



**CITY OF HELENA**  
**Zoning Commission**  
**April 9, 2024 – 6:00 PM**  
**Meeting Minutes**  
[Recording Available Here](#)

**Members Present:**

Kim Wilson (Vice-Chair), Alyssa Sorenson, Betsy Story, Mark Runde (Alternate)

**Members Absent:**

Rebecca Harbage (Chair), Nicole Anderson

**Staff Present:**

Christopher Brink, Kyle Holland, April Sparks

**(0:00:24)**     **Call to Order and Roll Call** – It was noted that a quorum was present with five members in attendance.

**(0:00:36)**     **Minutes** – Minutes from the January 9, 2024 meeting were approved.

**Regular Items**

**Item 1**

**Staff Presentation and Questions for Staff**

**(0:01:05)**     Kyle Holland, Planner II, gave a brief presentation on the conditional use permit application for light manufacturing at 1309 Cole Ave. He noted that three public comments had been received, two of no objection, and a third that had concerns with hours of operation. City staff is recommending approval of a resolution granting this CUP.

**(0:12:14)**     There was a question about the hours of operation and if those were changed from 8:00 – 5:00 would a new CUP need to be obtained. Mr. Holland explained that it would be allowed unless otherwise conditioned to restrict them to those hours. There was another question about the extended operation, if the applicant had been asked about such a condition on hours, and the general location of the facility in relation to Cedar St. Mr. Holland stated the Commission could consider it as they see fit, he had not discussed the condition with the applicant, and that the property is located generally to the east of N Montana and north of Cedar St. Mr. Holland was also asked about the allowable noise levels and if it should be added as a condition. Mr. Holland stated that it would be governed as any other property in city limits, and the current 60 decibel limit would govern this property as well. Mr. Holland was also asked if this CUP was re-zoning the property; he responded that re-zoning had been brought up in staff discussion, but it was found inappropriate with the residential use to the east. There was another



question about the public comment received. Mr. Holland noted which comments had come from residential property owners.

### **Applicant Presentation and Questions for Applicant**

- (0:17:45) Michael Marino spoke about the application and the nature of the business, along with the hope to have swing shifts, the ability to control noise levels, and that they would agree to any conditions that need to be set. He noted that they are just trying to get their business started here in Helena, and this would be a temporary location and they intend to be good neighbors for as long as they are there.
- (0:20:11) Commission questions started with one about hours of operation and the timing of the shifts. Mr. Marino noted that sound would likely lessen at night, as office operations would end at 5:00 PM, and light and noise impacts should be minimal as the office and manufacturing spaces are in different parts of the building. Another question was asked about the hours of operation looking for clarification on what the applicant is proposing. Mr. Marino stated that they would like to run two shifts for manufacturing, running roughly from 6:30 AM to 11:00 PM combined, and that this would be needed to make the business viable with the cost of the machines and other overhead expenses. Mr. Marino further explained that the manufacturing area is accessed from a door on the opposite side of the building than that facing the residential area.

### **Public Comment**

- (0:24:05) There was one public comment from one of the individuals who had submitted written comments, noting his concern about parking and the later hours of operation. There were no further comments.

### **Commission Discussion**

- (0:26:20) Commission discussion was opened. Ms. Story noted that she was inclined to vote to recommend approval, based on the use being extremely limited and consistent with neighboring businesses, and the parking situation would not be out of character for a densely populated area such as one like this with 8 apartment units. Ms. Sorenson stated she agreed with Ms. Story's comments, and that the applicant could request his employee's park on the other side of the building to be good neighbors. Vice-Chair Wilson stated that he would also support this, and that Ms. Story had stated the reasons to support it very well.

### **Motion**

- (0:29:09) Ms. Story made a motion to recommend approval of a resolution granting a Conditional Use Permit to allow Industrial, Light use in the B-2 Zoning District for a property legally described as: Lots 1A, 2A, 3A and 4A in Block 32 of the Retracement of Lots 1-16 in Block 32 of the Flower Garden addition to the City of Helena, Lewis and Clark County, Montana, as shown on the Certificate of Survey filed under Doc. No. 539135-T. Ms. Sorenson seconded the motion. There was no further discussion on the item and a voice vote was called. The motion passed unanimously (4:0).



## Item 2

### **Staff Presentation and Questions for Staff**

- (0:31:06)** Director Brink gave a presentation on the proposed ordinance to amend the text of the Helena City Code, Title 11, known as the City of Helena Zoning Regulations, first looking at proposed amendments to Title 11, Chapter 2 in the land use table. Noting that this would separate the uses General Services and Professional Services in the land use table and that the uses are currently defined separately. As a result, there is some confusion, and separating the uses in the land use table should resolve that confusion. The Commission decided to vote on each update separately at this point.

### **Public Comment**

- (0:35:02)** Vice-Chair Wilson opened public comment on this portion of the item. Ms. Sparks noted that there were not any members of the public online or in the room.

### **Commission Discussion and Motion**

- (0:35:19)** Ms. Sorenson noted she saw a difference in the permitted use areas and asked if that was intentional. Director Brink confirmed that it was intentional.
- (0:37:23)** Ms. Story moved to recommend approval of an ordinance to amend the text of the Helena City Code Title 11, Chapter 2, table one known as the City of Helena, Zoning Regulations. Ms. Sorenson seconded the motion. There was no further discussion and a voice vote was called. The motion passed unanimously (4:0).

### **Staff Presentation and Questions for Staff**

- (0:38:58)** Director Brink continued his presentation on the proposed ordinance to amend the text of the Helena City Code, Title 11, known as the City of Helena Zoning Regulations, this time looking at Title 11, Chapter 40 which are known as requirements or regulations established in areas that allow the sale of alcohol, alcoholic beverages, and concede those within the city limit. He noted that this is also a clerical correction with the ordinance, to address areas in the DT and TR zones where we allow establishments that sell beer and wine, but their distance to nearby churches and schools has become problematic, and described why it has become that way.
- (0:44:17)** Director Brink was asked about distance with which alcoholic beverages would be allowed within a school or church in the DT or TR zones. Director Brink stated that was correct, and that they currently are now just by the fact that the city does not measure those, and the state made the measurements, as we do not have an exclusion for that in our code, and we want to just include those in the exception for DT and TR zones. There was another question about which specific establishments are included, and Director Brink confirmed that some of these are establishments prompting this exclusion.



### **Public Comment**

**(0:46:25)** There were still no members of the public in the room or online.

### **Commission Discussion and Motion**

**(0:46:42)** There was no additional discussion, and a motion was called for. Ms. Story made a motion to recommend approval of an amendment to the text of Helena City Code, Title 11, Chapter 40, known as the City of Helena Zoning Regulations. Ms. Sorenson seconded the motion. A voice vote was called. The motion passed unanimously (4:0).

### **General Public Comment**

**(0:48:03)** There were still no member of the public in the room or online.

### **Member Communications / Proposals for next Agenda**

**(0:48:43)** Vice-Chair Wilson noted he would not be available for the next meeting. It was noted that there would likely be a very full agenda for the next meeting.

### **Adjournment**

**(0:49:21)** The meeting was adjourned.