



**CITY OF HELENA
Zoning Commission
July 9, 2024 – 6:00 PM
Meeting Minutes**

[Recording Available Here](#)

Members Present:

Rebecca Harbage (Chair), Alyssa Sorenson, Betsy Story, Mark Runde (Alternate)

Members Absent:

Kim Wilson (Vice-Chair), Nicole Anderson

Staff Present:

Michael Alvarez, April Sparks

Call to Order and Roll Call

(0:00:33) It was noted that a quorum was present with four members in attendance.

Minutes

(0:01:48) The minutes from the May 14, 2024 meeting were approved, and it was noted that the draft minutes for the June 11 meeting were completed, but not in enough time to give an opportunity for review before this meeting.

Regular Items

(0:02:33) Chair Harbage opened the meeting to the regular items, explaining the normal procedures for the public hearings.

Item 1

Staff Presentation and Questions for Staff

(0:04:13) Michael Alvarez gave a presentation on the application for a proposed zone change from R-2 residential to R-3 residential for a property located at 102 S. Cooke St. Mr. Alvarez noted three comments in opposition had been received.



- (0:12:11) Commissioners addressed questions to Mr. Alvarez at this time. Mr. Alvarez was asked to clarify the zoning districts as displayed on the map provided and if there were any other areas of R-3 zoning on E Broadway.

Applicant Presentation and Questions for Applicant

- (0:14:20) Kali Wicks, a representative for the applicant, spoke to the Commission about what had been envisioned for the property, and noted that there are similar businesses, lobbying offices, in the general vicinity. There were no questions from the Commission

Public Comment

- (0:16:48) Public Comment was opened. Five public comments were given in opposition. There were no supporting comments.

Commission Discussion

- (0:30:29) Chair Harbage noted that she was contacted by the applicant's representative about the proposal and had provided guidance on the process. Mr. Alvarez was asked about the public notice process. He outlined the standard procedure noting that properties within 150 feet of the subject property are notified, this typically only captures a handful of properties, and ultimately rely on neighbors to talk to neighbors. Mr. Alvarez was asked about other allowable uses in R3 zoning not allowed in R2. He noted that the main differences are the dimensional standards, and that it allows multi-family residential use. Another question was asked if the building would need to be brought up to code for a change in the use. Mr. Alvarez noted that would be addressed in the CUP presentation, but that a condition to bring the property up to code (ADA, fire, etc) would be a recommended condition. Mr. Alvarez was asked about would trigger the addition of a sidewalk, and noted that a zone change is not sufficient for that action, but it can be added as a condition of the CUP, and related a similar situation that turned out in a way the city would not like to see happen again. Mr. Alvarez was asked about parking requirements related to changing the zoning. He replied that for the building's size they would need to provide five spaces, including on ADA space, but parking is not considered a factor in the zone change.

Motion

- (0:38:48) Ms. Sorenson made a motion to recommend approval of an ordinance amending City of Helena ordinance number 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (Residential) to R-3 (Residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Subdivision to the City of Helena, Lewis and Clark County, Montana. Ms. Story



seconded the motion. There was additional Commission discussion noting that much of the public comment heard was about the CUP and not the zone change, and that there was not much else to note the presence of R3 zoning in the neighborhood and the hope that this zone change alone does not alter the character of the neighborhood. A voice vote was called, and the motion was approved unanimously (4:0).

Item 2

Staff Presentation and Questions for Staff

- (0:44:39)** Mr. Alvarez gave a presentation on the application for a proposed Conditional Use Permit for professional services use for a property located at 102 S. Cooke St. He noted that three comments had been received in opposition. Staff is recommending approval with the following conditions: one that a building permit must be obtained within one year, bringing the building into compliance with all applicable municipal, state and federal requirements, and specifically the Americans with Disabilities Act; and two, that sidewalk, curb and gutter, be installed along Cook St. to city standards and that all conditions are met within two years of COP approval as per 1139 of the Helena City Code.
- (0:55:10)** Commissioners addressed questions to Mr. Alvarez at this time. A question was posed as to the type of sidewalk. Mr. Alvarez noted that it would be a boulevard sidewalk, unless the applicant seeks a variance from the City Commission to install a curbside sidewalk. There were some additional questions about the required parking and how it could be met, with suggestions of possible configurations of both on and off-street parking, however it was noted that the street does require residential permits for on-street parking. Another question was asked about constraints on the professional offices use, ie if there would be a limit on how many offices there would be. Mr. Alvarez stated that the CUP would need to be modified if the building were to have additions put on and significantly altered in size, so the current footprint, fire code, and ADA is limiting on the number of offices, which is currently estimated at a maximum of three. A question was asked about the difference between this use and someone who resides in the same home they have an office in, and Mr. Alvarez explained the difference between this and a home occupation use. Another question was asked about an occupancy limit being imposed by the building department; Mr. Alvarez confirmed that the certificate of occupancy comes with an occupancy load but could not speak to what it might be. Another question was asked if the CUP would apply to the entire building and not just part of it; Mr. Alvarez confirmed it is for the whole building. This was followed by a hypothetical question of the applicant being able



to tear down the current structure and building an office, which Mr. Alvarez confirmed they would not be able to do without amending the CUP.

- (1:03:42) Mr. Alvarez was asked about the future land use of the area, he noted that the city is in the process of updating its growth policy, and with it a new land use map. Members of the public present were encouraged to engage in the process. Another question was asked if there are any safety concerns with the intersection with Broadway. Mr. Alvarez noted that the city's position is that the addition of sidewalks with the CUP will make the intersection safer.

Applicant Presentation and Questions for Applicant

- (1:07:44) Kali Wicks, a representative for the applicant, stated she was available for questions. The Commission asked if there are proposed business hours. Ms. Wicks replied that they envision a regular 9:00am to 5:00pm, and that there likely would not be many people coming into the residence, but that it would be more of a landing pad for lobbyists working in the Capitol during session. Ms. Wicks also mentioned that her recollection of the garage is that it is a three-car garage, and that the applicant had indicated that there would be up to 5 on-street parking permits available for the location.

Public Comment

- (1:10:45) Public Comment was opened. There were six comments, all in opposition, primarily noting factors such as parking and character of the neighborhood.

Commission Discussion

- (1:25:58) Commission discussion began with staff sharing information about the on-street parking in the area. It was noted that the section of Broadway abutting the property is a no parking zone, and residential parking district requirements were read from the City of Helena Parking Commission's webpage, noting that a total of four permits are available to any single residence, two for the residents and two guest passes, with proof of residency required. Mr. Alvarez recommended that a condition be added that the off-street parking requirement would need to be met on the property. Chair Harbage recused herself from voting on any motion for this item.

Motion

- (1:33:33) Ms. Story made a motion to recommend approval of a resolution granting a Conditional Use Permit to allow General Services/Professional Offices uses in a



R-3 zoning district for the property legally described as Lots 18-20 in Block 29 of the Corbin Subdivision of the City of Helena, Lewis and Clark County, Montana with the following conditions; a building permit must be obtained within one year, bringing the building into compliance with all applicable municipal, state, and federal requirements, and specifically, the Americans with Disabilities Act; that sidewalk, curb, and gutter be installed along Cook St to City Standards; that all off street parking requirements be met on site; and that all conditions are met within two-years of CUP approval as per 11-3-9 of Helena City Code. Ms. Sorenson seconded the motion.

- (1:34:38)** There was some discussion by the Commission members that the condition related to off-street parking requirements should mitigate concerns received via public comment, and that there was not a view that the change in use would greatly impact the neighborhood. A voice vote was called, and the motion passed unanimously (3:0). Chair Harbage did remind the public present that this was a recommendation being made to the City Commission, and that this was not the end of the process. Mr. Alvarez noted that this would be going to the City Commission on August 12, and if everything is passed then it would go into effect no sooner than October 9.

General Public Comment

- (1:40:12)** The meeting was opened for general public comment. There was an additional comment related to the items heard during the public hearing. There was no additional comment.

Member Communications / Proposals for next Agenda

- (1:41:53)** It was noted that the next meeting was scheduled for August 13th. Mr. Alvarez gave an update on when the sign code was expected to go before the City Commission.

Adjournment

- (1:42:58)** The meeting was adjourned.