



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

Members Present:

Rebecca Harbage (Chair), Kim Wilson (Vice-Chair), Alyssa Sorenson, Betsy Story,
Nicole Anderson

Staff Present:

Kyle Holland, April Sparks

(0:04:04) **Call to Order and Roll Call** – It was noted that a quorum was present with five members in attendance.

(0:04:49) **Minutes** – Minutes from the November 14, 2023, meeting were approved.

Regular Items

Item 1

Staff Presentation and Questions for Staff

(0:05:26) Kyle Holland, Planner II, gave a brief presentation on the conditional use permit application for a casino at 1150 Enterprise Drive.

(0:17:40) There was a question about the ownership of the neighboring properties; Mr. Holland confirmed that they are operated by two separate LLCs and confirmed that a CUP had been granted by the City Commission for a casino use to the new convenience store building and the LLC is maintaining the current use in the existing location and per city code any expansion or alteration of a CUP requires a new CUP, and by expanding the footprint they are changing the terms and need to seek a new CUP. A question was asked about the traffic impact of this change; Mr. Holland said there is expected to be less traffic than at the current use. Mr. Holland stated that questions related to intent could be asked of the applicant, but nothing in the city code restricts having two casino uses next to each other.

(0:29:49) A question was asked about the change in square footage of casino use. Mr. Holland noted that the current use is split fairly even between the existing casino and convenience store and that it would be approximately 4,366 square feet after this CUP. Another question was asked about the condition not allowing animated signs, as the Zoning Commission is currently working on the sign code, and what happens to that condition is the definition no longer exists in the new code upon adoption. Mr. Holland stated that the prohibition would remain, and the Commission can change that to match the new code, and that the city would likely interpret the intent behind the condition. Mr. Holland also showed the Zoning



Commission the location of the residential areas in relation to the property in question.

Applicant Presentation and Questions for Applicant

- (0:25:25) Dan Sampson of Town Pump, addressed the Commission and addressed some of the previously posed questions, including the square footage of the building, noting a traffic impact study was conducted for the new development, detailing improvements being proposed to the existing building and that the number of gaming machines will not change.
- (0:27:40) Chair Harbage asked if it was state law limiting the number of gaming machines or if it was a business decision by the applicant. Mr. Sampson stated each gaming license only allows 20 gaming machines per location. There were no further questions.

Public Comment and Commission Discussion

- (0:28:22) There was no public comment.

Motion and Commission Discussion

- (0:28:47) Ms. Story made a motion to recommend approval of a resolution granting a conditional use permit to allow casino use in the B-2 zoning district for a property legally described as: A parcel of land located in the NE 1/4 NE 1/4 of Section 19, Township 10 North, Range 3 West, Lewis and Clark County, Helena, Montana, being further described as follows: Beginning at the NE corner of Section 19, thence S. 04°06'41" W., a distance of 832.98 feet to the NE corner of said tract and also the west R/W of Montana Avenue which is the true point of beginning; thence S. 00°43'00" E., 160.00 feet along the west R/W of Montana Ave.; thence N. 89°59'0" W., 250.00 feet along the North Side of Lots 6, 7, and 8 of the Hagler & Waddell Subdivision; thence N. 00°43'0" W., 160.00 feet along the east side of Lot 5 and along the property line of Circus Twin to the NW corner of said tract; thence S. 89°59'0" E., 250.00 feet along the south side of the Circus Twin property to the true point of beginning, as set out on the Certificate of Survey filed under Doc. No. 515623/T. And Lots 7 and 8 in Block 1 of HAGLER & WADELL SUBDIVISION to the City of Helena as shown of plat filed under Document No. 381310, records of Lewis and Clark County, Montana with the following conditions: 1. Signs: No signs will be allowed on the west side of the building which faces a residential neighborhood. No "animated signs" as defined in Section 11-23-2 of the Helena City Code will be used as exterior signs. All signs will otherwise comply with the Helena City Code sign requirements. 2. Adoption and Use of Written Policy on Alcohol and Gaming: If any alcohol is sold on the premises and if gaming machines are utilized on the premises, the owner of the alcohol and gambling licenses will require adoption and use of a written policy dealing with the restriction of alcohol sales to minors and restrictions on gambling by minors, all in accordance with the applicable state and federal laws. The owner of the alcohol and gambling licenses will also require that its employees receive appropriate training regarding such policies. 3. Sidewalk Improvements: All sidewalks within the public right-of-way, including drive approaches, ADA ramps, and walkways, must be brought into compliance with ADA/PROWAG and City Engineering Standards prior to building occupancy. Ms. Anderson seconded the motion.



(0:32:01) Ms. Story noted her disappointment in having two casino uses so close together, but that she would be voting recommend approval. Vice-Chair Wilson voiced that he would not be voting in favor of the motion on general principle that an argument could be made that this will not adversely impact public health, safety, or general welfare, especially considering the neighboring residential areas. Ms. Sorenson stated that the Commission should have considered this property more closely during the previous recommendation regarding the new building. Chair Harbage echoed previous comments and stated her disappointment to have multiple casinos close by, and the city needs to discuss where we want them located.

(0:35:25) Ms. Anderson noted her appreciation for improvements to the exterior of the structure, and the care Town Pump takes of its properties, but is unsure if this use meets the B-2 code.

(0:35:58) Chair Harbage called a voice vote on the motion. The motion passed 3:2 (Chair Harbage, Ms. Story, and Ms. Sorenson in favor; Vice-Chair Wilson and Ms. Anderson in opposition). It was noted that the item would be heard at the February 12 City Commission meeting.

Public Comment

(0:36:39) Chair Harbage opened the meeting to general public comment. There was no public comment.

Member Communications

(0:36:39) There were no member communications.

Announcements

(0:37:12) The additional work sessions held in January for discussion of the proposed revised sign code were noted.

Adjournment

(0:37:47) The meeting was adjourned.