

Minutes
Zoning Commission Meeting
January 10 2023, 6:00 p.m.
Via ZOOM Virtual Platform and in Commission Chambers

Commission Members Present:

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

Members of the Public Present:

Shawn

Staff Present:

Michael Alvarez, Planner II
 April Sparks, Administrative Assistant III
 Chris Brink, Community Development Director
 Aimee Hawkaluk, Assistant City Attorney

<u>Topic</u>	<u>Time</u>	<u>Description</u>
<i>Call to Order & Staff Introduction</i>	(0:00:39)	Meeting began at 6:01 pm with a brief introduction.
<i>Approval of Minutes</i>	(0:01:28)	Minutes from December 15, 2022 were approved without discussion.
<i>Public Hearing: Item 1</i>	(0:02:18)	Mr. Alvarez presented a power point staff report on his findings regarding the public hearing item: 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-2 (Residential) Zoning District for property legally described as Lots 8-16 in Blk 562 of the Original Helena Townsite, Lewis and Clark County, Montana. It was noted there was no public comment on this item collected, even though there were several phone calls about the item.
	(0:07:30)	Staff recommends that the Zoning Commission <u>recommend Approval</u> of a resolution granting a Conditional Use Permit to allow a Residence, multiple-dwelling units (3 or more units) use in the R-2 (Residential) Zoning District for property legally described as Lots 8-16 in Blk 562 of the Original Helena Townsite, Lewis and Clark County, Montana with the conditions that; a building permit must be submitted for within one year, and all conditions must be met within on year of the CUP approval per section 11-3-9 of Helena City Code.
<i>Questions for Staff by the Commission</i>	(0:08:16)	Chair Harbage asked a clarifying question regarding the scope of the CUP, that it does not involve new buildings or changes to existing footprints and if granted for multi-dwelling unit use, does that remain the case if it is sold to a new owner, could that person rebuild and construct to higher density if it is not conditioned. Mr. Alvarez stated that would be considered a significant change to the CUP and it would needed to come back before the

commission to be amended in order to do that, so this is for the buildings as they are.

(0:09:13) Ms. Sorenson asked if Mr. Alvarez knew how the property ended up with four addresses if it wasn't actually split. Mr. Alvarez stated in staff research from going through records it appears as though at some point in time there appeared to be four names listed at the address [as opposed to one] and that there are no building permits or any other type of paper trail. Ms. Sorenson asked if she could be reminded what type of building permit would typically trigger a sidewalk requirement. Mr. Alvarez stated the construction of a new primary structure would require the installation of new sidewalks. Ms. Sorenson asked for clarification if in existing locations, even if people are doing work on their homes in places where there aren't sidewalks if they do not have to put in sidewalks. Mr. Alvarez confirmed this and stated that the only two times that the city can really ask for the installation of sidewalks is that a building permit to come up to code as a condition with a conditional use permit and through a condition of annexation.

(0:11:37) Vice-Chair Wilson asked for confirmation that there are no sidewalks in front of the homes on Clancy or Sparta Streets currently. Mr. Alvarez confirmed. There were no further questions for staff.

***Applicant Addresses
Commission***

(0:12:33) Shaun Taylor, owner of 304 Clancy St, stated that the property is a historic location dating from 1880. They purchased into it in 1982 when it was already at 2 duplexes. They and their partner lived in two units and the other two were occupied, and it has been continuously occupied in this configuration for at least 40 years. From their estimation of changes that had happened before they purchased the property it had been several decades of knob and tube wiring before that had separated into two units and two separate electrical services and so forth. The two tenants moved out a year to two years ago and significant damage had been done to the unit, so it needed to be fixed. As they worked on repairs it became quite the project, and this is the last step before they can get back on the road with renovating and keeping the place alive and hopefully honoring the historic quality of it.

***Questions for the
Applicant***

(0:14:13) Vice-Chair Wilson asked the applicant about the history of the property, if the various buildings were all built at the same time with some specific intention or if they were all leftover buildings from early Helena that just happened to land there. Mr. Taylor stated that it has a great history, and briefly stated that a family of stone masons built the stone building and barns on the property and ran it for 70 years or so as a boarding house for stone masons who built many of the houses around Helena and also kept chickens and a dairy cow in the little barn and supplies some of the mines in the area, and was a going concern all the years it was under the ownership of that family. There were no further questions for the applicant.

Public Comment	(0:16:15)	There was no public comment on the item.
Commission, Discussion, Motion, and Vote	(0:16:29)	Chair Harbage stated that looking at the CUP conditions factors that stood out to her is the fact that the site seemed to be consistent with the character of the neighborhood, and that she did not see any major concerns with it continuing to exist as four units on the site.
	(0:16:59)	Vice-Chair Wilson stated that he would add that there is no public comment against this application and that underscores that the site is consistent with the neighborhood.
	(0:17:09)	Ms. Sorenson stated that she thought that she was in favor of encouraging the legalization of these types of units, as in her experience of looking for investment properties, there are lot out there that are not legal and quite dangerous.
	(0:17:51)	Ms. Story motioned 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-2 (Residential) Zoning District for property legally described as Lots 8-16 in Blk 562 of the Original Helena Townsite, Lewis and Clark County, Montana with the conditions that; a building permit must be submitted for within one year, and all conditions must be met within on year of the CUP approval per section 11-3-9 of Helena City Code. With no further discussion on the motion, Chair Harbage called for a vote. Motion to recommend passed unanimously (4:0). It was noted that the item would be heard at the November 21 st City Commission meeting. Ms. Sorenson seconded the motion. The motion passed unanimously (5:0).
Director's Report	(0:19:12)	Christopher Brink, Director Community Development Department, stated that at the December meeting staff was directed by the commission to provide some outreach to current cannabis licensees. That was completed and 21 letters went out, and one response was received from Pepper Peterson, an industry or trade representative who called with concerns regarding what has been proposed. Mr. Alvarez was able to speak with him and there was a misunderstanding about what we were trying to accomplish, and Mr. Alvarez was able to alleviate some of those fears, but Mr. Peterson would still like to reach out to us and have a conversation which has not been possible yet due to the holidays and absences for illness. Director Brink stated he thinks that some of Mr. Peterson's issues are regarding how we measure some distances between recreational uses and or license holders and daycares so we will be going back to revisit that and polish it up a bit more. Otherwise, what the Commission will be seeing in February is exactly what was seen in December, and no further changes are anticipated. There was a request that staff go back and pull some additional examples, which has been completed and staff is prepared to present that in a report as well as some questions that the Zoning Commission had for glazing requirements, and that will be provided at the February meeting.

Director Brink stated that the city is on track to meet the June 30th deadline to get something on the books before the state begins issuing new recreational license permits but did not think it necessary to hold another work session on the item.

- Old/New Business*** **(0:22:19)** Ms. Sorenson asked that if there are any outstanding work session items that they be addressed before summer. Director Brink stated that there are some additional items for a work session. Ms. Anderson asked for clarification on recreational marijuana as a work session topic. It was confirmed that there would be no additional work sessions on that topic. There was further discussion on future work sessions and moving up the public hearing for February to an earlier time.
- Public Comment*** **(0:28:20)** There was no public comment.
- Next Meeting*** **(0:28:33)** The next meeting is Tuesday, February 14, 2023 at 5:30PM.
- Adjournment*** **(0:28:47)** The meeting was adjourned at approximately 6:30PM.