



**CITY OF HELENA  
Zoning Commission  
May 14, 2024 – 6:00 PM  
Meeting Minutes**

[Recording Available Here](#)

**Members Present:**

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

**Members Absent:**

Kim Wilson (Vice-Chair)

**Staff Present:**

Kyle Holland, April Sparks, Matt Petesch

**Call to Order and Roll Call**

**(0:10:53)** It was noted that a quorum was present with five members in attendance.

**Minutes**

**(0:12:31)** Minutes from the April 9, 2024 meeting were approved.

**Regular Items**

**Item 1**

**Staff Presentation and Questions for Staff**

**(0:13:42)** Kyle Holland, Planner II, gave a brief presentation on the conditional use permit application for multi-family (3 or more dwelling units) use at 1201 Wilder St. He noted that one comment in partial support and 5 comments and one petition in opposition. City staff is recommending approval of a resolution granting this CUP.

**(0:22:42)** There was a question about how the existing home will be accessed after the construction of the duplex, both access into the structure, but vehicular access. Mr. Holland noted the existence of a door on the north side of the house and that there would be access to the home off the alley, which was not apparent on the

site plan. Mr. Holland was also asked about the allowable distance from the intersection to the proposed curb cut. Mr. Holland stated that Transportation Systems had reviewed the proposal and did not have concerns about the distance. There was another question about the existence of other multi-family homes in the neighborhood. Mr. Holland noted that the neighborhood mainly consists of older homes, and multi-family homes appeared to not be built specifically as multi-family, but single-family with a second unit added. It was also asked if the applicant could split the lot into two legal parcels and build the duplex that is being proposed if this CUP is not granted. Mr. Holland stated that the proposed duplex would not allow for the proper setbacks and exceed lot coverage if the lot were to be split and would defer to the applicant on any alternative plans. Mr. Holland did confirm that in an R-2 you can have two dwelling units by right on a legal parcel, but all buildings would need to conform to dimensional standards. Mr. Holland also deferred to the applicant when asked about the height of the existing home.

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

- (0:29:41) B.G. Stumberg stated that Mr. Holland had did a wonderful job presenting the application and did not have anything to add, other than the existing home is approximately 16 feet. Mr. Stumberg was asked about concerns that had been raised in public comments about parking. He said the garages proposed in the duplex are large enough to accommodate a vehicle and there would be more space in the driveway in front of the garage. Additionally, he would be adding off street parking coming off the alley for the existing home. Mr. Stumberg also noted that with the addition of this duplex he would also be installing a sidewalk along the frontage of Cleveland St. There were no additional questions for the applicant.

#### **Public Comment**

- (0:32:31) Public Comment was opened. Five individuals spoke in opposition.

#### **Commission Discussion**

- (0:54:34) A question was asked about the drainage issues that were noted in public comment. Mr. Holland noted that would be a question for Public Works. There was another question for staff, asking what the review would be for a curb cut to build a garage on the property [in the same location as the proposed duplex]. Mr. Holland stated that would be handled in the standard building permit review process, in which Transportation Systems would review it. There was another question if it would be possible to add a condition related to traffic mitigation measures, such as the addition of traffic control features. Mr. Holland deferred to



Matthew Petesch from the City Attorney's office. Mr. Petesch stated he would need to speak with Transportation Systems before providing direction on conditions that could be applied specifically with stop signs.

### **Motion**

**(0:58:08)** Ms. Anderson made a motion to recommend approval of a resolution granting a Conditional Use Permit to allow a residence multiple dwelling unites use in a R-2 zoning district for the property legally described as lots 15 and 16 in Block 97 of the Ming Addition to the City of Helena, Lewis and Clark County, Montana. Ms. Story seconded the motion. Ms. Anderson expressed her understanding of the neighbors' concerns in the potential loss of parking, concerns for safety, however, did not feel it was appropriate to argue with the expert review provided by Transportation Systems and encourage the commenters to bring their concerns to the City Commission. Ms. Sorenson indicated that she would not be supporting the motion, citing concerns over drainage, fit for the neighborhood, and existing density. Ms. Story noted that she was conflicted, as the city's growth policy is encouraging infill development, but also has concerns for safety on Cleveland, and would not be supporting the motion. Chair Harbage agreed that this was a difficult decision based on the need for housing in Helena, but noted she would like to see a neighborhood plan for this area if the city does want to encourage infill development here. She also highlighted various impacts aside from the vehicular impacts and noted that she would also be voting against.

**(1:05:34)** There was no further discussion, and a roll call vote was taken. The motion failed on a 2:3 vote.

### **Item 2**

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

**(1:07:52)** Mr. Holland, Planner II, gave a brief presentation on the zone change application for a property at 515 N Ewing St, to change from PLI to R3. No public comment had been received by the meeting date. City staff is recommending approval of a resolution granting this zone change.

**(1:15:52)** Mr. Holland was asked if the use of the building was changing. Mr. Holland said he would defer to the applicant on that question and elaborated that he had been directed that a zone change is not supposed to consider a specific use, but the potential large-scale use of the district. Mr. Holland was pressed again on the change in use of the building, he noted that this application is accompanied by a Conditional Use Permit Application, which will address the change in use, which



includes the addition of general services use. Mr. Holland was pushed further on the question about change in use, and he explained the decision-making process to get to the current applications sitting before the Zoning Commission. Mr. Holland was asked a follow up about the applicant's interest in pursuing the Zone Change if the CUP is not granted. Mr. Holland again deferred to the applicant on the answer to that question, but that the current uses would still be allowed under the R3 zoning district if the zone change were approved and the CUP not.

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

- (1:20:58) Kathy Brown, the applicant's representative, gave a brief overview of the current and proposed use of the property. Julie Burr, Vice-President of the Montana Jewish Project Board of Directors, also spoke about the organization's vision for the property. There were no questions for the applicant.

### **Public Comment**

- (1:25:00) Chair Harbage opened public comment on this portion of the item. There were two comments in support of the application

### **Commission Discussion and Motion**

- (1:27:41) Ms. Sorenson made a motion to recommend approval of an ordinance amending City of Helena Ordinance 3097 and the official zoning map for the City of Helena that changes the zoning district from public lands and institutions PLI to R3 residential for the property Legally described as all of lot 9 and the North 1/2 of lots 10, 11 and 12 in block 434 of the Allen addition to the City of Helena, Lewis and Clark County, Montana. Ms. Anderson seconded the motion. The motion passed unanimously (5:0) on a voice vote.

## **Item 3**

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

- (1:29:53) Mr. Holland, Planner II, gave a brief presentation on the conditional use permit application for a property at 515 N Ewing St, to allow general services/professional offices use in an R3 zoning district. No public comment had been received by the meeting date. City staff is recommending approval of a resolution granting this CUP.
- (1:37:58) Mr. Holland was asked a clarifying question about the CUP bringing the property into conformity with uses. Mr. Holland confirmed that it would. There was another



question about the permanence of the CUP. Mr. Holland confirmed that as long as the use complies with any conditions applied to the CUP, it runs perpetually with the property.

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

- (1:39:59) Kathy Brown stated that services such as tattoo parlors, dog grooming, and hair styling listed under General Services are ones that they do not plan to have in the building. Julie Burr confirmed that is not Montana Jewish Project's intent for the use of the space. The applicant was asked about the number of office spaces for context for the available parking.

### **Public Comment**

- (1:41:33) There was one comment in support of the application.

### **Commission Discussion and Motion**

- (1:42:48) Ms. Sorenson made a motion to recommend approval of a resolution granting A conditional use permit to allow General Services professional offices, offices, uses in an R3 zoning district for the property legally described as all of lot 9 and the North 1/2 of lots 10, 11, and 12 in block 434 of the Allen addition to the City of Helena, Lewis and Clark County, Montana. Ms. Story seconded the motion.
- (1:42:58) Chair Harbage expressed her appreciation for the consideration of the heritage, history, and current impacts to the community character in bringing this use into compliance. There was no other discussion. A voice vote was called. The motion passed unanimously (5:0).

### **General Public Comment**

- (1:43:55) There was no public present in the room or online.

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

- (1:44:11) Items for upcoming meetings were discussed, notably the revised sign code coming before the Commission for recommendation. Staff was asked if it would be possible to keep the Commission informed of when items will be going before the City Commission. Mr. Holland stated he would make a note of informing the Commission of dates items will move forward. Ms. Anderson announced that she would be on maternity leave in the fall, and would not be attending meetings during that time.

### **Adjournment**



(1:47:32) The meeting was adjourned.

DRAFT