

Minutes
Zoning Commission Meeting
September 13, 2022, 6:00 p.m.
Via ZOOM Virtual Platform and in Commission Chambers

Commission Members Present:

Rebecca Harbage, *Chair*
 Kim Wilson, *Vice Chair*
 Alyssa Sorenson
 Nicole Anderson
 Betsy Story

Members of the Public Present:

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>(0:00:12)</i>	Meeting began at 6:00 pm with a brief introduction.
<i>Approval of Minutes</i>	<i>(0:02:03)</i>	Minutes from August 9, 2022 were approved without discussion.
<i>Public Hearing: Item 1</i>	<i>(0:04:14)</i>	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 CLM (Commercial Light Manufacturing) to R-4 (Residential) for property legally described as Tract 1A on Certificate of Survey No. 3198943; City of Helena, Lewis and Clark County, Montana. It was noted there was no public comment on this item collected.
	<i>(0:10:18)</i>	Staff recommends that the Zoning Commission <u>recommend Approval</u> of an ordinance amending the official zoning map for the City of Helena that changes the zoning district from CLM (Commercial Light Manufacturing) to R-4 (Residential) for property legally described as Tract 1A on Certificate of Survey No. 3198943; City of Helena, Lewis and Clark County, Montana.
<i>Questions for Staff by the Commission</i>	<i>(0:11:02)</i>	Vice-Chair Wilson asked a clarifying question about the location of the property in question. Mr. Alvarez confirmed it is on Sanders St directly south of WinCo.
<i>Applicant Addressed the Commission</i>	<i>(0:11:42)</i>	Russ Poulsen, Thrive Development, stated that his organization felt their project is a way to help address the housing shortage in Helena, and detailed how his organization’s proposal fits with several of the goals of the 2019 Growth Plan. He also noted the proximity of the proposed project to commercial areas and that it would promote walkability and possibly reduce traffic to commercial areas on Custer. The organization would be owning the property long term.

- Questions for the Applicant** (0:13:14) Vice-Chair Wilson asked if any units will be designated as affordable housing. Mr. Poulsen stated they had not gotten that far into planning yet but did not plan to have any deed restricted housing.
- (0:13:48) Ms. Story asked how many units they intend to build. Mr. Poulsen stated again that they had not gotten that far into planning yet but anticipated it to be between 200-300 units.
- Public Comment** (0:14:29) Scott Dunkelberger, WWC Engineering, stated his support for the development, and knows firsthand the issues with the [housing] shortage with his wife being a realtor, and the struggles that it is presenting to young professionals.
- (0:15:06) With no further comments, public comment was closed on this item.
- Commission, Discussion, Motion, and Vote** (0:15:17) Vice-Chair Wilson asked Mr. Alvarez if this zone changes gets approved, will the Zoning Commission be part of any future applications for this project. Mr. Alvarez stated the next step would be building permitting and explained that process, if they are building by right. Vice-Chair Wilson asked if there is any concern from the staff about the traffic 200+ units could create. Mr. Alvarez stated that it is on an arterial, and with having received the TIS so late, there are no immediate concerns from staff at this time, and that city traffic engineering staff will be part of that conversation. Vice-Chair Wilson asked if that will be something that is reviewed before the City Commission and will staff be reporting on it to the City Commission. Mr. Alvarez stated that he hoped that staff will have gotten a bit further with that review by the time this item goes before the City Commission, however a zone change is not necessarily supposed to be project specific and the point he attempted to make in his report is that by the city's own internal numbers, a lower volume of traffic would be expected than if it was developed as another big box store or something like that which is the likely development pattern in that area. Less traffic would be expected from this project.
- (0:18:19) Chair Harbage noted for the record that the commission has talked about the intersection of Custer and Sanders in the past and the level of service there, and any future development that is going to draw more traffic through that intersection is a potential concern, regardless of the zoning. Chair Harbage stated that is not a reason to recommend a zone change in this case, but wanted it noted for the City Commission to think about. Chair Harbage also asked if the City had looked at the area in terms of how it has been developing or if CLM is the appropriate zoning. Mr. Alvarez stated he had not had any specific conversations about the neighborhood. Chair Harbage also asked if a sidewalk along Sanders would be required with a residential development. Mr. Alvarez confirmed that.
- (0:19:59) Ms. Sorenson stated that it would be nice to have more residential areas behind commercial zones, as usually the commercial zones

are along the arterials in the front, and it would be nice to have residential in the back. Ms. Sorenson further stated that she did not think that this was a bad spot for this development, especially with higher density, but would like to see it as an R4 instead of a B2 as with recent discussions.

(0:20:54) Ms. Anderson made a motion to recommend approval of an ordinance amending the official zoning map for the city of Helena that changes the zoning district from CLM Commercial Light manufacturing to R4 residential office for property legally described as Tract 1A on Certificate of Survey No. 3198943; City of Helena, Lewis and Clark County, Montana. Chair Harbage seconded the motion.

(0:21:46) Chair Harbage thanked the applicants, stated that she thinks this is a great location for their proposed development, and in terms of environmental impact, choosing to locate a project like this on vacant land within the city, connected to city infrastructure is the way to go. There has been a lot of this type of development or other types or residential development put out in the valley and that is making it harder for the city to provide city services in some of those cases, then asked if there were any more comments from the commission. Vice-Chair Wilson concurred Chair Harbage's comments and added that having a better blend of uses along that street is a good idea.

(0:22:58) Chair Harbage called for a vote on the motion. Motion to recommend passed unanimously (5:0).

**Public Hearing:
Item 2**

(0:24:46) 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 Casino use in the B-2 (Commercial) Zoning District for property legally described as Tract "A" on Certificate of Survey No. 432628/T, located in Lewis and Clark County, Montana. This property is located at 2910 N Montana Ave on the southwest corner of N Montana Ave and Tara Ct. It was noted that public comment both in support and opposition had been received.

(0:32:47) Staff recommends that the Zoning Commission **recommend Approval** of a resolution granting a Conditional Use Permit to allow a Casino use in the B-2 (Commercial) Zoning District for property legally described as Tract "A" on Certificate of Survey No. 432628/T, located in Lewis and Clark County, Montana. This property is located at 2910 N Montana Ave on the southwest corner of N Montana Ave and Tara Ct. With the following conditions: one, a building permit must be obtained within one year; two, screening shall be put in place along the western lot line until such time as the commercial property to the west is developed; and three, all conditions must be met within one year of conditional use permit approval as per section 11-3-9 of the Helena City Code.

**Questions for Staff
by the Commission**

(0:33:49) Vice-Chair Wilson asked for clarification on location of the current Town Pump building on the site and what would happen with that building. Mr. Alvarez confirmed the location of the existing building and stated that he had asked about the fate of the existing building himself and that the applicant would address that. Vice-Chair Wilson asked if there would be new gas tanks, or if they would just be using the existing gas tanks. Mr. Alvarez stated that would be a better question for the applicant.

(0:35:00) Chair Harbage asked for confirmation about an existing casino use at the current Town Pump. Mr. Alvarez confirmed that.

(0:35:24) Ms. Story stated that she had read through the TIS as she has to drive through the intersection of Tara and North Montana every day, describing it as scary, but stated that she does not think that adding another gas station and casino is going to make any difference with the traffic, but that it is a bigger problem on North Montana, and asked if Mr. Alvarez could speak to any plans the city has for alleviating that traffic. Mr. Alvarez apologized, as he would not be able to speak to that very much and noted that his attention is directed towards what is the driver of the traffic and in his evaluation the fuel sales per facility would be permitted by right, and if that is the major driver of traffic then that is detached from attaching conditions on it for the casino portion. Ms. Story stated that she was aware they could not attach conditions to this application for those reasons, and it will not interfere with her vote, but more generally she thinks that N Montana may need to be addressed by the city's traffic engineers in the future.

(0:37:41) Chair Harbage stated her agreement with that and added that she is concerned with people cutting through parking lots around that intersection and felt that fuel sales would potentially contribute to that but understood that the commission was not considering that tonight but wanted to have the statement on the record.

**Applicant Addressed
the Commission**

(0:38:39) Dan Sampson of Town Pump addressed the commission. Mr. Sampson gave some background on the business and its reach throughout the state, as well as its vision for the business, highlighting that the location in question is in a dense commercial corridor with traffic orientated infrastructure built to handle such business offerings and development. Mr. Sampson stated that they have currently outgrown the current convenience store at this location, and plan to meet demand by developing the property parcel with a newer, larger, well designed, energy efficient, modern facility, allowing them to not only meet demand, but to provide a safer and more convenient site for customers and employees alike. The new facility would allow Town Pump to expand employment opportunities, 10 additional employees in the convenience store and 15-20 employees in the casino ranging from customer service to management roles.

(0:41:31) Mr. Sampson added that Town Pump is meeting or exceeding all code requirements for lighting as far as cut off and screening, landscaping, and constructing an attractive modern facility to

provide for fluent incorporation with the surrounding developments, and this will be done without detriment to surrounding businesses, their operation or property. They also intend to install screening along the south and west limits of their site to screen vehicular traffic, headlights, etc from the neighboring properties surrounding the development, in the form of a combination of composite fence, differing topography, and landscaping. Regarding the existing building, it will remain, however it will no longer operate as a convenience store. The pumps and island set will come out, but the existing tanks are within their 30-year lifespan, so those will be reused to refeed the new pump islands and the existing building will be remolded. The casino that currently exists in the building may expand to take over the entire space or it may be a coffee shop that moves into the space. Mr. Sampson stated that Town Pump is still deciding what to do with the space, but the new building will house the entire convenience store operation.

- Questions for the Applicant** (0:43:34) There were no questions for the applicant.
- Public Comment** (0:43:58) There were no public comments.
- Commission, Discussion, Motion, and Vote** (0:44:07) Ms. Anderson pointed out for the record that some of the addresses listed on the petition in support are fictitious, but overall overwhelmingly correct.
- (0:44:59) Mr. Wilson stated that he thinks it would have the same synergistic effect as what was just approved if there were some kind of larger scale housing there.
- (0:45:50) Ms. Story motioned to recommend approval of a resolution granting a Conditional Use Permit to allow a Casino use in the B-2 (Commercial) Zoning District for property legally described as Tract "A" on Certificate of Survey No. 432628/T, located in Lewis and Clark County, Montana. This property is located at 2910 N Montana Ave on the southwest corner of N Montana Ave and Tara Ct. With the following conditions: one, a building permit must be obtained within one year; two, screening shall be put in place along the western lot line until such time as the commercial property to the west is developed; and three, all conditions must be met within one year of conditional use permit approval as per section 11-3-9 of the Helena City Code. Vice-Chair Wilson seconded the motion.
- (0:46:57) Chair Harbage noted for the record because the commission does see the CUP applications for casinos in various parts of the city and have varying levels of discussion on them, that it is appropriate to note in this care that there has been a casino in the existing town pump for quite some time and in her opinion she does not see an additional negative impact coming from a proposal to add a casino use in a new building. Chair Harbage also noted that the commission has had some discussion over the last year and a half about entryway corridors and design

standards for the entryways into Helena, and she thinks that this discussion potentially needs to continue so that the commission can come up with how we as a city want to welcome people into our small mountain town, and while she is not sure where that will land, it is a note for future discussion and with that she does not have a problem with the additional casino use in this particular location in the city as proposed.

(0:48:13) Vice-Chair Wilson stated his appreciation for the intent to do some landscaping and screening and encouraged the most landscaping and screening possible, noting that in other places, such as Bozeman, there is a lot more intense landscaping than there is in this lot.

(0:53:11) Chair Harbage called for a vote on the motion. Motion to recommend passed unanimously (5:0).

Old/New Business **(0:49:22)** There was no old or new business to discuss.

Public Comment **(0:49:30)** There was no public comment.

Proposals for Next Agenda **(0:49:57)** There were no proposals for the next agenda.

Next Meeting **(0:50:22)** The next scheduled meeting is Tuesday, October 11, 2022.

Adjournment **(0:50:25)** The meeting was adjourned at approximately 6:50 PM.