zone for the school, however it is currently 25 and that seems appropriate. Mr. Alvarez pointed out it is like the school zone on Broadway in front of Jefferson [School] with no change in speed. However, the school zone on Broadway has recently been enhanced with flashing yellow lights and a bump out which are not being requested here.

(0:33:26)

Ms. Story asked Mr. Alvarez would it be possible to include crosswalk signs with the school zone or would it be up to someone else. Mr. Alvarez stated that would be a conversation to be had with Mark Young, Transportation Engineer, and that would be another possible remedy, but Mr. Alvarez was only going to suggest the school zone signs to bring awareness for drivers to expect students in the area. Ms. Story asked if it was something they could consider when placing conditions. Mr. Alvarez replied in the affirmative and stated he would have a conversation with Mr. Young and explore all the possibilities but ultimately the city is only requesting signs.

(0:35:00)

Chair Harbage asked if that conversation could take place between this meeting and when this item goes to the City Commission, so that the minutes provided to the City Commission reflect this discussion and provides them with other options to consider. Mr. Alvarez replied in the affirmative and that he has a meeting scheduled with the Transportation Systems director later in the month and can add this to the conversation. Chair Harbage stated that her understanding based upon the staff report and analysis that was done this CUP will not significantly increase traffic flow. Mr. Alvarez stated that is correct, and that this is less than 200 trips per day and would not require a TIS.

(0:37:28)

Ms. Anderson made a motion to **recommend approval** of a resolution granting a Conditional Use Permit to allow a K-12 (Educational Facility) use in the (R-2) Residential Zoning

District for a property with a legal description of Parcel 1 and Tract A-1 of the Dean Minor Subdivision of the Bradford Addition to the City of Helena and more particularly described on the COS filed under Document Number 493013/B, records of Lewis and Clark County, Montana

1. That temporary buildings be used on-site for no more than 3- years from installation.
2. That temporary buildings are not replaced by new or additional temporary buildings.
3. That a school zone be instituted along the frontage of Linden St at owner expense and with additional options offered in partnership with the Planning and Engineering Departments.
4. That the parking lots be brought into conformance with the construction of any new permanent building(s) or additions to existing buildings that increases the total gross floor area of buildings on the lot, parcel, or tract by more than twenty five percent (25%) as calculated by the existing permanent structures on the property. The temporary buildings should not have their square footage used in that calculation.
5. That sidewalks be installed with the construction of any new permanent building(s) or additions to existing buildings that increases the total gross floor area of buildings on the lot, parcel, or tract by more than twenty five percent (25%) as calculated by the existing permanent structures on the property. The temporary buildings should not have their square footage used in that calculation.
6. A building permit must be submitted for within one (1) year.
7. All conditions must be met within one year of CUP approval, as per Section 11-3-9 of the Helena City Code.

(0:41:57)

Ms. Sorenson seconded the motion. The motion passed unanimously.

**Public Hearing: Item
2**

(0:43:04)

Mr. Alvarez presented a power point staff report on his findings regarding the public hearing item: Consider an ordinance amending the official zoning map for the City of Helena that changes the zoning district from R-2 (Residential) to (R-3) Residential for properties legally described as a tract of land located in the SE ¼ of the NE ¼ of Section 23, Township 10 N, Range 4 W, P.M.M.; AND all of Lots 1 through 8 of Block 171 of the Syndicate Addition to the City of Helena, as shown on COS 484404, City of Helena, Lewis and Clark County, Montana.
These properties are located at 1625 & 1655 Joslyn St. and; a tract of land in the SE ¼ of the NE ¼ of

Section 23, Township 10 N, Range 4 W, M.P.M., described more fully in the Book of Deeds Bk. 271 Pg. 770.

(0:51:24)

This property is located at 1805 Joslyn St. Staff is recommending **Approval** of an ordinance amending the official zoning map for the City of Helena that changes the zoning district from R-2 (Residential) to (R-3) Residential for properties legally described as A tract of land located in the SE ¼ of the NE ¼ of Section 23, Township 10 N, Range 4 W, P.M.M.; AND all of Lots 1 through 8 of Block 171 of the Syndicate Addition to the City of Helena, as shown on COS 484404, City of Helena, Lewis and Clark County, Montana. and; a tract of land in the SE ¼ of the NE ¼ of Section 23, Township 10 N, Range 4 W, M.P.M., described more fully in the Book of Deeds Bk. 271 Pg. 770.

Questions for Staff by the Commission

(0:52:20)

Chair Harbage asked if access to the properties would remain off Joslyn St. Mr. Alvarez confirmed that it would. Ms. Harbage stated she was asking about future development. Mr. Alvarez stated that staff does not have plans associated with this zone change and staff is supposed to evaluate the application without a plan.

Applicant Addressed the Commission

(0:54:10)

Aaron Williams stated he has been looking to develop the property. He has owned the property for 15 years and now seems like the appropriate time to develop the property considering the growth of Helena.

Questions for the Applicant

(0:55:06)

There were no questions for the applicant.

Public Comment

(0:55:19)

There was no public comment.

Commission Discussion, Motion, and Vote

(0:56:02)

Ms. Sorenson motioned to **recommend approval** of an ordinance amending the official zoning map for the City of Helena that changes the zoning district from R-2 (Residential) to (R-3) Residential for properties legally described as A tract of land located in the SE ¼ of the NE ¼ of Section 23, Township 10 N, Range 4 W, P.M.M.; AND all of Lots 1 through 8 of Block 171 of the Syndicate Addition to the City of Helena, as shown on COS 484404, City of Helena, Lewis and Clark County, Montana. and; a tract of land in the SE ¼ of the NE ¼ of Section 23, Township 10 N, Range 4 W, M.P.M., described more fully in the Book of Deeds Bk. 271 Pg. 770.

(0:57:04)

Ms. Story seconded the motion. The motion passed unanimously.

Approval of Minutes

(0:57:58)

Minutes from April 12, 2022, meeting were approved without discussion.

Old/New Business

(0:58:29)

Chair Harbage nominated Mr. Kim Wilson to the office of Vice- Chair, with his prior consent. Ms. Sorenson seconded the nomination. The nomination passed

unanimously.

(0:59:54)

Chair Harbage stated that there is value in talking about work session topics publicly and listed the topics that she felt are needed for work sessions including, conversations about definitions, recreational marijuana, entryway overlay zones, signs, permitting residential development in commercial zones, and casino use in downtown. Ms. Anderson agreed with the discussion on signs. Ms. Sorenson agreed with the discussion on residential use and the entryway overlay zones. Mr. Alvarez stated that typically a work session is only 30 minutes before a regular meeting, and there is an item for public hearing for August, and he would be amenable to having a longer work session scheduled on a different date. There was discussion between the commission members about how to proceed with the work sessions for these topics. Mr. Alvarez noted when the city staff would like to have some of these items resolved and to City Commission.

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| Public Comment | (1:15:21) | There was no public comment. |
| Proposals for Next Agenda | (1:15:53) | There were no proposals for the next agenda. |
| Next Meeting | (1:15:58) | The next scheduled meeting is Tuesday, August 9, 2022. |
| Adjournment | (1:16:11) | The meeting was adjourned at approximately 7:16 PM. |