CITY OF HELENA

City Commission Meeting

March 27, 2023 - 6:00 PM

Commission Chambers, Room 330 / Zoom Online Meeting; https://us06web.zoom.us/j/81262666408

1. Call to Order and Roll Call

2. Pledge of Allegiance

3. Minutes

A. 3-13-23 Commission Meeting

B. 3-22-23 Admin Meeting

4. Consent Agenda

A. Acceptance of additional State Homeland Security Grant funds of $32,481.00 for City-County Administration Building security upgrades and authorize the City Manager to sign the Obligating Document for Award.

B. Recreating the Helena Public Art Committee as a City of Helena Advisory Committee

5. Communication/Proposals from Commissioners

6. Report of the City Attorney

7. Report of the City Manager

8. Communications from the Helena Citizens Council

9. Regular Items

A. Consider a Resolution distributing Railroad Urban Renewal District Tax Increment Financing funds to the City of Helenas Open Lands, Parks, and Recreation Department, for installation of a mural along Centennial Trail.

B. Consider a Resolution annexing property described as Tract 2-A on the Certificate of Survey filed as Document No. 579398/B in Lewis and Clark County into the City of Helena, Montana.

10. Public Hearings

A. Consider a Resolution to vacate a portion of alley right of way north of 1940 University St between University Street and Saint Andrews School.

B. Consider an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-4 (Residential) for properties legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition, AND; The south half of lots 13-16 in Block 39 of the Broadwater Addition, both to the City of Helena, Lewis and Clark County, Montana;

C. Consider a resolution granting a Conditional Use Permit to allow a Residence, multiple-dwelling units (3 or more units) use in the R-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

11. Public Communications

12. Adjournment

It is the policy of the City Commission to take public comment on any action item. For further information on any of the items mentioned above, please contact the City Clerk's Office at 447-8410 or dmclayborn@helenamt.gov.

To read packet information while attending a City Commission Meeting please use the City/County wireless network COMM_MEET during the meeting.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

Phone: (406) 447- 8490
TTY Relay Service 1-800-253-4091 or 711
Email: citycommunitydevelopment@helenamt.gov
Mailing Address & Physical Location: 316 North Park Avenue, Room 445, Helena, MT 59623.

City of Helena
City Commission Meeting
March 13, 2023 – 6:00 PM
Zoom Online Meeting; https://us06web.zoom.us/j/89922243065
City County Building Commission Chambers, Room 330

Time & Place

A regular City Commission meeting was held on Monday, March 13, 2023 at 6:00 p.m. via Zoom Online Meeting ID: **https://us06web.zoom.us/j/89922243065** and physically in the City County Building Commission Chambers, Room 330.

Call to Order and Roll Call

(00:00:15) The following responded present, either via zoom or in person:

City Attorney Dockter
Interim City Manager Burton
Commissioner Shirtliff
Commissioner Logan
Commissioner Reed
Mayor Collins

The following members were absent:

Commissioner Dean arrived late

Pledge of Allegiance

(00:01:06) Mayor Collins asked attendees to please stand and join in the Pledge of Allegiance.

Minutes

A. 2-27-23 Commission Meeting

B. 2-28-23 Special Commission Meeting

C. 3-8-23 Admin Meeting

(00:01:50) **There being no comments or questions from the Commission, Mayor Collins accepted Minutes A, B, and C.**

Proclamations

A. Arbor Day 2022 Retroactive Proclamation
B. Arbor Day 2023 Proclamation

(00:02:18) Mayor Collins presented Items A and B to City Parks Superintendent Marr.

(00:04:52) Superintendent Marr explained the significance of Arbor Day to the City of Helena.

Consent Agenda

A. Claims

B. A Resolution Amending Resolution #20781 Declaring Surplus Personal Property and Authorizing the City Manager to Dispose of that Property by Individual Vehicle Sale Rather than by Auction.

C. A Resolution designating the Environmental Certifying Official for the purposes of the City of Helena's Helena Food Share CDBG Grant No. MT-CDBG-22-CF-03.

(00:05:21) Manager Burton recommended approval of Item A.

(00:06:20) **Commissioner Shirtliff made a motion to approve Consent Agenda Items A, B, and C. Commissioner Logan seconded the motion.**

(00:06:43) Mayor Collins called for a vote.

Commissioner Dean voted:	**Absent**
Commissioner Logan voted:	**Aye**
Commissioner Reed voted:	**Aye**
Commissioner Shirtliff voted:	**Aye**
Mayor Collins voted:	**Aye**

The motion carried 4:0.

Communications/Proposals from Commissioners

(00:07:00) Commissioner Reed discussed intention to amend item 10-D.

Report of the City Attorney

(00:07:39) City Attorney Dockter provided an update on the Westside Woods and Mountain View Meadows items that have been moved to a later meeting.

Report of the City Manager

(00:08:30) Interim City Manager Burton had nothing to report.

Communications from the Helena Citizens Council

(00:08:43) HCC Representative John E. Andrew discussed recent and upcoming meeting agenda items.

(00:10:20) Commissioner Logan asked Mr. Andrew for more information about packets to be shared with the public.

Regular Items

A. Consider approval of the Temporary Employee Pay Matrix

(00:12:53) Human Resources Director McMahon presented Item A.

(00:14:11) Commissioner Reed asked Attorney Dockter about process for changing the effective date.

(00:15:00) Mayor Collins asked Director McMahon for more details about the 6% decrease in Step 2.

(00:16:00) **Commissioner Logan made a motion to approve the Temporary Employee Pay Matrix effective March 19, 2023. Commissioner Dean seconded the motion.**

(00:16:15) Mayor Collins called for a vote.

Commissioner Dean voted:	**Aye**
Commissioner Logan voted:	**Aye**
Commissioner Reed voted:	**Aye**
Commissioner Shirtliff voted:	**Aye**
Mayor Collins voted:	**Aye**

The motion carried 5:0.

B. Consider approval of the City of Helena's Web Governance Policy.

(00:16:46) Public Information Officer Garcin presented Item B.

(00:18:03) Commissioner Dean thanked PIO Garcin and staff and expressed support for the policy.

(00:18:46) Commissioner Shirtliff thanked PIO Garcin and staff.

(00:19:19) Commissioner Reed thanked PIO Garcin and staff, and expressed support for the policy.

(00:19:45) **Commissioner Dean made a motion to approve the City of Helena's Web Governance Policy. Commissioner Shirtliff seconded the motion.**

(00:29:56) Mayor Collins called for a vote.

Commissioner Dean voted:	**Aye**
Commissioner Logan voted:	**Aye**
Commissioner Reed voted:	**Aye**
Commissioner Shirtliff voted:	**Aye**
Mayor Collins voted:	**Aye**

The motion carried 5:0.

C. Consider City Manager Employment Agreement with Tim Burton

(00:20:23) Commissioner Logan presented Item C.

(00:24:05) Commissioner Dean thanked Mayor Collins and Commissioner Logan for their work on the subcommittee and expressed support for the process and Manager Burton.

(00:25:20) Mayor Collins thanked Commissioner Logan for his work during the process.

(00:26:00) **Commissioner Shirtliff made a motion to approve the City Manager Employment Agreement with Tim Burton. Commissioner Reed seconded the motion.**

(00:26:51) Mayor Collins called for a vote.

Commissioner Dean voted:	**Aye**
Commissioner Logan voted:	**Aye**
Commissioner Reed voted:	**Aye**
Commissioner Shirtliff voted:	**Aye**
Mayor Collins voted:	**Aye**

The motion carried 5:0.

(00:27:10) Manager Burton thanked the Mayor and Commissioners.

(00:27:50) Mayor Collins recommended "interim" be removed from Manager Burton's title.

D. Consider a resolution allocating additional general fund savings created from accepting United States Treasury State and Local Recovery Grant Funds and declaring all grant funds as revenue loss used for general government services.

(00:28:26) Grants Administrator Opitz presented Item D.

(00:31:31) Commissioner Reed expressed desire to increase the amount allocated to the Our Redeemers project and asked Attorney Dockter about the appropriate time to make an amendment to the motion.

(00:34:08) Commissioner Reed proposed that the allocation amount for the Our Redeemers project be raised to $2 million.

(00:34:34) Commissioner Logan asked Attorney Dockter about the language of the motion.

(00:36:20) Attorney Dockter confirmed that the motion language should include the proposed amendment.

(00:36:44) Commissioner Logan asked about the allocation specifics and final total in the resolution language.

(00:38:10) Attorney Dockter recommended including amounts in the motion in the interest of clarity.

(00:38:38) **Commissioner Reed made a motion to approve a resolution allocating additional general fund savings created from accepting United States Treasury State and Local Recovery Grant Funds to the following projects: $2 million for the Our Redeemers housing project brought by the Rocky Mountain Development Council via the City's Community Aid Grant Application process, $250,000 for the Community Food Resource Center brought by the Helena Food Share via the City's Community Aid Grant Application process, and $143,000 for the Wildfire Risk Assessment and Education project brought by the Tri-County Firesafe Working Group via the City's Community Aid Grant Application process and to revise the resolution accordingly. Commissioner Shirtliff seconded the motion.**

(00:39:53) Commissioner Dean explained why she would not support this motion.

(00:43:48) Commissioner Logan asked Mayor Collins and Attorney Dockter about the procedure for considering another amount. He also explained why he would not support this motion.

(00:46:02) Emily McVey of United Way provided public comment, supporting increased funding of the Our Redeemers project.

(00:47:45) Lori Ladas of Rocky Mountain Development Council provided public comment, supporting increased funding of the Our Redeemers project.

(00:49:50) Amy Teagarden of the Tri-County Firesafe Working Group provided public comment, advocating for the Wildfire Risk Assessment and Education project.

(00:51:40) Bruce Day of Helena Food Share provided public comment, advocating for the Community Food Resource Center project.

(00:52:51) Mayor Collins called for a vote.

Commissioner Dean voted:	**No**
Commissioner Logan voted:	**No**
Commissioner Reed voted:	**Aye**
Commissioner Shirtliff voted:	**Aye**
Mayor Collins voted:	**No**

The motion failed 3:2.

(00:53:10) **Commissioner Reed made a motion to approve a resolution allocating additional general fund savings created from accepting United States Treasury State and Local Recovery Grant Funds and declaring all grant funds as revenue loss used for general government services to the following projects: $1.58 million for the Our Redeemers housing project brought by the Rocky Mountain Development Council, $250,000 for the Community Food Resource Center brought by Helena Food Share, and $143,000 for the Wildfire Risk Assessment and Education project brought by the Tri-County Firesafe Working Group and placing $153,000 into the General Fund towards the Wildland Type 6 Firetruck. Commissioner Shirtliff seconded the motion.**

(00:54:28) Commissioner Reed suggested considering another motion for a revised increased allocation.

(00:55:15) Mayor Collins denied another motion on this Item.

(00:55:33) Mayor Collins called for a vote.

Commissioner Dean voted:	**Aye**
Commissioner Logan voted:	**Aye**
Commissioner Reed voted:	**No**

Commissioner Shirtliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 4:1.

Public Communications

(00:56:01) There were no further comments from the Commission and/or public.

Adjournment

(00:56:14) There being no further business before the Commission, the meeting adjourned at 6:54pm.

MAYOR

ATTEST:

CLERK OF THE CITY COMMISSION

City of Helena
Administrative Meeting
March 22, 2023 – 4:00 PM
Zoom Online Meeting; https://us06web.zoom.us/j/88993382382
City County Building, Room 326

Time & Place

A City Commission Administrative meeting was held on Wednesday, March 22, 2023 at 4:00 p.m. via Zoom Online Meeting ID: **https://us06web.zoom.us/j/88993382382** and physically in the City County Building, Room 326.

Call to Work Session, Introductions

(00:00:10) The following responded present, either via zoom or in person:

Assistant City Attorney Hawkaluk
City Manager Burton
Commissioner Dean
Commissioner Shirtliff
Commissioner Logan
Commissioner Reed
Mayor Collins

Commission Comments, Questions

(00:01:30) There were no communications from the Commission.

Committee Discussion

A. Resolution Recreating the Helena Public Art Committee

(00:01:42) Clerk Clayborn presented Item A.

(00:02:54) Commissioner Dean asked Clerk Clayborn and Staff Liaison Johnston about feedback from the Committee.

(00:04:05) Clerk Clayborn asked for confirmation of consensus direction.

Recommendations from the Helena Citizens Council

(00:05:03) HCC Representative Patricia Bik had nothing to report.

Report of the City Manager

(00:05:12) City Manager Burton discussed future budget-focused Administrative Meetings and upcoming agenda items for consideration.

(00:09:06) Commissioner Reed asked Manager Burton about tentative dates for Special Meetings and the possibility of discussing budget priorities prior to the budget-focused Administrative Meetings.

(00:11:20) Commissioner Dean and Manager Burton discussed considering revenue options at the beginning of budget conversations.

(00:14:15) Commissioner Logan asked Manager Burton about additional priorities for budget items and asked for an update on the Rodney Street Project.

(00:17:08) Commissioner Shirtliff asked Manager Burton about the process for determining additional budget priorities.

(00:17:50) Commissioner Dean discussed compiling budget meeting information into a public-friendly document on the website.

Presentations

A. ARPA and General Fund Savings Update

(00:19:10) Grants Administrator Opitz and Finance Director Danielson presented Item A.

(00:24:27) Commissioner Dean asked the Commission to consider allocating remaining funds to the Rodney Street Tree Replacement project and Trail Rider Shuttle program.

(00:27:00) Commissioner Reed asked the Mayor and Commission about eligibility for remaining funds.

(00:32:20) Administrator Opitz asked for clarification of next steps.

B. City of Helena Engineering and Design Standards 2022 Update

(00:34:00) Public Works Director Leland, Engineer Clark, and Transportation Systems Director Knoepke presented Item B.

(00:36:10) Manager Burton clarified specifics within the proposed standards.

(00:37:10) Commissioner Reed asked Director Knoepke and Director Leland about the rationale for changing the road width standard.

(00:40:06) Manager Burton asked Director Leland about the origin of the road width standard change.

(00:40:50) Commissioner Reed asked Director Leland about items related to recent written public comment via email.

(00:43:11) Mark Runkle provided public comment via zoom, suggesting edits to the Engineering and Design Standards.

(00:46:22) Jason Davis of SMA Architecture and Design provided public comment via zoom with technical difficulty.

(00:48:20) Manager Burton, Mayor Collins, and Commissioner Logan discussed next steps.

(00:49:24) Commissioner Reed asked Director Leland about the possibility of considering the public comments before approval.

(00:50:22) Commissioner Dean asked Director Knoepke for examples of streets of varying widths for visual clarification.

C. Helena's Recent Sustainability Efforts

(00:52:08) Director Leland, Sustainability Coordinator Griffis, and Environmental Regulation Pretreatment Manager Anderson presented Item C.

(00:54:38) Manager Burton asked Coordinator Griffis and Pretreatment Manager Anderson about their backgrounds and to introduce themselves to the public.

(01:03:55) Commissioner Reed asked Pretreatment Manager Anderson, Manager Burton, and Director Leland about the goal for water projects.

(01:11:26) Mayor Collins asked Coordinator Griffis, Director Leland, and Manager Burton about the current number of recycling service subscribers and public outreach.

(01:20:27) Commissioner Shirtliff asked Pretreatment Manager Anderson and Director Leland about a wastewater treatment process.

(01:31:36) Commissioner Dean thanked the Public Works Department.

(01:32:23) Commissioner Shirtliff thanked the Public Works Department and asked Deputy Director Coleman who the Department is working with in terms of Public Relations.

(01:34:15) Director Leland reminded those present to submit the Integrated Solid Waste Master Plan Survey.

(01:34:35) Manager Burton asked Director Leland how many submissions have been received and how many they would like to have total.

(01:35:24) Commissioner Logan asked Pretreatment Manager Anderson and Director Leland for clarification about the Red Mountain Plume and additional land shared with the County.

(01:37:14) Mayor Collins thanked the Public Works Department and discussed public outreach with Manager Burton.

(01:38:57) Commissioner Dean asked Director Leland about the Helena Police Department's hybrid vehicles.

(01:39:37) Commissioner Shirtliff asked Director Leland about sustainability efforts occurring at the Helena Regional Airport.

(01:41:31) Mackenna Sellers of the Montana Renewable Energy Association provided public comment, introducing herself and the Association.

(01:42:29) Ian Lund of Montana Environmental Information Center provided public comment, asking about future sustainability plan projects.

(01:43:40) Clerk Clayborn read written public comment provided by Sydney Dickinson, asking about sustainability efforts regarding food waste and composting.

(01:43:55) Commissioner Dean asked for a summary addressing public comments and questions.

Public Comment

(01:43:34) There were no further comments or questions by the Commission and/or public.

Adjournment

(01:43:48) There being no further business before the Commission, the meeting adjourned at 5:49pm.

City of Helena, Montana

March 3, 2023

To: Honorable Mayor Collins and City of Helena Commissioners

From: Tim Burton, City Manager
Troy Sampson, Community Facilities Superintendent

Subject: Acceptance of additional State Homeland Security Grant funds of $32,481.00 for City-County Administration Building security upgrades and authorize the City Manager to sign the Obligating Document for Award.

Present Situation: An additional $32,481 in grant funds are available for the City-County Administration Building security upgrades project. Accepting these additional grant funds from Montana Disaster and Emergency Services will give us a total of $64,828 toward this project.

Background Information:
The City received $32,347 of grant funds from Montana Disaster Emergency Services for the City-County Administration Building Security Upgrades project. The Commission accepted the award at the September 28, 2020 commission meeting. This project has been completed with a total project cost of $68,019.

Background Information: Approve the acceptance of State Homeland Security Grant funding.

Proposal/Objective: Approve the acceptance of State Homeland Security Grant funding.

Advantage: By accepting the grant funding, the City-County Building fund will have additional funds available for future projects.

Notable Energy Impact: None

Disadvantage: None

Notice of Public Hearing: N/A

Staff Recommendation: Move to approve acceptance of additional State Homeland Security Grant funds of $32,481.00 for City-County Administration Building security upgrades and authorize the City Manager to sign the Obligating Document for Award.

ATTACHMENTS:
Obligating Document for Award
Memo

Obligating Document for Award

STATE GRANT NUMBER: 20HSHLNSEC FEDERAL AGREEMENT NUMBER: EMW-2020-SS-00018 AMENDMENT NUMBER: Amendment 1	SUB-RECIPIENT NAME AND ADDRESS: City of Helena 316 N Park Ave. Helena, MT 59623,	ISSUING STATE OFFICE AND ADDRESS: Montana Disaster and Emergency Services P.O. Box 4789 1956 MT Majo Street Fort Harrison, MT 59636-4789
NAME OF SUB-RECIPIENT AUTHORIZED REPRESENTATIVE: Troy Sampson	SUB-RECIPIENT AUTHORIZED REPRESENTATIVE CONTACT INFORMATION: tsampson@helenamt.gov 406-447-8484	NAME AND CONTACT INFORMATION OF MT DES PREPAREDNESS BRANCH MANAGER: Burke Honzel bhonzel@mt.gov (406) 324-4771

EFFECTIVE DATE OF THIS ACTION: 02/10/2023	METHOD OF PAYMENT: EFT	NAME AND CONTACT INFORMATION OF MT DES GRANT COORDINATORS: Justin Webster Justin.Webster@mt.gov 406-417-9352
ORIGINAL AMOUNT: $32,347.00 INCREASED AMOUNT: $32,481.00 AMENDMENT 1 AWARD AMOUNT: $64,828.00		PERIOD OF PERFORMANCE: From: 10/01/2020 To: 08/31/2023 Budget Period: From: 10/01/2020 To: 08/31/2023
ASSISTANCE ARRANGEMENT: Cost Reimbursement	CFDA #: 97.067	

SUB-RECIPIENT SIGNATORY OFFICIAL (Name and Title) Tim Burton, Interim City Manager	DATE
SUB-RECIPIENT AUTHORIZED REPRESENTATIVE (Name and Title) Troy Sampson, Project Manager, City Community Facilities Superintendent	DATE
MT DES SIGNATORY (Name and Title) Burke Honzel, Preparedness Bureau Chief, Authorized Organizational Representative	DATE 14 FEB 2023

MOTION: Move to approve acceptance of additional State Homeland Security Grant funds of $32,481.00 for City-County Administration Building security upgrades and authorize the City Manager to sign the Obligating Document for Award.

Prepared by: Troy Sampson

Action Needed by the Commission

An additional ($32,481) in grant funds are available for the City-County Administration Building security upgrades project. Accepting these additional grant funds will give us a total of $64,828 toward this project.

Proposal/Objective

Staff Recommendation, Approve the acceptance of State Homeland Security Grant funding.

Legal Review

If approved, an Agreement Amendment will be sent to legal for review.

Advantage of Action

By accepting the grant funding, the City-County Building fund will have additional funds available for future projects.

Notable Energy Impact

None

Disadvantage of Action

None

Recommended Motion

Move to approve acceptance of additional State Homeland Security Grant funds of $32,481.00 for City-County Administration Building security upgrades and authorize the City Manager to sign the Obligating Document for Award.

Notice of Public Hearing

N/A

Summary of Background on Item

The City received $32,347 of grant funds from Montana Disaster Emergency Services for the City-County Administration Building Security Upgrades project. The Commission accepted the award at the September 28, 2020 commission meeting. This project has been completed with a total project cost of $68,019.

Respectfully submitted,

Tim Burton
City Manager

Attachments:
Obligating Document for Award
Memo

City of Helena, Montana

March 23, 2023

To: City Manager Tim Burton & City Commission Members

From: Dannai Clayborn, Clerk of the Commission
Troy Sampson, Community Facilities Superintendent
Bridget Johnston, Community Facilities

Subject: Recreating the Helena Public Art Committee as a City of Helena Advisory Committee

Present Situation: As part of the Commission initiative to modernize and improve support to the City's advisory board system, the Helena Public Art Committee resolution will be re-created and the board reestablished. The revised resolution will include directives given by the City Commission to be instituted throughout the general advisory boards and committees.
During the Administrative meeting on February 3, 2021, the Commission gave consensus direction to institute administrative and governing policies which would create consistent support internally from staff to the City's general advisory bodies. In addition, the policies would create more efficient processes of engagement between the advisory groups and the Commission. A general timeline was established by the office of the Commission based upon staff availability and resources, including input from department liaisons and the Commission members. It was determined several initiatives should be pursued, including the re-creation of resolutions for the general advisory boards and committees to include the specific policy direction of the Commission. The order of resolutions to be recreated took into consideration any board sunset dates, complexity of the resolutions, staff availability, and other internal factors.

Background Information: Helena Public Art Committee (HPAC) was chosen as the next committee to be recreated in resolution due to HPAC's interest in recommending projects which may impact various Department budgets and timelines. Formally adopting the Commission's policies as part of the resolution would assist in the HPAC's efforts to make recommendations to the Commission for annual consideration as part of the overall budget process.

At the March 22, 2023 Administrative meeting consensus was given by the Commission to place the resolution re-creating the Helena Public Art Committee including the Commission identified policies for consistent administration and governance of the advisory board system on the Regular Commission meeting agenda for formal vote on approval.

Proposal/Objective: Helena Public Art Committee (HPAC) was chosen as the next committee to be recreated in resolution due to HPAC's interest in recommending projects which may impact various Department budgets and timelines. Formally adopting the Commission's policies as part of the resolution would assist in the HPAC's efforts to make recommendations to the Commission for annual consideration as part of the overall budget process.

At the March 22, 2023 Administrative meeting consensus was given by the Commission to place the resolution re-creating the Helena Public Art Committee including the Commission identified policies for consistent administration and governance of the advisory board system on the Regular Commission meeting agenda for formal vote on approval.

Advantage: Reviewing the resolutions of all general advisory boards to the Commission allows for modernization and consistent application of policy, as well as a review of relevancy for current City process.

Notable Energy Impact: na

Disadvantage: na

Notice of Public Hearing: N/A

Staff Recommendation: Move to approve the resolution amending resolutions 11316, 19340, and 20110 and recreating the Helena Public Art Committee as a City of Helena Advisory Board

ATTACHMENTS:
HPAC Novus

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTIONS 11316, 19340 AND 20110 AND RECREATING THE HELENA PUBLIC ART COMMITTEE AS A CITY OF HELENA ADVISORY BOARD

WHEREAS, pursuant to the Helena City Charter, the Helena City Commission may establish various committees to foster and promote the general quality of life within the City;

WHEREAS, the Helena City Commission called for the establishment of a Helena Public Art Committee for the purposes of promoting community awareness of and involvement in providing public art in Helena on November 16, 1998. The first meeting of the Committee was held on April 6, 1998;

WHEREAS, it was established that public art contributes directly to the quality of life in Helena by enhancing the image of the community, instilling a concern for beauty and good design, and involving the community by inviting citizens to participate in important decisions about the community; and

WHEREAS, it appears to be in the best interest of the City of Helena and its citizens that Resolutions No. 11316, which established the Public Arts Committee and resolutions 19340, and 20110 which amended the Committee membership be further amended as set

forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

//

Section 1. That Resolutions No. 11316, 19340, and 20110 are hereby amended.

Section 2. The Helena Public Art Committee is hereby reaffirmed for the purpose of promoting awareness and involvement in public art in Helena and to identify public art projects that enhance the image of our community and recommend such projects to the City Commission for consideration.

Section 4. The Helena Public Art Committee shall be comprised of 9 members each of whom must be citizens of the City of Helena. 8 of the 9 members will be members at large and 1 of the 9 members shall be a youth member. Membership may be amended and/or defined through City Commission policy.

Section 5. Terms for City Resident membership shall be as follows:

All members at large as of the date of adoption of this resolution will continue with the assigned terms and status.

Section 6. All Members at Large shall serve a full term of three years from the date of appointment. Terms will remain

staggered.

Section 7. Youth Representatives will be appointed for a term of two years from the date of appointment.

Section 8. Terms will be limited to two full terms. Interim appointments will not be considered full terms. Individuals serving in the interim will be eligible for a first full term upon completion of an interim term.

Section 9. This board will be staffed and assigned as directed by the City Manager.

Section 10. This board will fulfill its obligations to review, analyze, and recommend to the Helena City Commission goals, and objectives for Helena's public art by issuing to the City Commission a report in May of the first year following adoption of this resolution and in October of each year thereafter. The report will create a framework for public art project proposals for consideration by the City Commission and to be vetted by City staff at the direction of the City Manager.

Section 11. This board shall, within three (3) months of the appointment of all members, adopt and follow the approved policies for boards set forth by the Clerk of the Commission.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

Section 12. This resolution will be reviewed by the City Commission on or before 4/30/2028. Upon review the Commission may choose to amend, rescind or sunset the existing resolution.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS ____DAY OF ____, 20__.

_____

MAYOR

ATTEST:

_____

CLERK OF THE COMMISSION

City of Helena, Montana

March 14, 2023

To: Mayor Collins and the Helena City Commission

From: Tim Burton, City Manager
Ellie Ray, Senior Planner
Chris Brink, Community Development Director

Subject: Consider a Resolution distributing Railroad Urban Renewal District Tax Increment Financing funds to the City of Helenas Open Lands, Parks, and Recreation Department, for installation of a mural along Centennial Trail.

Present Situation: On January 19, 2023, the City of Helena, with support from the Helena Public Art Committee, submitted an application for consideration of Railroad Tax Increment Financing (RRTIF) in the amount of $7,750 for the installation of a mural in the 130-foot long pedestrian tunnel connecting Centennial and Memorial Parks along the Centennial Trail (underneath Last Chance Gulch). The tunnel is a well-traveled multi-modal path at the jurisdictional gateway to the Railroad Urban Renewal District (RURD), and HPAC seeks match funding for a mural running the length of the tunnel on both sides to activate the space. Per the application, special consideration will be given to artistic concepts that highlight the RURD's "distinct history and cultural/economic importance." All artwork will be sealed with multiple layers of anti-graffiti coating for ease of future maintenance and to ensure the artwork's longevity.

The mural application was presented to the Railroad Tax Increment Financing Advisory Board on February 16, 2023, and was recommended for full funding approval by a quorum of voting members (4:0). The total RRTIF funding request constitutes fifty percent (50%) of the overall $15,500 project costs, with all other project funding fully committed by HPAC. If awarded TIF funding, the mural installation work will be completed in 2023.

Background Information: To grant the City of Helena Open Lands, Parks, and Recreation Department $7,750 in RRTIF financing toward installation of a mural along Centennial Trail.

Proposal/Objective: To grant the City of Helena Open Lands, Parks, and Recreation Department $7,750 in RRTIF financing toward installation of a mural along Centennial Trail.

Advantage: Public art will activate and enliven a well-travelled pedestrian corridor enjoyed by many in the community. Further, the Centennial Trail is a key municipal recreational asset, and it serves as a critical connection between the RURD and the wider Helena community.

Notable Energy Impact: Installation of public art along the Centennial Trail may encourage additional use of the trail system, thereby reducing vehicle miles traveled.

Disadvantage: N/A

Notice of Public Hearing: N/A

Staff Recommendation: Move to approve a Resolution distributing Railroad Urban Renewal District Tax Increment Financing funds to the City of Helena's Open Lands, Parks, and Recreation Department, for installation of a mural along Centennial Trail.

ATTACHMENTS:
Centennial Trail Mural RRTIF Resolution
2/16/2023 RRTIF Advisory Board Meeting Minutes

Centennial Trail RRTIF Application

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION DISTRIBUTING RAILROAD URBAN RENEWAL DISTRICT TAX INCREMENT FINANCING FUNDS TO THE CITY OF HELENA'S OPEN LANDS, PARKS, AND RECREATION DEPARTMENT FOR INSTALLATION OF A MURAL ALONG CENTENNIAL TRAIL

WHEREAS, on January 25, 2016, the City Commission adopted Ordinance No. 3214, which established the Railroad Urban Renewal District and its boundaries;

WHEREAS, the City Commission approved the Railroad Urban Renewal District Plan in connection with the adoption of Ordinance No. 3214;

WHEREAS, the Railroad Urban Renewal District Plan, adopted pursuant to Ordinance No. 3214, includes a goal of "creating an inviting venue," among other goals;

WHEREAS, Ordinance No. 3214 contains provisions for the segregation and application of tax increments within the Railroad Urban Renewal District;

WHEREAS, under § 7-15-4288, Montana Code Annotated, costs incurred in connection with "construction and improvement of public improvements or infrastructure, [and] publicly owned buildings" are eligible for tax increment funds;

WHEREAS, tax increment funds received from the Railroad Urban Renewal District may be used to directly pay for costs of approved

urban renewal projects and programs, including those contributing to the utilization of public spaces;

WHEREAS, the applicant, the City of Helena Open Lands, Parks, and Recreation Department (the "Department"), in cooperation with the Helena Public Art Committee, proposes to install a mural along Centennial Trail in the 130-foot-long pedestrian tunnel connecting Centennial and Memorial Parks ("Project");

WHEREAS, the total cost of the Project is estimated to be fifteen thousand, five hundred dollars ($15,500);

WHEREAS, the Department has requested disbursement of seven thousand, seven hundred fifty dollars ($7,750) of Railroad Urban Renewal District tax increment funds for the Project;

WHEREAS, the Department intends to accept match funding from the Helena Public Art Committee for the difference between the total Project costs and the Railroad Urban Renewal District tax increment funds awarded; and

WHEREAS, the Railroad Urban Renewal District Tax Increment Advisory Board recommended approval of tax increment funds for the Project on February 16, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. _____

Section 1. The Helena City Commission finds:

A. The Project is located within the established boundary of the Railroad Urban Renewal District.

B. The Project constitutes an allowable cost, pursuant to § 7-15-4288, Montana Code Annotated, eligible to be paid by tax increment financing funds.

C. The Project conforms to the goals and priorities stated in the Railroad Urban Renewal District Plan.

Section 2. The Department is awarded a grant of seven thousand, seven hundred fifty dollars ($7,750), payable from the tax increment financing funds generated to date by the Railroad Urban Renewal District.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 27th DAY OF MARCH, 2023.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

Minutes
Railroad TIF Advisory Board Meeting
February 16, 2023, 10:00 a.m.
Held via Zoom Virtual Platform

Board Members Present:
(Chair) Max Pigman, L&C Brewery
(*Vice Chair*) Rose Casey, 6th Ward Neighbor
Janelle Mickelson, School District
Bruce Day, Helena Food Share
Jon Iverson, Property Owner

City Staff Present:
Ellie Ray, Senior Planner & Grants Coordinator

Members of the Board Absent:
Abigail Rausch, Helena College

Public in Attendance:
Ramsay Ballew
Amanda Reese
Maxwell Hay

DRAFT

Call to Order & Staff Introduction:

Meeting was called to order.

Minutes from Last Meeting:

Minutes from the August 18, 2022 meeting were approved.

Budget Report

Ms. Ray presented a brief update on the budget noting that the previous application from Ray and Suzie Kuntz had not moved forward to the City Commission for consideration yet, and that hopefully it will be moving forward in coming months and be reflected in the budget for the TIF after that time.

Discussion Topics

- **HPAC Application**

  Amanda Reese, Chair of the Helena Public Arts Council, gave an overview of the proposed project and the work that has been put into getting the project off the ground including details about the RFP that has been created by the city. Chair Pigman asked about the timeline for completing the work. Ms. Reese stated they anticipate the work happening this summer and that the project should be completed by August 31st. The plan would allow for access to the tunnel during the

entire painting process and responded to Chair Pigman's follow up questions that the artists would propose concepts of the mural in their RFP responses and that the mural is proposed to cover 3,000 square feet and after consulting with muralists determined the project cost of $15,000, which would include supplies, averaging to about $5 per square foot. Ms. Reese outlined the selection process of the RFP and what the artist selected would potentially be expected take on in the project. Additionally, the mural would be covered with an anti-graffiti sealant to help ease future maintenance and after a question from Mr. Iverson, it was explained how the sealant worked and that it would withstand up to 100 washes. Mr. Pigman asked about the lighting in the tunnel, and Ms. Reese stated that the tunnel in question is lit with solar lights, but it would be ideal if there were more lights in it.

Vice-Chair Casey did not have any questions but expressed that she was not in support of the project, as she felt it was too soon to consider a project like this as the neighborhood plan for the area is still in the process. Vice-Chair Casey also made remarks about her desire to see bathrooms and benches in the park by the train depot, that she felt there were better "canvases" for artists that would have the potential to be seen by more people, and that while it may seem like there is a lot of money available for projects, there will be a lot to be done once the neighborhood plan is complete. Ms. Reese responded to Vice-Chair Casey laying out that HPAC was asking for $7750 toward the project and that this project tis a test run to be able to try out the RFP process, and that they saw this tunnel as a gateway into the Railroad district, making it a great opportunity to mark the entrance to the neighborhood and that they could incorporate some signage letting people know they have entered the district, and that public art is also a needed amenity. Chair Pigman noted to Vice-Chair Casey, that while there are other things that the Board would like to see done, the Board has to wait until someone has the desire and funds to step forward with a project, and in the case of the engine in the park by the depot, it is unlikely that a private individual is going to step forward for that particular project. Ms. Reese added that HPAC has seen an increase in the personal investment that public art projects can inspire, and that the Railroad district needs to be uplifted, and that projects like this one can be catalysts for change and conversations on how to make the community better. Ms. Ray clarified that the park in question is not a City park, but in fact owned by BNSF and part of their right-of-way, so [a request from the TIF for improvements to the park by the depot] would need to come from BNSF directly. Ms. Ray further clarified that only a portion of the park, approximately the southern triangle is owned by the city. Vice-Chair Casey stated that the city has said that there needs to bathroom there. Ms. Ray reiterated that the land in question is owned by BNSF and not the city, and pointed out that a portion of the Railway Ave right of way is not owned by the city, but by BNSF, so the city has very limited control over the area. Chair Pigman

suggested that the Board may be able to put together a concept for the park to present to BNSF to see if they would be interested in improving the area and encourage more pedestrian and tourism traffic in the area, with the understanding that it would be a good opportunity to be considered as a part of a TIF application.

Regarding the application before the board, Chair Pigman stated that it is a positive project, that does not require a large monetary investment. He related that many people have commented on how nice Rodney St is since not only the improvements there were made to the infrastructure and streets, but also the "vibe" has been revitalized, and it is encouraging more traffic and movement through that area. Chair Pigman stated that he rides his bike through this particular tunnel often and that the project would be nice, additionally it would be ideal if they could take some elements of the 6th ward and the railroad district into the thought process of conceptualizing the mural. Ms. Reese stated that any history that HPAC could find for the artists to use for concepts was included with the RFP. Ramsay Ballew, HPAC and Holter Museum, stated that HPAC is waiting on applications that do favor historical context and history about the railroad district. Ms. Ballew stated she lives in the Rodney St district and as a community member feels that the two murals there have uplifted the neighborhood and made it a much more inviting and safer feeling place in general, pointing out an increase in children to and from school or to friends' houses independently. Ms. Ballew further stated that history is going to be weighted in the applications. Vice-Chair Casey stated that the true gateway to the district is at malfunction junction and there is a desire to have something there, and that it has been talked about many times. Vice-Chair Casey also expressed her opinions that the project will invite graffiti to itself, that she would like to see the neighborhood plan to come up with a view of what the Board is after, and while this is an okay idea, she thinks it is very pricey and $5000 sounds like a more reasonable amount. Ms. Ray noted that there would not be a complete neighborhood plan until the end of the calendar year, and the board might want to consider holding off on considering further applications if that is their stance. Chair Pigman stated he agreed that this is not the entrance [to the district] but that it is on the path there, and therefore doesn't believe that it has to be as directly tied to the look and feel that may be done in the entire 6th ward in coming years. Chair Pigman further explained that he has a significant monetary amount invested in the murals painted on his business' building and that the amount being asked from the TIF for investment in this project is not out of line as far as budgets are concerned, and he would be excited to ride through the tunnel and see the finished product. Chair Pigman also noted that there had not been an application for funding submitted to the Board since the demolition and abatement of the lot near Starbucks, and that it would be good to have more of these small "wins", and this may encourage some other small projects that will make a difference within the district as it is so visible. Ms. Ballew noted that the Rodney St project started with

a small lower cost project which phased slowly to the higher end murals which created community buy in and a desire for more. Ms. Reese added that murals typically cost between $20 to $50 per square foot, so HPAC is hoping to attract someone very interested in the community aspect and in bringing beautification to an underserved area.

Maxwell Hay, HPAC Vice-Chair, added that from their perspective this is not an either or thing. There is more that they would like to invest in the 6th Ward. There are plans for doing dumpster artwork in the next year, as well as other murals around the 6th Ward, which is poised to draw a lot of investment from neighbors and other community members. Ms. Ballew stated that a small investment can help catapult more investment in the community, and HPAC is only asking for $7750, and want to put more in themselves, and with strategic planning hope to build in sponsorship opportunities and within their own budget reserve funds to match with other organizations doing similar projects throughout the community, and would like to be involved in more opportunities for public art in the district as a possible funding source. Ms. Mickelson stated that she liked the proposal and thought that it could be a catalyst and generate more projects and rather than sit on $7500, the Board should go forward with it. Chair Pigman then went through the goals and objectives of the TIF and how the proposal fits them. Ms. Ray noted that it only needs to tie back into the goals and objectives, and that there is a way to do so.

Mr. Iverson made a motion to recommend approval of the application for $7750 for this project. Ms. Mickelson seconded the motion. The motion carried, and it was noted that it would advance to City Commission on March 27, 2023.

It was noted that the RFP had already been released, proposals were due back on March 22ns, and the plan is to review the proposals in April, and execute a contract with the winning artist in May. Chair Pigman asked if HPAC would update the Board on the decision on the concept once completed. Ms. Ballew noted the day and time of HPAC meetings and that they are open to the public and that the Board would be welcome at the jury session as well.

- **<u>Railroad Neighborhood Plan Update</u>**

  Ms. Ray noted that staff was hoping to be able to provide an update at the next meeting, whether in March or a subsequent meeting, and that hopefully there would be information or materials from the consultant to share.

<u>Public Comment:</u>

There was no public comment.

Vice-Chair Casey did ask about what had happened with the land next to Starbucks on Lyndale (the previously funded application) as there is a sign there that states it is for lease. Ms. Ray noted that the investment was made in the demolition and abatement work associated with that demo as there were a lot of hazardous materials that needed special care. The investment was not toward any aspect of the future development on the site, but that the hotel project was still moving forward and the sign was for the portion of the property not associated with the hotel project. Vice-Chair Casey again asked about the city installing a bathroom at the park and that the 6th Ward Neighborhood Association had been promised that one would be installed 8 years ago. Ms. Ray noted that the Parks director at that time has not worked for the City for a number of years and therefore could not speak to her promises, and so did not know the status of plans for that park. Ms. Ray did state that the Parks Department has a lot of ideas for Memorial Park, which also falls within the district, such as a warming shelter for the ice rink, which has been heavily utilized over this winter. Ms. Ray invited Vice-Chair Casey to visit the Parks Department and have a conversation with them, but advised that they have a lean budget, but could apply for TIF funds. Chair Pigman asked if there were any additional applications in the pipeline. Ms. Ray stated she had received a phone call about a potential application, but did not know if or when to expect it to come in.

Next Meeting:

The next meeting is scheduled for March 16, 2023.

Adjournment:

The meeting was adjourned.

DRAFT

City of Helena

Railroad Urban Renewal District

TAX INCREMENT FINANCING APPLICATION FORM

Community Development Department
Phone (406) 447-8490 Fax (406) 447-8460
citycommunitydevelopment@helenamt.gov

IMPORTANT: APPLICANTS MAY REQUEST UP TO FIFTY PERCENT MATCH (50%) FUNDING FOR PROJECTS THAT ALIGN WITH THE RAILROAD URBAN RENEWAL DISTRICT PLAN. COSTS TO BE PAID WITH RAILROAD URBAN RENEWAL DISTRICT FUNDS MAY NOT BE INCURRED BY THE APPLICANT PRIOR TO FUNDING APPROVAL AND THE SATISFACTION OF ANY CONDITIONS OF SUCH APPROVAL.

CITY STAFF RESERVE THE RIGHT TO RETURN MATERIALS THAT ARE DEEMED INCOMPLETE OR LACK SUFFICIENT SUPPORTING DOCUMENTATION.

ANYONE SEEKING TIF ASSISTANCE FROM THE CITY OF HELENA MUST SUBMIT A WRITTEN APPLICATION FOR EACH TIF-ASSISTED PROJECT. THE FOLLOWING PROCEDURE HAS BEEN DEVELOPED TO EXPEDITE THE REVIEW OF TIF FUNDING REQUESTS.

1. Initial Contact: Contact the City of Helena Community Development Department, 316 N. Park Avenue, Room 445, Helena, MT 59623, (406) 447-8490, citycommunitydevelopment@helenamt.gov, to discuss the project and determine eligibility for TIF assistance.

2. Prepare a Written Application: The Applicant must prepare a written application for each funding request. The City of Helena staff will assist the applicant with any questions in the preparation of the application. The application should address the questions posed in the Project Narrative section.

3. Staff Review: Upon submittal of all necessary information, City staff will review the merits of the project and the need for funding. At any point in the review process, the staff or Board may request more information of the Applicant or solicit comment on the project from other public agencies. Items included in personal financial statements will not be subject to public review or presentation to or comment by other agencies.

4. Board Review and Approval: The RURD TIF Advisory Board will review the project and staff recommendations, and then recommend the funding request or any part thereof, and any special terms of TIF assistance to the City Commission.

5. Development Agreement: The City of Helena and the Applicant must execute a legally binding contract, which establishes the terms and conditions of the TIF assistance.

CHECKLIST ITEMS

- ☐ Project Description
- ☐ Project Renderings (where applicable)
- ☐ Application Form (pages 4-6)
- ☐ Project Financing Worksheet (page 7)
- ☐ Project Narrative Section (page 9)

City of Helena
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APPLICATION PRIORITY AREAS FOR TIF ASSISTANCE

TIF Applications will be assessed based on the merits of individual projects in relation to the goals and objectives of the Plan, and the project priority areas set by the RURD TIF Advisory Board, which are as follows:

1. RURD Housing Program: Consideration will be given to projects that create or retain affordable housing opportunities in the district.

2. Infrastructure Improvement Program: Consideration will be given to projects that identify and prioritize upgrades to water, sewer, stormwater drainage infrastructure, and vehicular, parking, and pedestrian/bike transportation improvements.

3. Transportation Planning Study Program: Consideration will be given for transportation planning study projects within the Railroad Urban Renewal District to address vehicular and pedestrian/bike transportation planning needs.

4. Demolition Program: Consideration will be given to demolition projects that remove blighted structures in the Railroad Urban Renewal District.

5. Historic Façade & Site Improvement Program: Consideration will be given to projects that restore/rehabilitate historic buildings and other historic site features such as brick paving, fencing, and lighting.

6. Marketing/Branding Project Program: Consideration will be given to projects that work to more fully develop a marketing initiative that is based on the RURD's distinct history and cultural/economic importance. Initiatives should cover a cohesive, comprehensive branding and marketing plan with an associated implementation plan.

7. RURD Planning Study Program: Consideration will be given for planning projects that identify regulatory roadblocks to redevelopment and promote sound urban design through zoning reform for the Railroad Urban Renewal District.

City of Helena
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APPLICATION PRIORITY AREAS FOR TIF ASSISTANCE

Applications will be evaluated based on the following measurable objectives for projects and programs (listed in no particular order of priority):

1. Increased Taxable Valuation: Implementation of the project should encourage and/or result in an increase in the URD's tax base.

2. Cost-Benefit Analysis of the Investment/Expenditure: Analysis of how the request cost of the TIF funds compares with the benefits of the project to the District.

3. Leverage-Ratios of Tax Increment Funds to Other Sources: The relationship of private investment to public investment of a project shall be significant enough ensure prudent investment of public funds within the urban renewal district.

4. Health and Safety Concerns: The Project's impact, positive or negative, on the environment in terms of noise, dust, pollution, public safety, traffic congestion, pedestrian access, visual aesthetics, etc.

5. Historic Preservation: The Project's capacity to encourage the preservation and protection of the cultural and economic heritage and physical assets of the district.

6. Density, Infill, and Adaptive Reuse: Projects will be evaluated for their ability to encourage or result in infill and adaptive reuse of underutilized and vacant lots and properties, and to promote more compatible, complementary uses within the District.

7. Cost of Public Services: The Project's ability to improve public services, such as water, sewer, sidewalks, parking, improved traffic circulation, etc., to an area that is currently underserved.

8. Job Creation: Projects that create opportunities for new employment contribute to the economic vitality of the District and community in a variety of ways.

9. Conformance with the goals and objectives of the Railroad URD Plan, Helena Growth Policy, and other Relevant Adopted Plans: The Project's ability to significantly further specific goals found in the current Urban Renewal Plan, Growth Policy, and consistency with other City plans and objectives.

10. Conformance with Requirements for TIF Fund Expenditures, per 7-15-4288, MCA: Projects must cover eligible project activities stated in Montana statutes and be approved by the City Commission to satisfy needs identified in the Railroad Urban Renewal District Plan.

City of Helena
Railroad Urban Renewal District
TAX INCREMENT FINANCING APPLICATION FORM
Community Development Department
Phone (406) 447-8490 Fax (406) 447-8460
citycommunitydevelopment@helenamt.gov

Project Name: _____ Date Submitted: _____

APPLICANT INFORMATION

Name (First & Last): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Cell: _____ Other: _____

Email: _____

If the applicant is not an individual doing business under his/her own name, the applicant has the status indicated below and is organized or operating under the laws of: State of Montana

- ☐ A non-profit or charitable institution/corporation
- ☐ A partnership or corporate entity known as _____
- ☐ District Resident
- ☐ Local Government
- ☐ Other (explain) _____

PROJECT INFORMATION

Building Address: _____

Legal Description: _____

_____

PROPERTY OWNER INFORMATION

If the property is not owned by the Applicant, written permission from the owner must be included to carry out the project and lease or other materials.

Property Owner (First & Last): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Cell: _____ Other: _____

Email: _____

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PROJECT ARCHITECTURAL FIRM INFORMATION (WHERE APPLICABLE)

Company/Firm: _____

Point of Contact (First & Last): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Cell: _____ Other: _____

Email: _____

PROJECT FINANCIAL LENDING INSTITUTION (WHERE APPLICABLE)

Company/Institution: _____

Point of Contact (First & Last): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Cell: _____ Other: _____

Email: _____

PROJECT CONTRACTOR INFORMATION (WHERE APPLICABLE)

Company/Firm: _____

Point of Contact (First & Last): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Cell: _____ Other: _____

Email: _____

DESCRIPTION OF PROJECT

In a separate attachment, please provide a full written description of your project. Please indicate if the items are existing or new construction.

PROJECT RENDERINGS (IF APPLICABLE)

Submit design schematic and/or site and landscaping plans for project.

Community Development Department
Phone (406) 447-8490 Fax (406) 447-8460
citycommunitydevelopment@helenamt.gov

TOTAL COST OF THE PROJECT

Please summarize. A full breakdown of costs is required on the *Project Cost Worksheet*.

PROPERTY OWNERSHIP

Do you own the property or are you currently purchasing it? Explain.

JOB CREATION

Will there be any new permanent or part time jobs as a result of this project excluding construction jobs associated with the development of the project? If so, how many?

PROJECT COMPLETION

What is the expected completion date of the project?

PROPERTY TAXES

How much are the current annual property taxes including any improvements? Is the payment of taxes current?

City of Helena
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PROJECT COST & FINANCING SECTION

Summarize the project costs on the Project Cost Worksheet. Use general categories and include items that are in the assistance request. The total cost should include land costs and "soft costs" such as zoning processes, surveys, and permits to enable the RURD Advisory Board to evaluate the entire private investment. If in doubt about an item's eligibility, include it. Staff will review the items and help determine eligibility. Briefly describe how the project will be financed and be sure to include equity and other investments into the project. If financing commitment is contingent on grants or URD TIF commitment to the project, has multiple sources, or other complex factors, provide that information.

NOTE: The TIF Program requests which include demolition/deconstruction activities, public sidewalks, streets, alleys and other right-of-way improvements; and/or work on utility main transmission lines totaling over $25,000 are subject to Montana Prevailing Wage Rates and must include that in the itemized costs.

PROJECT COST WORKSHEET

Professional Services

1. _____ $ _____
2. _____ $ _____

Subtotal $ _____

Construction/Rehabilitation Costs

1. _____ $ _____
2. _____ $ _____
3. _____ $ _____
4. _____ $ _____
5. _____ $ _____
6. _____ $ _____

Subtotal $ _____

Printing, Advertising, etc.

1. _____ $ _____
2. _____ $ _____

Subtotal $ _____

Other Miscellaneous Costs

1. _____ $ _____
2. _____ $ _____

Subtotal $ _____

TOTAL PROJECT DEVELOPMENT COSTS

Total $ _____

City of Helena
Railroad Urban Renewal District
TAX INCREMENT FINANCING APPLICATION FORM
Community Development Department
Phone (406) 447-8490 Fax (406) 447-8460
citycommunitydevelopment@helenamt.gov

PROJECT FINANCING WORKSHEET

Owner/Developer Investment

Total applicant investment in the project $ _____

Listing of Other Funding Sources & Amounts (Continue on separate sheet if needed)

1. _____ $ _____

2. _____ $ _____

3. _____ $ _____

Request for Eligible items

Total TIF Request $ _____

TOTAL PROJECT FINANCING $ _____

City of Helena
Railroad Urban Renewal District
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PROJECT NARRATIVES SECTION:

1. **Description of Project**. Provide a written description of the project, scope of work if a marketing plan or similar plan, number, and types of jobs to be created, etc.
   a. Compliance with the Railroad URD Plan: Identify how your project supports the Railroad URD Plan and how the project benefits the neighborhood, URD, and community (See Attachment B for Goals and objectives of the Plan).

   b. Local Zoning and Other Requirements: All projects assisted by Railroad URD TIF funds must, depending on the project location, comply with the City's Zoning Requirements, provide a brief narrative as to how the design successfully meets the requirements of City Zoning. Include any project schematic, site, and landscaping plans.

   c. Demolition/Deconstruction: If the project request includes removal of structures, it must be done in accordance with to the provisions of Helena City Code Title 3 Chapter 15. Provide a brief narrative on how the building will be removed and whether it is a structure within the city that is individually listed on the National Register of Historic Places, or a property located within the city's historic districts which is designated by the state historic preservation office (SHPO) as primary or contributing.

   d. Dislocation: If existing tenants are to be dislocated as a result of the project, provide a separate narrative describing how they have been or will be appropriately relocated.

2. **Logistical Considerations.** Provide a brief narrative describing the following**:**
   a. Project Feasibility: The Applicant's demonstration of financial readiness and ability to proceed.

   b. Applicant's Ability to Perform: The Applicant's capability to undertake the relative complexities of the project.

   c. Timely Completion: The feasibility of completing the project according to the Applicant's proposed project schedule.

   d. Payment of Taxes: All property taxes, special improvement district assessments, and other assessments on the project property must be paid to date, where applicable.

Community Development Department
Phone (406) 447-8490 Fax (406) 447-8460
citycommunitydevelopment@helenamt.gov

PROJECT NARRATIVES SECTION (CONTINUED):

3. **Economic & Community Development Potential:** Provide a brief narrative for the following. If not applicable, please note:
   - **a.** Tax generation: Describe how the project will increase the taxable valuation in the District.
   - **b.** Relationship of Public and Private Investment: Describe the relationship of private investment to public investment of a project and discuss how it is a prudent investment of public funds within the urban renewal district.
   - **c.** Job Creation: Are there any jobs created as a result of the project? Please describe.
   - **d.** Investment Spin-off: Describe any potential for investment spin-off having a positive impact on the District.
   - **e.** Cost-Benefit Analysis of the Investment/Expenditure: For projects that are $10,000 or more, a cost-benefit analysis should be completed.
   - **f.** Health and Safety Concerns: Describe the project's impact, positive or negative, on the environment in terms of noise, dust, pollution, public safety, traffic congestion, pedestrian access, visual aesthetics, etc.
   - **g.** Historic Preservation: Describe the project's ability to preserve and protect the cultural and economic heritage and physical assets of the district.
   - **h.** Density, Infill, and Adaptive Reuse: Describe if the project increases density in the RURD through infill and adaptive reuse of existing property(s).
   - **i.** Cost of Public Services: Describe how the projects will improve public services such as water, sewer, sidewalks parking, improved traffic circulation, etc., to an area currently underserved.
   - **j.** Housing Component: Describe any housing components to the project. One of the main goals of the Railroad Neighborhood Plan and the Railroad URD Plan is to promote all types of housing in the area.
   - **k.** Conformance with Requirements for TIF Fund Expenditures, per 7-15-4288, MCA: Projects must cover eligible project activities stated in Montana state statutes (See Attachment A).

ATTACHMENT A: ELIGIBLE ACTIVITIES

As specified by state law, TIF may be used to finance redevelopment activities including the following (from **7-15-4288, M.C.A.**):

1. Land acquisition, including acquisition of infrastructure-deficient areas and assemblage of land for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the municipality itself at fair value.

2. Demolition and removal of structures.

3. Relocation of occupants.

4. The acquisition, construction, and improvement of public improvements or infrastructure, including streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and off-street parking facilities, sewers, sewer lines, sewage treatment facilities, storm sewers, waterlines, waterways, water treatment facilities, natural gas lines, electrical lines, telecommunications lines, rail lines, rail spurs, bridges, publicly owned buildings, and any public improvements, and items of personal property to be used in connection with improvements for which the foregoing costs may be incurred.

5. Costs incurred in the exercise of urban renewal powers (found in 7-15-4233, MCA), including urban renewal projects as authorized by the City Commission.

6. Acquisition of infrastructure-deficient areas or portions of areas;

7. Administrative costs associated with the management of the urban renewal area or targeted economic development district;

8. Assemblage of land for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the local government itself at its fair value;

9. The compilation and analysis of pertinent information required to adequately determine the needs of the urban renewal area or targeted economic development district;

10. The connection of the urban renewal area or targeted economic development district to existing infrastructure outside the area or district;

11. The provision of direct assistance to secondary value-adding industries to assist in meeting their infrastructure and land needs within the area or district; and

12. The acquisition, construction, or improvement of facilities or equipment for reducing, preventing, abating, or eliminating pollution.

ATTACHMENT B: GOALS OF THE RAILROAD URD

Goal #1: Emphasize the District's Historic Importance

1. Promote the railroad depot area as a defining feature of the District.
2. Review and update as needed the 2003 Architectural Guidelines and formally adopt as guidelines.
3. Work with the BNSF and others to pursue how best to highlight the railroad's historic importance and unique potential for observing railcar operations from the depot area.
4. Develop interpretive signage with a consistent appearance.
5. Retain and restore/rehabilitate historic buildings and other historic features such as brick paving, fencing, and lighting.
6. Develop and market programs and activities that incorporate education on the area's historic importance.
7. Develop an image "brand" for the District, based on its distinctive character and history.

Goal #2: Increase Property Utilization and Function

1. Provide technical assistance and planning to identify vacant and underutilized properties for redevelopment.
2. Provide for a mix of uses within the District.
3. Strive for neighborhood commercial options—places to shop and eat within walking distance of work, schools, and homes.
4. Provide for a variety of residential housing, including affordable workforce housing and special needs housing.
5. Prepare properties for redevelopment by facilitating land assemblage and property transfer.
6. Work with city planning and zoning and private interests to identify regulatory roadblocks to improving property and identify solutions.
7. Consider the unique differences in various parts of the District and identify planning and project approaches as necessary for those areas.

Goal #3: Expand and Diversify the District's Economy

1. Promote and market the District as a place to do business – highlight what makes the District uniquely qualified for various businesses.
2. Upgrade and expand on existing broad-band capabilities to attract high tech businesses.
3. Develop the District's historic and proposed mix of residential, commercial and light industrial uses as a unique, identifying feature for businesses.
4. Work with business leaders and individual businesses to provide maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the Helena Railroad District by private enterprise.
5. Develop partnerships among existing property owners, new/expanding businesses and the local government to increase economic activity
6. Work with Helena College to identify training opportunities to expand and diversify District businesses.
7. Encourage projects that provide opportunities for college students to live and/or work near the campus.
8. Encourage businesses that can benefit from proximity to the college.
9. Potential for live-work building concepts, e.g., artist studios with retail and living space.

ATTACHMENT B: GOALS OF THE RAILROAD URD

Goal #4: Create an Inviting Venue

1. Develop planning tools to address eight key urban design elements identified by the Urban Land Institute: imageability, enclosure, human scale, transparency, complexity, coherence, legibility and linkage.
    - Imageability - Features or landmarks that make the area distinct, recognizable and memorable.
    - Enclosure - Streets and public spaces that are visually defined with trees, buildings, and other vertical elements to create outdoor spaces.
    - Human Scale - Building dimensions, architectural details, signage, public lighting, sidewalks, and street widths which are more intimate landscapes for pedestrians
    - Transparency - Street-level storefront windows, doors and entryways, courtyards, etc. that invite passersby to look in.
    - Complexity - An area with a visual richness from architectural diversity, landscape elements, street furniture, signage, and human activity.
    - Coherence - A sense of visual order, influenced by consistency and complementarity of scale, character, and arrangement of buildings, landscaping, and other physical elements.
    - Legibility - Ease with which people can navigate the area, including layout of streets
    - Linkage - The physical and visual connections that unify various elements – e.g., from building to street, one side of street to the other.
2. Develop "Entryways" and wayfinding signage– for example, entryway arches or other features at key intersections into the District, and distinctive signage for locating specific sites.
3. Promote Street art that reflects the District's historic foundations.

Goal #5: Address Public Infrastructure Needs

1. Plan and prioritize public infrastructure in coordination with the city's transportation planning system and capital improvements planning process.
2. Consider and plan for primary motorized access to/from the District, including:
    a. Montana Avenue Railroad Crossing - and possible potential under-over-pass;
    b. Other Railroad Crossings;
    c. Malfunction Junction; and
    d. Other major connections into/within District: Lyndale, Helena, Boulder Avenue.
3. Plan for motorized access within the district, including:
    e. Memorial Park transportation improvements; and
    f. Establishing criteria for prioritizing other street improvements in the district.
4. Address non-motorized transportation needs, including:
    g. Trail Systems and Non-Motorized Crossings of Montana Avenue;
    h. Safe routes to School;
    i. Sidewalks, Complete Streets;
    j. Railroad crossings; and
    k. Connections to the region-wide trail systems.
5. Identify and prioritize upgrades to water, sewer and stormwater drainage infrastructure.
6. Plan for specific parking needs of various businesses. Develop guidelines that reflect urban design elements identified in Goal #4 "Create an Inviting Venue."

ATTACHMENT B: GOALS OF THE RAILROAD URD
Goal #6: Provide for Public and Environmental Health 1. Promote compatible adjoining land uses and avoid adjacent uses with potential for public health or safety issues. 2. Reduce air, noise, and other environmental pollution problems. 3. Support green infrastructure/green development. 4. Provide recreational opportunities including trails, and “active” parks with playgrounds. 5. Provide complete streets with access for those with disabilities.

ATTACHMENT B: GOALS OF THE RAILROAD URD (CONTINUED)

• **Stimulate Vibrancy with a Mix of Uses (Rodney Street Goal)**
  ○ Retain the neighborhood character allowing for mixed uses, a variety of residential types, and a central commercial area
  ○ Keep the area primarily residential with a range of housing types intermixed with offices and government uses
  ○ Increase residential capacity
  ○ Retain the Rodney Street Commercial Center as the primary area for retail, with the potential for housing and offices in the upper floors

• **Reinvigorate the Rodney Street Commercial Center (Rodney Street Goal)**
  ○ Retain and build the Neighborhood Center as the center for retail, commercial and social gathering
  ○ Improve Rodney Street functionality, infrastructure and aesthetic between 6th and Broadway
  ○ Create gateways with wayfinding at both ends of the commercial center
  ○ Create better linkages between the courthouse complex, Myrna Loy center, and Rodney Street
  ○ Incorporate public art that differentiates the area from Railroad tonto a fun and funky interactive way
  ○ Monitor parking demand and identify potential for temporary uses or longer term uses

City of Helena
Railroad Urban Renewal District
TAX INCREMENT FINANCING APPLICATION FORM

DESCRIPTION OF PROJECT

Centennial Trail is a widely used community resource for Helena residents of all ages, and provides a safe and well used off-street corridor that runs east-west across Helena. The trail connects from Centennial to Memorial Park and beyond through a tunnel that runs beneath North Last Chance Gulch. The tunnel is approximately 130 feet long, with drab concrete walls. It serves as an entryway in and out of the Railroad district for pedestrians, making it a prime location to feature Helena's next large-scale public art project.

It is the vision of the Helena Public Art Committee to activate this space with an intriguing public art mural, to be enjoyed by all who pass through its enclosure. We plan to release a call for submissions and commission a selected artist to paint murals for the side walls of Centennial tunnel.

Special consideration will be given to proposed artistic concepts that are based on the Railroad Urban Renewal District's distinct history and cultural/economic importance. Supplemental documents outlining a brief history of the area will be provided with the RFP. The designs will be sealed with an anti-graffiti coating, easing future maintenance. We have full support of the Parks, Rec, and Open Lands Department to proceed with this project.

It is the hope of HPAC to announce a Call for Artists by Feb 2023, award the winning contract in April, and approve the final art renderings by June. Priming, installing and sealing the mural will occur during the summer of 2023, and will finish no later than August 31, 2023. The painting of the mural should take about 2-3 weeks to complete, and would still allow for partial pedestrian access during this time. Some of the long term ramifications of this project include an increase in public safety with vibrancy, and improve the visual aesthetics of the area with a unique sense of place.

Our total project cost is estimated at $15,500. We have allocated $7,750 of our annual budget towards the Centennial Mural project, we are asking for a 50% match in TIF funds to reach our goal.

HPAC plan's to commission an artist or team of artists for the amount of $15,000 to cover approximately 3,000 square feet of tunnel; which will include purchasing of all supplies, priming of the surface, painting of the mural, and application of a anti-graffiti sealant. We are estimating $500 in print, advertising, and signage costs. This project will provide an enriching public art that will engage citizens, increase foot traffic, increase appreciation for the arts and artists, and increase the overall attractiveness of a forgotten space.

The mission of the Helena Public Art Committee is to cultivate, advocate, and preserve public artworks in the City of Helena. We aim to develop and collaborate on projects that are a source of pride to residents, represent the unique and historical identity of our community, and are accessible to all. As Committee members who are actively involved in our arts community, we have proven successful in completing both small and large-scale public art projects across the city. Recent examples include collaborations with the "Rodney Street Is" creative place making program and our involvement with facilitating large-scale murals for the neighborhood, as well as donating partial funding for the 6th Ward's new way finding mural that was installed in Summer 2022.

This Tunnel Mural project will breathe much-needed life into forgotten city infrastructure, and an important portion of Helena's vital trail system. Walkers and bikers, old and young patrons, residents and visitors will all benefit from improving this bleak structure, filling it with vibrant color and rich character, creating a better experience for many years to come.

We hope that this project inspires others within the Railroad district to explore creative ways to tell the story of its unique history and create a sense of community and place through art.

1a. Compliance with the Railroad URD Plan:

Goal #1: Emphasize the District's Historic Importance
As part of the Helena Public Art Committee's Call for Artists process, a supplemental document outlining the History of the Railroad District will be included. Special consideration will be given to applications that incorporate the Railroad Districts distinct history.

Signage will be installed on either end of the tunnel entrance, marking the tunnel as the gateway in and out of the the Railroad district for pedestrians.

Goal #5: Address Public Infrastructure Needs
The current pedestrian tunnel is a bleak 130' stretch of untapped canvas, and installation of a public art will provide enriching art that will engage citizens, increase foot traffic, increase appreciation for the arts and artists, and increase the overall attractiveness of an otherwise forgotten thruway.

1b. Local Zoning and other requirements

This project does not interfere with any of the City's Zoning Requirements, as it does not alter the structure, but is simply painted on the existing structure.

1c. Demolition/Deconstruction

No structures need to be removed, and the tunnel has no historical significance.

1d. Dislocation

No tenants will be dislocated as a result of this project

2a. Project Feasibility

$7,750 of the Helena Public Art Committee's budget has been allocated for the Centennial Tunnel mural project.

2b. Applicant's ability to perform

The mission of the Helena Public Art Committee is to cultivate, advocate, and preserve public artworks in the City of Helena. We aim to develop and collaborate on projects that are a source of pride to residents, represent the unique and historical identity of our community, and are accessible to all. As Committee members who are actively involved in our arts community, we have proven successful in completing both small and large-scale public art projects across the city. Recent examples include collaborations with the "Rodney Street Is" creative place making program and our involvement with facilitating large-scale murals for the neighborhood, as well as providing funds for the 6th Ward's new wayfinding mural that was installed in Summer 2022.

2c. Timely Completion

It is the hope of HPAC to release our Request for Proposals by February 2023, award the winning artist contract in April, and approve the final art renderings in May. Priming, installation and sealing of the mural will happen during the summer of 2023 during an agreed upon time frame with the artist and the City of Helena. The painting of the mural should take about 2-3 weeks to complete. We foresee no issues with completing this project within the time frame shown.

2d. Payment of Taxes

N/A; Project is on public property using public funds

3a. Tax Generation: Describe how the project will increase the taxable valuation in the District.

N/A; Project is on public property using public funds

3b. Relationship of Public and Private Investment

N/A; Project is on public property using public funds

3c. Job Creation

This project will create one part-time job for one artist or group of artists who are contracted for the mural.

3d. Investment Spin-off

We hope that this project inspires pride among others within the Railroad district and empowers them to explore creative ways to tell the story of its unique history and create a sense of community and place through art.

3e. Cost-benefit Analysis of the Investment/Expenditure:

Cost: $5 per square foot (3000 sq ft)
$15,000 Artist Commission
$500 in Print/Advertising/Signage

Benefit: Improved pedestrian access experience
Improved Visual Aesthetics
Create gateway in/out of Railroad district
Create a unique sense of place for all
Increase feeling of public safety with vibrancy

3f. Health and Safety Concerns

This project will have a tremendous positive impact on public safety, pedestrian access, and visual aesthetics.

This Tunnel Mural project will breathe much-needed life into an otherwise forgotten piece of well-used infrastructure, and an important portion of Helena's vital trail system. Walkers and bikers, old and young patrons, residents and visitors will all benefit from improving this bleak structure, filling it with vibrant color and rich character, creating a better experience for many years to come.

The overall installation of the project, including priming, painting, and sealing, should take no more than a month total - and should have very little impact in terms of noise, dust, and pollution. Access through the tunnel will be available at all times, some sections in progress may have signage, cones, and taped sections alerting passerby to use caution while passing through.

3g. Historic Preservation

During the Request for Proposals process, special consideration will be given to artistic concepts that are based on the Railroad Urban Renewal District's distinct history and cultural/economic importance.

We hope that this project inspires others within the Railroad district to explore creative ways to tell the story of its unique history and create a sense of community and place through art.

3h. Density, Infill, and Adaptive Reuse

This project will not increase the density of the RURD as it is located on a piece of public property.

However, This project will demonstrate how everyday overlooked structures can be transformed with public art to create a unique sense of place for all to enjoy.

3i. Cost of Public Services

The tunnel mural project will improve the vibrancy and walkability of a well used pedestrian tunnel and a vital section of Helena's Centennial Trail system.

3j. Housing Component

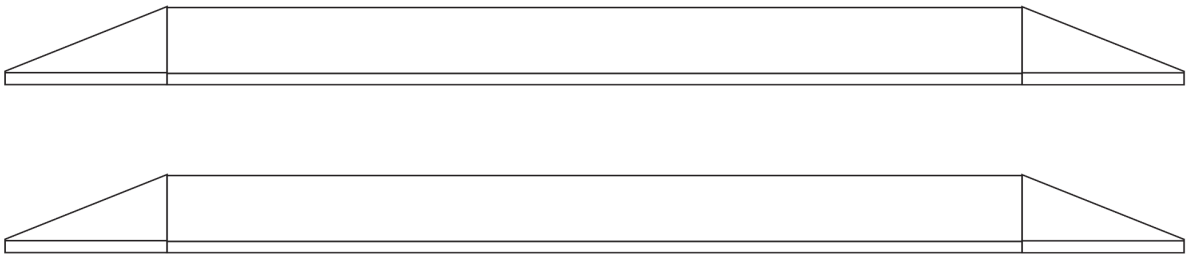
This project contains no housing component, and will not negatively effect anyone currently living within the district. However, it will improve the walkability of a public asset that is currently used by many of those who live within the district.

3k. Conformance with Requirements for TIF Fund Expenditures

Attachment A: Related to eligible activities 4. and 10.

This Tunnel Mural project will breathe much-needed life into forgotten city infrastructure, and an important portion of Helena's vital trail system. Walkers and bikers, old and young patrons, residents and visitors will all benefit from improving this bleak structure, filling it with vibrant color and rich character, creating a better experience for many years to come.

PROJECT RENDERINGS



Centennial Tunnel is 130' long, 10' High, 2 side walls + angled edges + flanks = **approx 3,000 ft²**

TOTAL COST OF PROJECT: $15,500

$15,000 Artist Commission for Public Art Mural (includes cost of paint + supplies + sealant)
$500 for Printing + Advertising + Signage

We have allocated $7,750 of our annual budget towards the Centennial Mural project, and are asking for a 50% match in TIF funds.

City of Helena, Montana

March 14, 2023

To: Mayor Collins and the Helena City Commission

From: Tim Burton, City Manager
Ellie Ray, Senior Planner
Chris Brink, Community Development Director

Subject: Consider a Resolution annexing property described as Tract 2-A on the Certificate of Survey filed as Document No. 579398/B in Lewis and Clark County into the City of Helena, Montana.

Present Situation: Applicant and property owner, Joe Nistler, has requested the annexation of Tract 2-A as shown in COS #579398/B. The subject property is a 1.57-acre parcel east of Cooney Drive, approximately 150 feet north of the intersection with West Custer Avenue in Helena, Lewis and Clark County, Montana. The property is adjacent to the City of Helena and is also located within the Urban Standards Boundary Area. The property is currently undeveloped. The applicant wishes to complete annexation of the parcel to allow for the development of seven (7) four-plex multi-family dwelling unit structures that would be connected to city services. While multi-family dwelling units are proposed, the review and approval of the present annexation case itself does not imply or confer approval for the proposed development. Those, or any other development plans, will be reviewed against any applied zoning at the time of submission and upon completion of annexation of the property.

Background Information: To consider approval of the final annexation request for Tract 2-A as shown on Certificate of Survey filed as Document No. 579398/B into the City of Helena.

Proposal/Objective: To consider approval of the final annexation request for Tract 2-A as shown on Certificate of Survey filed as Document No. 579398/B into the City of Helena.

Advantage: The City of Helena, in accordance with the 2019 Growth Policy, has set criteria for consideration when making decisions about annexation. One criterion is a preference to annex property within the Urban Standards Boundary (USB), which the present annexation and pre-zoning application of Tract 2-A satisfies. The property is immediately adjacent to the city, adjacent to annexed right-of-way (ROW), and is in close proximity to water and sewer infrastructure with capacity to support development on the parcel. As such, it is a prime candidate for annexation by the city, and the developer's present plan to develop multi-family dwelling units on the property further supports the 2019 Growth Policy's goals pertaining to the expansion of housing supply within the city.

Notable Energy Impact: Applicant Joe Nistler of Hydra, LLC, proposes to construct new housing as infill development. This development will benefit from proximity to existing infrastructure services within the Urban Standards Boundary, thus reducing vehicle miles travelled within a mixed-use area of the city and lessening the impacts of sprawl.

Disadvantage: N/A

Notice of Public Hearing: N/A

Staff Recommendation: Move to approve a Resolution annexing property described as Tract 2-A on the Certificate of Survey filed as Document No. 579398/B in Lewis and Clark County into the City of Helena, Montana.

ATTACHMENTS:
Cooney Drive Final Annexation Staff Memo
Cooney Drive Tract 2-A Annexation Resolution
Resolution of Intention No. 20721
Vicinity Map
Waiver of the Right to Protest an SID for ROW Improvements
Waiver of Special Districts
Development Agreeemnt

Ellie Ray, Planner II
Community Development Department
316 North Park Avenue, Room 404
Helena, MT 59623

Phone: 406-447-8491
Fax: 406-447-8460
Email: eray@helenamt.gov

helenamt.gov

STAFF MEMO

CITY OF HELENA PLANNING DIVISION
316 North Park Avenue
Helena, Montana 59632

DATE: March 3, 2023
File: ANXP2105-001 Cooney Dr.
Telephone: (406) 447-8491

TO: Tim Burton, City Manager

FROM: Ellie Ray, Senior Planner

SUBJECT: **Consider a Resolution annexing property described as Tract 2-A on the Certificate of Survey filed as Document No. 579398/B in Lewis and Clark County into the City of Helena, Montana.**

OVERVIEW

GENERAL INFORMATION

HISTORY: Resolution of Intention to Annex passed February 28, 2022
Pre-zoning to R-3 (Residential) Final Passage on March 28, 2022

MEETING DATE: **City Commission: 6:00 P.M. Monday, March 13, 2023**

APPLICANT/OWNER: Joe Nistler

ENGINEER: Jason Crawford
Triple Tree Engineering
3102 Old Broadwater Lane
Helena, MT 59601

LEGAL DESCRIPTION: Tract 2-A, S18, T10 N, R03 W, C.O.S. 579398/B, ACRES 1.57, IN SW4SE4, Helena, Montana

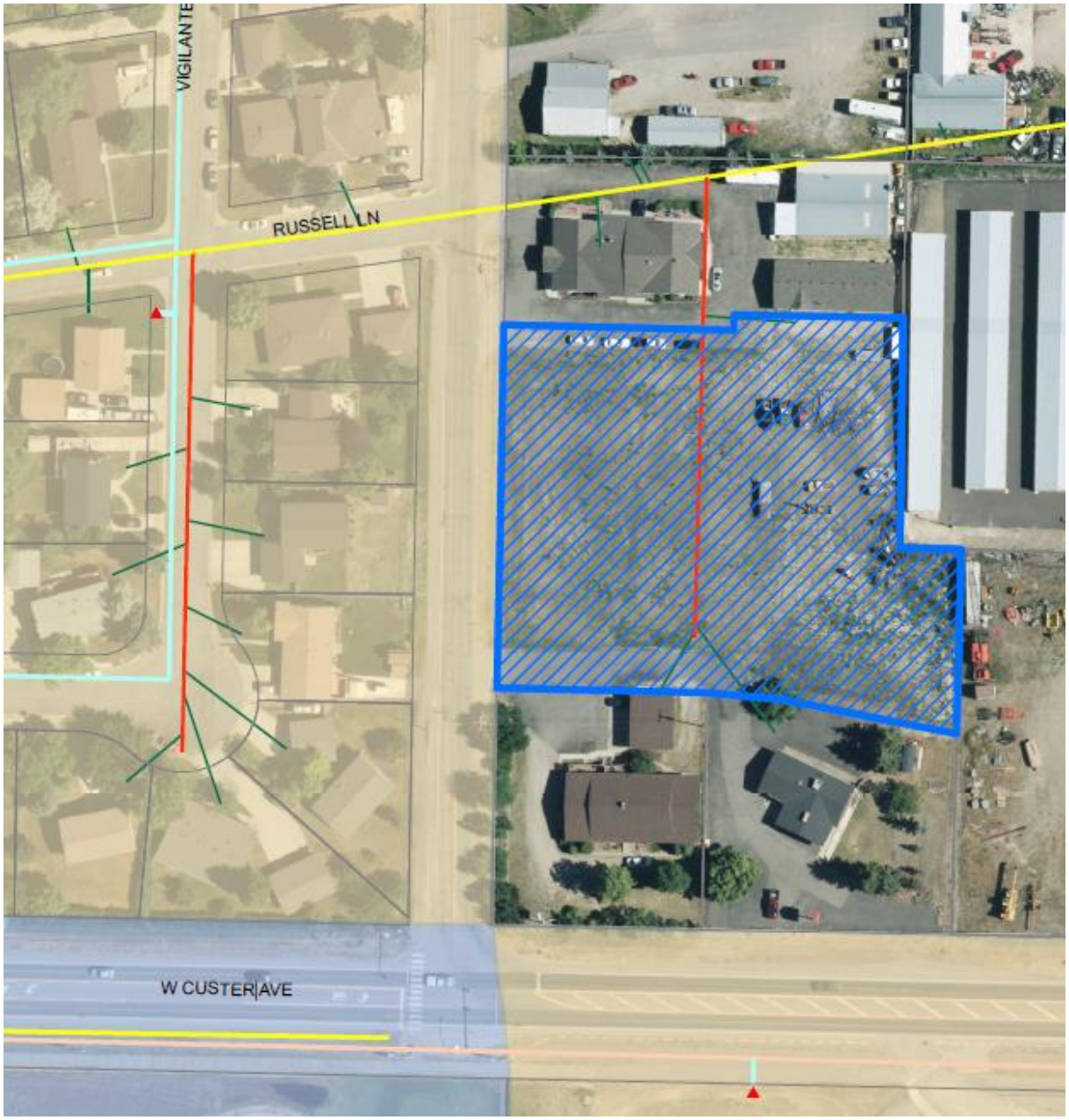
GENERAL LOCATION: East of Cooney Drive and approximately 150 feet north of West Custer Avenue

PRESENT LAND USES: Undeveloped

ADJACENT LAND USES:
- North: Single-Dwelling Unit Residential, General Professional Services, Lewis & Clark County
- East: Ministorage Facility, Contractor Yard, Lewis & Clark County
- South: Single-Dwelling Unit Residential, General Professional Services, Lewis & Clark County
- West: Single-Dwelling and Two-Dwelling Unit Residential, City of Helena

ADJACENT ZONING:	North:	Lewis and Clark County, Urban Residential Mixed-Use
	East:	Lewis and Clark County, Urban Residential Mixed-Use
	South:	Lewis and Clark County, Urban Residential Mixed-Use
	West:	City of Helena, R-3 (Residential) T #16
CURRENT ZONING:		Lewis and Clark County, Urban Residential Mixed-Use
PRE-ZONING:		R-3 (Residential) District
SIZE:		1.57 Acres/68,390 Square Feet

VICINITY MAP:



DESCRIPTION / BACKGROUND

Applicant and property owner, Joe Nistler, has requested the annexation of Tract 2-A as shown in COS #579398/B. The subject property is a 1.57-acre parcel east of Cooney Drive, approximately 150 feet north of the intersection with West Custer Avenue in Helena, Lewis and Clark County, Montana. The property is adjacent to the City of Helena and is also located within the Urban Standards Boundary Area. The property is currently undeveloped. The applicant wishes to complete annexation of the parcel to allow for the development of seven (7) four-plex multi-family dwelling unit structures that would be connected to city services. While multi-family dwelling units are proposed, the review and approval of the present annexation case itself does not imply or confer approval for the proposed development. Those, or any other development plans, will be reviewed against any applied zoning at the time of submission and upon completion of annexation of the property.

Passage of Resolution of Intention to Annex No. 20721 occurred on February 28, 2022, concurrent with first passage of an ordinance pre-zoning the parcel to R-3 (Residential). Final passage of the pre-zoning occurred on March 28, 2022, with approval of Ordinance 3295, and will take effect upon final annexation of the subject property. The applicant has received infrastructure plan acceptance for the installation of all outstanding infrastructure with a financial guarantee and associated letter of credit, and all other conditions of annexation set forth in Resolution 20721 have been met by the applicant.

ANNEXATION ANALYSIS

Annexation is a critical tool for Montana jurisdictions to grow sustainably in a manner that affords current and future residents an opportunity to enjoy a balance of municipal services, jobs, housing, and overall quality of life. The City of Helena, in accordance with the 2019 Growth Policy, has set criteria for consideration when making decisions about annexation, as shown in the analysis to follow. One criterion is a preference to annex property within the Urban Standards Boundary (USB), as is true in the present instance. Other factors include the provision of necessary rights-of-way and easements, timing of annexations that support orderly development and/or coordinated extension of public services, as well as the ability to leverage existing facilities, thereby minimizing the expansion or duplication of facilities.

The following are objectives stated within the 2019 Growth Policy that support this application for annexation:

GROWTH POLICY OBJECTIVE	ANALYSIS
Obj. 12: Promote and maintain development of a diverse housing stock. **Obj. 14:** Support the development of housing located in proximity to necessary services and quality of life assets, including generalized physical, technological, social and economic infrastructure.	The present annexation application will entail the development of multi-dwelling residential units in close proximity to opportunities for residents to work, learn, and enjoy public spaces and amenities. It is currently adjacent to existing city infrastructure and facilities, in alignment with the Growth Policy's emphasis to promote efficient use of said infrastructure.

Obj 27: Promote efficient use of community infrastructure, services and resources.	
Obj. 24: Give priority for future extension of services and annexations to property located within Helena's Urban Standards Boundary (USB) area. **Obj. 25:** Avoid annexation of undeveloped land until all public facilities are adequate to serve the new development, or an infrastructure plan is in place to assure that such facilities will be provided when needed. **Obj. 79:** Encourage development within the Urban Standards Boundary (USB) to use City standards and guidelines to facilitate future annexation.	The subject property is well within the Urban Services Boundary (USB), and, as such, is a priority for annexation. On October 13, 2022, the applicant was granted a variance to utilize the existing sanitary sewer main that bisects the property so that they are not required to install a sewer main across the full frontage of the property in accordance with City Code Section 6-3-4. The extension of water services across the full frontage of Tract 2-A is required to accommodate this annexation, and the applicant has elected to financially guarantee the water main extension for installation in the 2023 building season.
Obj. 88: In making annexation decisions consider the following factors: • Master plans for water, sewer, transportation, parks, schools and emergency services; • Provision of necessary rights-of-way and easements; • Studies that evaluate environmental and public service factors; • Timing that supports orderly development and/or coordinated extension of public services; • Ability to leverage existing facilities, minimizing expansion or duplication of facilities; • The Urban Standards Boundary (USB); • Growth Policy goals and objectives.	The City of Helena adopted a Growth Policy and identified areas of the city and areas immediately adjacent to city limits that are suitable for a more urban style development pattern. The subject property is located north of Custer Avenue, adjacent to existing incorporated parcels to the west and unincorporated county lands in other directions. The subject property and the adjacent county properties (generally east of Cooney Drive and north of N. Custer Avenue) are all in the USB and are identified in the 2019 Growth Policy Future Land Use Map as being "Mixed Use," which denotes them as being suitable for dense development of complimentary and integrated residential, commercial, and public land uses. While the subject property is undeveloped, each of the adjacent county properties to the north, south, and east was developed with a mix of residential and commercial uses prior to adoption of the 2019 Growth Policy. Therefore, this mixed-use development pattern conforms with the adopted Growth Policy. To achieve the goals and objectives located within the Growth Policy and all other adopted infrastructure master plan documents, orderly annexation of county lands must occur. This gives the city a greater degree of control in the application of current and future land use development criteria, such as building setbacks, lot coverage allowances, use allowances, and height limitations. Further, extension and installation of

	water and sewer mains to the parcel, the handling of on-site stormwater, and adherence to adopted building and fire codes must be done in a manner consistent with city standards.
Obj. 102: Within the Urban Standards Boundary (USB), mitigate the financial impacts of annexation through the use of service agreements and/or neighborhood planning.	Installation of rights-of-way and the extension of other municipal infrastructure (water, sewer, and stormwater services) must happen in an efficient and cost-effective manner with annexations. Doing so will help influence the city's orderly growth into other adjacent, unincorporated parcels within the USB that may petition in future to annex into the city. The applicant will install all required wet infrastructure during the 2023 building season following execution of a financial guarantee, and they are waiving their right to protest future right-of-way improvements to bring Cooney Drive adjacent to their parcel up to City standards.

ANNEXATION CONDITIONS

1. **Infrastructure:** The property owners must install all infrastructure improvements required by the City of Helena, to city standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements including, but not limited to:
    a. signing a waiver of the right to protest an SID for future street improvements;
    b. establishing additional right-of-way for Cooney Drive within Tract 2-A prior to annexation if the subject right-of-way is found to not have adequate width to serve as a Local Street in accordance with the adopted city Engineering and Design Standards;
    c. installing sidewalks in conformance with city Engineering and Design Standards in Cooney Drive across the frontage of the property;
    d. installing water and sewer mains and appurtenant facilities in Cooney Drive across the frontage of the property in conformance with Sections 6-2-6(A) and 6-3-4(A) of City Code or obtaining applicable variances to the aforementioned codes from the City Commission;
    e. establishing an easement to the City for the sanitary sewer main running through the property if a variance to Section 6-3-4 of City Code is granted or verify a maintenance easement exists.

- The applicant will be signing a waiver of the right to protest an SID for future street improvements.
- Transportation Systems Department staff confirmed that the adjacent Cooney Drive right-of-way is of appropriate width to meet Local Street Standards in conformance with City Engineering and Design Standards.
- A variance from Section 6-3-4(A) of Helena City Code pertaining to sewer main installation was approved on October 13, 2022, to allow the applicant to utilize the existing main bisecting the property, which is already located within a recorded easement.

- The applicant has had an opinion of probable costs for the installation of remaining infrastructure approved by the Public Works Department and is electing to financially guarantee the installation of said infrastructure with an associated letter of credit for necessary improvements. This work is anticipated for completion in the 2023 building season.

2. **Review of New Construction:** The property owner must submit plans for review by the City of Helena for compliance with City infrastructure, zoning, and other Code requirements, provide proof of compliance with all building and fire codes for all new construction or remodels subsequent to the adoption of this resolution and prior to annexation of the property, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.

    - When building permits are sought, all construction will be subject to applicable, adopted City codes and regulations, including zoning codes, building codes, fire codes, and engineering and design standards.

3. **Taxes and Assessments:** Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.

    - As of March 3, 2023, all taxes are current.

4. **Notice of Special Districts:** The property owner must waive the right to notification and protest and consent to the alteration of boundaries of Urban Forest Maintenance District and Landfill Monitoring District in order to include the property prior to annexation pursuant to 7-11-1023, MCA.

    - The owner has consented to and waived the right to protest the alteration of the special districts, as provided in their annexation application materials.

5. **Completion of Conditions:** These annexation conditions must be completed within one (1) year of the date of approval of this resolution. The property owner must notify City Planning in writing upon completion of the conditions for approval of annexation. If the conditions are not completed within that time frame, the City is under no obligation to annex the property and may discontinue any City services to the property, including water and sewer service.

As reflected above, applicant Joe Nistler has met all the conditions of annexation set forth in Resolution 20721 for Tract 2-A as described in COS #579398/B, generally located on Cooney Drive approximately 150 feet north of the intersection with West Custer Avenue.

RECOMMENDATION

Staff recommends **APPROVAL** of a Resolution of Annexation for property legally described in COS #579398/B as Tract 2-A, in Lewis and Clark County, into the City of Helena, Montana.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION ANNEXING PROPERTY DESCRIBED AS TRACT 2-A ON THE CERTIFICATE OF SURVEY FILED AS DOCUMENT NO. 579398/B IN LEWIS AND CLARK COUNTY INTO THE CITY OF HELENA, MONTANA

WHEREAS, Triple Tree Engineering, on behalf of property owner Hydra, LLC, has requested that the property described below be annexed into the City of Helena, which is property generally located 150 feet north of the intersection of Custer Avenue and Cooney Drive, is adjacent to the existing City limits, is within the "Urban Standards Boundary Area," and is in Lewis & Clark County, Montana:

1. Tract 2-A as shown on the Certificate of Survey filed under Document No. 579398/B;

WHEREAS, the City of Helena desires to annex said property under the provisions of Montana law;

WHEREAS, the City Commission established conditions for annexation by Resolution No. 20721 on February 28, 2022; and

WHEREAS, the conditions of annexation associated with Tract 2-A as shown on the Certificate of Survey filed under Document No. 579398/B, have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, AS FOLLOWS:

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. _____

Section 1. The Helena City Commission hereby annexes Tract 2-A as shown on the Certificate of Survey filed under Document No. 579398/B, which property is currently located adjacent to the existing city limits and generally located 150 feet north of the intersection of Custer Avenue and Cooney Drive, in Lewis and Clark County, Montana, as shown on Exhibit "A" attached hereto.

Section 2. The boundaries of the City of Helena are hereby extended to include the above-described property.

Section 3. The Clerk of the Commission shall certify, under seal of the City of Helena, the Resolution which shall be filed with the Clerk and Recorder of Lewis and Clark County, and thereafter said annexed property shall be a part of the City of Helena and the City of Helena shall have the power to pass all necessary ordinances pertaining thereto.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 27th DAY OF MARCH, 2023.

_____
MAYOR

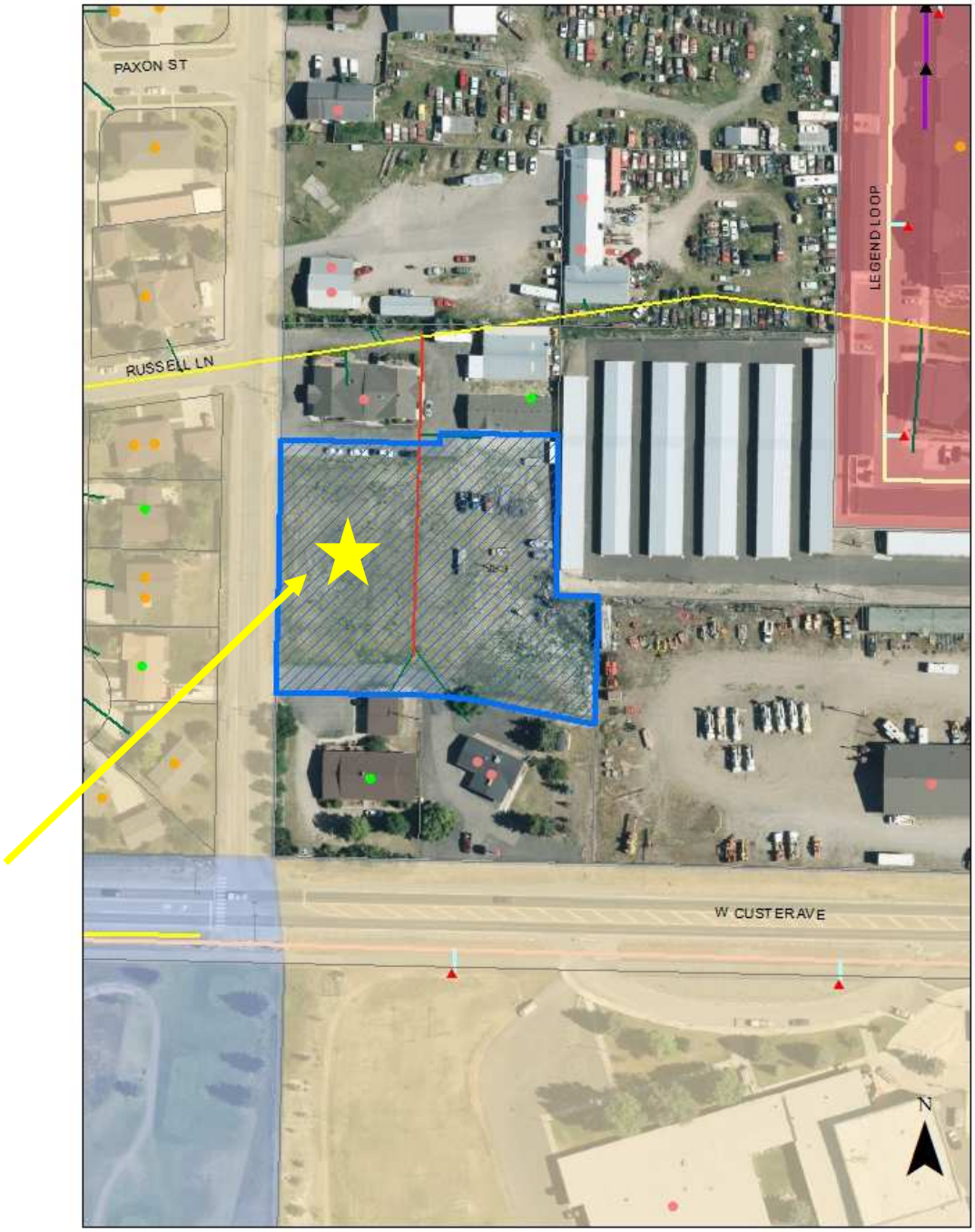
ATTEST:

_____
CLERK OF THE COMMISSION

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. _____

EXHIBIT A



3

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20721

A RESOLUTION OF INTENTION TO ANNEX INTO THE CITY OF HELENA PROPERTY DESCRIBED AS TRACT 2-A ON THE CERTIFICATE OF SURVEY FILED AS DOCUMENT NO. 579398/B, LEWIS AND CLARK COUNTY, MONTANA, AND ESTABLISH CONDITIONS FOR ANNEXATION

WHEREAS, Triple Tree Engineering, on behalf of property owner Hydra LLC, has requested that the property described below be annexed into the City of Helena, which property is generally located 150 feet north of the intersection of Custer Avenue and Cooney Drive, is adjacent to the existing City limits, is within the "Urban Standards Boundary Area," and is in Lewis & Clark County, Montana:

1. Tract 2-A as shown on the Certificate of Survey filed under Document No. 579398/B.

WHEREAS, the owner of the property to be annexed has signed a written application requesting annexation pursuant to statute to the City of Helena;

WHEREAS, the governing body need not submit the question of annexation to the qualified electors, and has approved the application upon its merits;

WHEREAS, the property under consideration for annexation is also being considered for pre-zoning with a designation R-3 (Residential) District;

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. 20721

WHEREAS, under the provisions of Montana law, the City of Helena desires to annex the property; and

WHEREAS, annexation of the property appears to be in the best interests of the present owner and the City of Helena, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, AS FOLLOWS:

Section 1. It is the intention of the Helena City Commission to annex Tract 2-A as shown on the Certificate of Survey filed as Document No. 579398/B, Lewis and Clark County, Montana.

Annexation will be effective only upon completion of pre-zoning of the property and completion of the following conditions:

1. Infrastructure: The property owner must install all infrastructure improvements required by the city of Helena, to City standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements including, but not limited to:
   a. signing a waiver of the right to protest an SID for future street improvements;
   b. establishing additional right-of-way for Cooney Drive

within Tract 2-A prior to annexation if the subject right-of-way is found to not have adequate width to serve as a Local Street in accordance with the adopted City Engineering and Design Standards;

c. installing sidewalks in conformance with City Engineering and Design Standards in Cooney Drive across the frontage of the property;

d. installing water and sewer mains and appurtenant facilities in Cooney Drive across the frontage of the property in conformance with Sections 6-2-6(A) and 6-3-4(A) of City Code or obtaining applicable variances to the aforementioned codes from the City Commission; and

e. establishing an easement to the City for the sanitary sewer main running through the property if a variance to Section 6-3-4 of City Code is granted or verifying a maintenance easement exists.

2. Review of New Construction: The property owner must submit plans for review by the City of Helena for compliance with City infrastructure, zoning, and other Code requirements, provide proof of compliance with all building and fire codes

for all new construction or remodels subsequent to the adoption of this resolution and prior to annexation of the property, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.

3. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.
4. Notice of Special Districts: The property owner must waive the right to notification and protest and consent to the alteration of boundaries of Urban Forest Maintenance District and Landfill Monitoring District in order to include the Property prior to annexation pursuant to 7- 11-1023, MCA.
5. Completion of Conditions: These annexation conditions must be completed within one (1) year of the date of approval of this resolution. The property owner must notify City Planning in writing upon completion of the conditions for approval of annexation. If the conditions are not completed within that time frame, the City is under no obligation to annex the properties and may discontinue any City services to the properties, including water and sewer service.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. 20721

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 28th DAY OF February, 2022.

MAYOR

ATTEST:

CLERK OF THE COMMISSION

Stefani Reinhardt, Interim

Vicinity Map of Tract 2-A, COS 579398/B

Please return to:
David Knoepke, Director
Transportation Systems
3001 E. Lyndale Ave.
Helena, MT 59623

WAIVER OF PROTEST TO FORMATION AND

PARTICIPATION IN A SPECIAL IMPROVEMENT DISTRICT

MCA 7-12-4110

The undersigned, Joe Nistler, hereinafter referred to as OWNER, has requested and received the consideration and approval of the City of Helena to develop improvements within the City, on private real property legally described as follows:

TRACT 2-A AS SHOWN ON THE CERTIFICATE OF SURVEY FILED UNDER DOCUMENT NO. 579398/B, LEWIS AND CLARK COUNTY, MONTANA.

The OWNER shall waive for itself and all future owners, the statutory right the OWNER has to protest a future special improvement district as afforded by MCA 7-12-4110 for the construction and maintenance of streets and sidewalks serving the above-described property in the event a district is created and assessed as allowed by law for that purpose.

The OWNER, therefore, in consideration for the City's granting of a deferral for the above-described, hereby waives right to protest the formation by the City of Helena of a special improvement district pursuant to Title 7 Chapter 12 of Montana Code Annotated which the OWNER may have or may hereafter acquire, and waive any and all right to protest any attempt or proceedings made by or on behalf of the City of Helena to form such special improvement district.

The OWNER further agrees that this Waiver to Protest to the formation of a Special Improvement District is a covenant upon the above-described real property which shall run to, with, and be binding upon the title of the said real property, and shall be binding upon any heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the above-described real property.

Dated this____ day of_____, 20__

_____

OWNER *(if owned jointly or as cotenants, each owner must sign or if signing for a corporation, LLC, or other legal entity must provide the source of the authority to bind the company)*_____

STATE OF MONTANA)
: ss
County of Lewis and Clark)

On this_____day of_____,____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared_____known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notary Seal the day and year in this certificate first above written.

_____

Notary Public, State of Montana
Printed Name:_____
Residing at _____
My Commission expires: _____

After recording, return to:
City Attorney's Office
316 North Park Avenue
Room 203
Helena, MT 59623
(406) 457-8595

CONSENT AND WAIVER OF PROTEST TO ALTER SPECIAL DISTRICTS

THIS CONSENT is made and entered into this _____ day of March, 2023, by and between **JOE NISTLER, _____**, 2190 Gold Avenue, Helena, Montana 59601, ("Owner"), and the **CITY OF HELENA, MONTANA,** a municipal corporation organized and existing under the laws of the State of Montana, 316 North Park Avenue, Helena, Montana 59623 ("City").

RECITALS

1. Owners applied to have the following property ("Property") annexed into the City of Helena:

TRACT 2-A AS SHOWN ON THE CERTIFICATE OF SURVEY FILED UNDER DOCUMENT NO. 579398/B, LEWIS AND CLARK COUNTY, MONTANA.

2. The City created the Urban Forest Maintenance District and the Landfill Monitoring District pursuant to § 7-11-1003, MCA. The boundaries of those special districts will be altered to include the Property.

3. As a condition of annexation and receipt of City services, Owners consent to and waive the right to protest the alteration of the boundaries of the Urban Forest Maintenance District and the Landfill Monitoring District in order to include the Property within those districts.

CONSENT AND WAIVER

1. **Binding Covenant:** Owners agree that this Consent constitutes covenants that run with the property described above, and the benefits and burdens hereof are binding upon and

inure to the benefit of all successors in interest to all parties hereto. Owners further agree that this Consent may be recorded with the Clerk and Recorder of Lewis & Clark County, Montana, and encumbers the Property.

2. <u>Consent and Waiver</u>: Owners agree and consent to and waive the right to protest the alteration of the boundaries of the Urban Forest Maintenance District and the Landfill Monitoring District to include the Property within those districts.

IN WITNESS WHEREOF, the parties have executed this Consent the day and year first above written.

_____

Joe Nistler, Owner

STATE OF MONTANA)
) ss.
COUNTY OF LEWIS & CLARK)

On this _____ day of March, 2023 before me, the undersigned, a Notary Public for the State of Montana, personally appeared **Joe Nistler, Owner**, known to me or proved to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

_____

City Attorney's Office
316 North Park Avenue
Room 203
Helena, MT 59623
(406) 457-8595

AGREEMENT FOR PUBLIC IMPROVEMENTS IN A SUBDIVISION

THIS AGREEMENT is made and entered into this 24th day of February, 2023, by and between **Joe Nistler dba Hydra LLC** ("Developer"), and the **CITY OF HELENA, MONTANA,** a municipal corporation organized and existing under the laws of the State of Montana, 316 North Park Avenue, Helena, Montana 59623 ("City").

RECITALS

1. Developer owns and has received preliminary plat approval for the subdivision of the following described property ("Property"):

S18, T10N, R03W, COS 579398/B, 1.57 acres in Tract 2-A of SW4SE4

2. Developer desires to obtain Final Plat approval prior to completion of public improvements required by the preliminary plat approval. Developer agrees to provide a bond or other reasonable security to the City under the provisions of §76-3-507, MCA, and §§12-4-13 and 12-4-14, Helena City Code, to ensure construction of these public improvements within a period specified by this Agreement and expressed in the bonds or other security.

3. The public improvements subject to this Agreement and the itemized, estimated costs are contained on Exhibit "A" attached hereto and incorporated herein by this reference.

4. Developer and City enter into this Agreement to guarantee the full and satisfactory completion of public improvements required in the preliminary plat approval which have not been completed as of this date. The parties intend that this Agreement and the bonds or other security relating hereto be provided to satisfy the improvements guarantee requirements for final plat approval of said subdivision.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, it is hereby agreed as follows:

1. **Description of Property Subdivided:** This Agreement pertains to and includes the Property described above.

2. **Improvements Installed:** Developer agrees to design and install, at Developer's expense, the public improvements shown on Exhibit "A" that are the subject of this Agreement. Developer represents that the estimated cost to design and install is as shown on Exhibit "A." All

the improvements described on Exhibit "A" must be completed and approved for final acceptance by the City within one year from the date of this Agreement.

3. **Financial Guarantee:** Developer agrees to financially guarantee the installation of these public improvements in accordance with the provisions of this Agreement. The amount of the financial guarantee is no less than 130% of the estimated total cost of the required improvements as set forth on Exhibit "A." The guarantee must be in the form of a bond or other reasonable security satisfactory to City. The guarantee must allow for funds to be requested against it for a period of not less than 60 days after the required date for final acceptance of the completed improvements. A failure by Developer or Developer's guarantor to maintain a solvent financial guarantee pursuant to the requirements of this section constitutes a default by Developer for purposes of this Agreement. One form of guarantee may not be substituted for another without the consent of the City. The guarantee is in the form of an Irrevocable Letter of Credit dated December 28, 2022 in the amount of One Hundred Ninety Thousand Dollars ($190,000.00) portions of the public improvements are satisfactorily installed and approved by the City, upon application by Developer, the City will release the amount of the guarantee by the value of the installed improvements and allow Developer to provide a new guarantee for the remaining required public improvements. Upon any partial release of the guarantee, the parties will amend Exhibit "A" to show the type and cost for remaining required public improvements.

4. **Recording and Lien:** City may have this Agreement recorded in the office of the Lewis & Clark County Clerk and Recorder at any time after filing of the final plat. Upon the recording of this Agreement, it attaches as a lien upon all real property owned by Developer and contained within the Property. Developer agrees to be responsible for the recording cost.

5. **Inspection:** Representatives of City have the right to enter upon the Property at any reasonable time in order to inspect it and determine if Developer is in compliance with this Agreement, and Developer authorizes the City and its representatives to enter upon and inspect the Property at any reasonable time.

6. **Default:** Time is of the essence of this Agreement. If Developer is in default or fails to fully perform any of its obligations in conformance with the time schedule set forth in this Agreement, subject to force majeure, and such default or failure continues for a period of thirty (30) days after a written notice specifying the default is deposited in the United States mail and addressed to Developer at the address above provided in this Agreement, or such other address as Developer shall provide to City from time to time, during which period Developer fails to commence a cure and proceed thereafter to complete the cure with commercially reasonable diligence, the City may elect to enforce any of the following specified remedies:

(a) Declare the financial guarantee forfeited, secure the complete design, construction, and inspection of the public improvements described herein, and draw upon whatever amounts of the financial guarantee are necessary for the completion of the public improvements. City's representatives, contractors, and engineers have the right to enter upon the Property and perform such work and inspections, and Developer shall permit and secure any additional permission required from third parties to enable them to do so.

(b) Enforce and foreclose liens attaching to the Property through this Agreement, pursuant to law.

(c) Any other remedy provided by law for the enforcement of this Agreement.

7. **Warranty:** Developer warrants against defects in the public improvements installed by Developer for a period of one (1) year from the date of written acceptance or approval thereof by the City, regardless of any lesser warranty periods provided by Developer's contractors and suppliers.

8. **Governing Law:** This Agreement shall be construed under and governed by the laws of the State of Montana. In the event of litigation concerning this Agreement, venue is in the First Judicial District Court, Lewis & Clark County, State of Montana.

9. **Modifications or Alterations:** No modifications or amendments to this Agreement are valid or binding, unless in writing and signed by the parties hereto.

10. **Invalid Provision:** The invalidity or unenforceability of any provision of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provision were omitted.

11. **No Assignment:** It is expressly agreed that Developer may not assign this Agreement in whole or in part, without prior written consent of the City. The City may assign its rights to the bond or security to a subsequent developer who has acquired the Property and agrees in writing to complete the unfinished improvements. The subsequent developer has the same rights of completion as the City.

12. **Waiver:** No waiver of any provision of this Agreement will be deemed to constitute a waiver of any other provision, nor will it be deemed to constitute a continuing waiver unless expressly provided for; nor will the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults of the same type. The City's failure to exercise any obligation under this Agreement will not constitute the approval of any wrongful act by Developer or the acceptance of any improvement.

13. **Indemnification:** Developer hereby expressly agrees to indemnify and hold the City harmless against any and all claims, costs and liability of every kind and nature, for injury to or damage sustained by any person or entity in connection with or on account of the performance of work at the Property and elsewhere pursuant to this Agreement due to any intentional or negligent act, whether by commission or omission, by Developer or Developer's agents, assignees, employees or contractors. Developer further agrees to aid and defend the City in the event that it is named as a defendant in an action concerning the performance of work pursuant to this Agreement, except where such suit is brought by the Developer. Developer is not an agent or employee of the City.

14. **Successors:** Except as prohibited in Paragraph 10, this Agreement is binding upon and enures to the benefit of the parties hereto and their respective heirs, successors and assigns.

15. **Attorney Fees:** In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement, then the prevailing party shall be entitled to reasonable attorney fees and costs, including the salary and

costs associated with the City Attorney's services.

IN WITNESS WHEREOF, the parties have entered into this Agreement the day and year first above written.

Hydra LLC

By_____
Joe Nistler, Managing Member

CITY OF HELENA, MONTANA

By_____
Tim Burton, City Manager

APPROVED AS TO FORM:

By_____
Rebecca J. Dockter, City Attorney

ATTEST:

By_____
Dannai Clayborn, City Clerk

STATE OF MONTANA)
COUNTY OF LEWIS & CLARK) ss.

On this 3 day of March, 2023, before me, a Notary Public for the State of Montana, personally appeared Joe Nistler, the Managing Partner of Hydra LLC, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

JENNIFER S. BERRY
NOTARY PUBLIC for the
State of Montana
Residing at Helena, Montana
My Commission Expires
August 10, 2024

_____
Jen Berry
Notary Public for State of Montana
Residing at Helena, Montana
My Commission expires August 10, 2024

STATE OF MONTANA)
COUNTY OF LEWIS & CLARK) ss.

On this 7 day of March, 2023, before me, a Notary Public for the State of Montana, personally appeared Tim Burton and Dannai Clayborn, the City Manager and City Clerk, known to me or proved to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same in such capacities.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

ALYX MONTIEL
NOTARY PUBLIC for the
State of Montana
Residing at East Helena, MT
My Commission Expires
September 27, 2026

_____
Print Name Alyx Montiel
Notary Public for State of Montana
Residing at Helena, Montana
My Commission expires Sept. 27, 2026

Opportunity Bank
OF MONTANA

IRREVOCABLE LETTER OF CREDIT

Borrower: Hydra LLC
2190 Gold Ave Suite B
Helena, MT 59601

Lender: Opportunity Bank of Montana
Helena - Prospect
1400 Prospect Ave
Helena, MT 59604

Beneficiary: City of Helena
316 N. Park
Helena, MT 59623

NO.: 197

EXPIRATION DATE. This letter of credit shall expire upon the earlier of the close of business on 06-09-2024 and all drafts and accompanying statements or documents must be presented to Lender on or before that time, or the day that Lender honors a draw under which the full amount of this Letter of Credit has been drawn (the "Expiration Date").

AMOUNT OF CREDIT. Lender hereby establishes at the request and for the account of Borrower, an Irrevocable Letter of Credit in favor of Beneficiary for a sum of One Hundred Ninety Thousand & 00/100 Dollars ($190,000.00) (the "Letter of Credit"). These funds shall be made available to Beneficiary upon Lender's receipt from Beneficiary of sight drafts drawn on Lender at Lender's address indicated above (or other such address that Lender may provide Beneficiary in writing) during regular business hours and accompanied by the signed written statements or documents indicated below.

WARNING TO BENEFICIARY: PLEASE EXAMINE THIS LETTER OF CREDIT AT ONCE. IF YOU FEEL UNABLE TO MEET ANY OF ITS REQUIREMENTS, EITHER SINGLY OR TOGETHER, YOU SHOULD CONTACT BORROWER IMMEDIATELY TO SEE IF THE LETTER OF CREDIT CAN BE AMENDED. OTHERWISE, YOU WILL RISK LOSING PAYMENT UNDER THIS LETTER OF CREDIT FOR FAILURE TO COMPLY STRICTLY WITH ITS TERMS AS WRITTEN.

DRAFT TERMS AND CONDITIONS. Lender shall honor drafts submitted by Beneficiary under the following terms and conditions: The original Letter of Credit, together with any amendments.

A sight draft drawn by Beneficiary on Issuer.

This irrevocable letter of credit is made under the provisions of, City of Helena and to enforce the provisions of Cooney Drive Apartment Complex water and sidewalk installation between the applicant and Beneficiary, pending execution of this Financial Guarantee.

Upon Lender's honor of such drafts, Lender shall be fully discharged of Lender's obligations under this Letter of Credit and shall not be obligated to make any further payments under this Letter of Credit once the full amount of credit available under this Letter of Credit has been drawn.

Beneficiary shall have no recourse against Lender for any amount paid under this Letter of Credit once Lender has honored any draft or other document which complies strictly with this Letter of Credit, and which on its face appears otherwise in order but which is signed, issued, or presented by a party or under the name of a party purporting to act for Beneficiary, purporting to claim through Beneficiary, or posing as Beneficiary without Beneficiary's authorization. By paying an amount demanded in accordance with this Letter of Credit, Lender makes no representation as to the correctness of the amount demanded and Lender shall not be liable to Beneficiary, or any other person, for any amount paid or disbursed for any reason whatsoever, including, without limitation, any nonapplication or misapplication by Beneficiary of the proceeds of such payment. By presenting upon Lender or a confirming bank, Beneficiary certifies that Beneficiary has not and will not present upon the other, unless and until Beneficiary meets with dishonor. Beneficiary promises to return to Lender any funds received by Beneficiary in excess of the Letter of Credit's maximum drawing amount.

USE RESTRICTIONS. All drafts must be marked "DRAWN UNDER Opportunity Bank of Montana IRREVOCABLE LETTER OF CREDIT NO. 197 DATED 12-28-2022," and the amount of each draft shall be marked on the draft. Only Beneficiary or Beneficiary's transferee may complete a draft and accompanying statements or documents required by this Letter of Credit and make a draw under this Letter of Credit. This original Letter of Credit must accompany any draft drawn hereunder.

Partial draws are permitted under this Letter of Credit. Lender's honor of a partial draw shall correspondingly reduce the amount of credit available under this Letter of Credit. Following a partial draw, Lender shall return this original Letter of Credit to Beneficiary with the partial draw noted hereon; in the alternative, and in its sole discretion, Lender may issue a substitute Letter of Credit to Beneficiary in the amount shown above, less any partial draw(s).

PERMITTED TRANSFEREES. This Letter of Credit may be transferred by Beneficiary upon prior written notice to Lender of the transfer. The transferee shall be deemed the new Beneficiary of this Letter of Credit and the documents of the transferee, including drafts required under this Letter of Credit, will be processed by Lender (or any intermediary) without the original Beneficiary's intervention and without any further obligation of Lender to the original Beneficiary.

TRANSFEREES REQUIRED DOCUMENTS. When the presenter is a permitted transferee under the "Permitted Transferees" paragraph above (the "Permitted Transferee"), the documents required for a draw shall include all documents required elsewhere in this Letter of Credit, except that such documents may be in the name of and executed by either the original Beneficiary or the presenter permitted by the "Permitted Transferees" paragraph above.

COMPLIANCE BURDEN. Lender is not responsible for any impossibility or other difficulty in achieving strict compliance with the requirements of this Letter of Credit precisely as written. Beneficiary understands and acknowledges: (i) that unless and until the present wording of this Letter of Credit is amended with Lender's prior written consent, the burden of complying strictly with such wording remains solely upon Beneficiary, and (ii) that Lender is relying upon the lack of such amendment as constituting Beneficiary's initial and continued approval of such wording.

NON-SEVERABILITY. If any aspect of this Letter of Credit is ever declared unenforceable for any reason by any court or governmental body having jurisdiction, Lender's entire engagement under this Letter of Credit shall be deemed null and void ab initio, and both Lender and Beneficiary shall be restored to the position each would have occupied with all rights available as though this Letter of Credit had never occurred. This non-severability provision shall override all other provisions in this Letter of Credit, no matter where such provision appears within this Letter of Credit.

GOVERNING LAW. This Agreement will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the State of Montana without regard to its conflicts of law provisions, and except to the extent such laws are inconsistent with the 2007 Revision of the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce, ICC Publication No. 600. This Agreement has been accepted by Lender in the State of Montana.

EXPIRATION. Lender hereby agrees with Beneficiary that drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored if presented to Lender on or before the Expiration Date unless otherwise provided for above.

Dated: December 28, 2022

LENDER:

OPPORTUNITY BANK OF MONTANA

By: _____
Dan Mazurek, Commercial Loan Officer

Cooney Drive Water Main Extension & Sidewalk

Helena, MT

Item	Quantity	Unit	Unit Cost	Cost
Cooney/Pineview Apartments - Water Main Extension				
Mobilization	1	LS	$ 9,950.00	$ 9,950.00
8" PVC Water Main	590	LF	$ 66.00	$ 38,940.00
Cathodic Protection	1	LS	$ 4,550.00	$ 4,550.00
8" Gate Valve w/Box	2	EA	$ 3,650.00	$ 7,300.00
8" Cap	1	EA	$ 625.00	$ 625.00
8" 11.25 Bend	1	EA	$ 865.00	$ 865.00
8"x6" Tee	2	EA	$ 1,250.00	$ 2,500.00
8"x8" Tee	1	EA	$ 1,475.00	$ 1,475.00
Fire Hydrant Assembly	2	EA	$ 8,400.00	$ 16,800.00
Connect to Existing Main	1	EA	$ 5,400.00	$ 5,400.00
1" Water Service to Propoerty	7	EA	$ 950.00	$ 6,650.00
Asphalt Restoration	620	LF	$ 63.50	$ 39,370.00
Cooney/Pineview Apartments - Water Main Extension Total				$ 134,425
Cooney/Pineview Apartments - Sidewalk Installation				
Mobilization	1	LS	$ 1,500.00	$ 1,500
Traffic Control	1	LS	$ 750.00	$ 750
4" x 5' Wide Sidewalk	980	SF	$ 9.75	$ 9,555
Cooney/Pineview Apartments - Sidewalk Installation Total				$ 11,805
			$ -	$ -
			$ -	$ -
			$ -	$ -
Hard Rock Road Building & Utility Inc. Construction Cost				$ 146,230
Contingency & Engineering	30	%		$ 43,770
Estimated Total Project Cost				$ 190,000

ENGINEERING PLAN REVIEW
☐ APPROVED
☐ APPROVED AS NOTED
☐ REVISE & RESUBMIT

SIGNATURE 2/22/23 DATE

City of Helena

City of Helena
Public Works Department

316 N Park Ave
Helena, MT 59623
Phone: 406-447-8431
FAX: 406-447-8442

APPLICATION FOR FINANCIAL GUARANTEE

The undersigned makes this application for acceptance of a bond or other security to guarantee completion of public improvements required for final plat approval. In making this application, the undersigned states the following:

1. Contact name and mailing address for record owner of the improved property:
Joe Nistler, 2190 Gold Avenue, Helena, MT 59602

2. Name and mailing address of record owner of the improved property:
Joe Nistler, 2190 Gold Avenue, Helena, MT 59602

3. Legal description of the improved property:
SW4, SE4, S18, T10N, R03W, COS 579398/B, Tract 2-A

4. Detailed description of public improvements for which construction is being deferred:
Extension of City 8" water main from the intersection of Russel Lane and Vigilante Drive to Cooney Drive and then south until the end of Tract 2-A. Construction of sidewalk along the frontage of the property.

5. Length of time requested for deferral of construction of public improvement:
8 Months

6. Type of bond or other security proposed as a guarantee for completion of construction (attach an example copy of the bond or other security to this application): Bond

7. Attach a copy of the engineers cost estimate broken down into unit quality and costs plus add 30% for engineering and contingency. (Electronic copy of the cost estimate in excel format is also required)

Signature_____ Date: 12-13-22

Note to applicant:

* The application process requires that city staff and the city manager review the request. Due to this process please allow for a minimum of 6-8 weeks to process all requests.

* The agreement must be signed by all owners prior to any permit being issued or before any final plat is placed on the commission agenda.

Please return to the City County Building, Room 413, or mail to:
City of Helena Engineering Division
316 North Park Avenue
Helena MT 59623

Office Use Only:

Approved by:

City Engineer City Attorney

City of Helena, Montana

March 7, 2023

To: Mayor Collins and the Helena City Commission

From: Tim Burton, City Manager
Ryan Leland, Public Works Director
Jamie Clark, City Engineer

Subject: Consider a Resolution to vacate a portion of alley right of way north of 1940 University St between University Street and Saint Andrews School.

Present Situation: Alan Bock the applicant has submitted a request to the City asking to vacate a section of alley located between Block 184 Lot 1 of the Bradford addition and Tract A as shown on C.O.S 493013/B.

Background Information: The applicant is requesting to vacate the full width alley right of way, Saint Andrews School has indicated they are not interested the half of the right-of-way (ROW) adjacent to the frontage of their property. Saint Andrews School has no objection to the vacation or that the full width of the ROW be transferred to the applicant. The alley is currently undeveloped and serves no beneficial use to the public since it does not provide access to any other properties. If the alley is vacated, an easement would be retained for both Northwestern Energy and Lumens Existing utilities. The calculated SQFT transfer price would $3.51. The alley consists of 995 sq ft for a total cost of $3,495.05.

Proposal/Objective: The applicant is requesting to vacate the full width alley right of way, Saint Andrews School has indicated they are not interested the half of the right-of-way (ROW) adjacent to the frontage of their property. Saint Andrews School has no objection to the vacation or that the full width of the ROW be transferred to the applicant. The alley is currently undeveloped and serves no beneficial use to the public since it does not provide access to any other properties. If the alley is vacated, an easement would be retained for both Northwestern Energy and Lumens Existing utilities. The calculated SQFT transfer price would $3.51. The alley consists of 995 sq ft for a total cost of $3,495.05.

Advantage: none noted

Notable Energy Impact: none noted

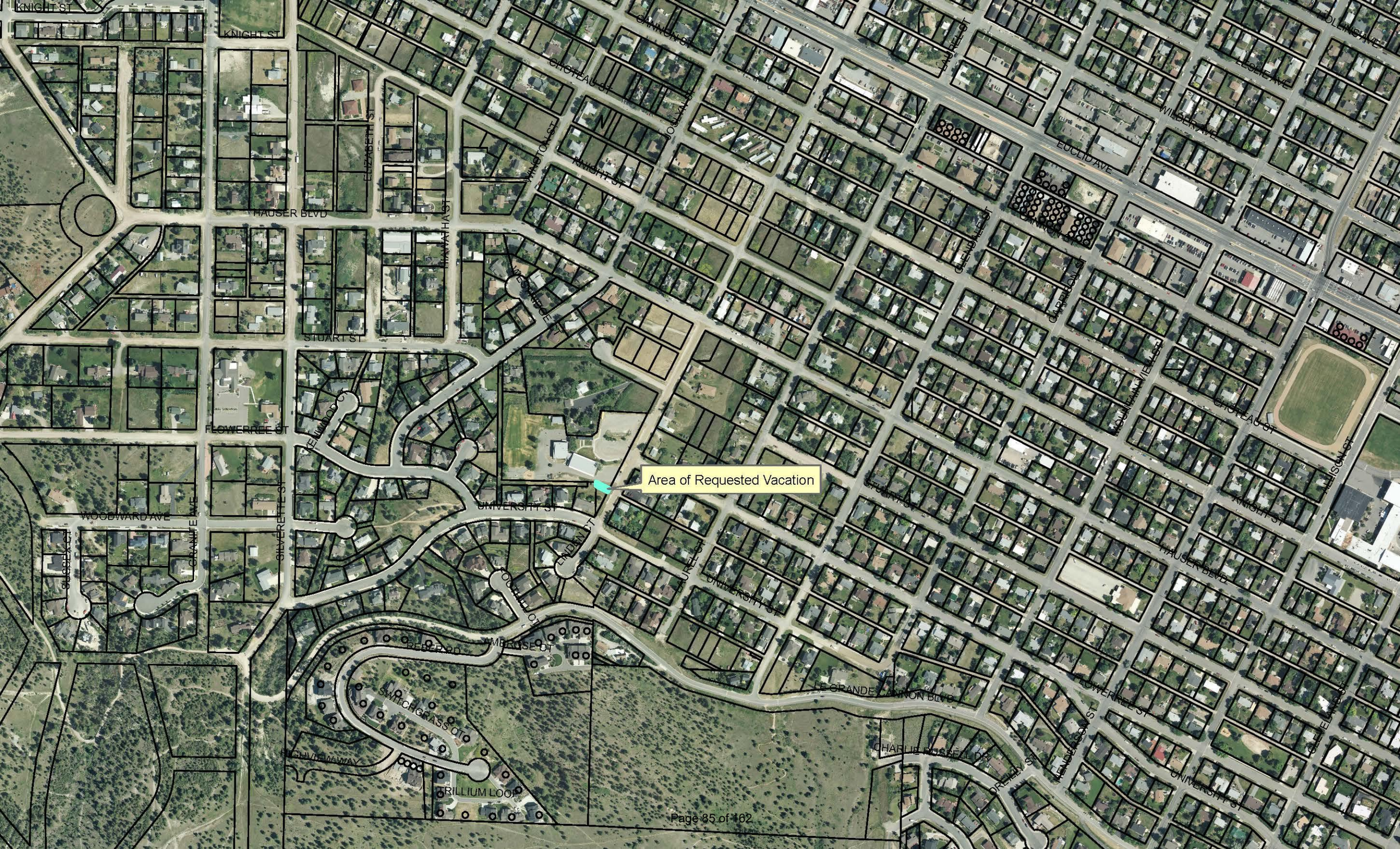
Disadvantage: none noted

Notice of Public Hearing: Attached

Staff Recommendation: Move to approve a Resolution to vacate a portion of alley right-of-way located between 1940 University St and Saint Andrews School with the entire right-of-way going to Lot 1 of Block 184 of the Bradford Addition.

ATTACHMENTS:
Vicinity Map
Petition to Vacate
Aerial Map
Email from St Andrews School
Utility Responses
Resolution

Notice of Public Hearing


Area of Requested Vacation
KNIGHT ST
HAUSER BLVD
STUART ST
FLOWERREE ST
WOODWARD AVE
UNIVERSITY ST
LE GRANDE CANNON BLVD
CHARLIE RUSSELL DR
TRILLIUM LOOP
SWITCHGRASS CTS
HIGHVIEW WAY
EUCLID AVE
WILBER AVE
LESLIE AVE
CHOTEAU ST
ELIZABETH ST
HAWATHA ST
WASHINGTON ST
JOSLYN ST
CANNON ST
LAUREL ST
GLENWOOD ST
CARPENTER ST
MOUNTAINVIEW ST
GRANITE AVE
SILVERETTE ST
LINDEN CT
POPLAR CT
AMBROSE CT
BEDFORD
HENDERSON ST
DRIFTY ST
ALLISON ST
ELLIS ST

Public Works Department

316 North Park Avenue Helena, MT 59623

PETITION TO CLOSE OR VACATE A STREET OR ALLEY Helena

DATE	4/1/22

PRIMARY APPLICANT:	PHONE #	EMAIL ADDRESS:
Alan Bock	406-431-8262	intmagic@aol.com

We, the undersigned property owners, do hereby petition the City of Helena to:

VACATE		CLOSE	

LEGAL DESCRIPTION: (include lot, block and subdivision where applicable)

Bradford addition S26, T10N, R04W ~~Tract~~ Block 184 Lot 1
S26 T10N, R04W Tract A N2NE4 C.O.S. 4930131B

GENERAL DESCRIPTION:

Approx. 50 ft. Alley that goes from Linden St. to the West and deadends at Janet Bock's property.

We, the <u>undersigned property owners</u> declare:

1. **Our plans and needs in using the land are:**

Access to Triangular shaped lot that is not buildable due to setbacks and square footage. The alley may allow me to build a garage ~~the~~ using the alley to access the garage.

2. **Hardships we will incur if the street or alley is not closed or vacated:**

Access to North part of triangular lot. Lewis & Clark County requested that we Vacate the alley before it was annexed into the City. There are no city services in the alley.

REVISED 12/20

Public Works Department
316 North Park Avenue Helena, MT 59623

PETITION TO CLOSE OR VACATE A STREET OR ALLEY

We, the undersigned, declare that we are owners of the property that abuts the street/alley and hereby waive service of notice in the manner prescribed in 7-3-4448, MCA. We individually consent to service of notice by first class mail, postage prepaid, addressed to our respective mailing addresses shown below.

NAME	ADDRESS	PHONE #	EMAIL ADDRESS
Alan Beck	1940 University St.	406-431-8262	mtmagic@aol.com
Janet Beck	1940 University St.	406-442-9030	Janetsbeck@gmail.com
St. Andrews School	1900 Flowerree		
[illegible]	President St. Andrew School 4/1/22	406-459-6538	jhuvensstandrew@outlook.com
Alan Beck	4/1/22		
Janet Beck	4/1/22		

7-1-7: CLOSURE AND VACATIONS:

The commission may close or vacate streets, alleys and other public ways. Any person desiring the closure or vacation of a street, alley or other public way shall apply therefore and pay to the city an application fee of two hundred fifty dollars ($250.00). The city shall investigate the proposed closure or vacation and shall, after public notice, hold a public hearing thereon and either approve, deny or conditionally approve said closure or vacation.

A. The term "closure" shall mean the cessation of general public use, but the city shall retain title to the right of way. A closed public way may subsequently be reopened for vehicular or other traffic by the commission after public notice and hearing. (Ord. 2267, 11-15-1982)

B. The term "vacation" shall mean closure and transfer of legal title of the right of way. On vacation, the owners of the adjacent parcels shall each take title to the portions of the vacated right of way that revert to the adjacent parcels as determined by the city commission. The owners shall present an amended plat to the city commission for approval, showing the new lots or parcels resulting from the reversion of the vacated right of way, and are responsible for preparing quit claim deeds for the transfer of the vacated right of way in accordance with the approved amended plat. (Ord. 2810, 10-6-1997)

C. A person applying for a quitclaim deed for vacated right of way shall first pay a transfer fee to the city in an amount equal to the market value of the vacated right of way to be reverted. The market value of the vacated right of way is the value per square foot of the adjoining property to which the vacated right of way will revert, as appraised by the Montana department of revenue in the most recent periodic evaluation, multiplied by the area of the portion of the reverted right of way. If there is no value for the adjoining property from the department of revenue, the value of the closest property having such an appraised value will be used. No deed for vacated right of way may be delivered until the transfer fee is paid. (Ord. 2851, 8-24-1998)

REVISED 12/20

Area of Requested Vacation
GOOD SHEPHERD CT
FLOWERREE ST
UNIVERSITY ST
LINDEN CT
FOOTHILL CT
LAUREL ST
STUART ST
FLOWERREE ST
UNIVERSITY ST

Adam Jorgenson

From: Alan Bock <alancbock@gmail.com>
Sent: Tuesday, January 31, 2023 2:52 PM
To: Adam Jorgenson
Subject: Fwd: St. Andrew response to Bock inquiry regarding adjoining property

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Adam, here's the approval letter from St Andrew's School.

---------- Forwarded message ---------
From: **John Ramirez** <jramirezstandrew@outlook.com>
Date: Tue, Mar 29, 2022 at 12:57 PM
Subject: St. Andrew response to Bock inquiry regarding adjoining property
To: alancbock@gmail.com <alancbock@gmail.com>
Cc: jhavensstandrew@outlook.com <jhavensstandrew@outlook.com>, John Ramirez <jramirezstandrew@outlook.com>

Alan,

On behalf of the St. Andrew Board, please accept this email as our formal notification that if you go forward with the City of Helena process to request an abandonment of the alley that adjoins the St. Andrew property at 1900 Flowerree Street and your property at 1940 University Street, the Board will not object.
Furthermore, if you proceed with the process to purchase that defined alley easement once it is deemed abandoned by the City of Helena, St. Andrew will not contest nor bid against you for that property.
While speaking with Adam Jorgenson at the City of Helena Public Works Department, he indicated you will need to have Joe Havens, St. Andrew Board President, also sign your Abandonment application since the form requires the signature of a representative all adjacent property owners. I have cc'ed Joe on this message. Please let us know when you are ready for his signature, and we will be happy to coordinate a time for Joe to meet with you.

Respectfully,

John Ramirez, on behalf the St. Andrew Board

St. Andrew School

1900 Flowerree Street

Helena, Montana 59601

UTILITY NOTIFICATION RESPONSE FORM

PROPOSED VACATION

Location: R/W Between Lot 1 in Block 184 of the Bradford Addition and Tract A as Shown in C.O.S 493013

Petitioners: Alan Bock

Date Returned: 1/12/23

Comments

___X_ **Police Department:** N/A

_____ **Fire Department: Not Required**

___X_ **Utilities Maintenance Division:** N/A

___X_ **Water/Wastewater Treatment:** N/A

_____ **Solid Waste: Not Required**

___X_ **Lumens:** Utilities within requested closer, Easement will be required.

___X_ **Community Development:** N/A

___X_ **Northwestern Energy (Gas) (Electric):** Electrical and Gas utilities underground, Easement will be required.

___X_ **Optimum:** N/A

Comments: Both Northwestern Energy and Lumens Will require 10' easements for there utilities. The easement must be placed five feet either side of the utility as it exists in place.

Private Utility Contacts:

NWE – Steve Rock, steve.rock@northwestern.com

Lumens – John Olson, john.olson@lumen.com

Charter Bresnan – Brett Gilbert & Mark Huddleston, brett.gilbert@charter.com/ mark.huddleston@charter.com

Note* Contact Private Utility Companies to address comments if provided above.

City of Helena
Engineering Division
316 North Park Avenue
Helena, Montana 59623

Novus Memo - Commission

For City Manager / City Attorney Review

Print a hardcopy of completed memo. Submit Memo, with all the necessary signatures and attachments, to the City Attorney's office **no less than 5 working days prior to Novus Deadline.**

☐ Approved by: _____ Date: _____
Signature

☐ Proofed by: _____ Date: _____
Signature

☐ All attachments are included.

☐ This is a Quasi-Judicial Matter and will need to be flagged as such in Novus.

Select Date Novus Deadline for Commission Meeting on Select Date

To:	Tim Burton, Interim City Manager
From:	Ryan Leland P.E., Public Works Director Jamie Clark, City Engineer
Subject:	Move to approve a Resolution to vacate a portion of alley right of way north of 1940 University St between University Street and Saint Andrews School.
Present Situation:	Alan Bock the applicant has submitted a request to the City asking to vacate a section of alley located between Block 184 Lot 1 of the Bradford addition and Tract A as shown on C.O.S 493013/B. The alley is a platted alley that extends roughly 60' west before dead ending at the neighboring lot. Northwestern Energy and Lumens have existing utilities in the alley right of way.
Proposal / Objective:	The applicant is requesting to vacate the full alley right of way and purchase the full Alley instead of half, Saint Andrews School has indicated it is not interested in purchasing half the right of way they have frontage on and does not object to the applicants request for vacation. The alley is currently undeveloped and serves no beneficial use to the public since it does not provide access to any other properties. If the alley is vacated an easement would be obtained for both Northwestern Energy and Lumens Existing utilities. The

	calculated SQFT transfer price would be $3.51, the alley consists of 995 SQFT for a total cost of $3,495.05.
Advantage:	None Noted.
Notable Energy Impact:	[Description]
Disadvantage:	None Noted.
Recommended Motion:	Move to approve a Resolution to vacate a portion of alley right of way north of 1940 University St between University Street and Saint Andrews School.
Notice of Public Hearing:	[Attach Public Hearing Notice, if applicable.]
Attachments:	Petition to Vacate, Survey of the Bradford Addition, C.O.S 493013, Vicinity Map, Aerial Map, Resolution, Email from ST. Andrews, Utility Responses, Notice of Public Hearing

REVIEWED BY CITY MANAGER:

Signature _____ Date _____

PUBLIC HEARING NOTICE

The Helena City Commission will hold a public hearing at **6:00 P.M. ON March 27th, 2023,** in the City Commission Chambers on the third floor of the City County Building at 316 North Park Avenue, Helena, Montana to consider the following:

The granting of a Resolution to vacate the entire right of way between Lot 1 in Block 184 of the Bradford Addition and Tract A as shown in C.O.S 493013

UPON REASONABLE NOTICE, THE CITY OF HELENA WILL PROVIDE ASSISTANCE FOR THOSE PERSONS WITH SENSORY IMPAIRMENTS. FOR FURTHER INFORMATION CONTACT THE CITY CLERK AT 447-8410 OR TDD RELAY SERVICE AT 1-800-253-4091 OR VOICE 1-800-253-4093.

Please Advertise on: **March 19th, 2023**
March 26th, 2023

City of Helena, Montana

March 10, 2023

To: Mayor Collins and the Helena City Commission

From: Tim Burton, City Manager
Michael Alvarez, Planner II, Department of Community Development
Christopher Brink, Director, Department of Community Development

Subject: Consider an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-4 (Residential) for properties legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition, AND; The south half of lots 13-16 in Block 39 of the Broadwater Addition, both to the City of Helena, Lewis and Clark County, Montana;

Present Situation: The properties are zoned R-2.
ADJACENT LAND USE and ZONING:
North: R-2 - residential – single dwelling-units
South: B-2 - commercial (Woolsey's tire service, Montana Nugget Casino)
East: B-2 - commercial (Top Shelf Botanicals – marijuana dispensary)
West: R-2 -residential – two dwelling-units, single dwelling-units beyond

Background Information: The applicant and property owners are requesting that the official zoning map for the City of Helena be amended to change the zoning district of the above-described property from R-2 (residential) to R-4 (residential office).

Proposal/Objective: The applicant and property owners are requesting that the official zoning map for the City of Helena be amended to change the zoning district of the above-described property from R-2 (residential) to R-4 (residential office).

Advantage: This change in zoning will allow for greater administrative certainty for the property owners in investing in updates to the facilities in both properties. When these types of updates happen, there is new opportunity for sidewalks, ADA compliance, the installation of smoke detectors, and other items that help improve safety around the community. Legal non-conforming uses, (by intent in §11-6-1), are otherwise discouraged from investing in these types of updates.

Notable Energy Impact: none

Disadvantage: None identified and no public comment received.

Notice of Public Hearing: Attached

Staff Recommendation: The Zoning Commission recommended:
Approval of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-4 (Residential) for properties legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition,
AND;
The south half of lots 13-16 in Block 39 of the Broadwater Addition, both to the City of Helena, Lewis and Clark County, Montana;

ATTACHMENTS:
Ordinance
Staff Report

Zone Change Application
1st zone change application
incomplete app letter
Neighbor notification
Legal ad
plat
Deed
Deed 2
Tax info
CC Legal Notice

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. _____

An ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-4 (Residential) for properties legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition, AND; The south half of lots 13-16 in Block 39 of the Broadwater Addition, both to the City of Helena, Lewis and Clark County, Montana

WHEREAS, The City of Helena, as applicant, and Amy Fisher and Rachel Fairbank and Berean Baptist Church, as owners, of the following properties, has requested that the City of Helena pass an ordinance, pursuant to section 11-1-10 of the Helena City Code, to amend the following zoning designation:

R-2 (residential) to R-4 (Residential) for properties legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition, AND; The south half of lots 13-16 in Block 39 of the Broadwater Addition, both to the City of Helena, Lewis and Clark County, Montana, generally located on the southwest corner of Harrison Ave and Wilder Ave, between the alley and Wilder Ave, shown on Exhibit 1 as R-2, and more particularly described in Exhibit 1, which is hereby incorporated into this Ordinance and made a part thereof by this reference;

WHEREAS, this zone change is in substantial compliance with the 2019 City of Helena Growth Policy and Future Land Use map;

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. _____

WHEREAS, pursuant to Section 11-1-3 of the Helena City Code the official zoning map of the City of Helena must be amended to change the zoning designation for said properties;

WHEREAS, a public hearing was held on **February 27, 2023,** before the Helena Zoning Commission concerning this zone change and amendment to the official zoning map;

WHEREAS, the Zoning Commission recommended **APPROVAL** of this amendment and zone change;

WHEREAS, a public hearing was held on March 27, 2023, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via Zoom Meeting at webinar ID: https://us06web.zoom.us/j/81262666408 as contemplated by Helena City Code § 11-3-7; concerning this zone change and amendment to the official zoning map;

WHEREAS, this amendment and zone change appear to be in the best interests of the City of Helena, Montana, and the inhabitants thereof; and

WHEREAS, in considering this amendment and zone change, the City of Helena has given due consideration to the matters set forth in § 76-2-304, MCA.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. _____

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. City of Helena Ordinance No. 3097 is amended, and the zoning designation for property legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition, AND; The south half of lots 13-16 in Block 39 of the Broadwater Addition, both to the City of Helena, Lewis and Clark County, Montana, southwest corner of Harrison Ave and Wilder Ave, between the alley and Wilder Ave, shown on Exhibit 1 as R-2, and more particularly described in Exhibit 1, attached hereto, is changed as follows:

R-2 (residential) to R-4 (Residential).

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 27th DAY OF March, 2023.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 27th DAY OF February, 2023.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. _____

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION
Exhibit 1:

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. _____

5

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. _____

#105006
First Montana Land Title Company
400 North Park Avenue
Helena, MT 59601

After Recording Return to:
First Montana Land Title Company
400 North Park Avenue
Helena, MT 59601

3308735 B: M53 P: 878 DEED
07/27/2017 12:46 PM Pages: 1 of 1 Fees: 7.00
Paulette DeHart Clerk & Recorder, Lewis & Clark MT

WARRANTY DEED

For Value Received:

Life Church of Helena, MT

the grantor(s) do(es) hereby grant, bargain, sell and convey unto

Berean Baptist Church

The grantees the following described premises, in Lewis & Clark County, Montana, to-wit:

The North 62 1/2 feet of Lots 13, 14, 15 and 16 in Block 39 of the BROADWATER ADDITION to the City of Helena, Lewis and Clark County, Montana. (Deed reference Book 267 of Deeds, Page 287)

TO HAVE AND TO HOLD the same premises, with the appurtenances unto said Grantee(s) his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the Grantee(s), that he/she/they are/is the owner(s) in fee simple of said premises; that is free from all encumbrances SUBJECT to all legal taxes and assessments levied with respect to said premises and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/26/17

Life Church of Helena, MT

BY: _____
Jason Lieberg, President

STATE OF Montana

COUNTY OF Lewis & Clark

I, a Notary Public of the County and State first above written, do hereby certify that

Jason Lieberg personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this day July 26, 2017.

Patti Lynn Collishaw
Notary Public

My Commission Expires: 2/21/2018

(SEAL)

PATTI LYNN COLLISHAW
NOTARY PUBLIC for the
State of Montana
Residing at Helena, Montana
My Commission Expires
February 21, 2018

Ord. _____

3400862 B: M61 P: 2703 DEED
07/15/2022 01:34:32 PM Page 1 of 2 Fees: $16.00
Amy Reeves, County Recorder
Lewis & Clark County, MT

L & C 1048960
Return to:
First Montana Land Title
P.O. Box 251
Helena, MT 59624

AND WHEN RECORDED MAIL TO:
Amy Jo Fisher and James Anderson
3267 Barbeau Drive
Helena, MT 59602-7746

Filed for Record at Request of:
First Montana Land Title Company

Space Above This Line for Recorder's Use Only

Order No.: 1048960
Parcel No.: 5972

WARRANTY DEED

FOR VALUE RECEIVED,

Aaron Jones

hereinafter called Grantor(s), do(es) hereby grant, bargain, sell and convey unto

Amy Jo Fisher and James Anderson as Trustees of The Amy Fisher Family Trust, Dated March 20, 2020

whose address is: **3267 Barbeau Drive, Helena, MT 59602-7746**

Hereinafter called the Grantee, the following described premises situated in **Lewis and Clark** County, **Montana**, to-wit:

The South ½ of Lots 13, 14, 15 and 16 in Block 39 of the Broadwater Addition to the City of Helena, Lewis and Clark County, Montana. (Deed reference Book 221 of Deeds, Page 69)

SUBJECT TO covenants, conditions, restrictions, provisions, easements and encumbrances apparent or of record.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantees and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 13, 2022

Page 1 of 2

3400862 B: M61 P: 2703 DEED
07/15/2022 01:34:32 PM Page 2 of 2

Aaron Jones

STATE OF Montana)
ss.
COUNTY OF Lewis and Clark)

This instrument was acknowledged before me on July 15, 2022, by Aaron Jones.

CONNIE JESTER
NOTARY PUBLIC for the
State of Montana
Residing at Helena, Montana
My Commission Expires
February 21, 2026

Connie Jester
Notary Public for the State of Montana
Residing at: Helena
My Commission Expires: 02-21-2026

Michael Alvarez, Planner II
Community Development Department
316 North Park Avenue, Room 404
Helena, MT 59623

Phone: 406-447-8491
Fax: 406-447-8460
Email: malvarez@helenamt.gov

helenamt.gov

Date: February 08, 2023
File: ZONC2301-001 | 1312 Harrison and 612 Wilder

ZONE CHANGE

STAFF REPORT

TO: City of Helena Zoning Commission

FROM: Michael Alvarez, Planner II
Christopher Brink, Community Development Director

SUBJECT: **Consideration of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-4 (Residential) for properties legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition,**
AND;
The south half of lots 13-16 in Block 39 of the Broadwater Addition, both to the City of Helena, Lewis and Clark County, Montana;

GENERAL INFORMATION

DATE OF APPLICATION: Oct 25, 2022
DATE DEEMED COMPLETE: Dec 20, 2022

PUBLIC HEARING DATES:
Zoning Commission: 5:30 P.M. Thursday, February 14, 2023
City Commission: 6:00 P.M. Monday, March 27, 2023

PUBLIC NOTICE:
Legal notice has been published January 29, 2023 in the Independent Record; notice letters have been sent to adjacent property owners, and a sign posted on the property.

PUBLIC COMMENT:
As of Wednesday, February 8th no public comments have been received regarding this proposed zone change.

OWNER: Amy Fisher
ADDRESS: 1312 Harrison St, Helena, MT 59601
EMAIL: Agent4MTTitles@gmail.com
PHONE: 406-475-2356

OWNER: Berean Baptist Church – Rachel Fairbank

ADDRESS: 601 Wilder Ave
EMAIL: mtrajin@gmail.com
PHONE: 406-461-7893

APPLICANT: City of Helena – Community Development Dept
ADDRESS: 316 N Park Ave, Rm 445

LEGAL DESCRIPTION:
north half of lots 13-16 in Block 39 of the Broadwater Addition,
AND;
The south half of lots 13-16 in Block 39 of the Broadwater Addition,
both to the City of Helena, Lewis and Clark County, Montana.

GENERAL LOCATION: The properties are generally located on the southwest corner of Harrison Ave and Wilder Ave, between the alley and Wilder Ave.

PRESENT LAND USE: Single dwelling-unit residence and worship facility
Size: .28 acres

ADJACENT LAND USE:
North: residential – single dwelling-units
South: commercial (Woolsey's tire service, Montana Nugget Casino)
East: commercial (Top Shelf Botanicals – marijuana dispensary)
West: residential – two dwelling-units, single dwelling-units beyond

PRESENT ZONING: R-2 (residential

ADJACENT ZONING:
North: R-2 (residential)
South: B-2 (commercial)
East: B-2 (commercial)
West: R-2 (residential)

VICINITY MAP:

ZONING USE DEFINITIONS:

The R-2 (residential) district provides for residential dwellings and limited nonresidential development that protects and enhances the residential nature of the area.

The R-4/R-O (residential-office) districts provide for a compatible mix of higher density residential development with professional and business offices and associated service uses.

The B-2 (general commercial) district provides for compatible residential uses and a broad range of commercial and service uses that serve large areas of the City and that are normally required to sustain a community.

DESCRIPTION / BACKGROUND

The applicant and property owners are requesting that the official zoning map for the City of Helena be amended to change the zoning district of the above-described property from R-2 (residential) to R-4 (residential office). The southern property currently has a land use of residence single dwelling-unit. The property owner attempted to move her business (a title company) with a land use of general/professional service into the residence. The land use general/professional services is not permitted in the R-2 zoning district. The property owner first applied for a zone change. In the review of that application the City identified the worship facility to the north, Berean Baptist Church, as legal non-conforming, and as being an important additional capture to provide a more appropriate transitional area between the commercial and residential districts there. The City approached Berean Baptist Church and took over as applicant for the proposed zone change.

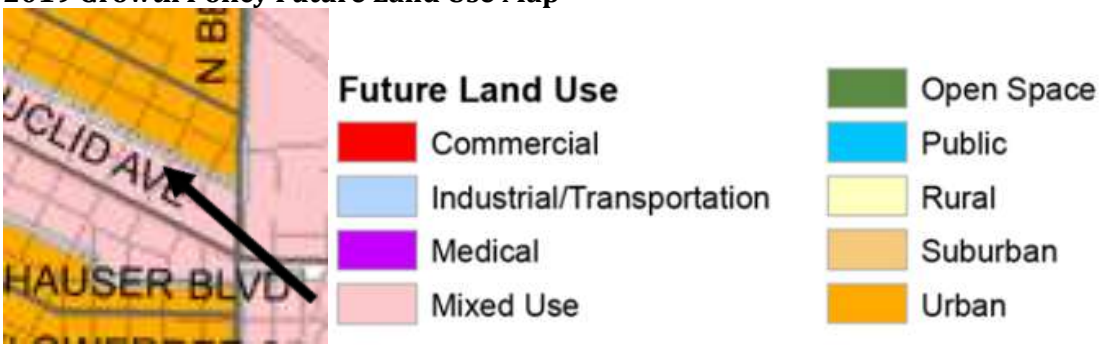
RECOMMENDATION

Move to recommend **Approval** of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-4 (Residential) for properties legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition,
AND;
The south half of lots 13-16 in Block 39 of the Broadwater Addition, both to the City of Helena, Lewis and Clark County, Montana;

EVALUATION:

GROWTH POLICY:

2019 Growth Policy Future Land Use Map



Montana MCA Section 76-2-304 (1.a), Criteria and guidelines for zoning regulations: Zoning regulations must be made in accordance with a growth policy.

1) Growth Policy Area Designation:

The 2019 Helena Growth Policy Land Use Chapter and Future Land Use map identifies the neighborhood that the proposed rezone area is in as mixed-use. Areas to the south, east, and west of the property are also designated as mixed use. Area to the north is designated as urban. The R-4 zoning district allows for a greater range of uses than R-2 and is more likely to capture the variety of development that the mixed-use designation seeks to promote.

2) Growth Policy Area Definition:

When considering rezoning of lots within the city, consideration must be made for factors such as:

- The future land use mapping;
- Compatibility with surrounding land uses; and
- The development of vacant and under-utilized spaces.

The 2019 Growth Policy future land use map identifies this area as mixed use. Mixed use areas are "Places where people can work, live, and play and learn. These areas include a variety of complementary and integrated uses such as, but not limited to, all forms of residential; office; light industrial/manufacturing; retail, entertainment, or public uses. Development is usually in a denser comprehensive pattern to achieve a unified, functional, efficient, and aesthetically appealing physical setting, and provides opportunities for connectivity, public transportation, and walkability. Mixed-use areas do not use the traditional segregation of uses." R-4 much more squarely fits this definition than the current zoning R-2 (residential) which is the City's most restrictive residential land use type.

The current condition serves as its own example of the way these R-2 properties poorly execute the vision of the growth policy. If 1312 Harrison St remains restricted to the uses in R-2 it will largely find itself situated around land uses that are not permitted at its own address. Currently this single-dwelling unit residence has neighbors across the alley of a tire shop and a casino. Across the street to the east its neighbor is a marijuana dispensary. To the

north is the worship facility being considered for a zone change along with it. To the west is a two dwelling-unit residence. 1312 Harrison does not have another single dwelling-unit residence adjacent to it.

By definition the City is not meant to encourage the survival of non-conformities. However, the Growth policy seeks in this area the creation of a mixed-use area. The land use of worship facility at 601 Wilder (that has been in use there for 47 years) is currently legal, non-conforming in an R-2 (residential) zone type. This zone change will allow them to operate by right. The worship facility, or other land uses that operate by right in the R-4 zoning district, can then continue to serve as buffer properties for the adjacent R-2 zoned residential district. The worship facility currently utilizes their property at close to 40% lot coverage and a zone change would allow them the ability to place an accessory building such as a shed if the need arises in the future. This zone change would not allow them to expand their main facility without installing off-street parking.

3) Growth policy Objectives of note:

Objective 76 Support land use patterns that:

- Promote compatible, well-designed development;
- Foster the long-term fiscal health of the community;
- Maintain and enhance resident quality of life;
- Implement related master plans and/or facility plans.

Objective 80 Promote development of varied and compatible types of mixed-use neighborhood centers in Helena, serving to enhance neighborhood identity, address community need, and support more compact land use patterns.

- (76 & 80) This zone change would introduce a zone type to the area that is less intensive in the commercial uses allowed than the adjacent B-2, but still allows the growth of commercial activity in the area. Effectively, R-4 is a more appropriate buffer here than the current situation that steps B-2 down immediately to R-2.

Objective 86 Promote the redevelopment of vacant or under-utilized properties with a mix of uses, supporting local and citywide objectives.

- 1312 Harrison will see investment as it is redeveloped for commercial use. 601 Wilder will benefit by having some capacity for expansion in the future.

4) Zoning compatibility:

The proposed zoning, R-4, is a new zoning district in the area. R-4 (residential-office) is the buffer zone that most squarely addresses the future land-use map's area designation of mixed-use. The R-4 zoning district will also allow both the intended use at 1312 Harrison St, and the current land use at 601 Wilder St by right and there will not be further need to consider conditional use permits for these uses at these locations.

The proposed zone change from CLM to B-2 District meets all the zone change requirements outlined in MCA Section 76-2-304(1.b). This is documented below.

Montana MCA Section 76-2-304(1.b), Criteria and guidelines for zoning regulations:

(1) Zoning regulations must be (b) designed to:

(i) secure safety from fire and other dangers;

(ii) promote public health, public safety, and the general welfare; and
(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Designed to (i) secure safety from fire and other dangers;

All structures built in either a R-2 district, or a R-4 district would need to adhere to all applicable safety and fire codes. City Code secures safety from fire and other dangers primarily through Title 3: Building Regulations.

Designed to (ii) promote public health, public safety, and the general welfare; and

This change in zoning will allow for greater administrative certainty for the property owners in investing in updates to the facilities in both properties. When these types of updates happen, there is new opportunity for sidewalks, ADA compliance, the installation of smoke detectors, and other items that help improve safety around the community. Legal non-conforming uses, (by intent in §11-6-1), are discouraged from investing in these types of updates.

The intent of R-2 districts is to limit the types of non-residential development that can occur inside of them. 1312 Harrison has on 3 of 4 sides come to face non-residential uses. Having neighbors with the same land use as your property is the primary benefit of R-2 zoning. 1312 Harrison doesn't currently enjoy that benefit of its zoning and is now unable to redevelop to match its neighbors. Similarly, the worship facility at 601 Wilder has served as a buffer structure between the residential neighborhood and the adjacent commercial activity, but it doesn't enjoy the opportunity to operate by right.

Designed to (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The properties are currently served by water and sewer and no new facilities are expected in the near future with this zone change.

There is no significant impact to transportation systems. A change in use at 1312 Harrison St will trigger upgrades for ADA compliance to the parking facility that is accessed through the alley. The applicant is not required to submit a TIS for this zone change.

There is no further burden on Helena public schools with this proposal.

The property is currently served by the Helena Police Department, and Helena Fire Department.

The application shall also be reviewed through Montana MCA Section 76-2-304. Montana MCA Section 76-2-304(2.a thru e), In the adoption of zoning regulations, the municipal governing body shall consider:

(2) In the adoption of zoning regulations, the municipal governing body shall consider:
(a) reasonable provision of adequate light and air;
(b) the effect on motorized and non-motorized transportation systems;
(c) promotion of compatible urban growth;
(d) the character of the district and its peculiar suitability for particular uses; and
(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

a) reasonable provision of adequate light and air;

The city's zoning districts, and their accompanying regulations are intended to

protect the public health and general welfare by identifying appropriate land uses for each zoning district found in the community. Additionally, the provisions outlined in the city's zoning code under Title 11 are designed to ensure that properties located in each zoning district will be developed in accordance with the zoning requirements and restrictions for the district, such as: use, size, setbacks, lot coverage, off street parking, landscaping, and screening.

The minimum lot size, setbacks, height restrictions of City Code are intended to prevent the overcrowding of the land and ensure buildings that are compatible in size and scale to others in the district. In addition, these requirements are also intended to assure adequate light and air will be provided. The dimensional limitations for both the R-2 and R-4 districts are listed in the Table under §11-4-2. R-4 has less restrictive dimensional standard limitations than R-2.

b) the effect on motorized and non-motorized transportation systems;

R-4 is considered a more intensive traffic producing land use than R-2. However, the size of the properties in questions would limit the properties potential impacts on the surrounding roadways.

c) promotion of compatible urban growth;

The proposed zone change offers a more flexible buffer and provides an opportunity for more organic growth between the commercial corridor along Euclid Ave and the residential area to the north, northeast, and northwest.

d) the character of the district and its peculiar suitability for particular uses; and

This block of Harrison Ave has been developing as a commercial district and this proposed zone change could see the area further develop in that fashion without introducing a wholly commercial zone type.

e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area

A change in zoning from R-2 to R-4 will not have any clear impacts on the value of buildings in the area.

CONCLUSION

Staff concludes this proposal is consistent with the 2019 Helena Growth Policy and is consistent with all the Montana zoning criteria.

Staff recommends that the Zoning Commission:

Move to recommend **Approval** of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-4 (Residential) for properties legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition,

AND;

The south half of lots 13-16 in Block 39 of the Broadwater Addition, both to the City of Helena, Lewis and Clark County, Montana;

RECEIVED

DEC 2 0 2022

City Comm. Dev. Dept.

Date received

ZONE CHANGE APPLICATION

Community Development Department, Planning Division
316 North Park Avenue, Room 445, Helena, MT 59623
406-447-8490; **citycommunitydevelopment@helenamt.gov**

~~APPLICATION FEE: $410.00~~ waived MA
(PAYABLE TO THE CITY OF HELENA)
ALL FEES ARE NON-REFUNDABLE

Application to the Helena Zoning Commission and City Commission for an amendment to the official Zoning Map. Such amendments re-classify property from one zoning district to another.

PROPERTY OWNER: *Primary Contact?* ☑

Name: Berean Baptist Church - Rachel Fairbank
Primary Number: (406) 461-7893
Address: 601 Wilder Ave
Other Phone:
Email: mtrajin@gmail.com

APPLICANT (If different from property owner): *Primary Contact?* ☐

Name: City Of Helena
Primary Number: (406)447-8459
Address: 316 N Park ave
Other Phone:
Email: citycommunitydev@HelenaMT.Gov
Company:

AUTHORIZED REPRESENTATIVE: *Primary Contact?* ☐

Name:
Primary Number:
Address:
Other Phone:
Email:
Company:

☐ Address of the Property: 601 Wilder Ave | Helena | MT | 59601
Address | City | State | Zip Code

☐ Legal Description (Lots, Block, & Subdivision, COS #, deed reference)
Lots 13-16 of Blk 39 of Broadwater Addn to City of Helena

☑ Provide a current deed and plat/COS with the metes and bounds of the subject property

☑ Geocode 05188725146190000

☑ Current City Zoning District R-2

☑ Proposed Zoning District R-4

☑ Adjacent Zoning Districts B-2, R-2, & R-3 (cross corner)

☑ Are there other related Land Use Applications being submitted: Yes ☑ No ☐
(property to south)

☑ Submit proof of current paid taxes

☑ Existing use on the property Religious

I HEREBY CERTIFY AND ACKNOWLEDGE THE STATEMENTS IN THIS APPLICATION AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed: Rachel Fairbank Date: 12/14/22
Property Owner

Applicant: Date: 12/16/22
(If different from Owner)

Review Criteria

(A different zoning district may be recommended if it appropriately fits the review criteria)

Your application will be reviewed using Montana MCA Section 76-2-304, "Criteria and Guidelines for Zoning Regulations" stated below.

(1) Zoning regulations must be:
- *(a) made in accordance with a growth policy; and*
- *(b) designed to secure safety from fire and other dangers;*
  - *(ii) promote public health, public safety, and the general welfare; and*
  - *(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.*

(2) In the adoption of zoning regulations, the municipal governing body shall consider:
- *(a) reasonable provision of adequate light and air;*
- *(b) the effect on motorized and nonmotorized transportation systems;*
- *(c) promotion of compatible urban growth;*
- *(d) the character of the district and its peculiar suitability for particular uses; and*
- *(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.*

Per Section 11-1-10 of the Helena City Code, the Zoning Commission and the City Commission will hold public hearings, to give the public an opportunity to be heard upon the matter. The Zoning Commission will make a recommendation to the City Commission who will approve or deny the requested zoning. If approved, the zone change becomes effective 30 days after final pass of the zone change Ordinance.

To evaluate the requested zone change with the above criteria the following must be submitted with this application. Please provide all the information requested on additional sheets as an incomplete application may delay the review of your request.

Please Note: N/A is not an acceptable answer alone and requires an explanation if used.

- ☑ 1. Apply to the City on the appropriate forms and pay any required fees. The application must include the property owner's signature;
- ☑ 2. Describe how your proposal relates to the above zoning review criteria (attach additional sheets if necessary);
- ☑ 3. Provide a statement why the proposed zone change should be approved;
- ☑ 4. Submit a traffic impact study for a proposed zoning district that is anticipated to generate more than two hundred (200) additional vehicle trips a day;
- ☑ 5. Provide a vicinity map of the area showing the location of the property in relation to surrounding land and zoning in the immediate area, water and wastewater mains, other utilities, and city streets and pedestrian facilities (sidewalks, trails);
- ☑ 6. Submit a statement on how the proposed zoning conforms to the Helena Growth Policy and Land Use Map; include how the proposed zoning conforms with the area neighborhood plan if one has been adopted;
- ☑ 7. Statement indicating if the existing structures meets the proposed zoning dimensional standards requirements without the need for a variance;
- ☑ 8. Statement indicating if the existing use on the subject property meets the proposed zoning permitted uses;
- ☑ 9. Historical uses, established use patterns, and recent changes and trends in the neighborhood.

IT IS RECOMMENDED THAT THE APPLICANT CONTACT NEIGHBORS TO INFORM THEM OF THIS PROPOSED ZONE CHANGE AND IDENTIFY ANY CONCERNS THAT THE APPLICANT MAY BE ABLE TO ADDRESS.

It is the policy of the City Commission not to act on a proposal if the applicant/ applicant's representative is not present at the commission meeting. City Planning Staff represents the City; staff cannot answer questions for the applicant.

Per 1-4-12 City Code, the taxes and assessments on the applicant's property, which is the subject of the proposed action, must be paid or payment of said taxes and assessments must be made a condition of final approval of said action by the City Commission, with the taxes and assessments to be paid within fourteen (14) days after final passage.

ZONE CHANGE APPLICATION

Community Development Department, Planning Division
316 North Park Avenue, Room 445, Helena, MT 59623
406-447-8490; **citycommunitydevelopment@helenamt.gov**

Date received:

APPLICATION FEE: $410.00
(PAYABLE TO THE CITY OF HELENA)
ALL FEES ARE NON-REFUNDABLE

Application to the Helena Zoning Commission and City Commission for an amendment to the official Zoning Map. Such amendments re-classify property from one zoning district to another.

PROPERTY OWNER: *Primary Contact?* ☑

Name: Amy Fisher
Primary Number: 406-475-2356
Address: 1312 Harrison Street
Other Phone: 406-502-1012
Email: Agent4mtTitle@gmail.com

APPLICANT (If different from property owner): *Primary Contact?* ☐

Name:
Primary Number:
Address:
Other Phone:
Email:
Company:

AUTHORIZED REPRESENTATIVE: *Primary Contact?* ☐

Name:
Primary Number:
Address:
Other Phone:
Email:
Company:

☐ Address of the Property: 1312 Harrison Street Helena MT 59601
Address City State Zip Code

☐ Legal Description (Lots, Block, & Subdivision, COS #, deed reference)
South 1/2 lots 13, 14, 16 Block 39 Broadway Addition

☐ Provide a current deed and plat/COS with the metes and bounds of the subject property

☐ Geocode 05 1 8 87 25 14 617000

☐ Current City Zoning District R2

☐ Proposed Zoning District RO

☐ Adjacent Zoning Districts

☐ Are there other related Land Use Applications being submitted: Yes ☐ No ☑

☐ Submit proof of current paid taxes not due yet

☐ Existing use on the property commercial office

I HEREBY CERTIFY AND ACKNOWLEDGE THE STATEMENTS IN THIS APPLICATION AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed: Amy Fisher Date: 9/8/22
Property Owner

Applicant: _____ Date: _____
(If different from Owner)

Review Criteria

(A different zoning district may be recommended if it appropriately fits the review criteria)

Your application will be reviewed using Montana MCA Section 76-2-304, "Criteria and Guidelines for Zoning Regulations" stated below.

(1) Zoning regulations must be:
- *(a) made in accordance with a growth policy; and*
- *(b) designed to secure safety from fire and other dangers;*
  - *(ii) promote public health, public safety, and the general welfare; and*
  - *(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.*

(2) In the adoption of zoning regulations, the municipal governing body shall consider:
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- *(b) the effect on motorized and nonmotorized transportation systems;*
- *(c) promotion of compatible urban growth;*
- *(d) the character of the district and its peculiar suitability for particular uses; and*
- *(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.*

Per Section 11-1-10 of the Helena City Code, the Zoning Commission and the City Commission will hold public hearings, to give the public an opportunity to be heard upon the matter. The Zoning Commission will make a recommendation to the City Commission who will approve or deny the requested zoning. If approved, the zone change becomes effective 30 days after final pass of the zone change Ordinance.

To evaluate the requested zone change with the above criteria the following must be submitted with this application. Please provide all the information requested on additional sheets as an incomplete application may delay the review of your request.

Please Note: N/A is not an acceptable answer alone and requires an explanation if used.

- [x] 1. Apply to the City on the appropriate forms and pay any required fees. The application must include the property owner's signature;
- [ ] 2. Describe how your proposal relates to the above zoning review criteria (attach additional sheets if necessary);
- [ ] 3. Provide a statement why the proposed zone change should be approved;
- [ ] 4. Submit a traffic impact study for a proposed zoning district that is anticipated to generate more than two hundred (200) additional vehicle trips a day;
- [ ] 5. Provide a vicinity map of the area showing the location of the property in relation to surrounding land and zoning in the immediate area, water and wastewater mains, other utilities, and city streets and pedestrian facilities (sidewalks, trails);
- [ ] 6. Submit a statement on how the proposed zoning conforms to the Helena Growth Policy and Land Use Map; include how the proposed zoning conforms with the area neighborhood plan if one has been adopted;
- [ ] 7. Statement indicating if the existing structures meets the proposed zoning dimensional standards requirements without the need for a variance;
- [ ] 8. Statement indicating if the existing use on the subject property meets the proposed zoning permitted uses;
- [ ] 9. Historical uses, established use patterns, and recent changes and trends in the neighborhood.

IT IS RECOMMENDED THAT THE APPLICANT CONTACT NEIGHBORS TO INFORM THEM OF THIS PROPOSED ZONE CHANGE AND IDENTIFY ANY CONCERNS THAT THE APPLICANT MAY BE ABLE TO ADDRESS.

It is the policy of the City Commission not to act on a proposal if the applicant/ applicant's representative is not present at the commission meeting. City Planning Staff represents the City; staff cannot answer questions for the applicant.

Per 1-4-12 City Code, the taxes and assessments on the applicant's property, which is the subject of the proposed action, must be paid or payment of said taxes and assessments must be made a condition of final approval of said action by the City Commission, with the taxes and assessments to be paid within fourteen (14) days after final passage.

I was asked to send in application asap. I will work on this page info.

I purchased the house at 1312 Harrison Street to use as an office in July 2022

Before the purchase, my Realtor and Mortgage/Title company confirmed the location could be used as a 'home office'- which was described as an office that did not have "signage or business walk in traffic"

i closed on the building on July 15th and upgraded the electrical, put in landscaping and a new fence, et, and moved my 3 employees into the building at the end of July.

In August I applied for a business permit and was told the location could not be used as a home office. Now I am going through the variance process.

1312 Harrison Street in located between a tire shop and a church, across the street from a strip mall. We have adequate parking for employees so there is no traffic impact. If anything the neighboring business have expressed appreciation that a run down house and yard is now in much better condition.

Michael Alvarez, Planner II
Community Development Department
316 North Park Avenue, Rm. 445
Helena, MT 59623

Phone: 406-447-8459
Fax: 406-447-8460
Email: malvarez@helenamt.gov

helenamt.gov

Sep 15, 2022

Dear Amy Fisher,

The City of Helena Community Development Dept has received your request for a zone change for the property at 1312 Harrison Ave. The zone change application (ZCA) is considered incomplete at this time. Please include the following missing elements with your application re-submittal:

- A copy of your deed;
- A copy of the most recent plat on file for the property;
- A description of how your proposal relates to the zoning review criteria outlined in MCA Section 76-2-304 "Criteria and Guidelines for Zoning Regulations" (listed on page 2 of the ZCA application – item #2 on the checklist on page 3 of the ZCA).
- Provide a statement why the proposed zone change should be approved item (#3 on the checklist on page 3 of the ZCA);
- Submit a statement on how the proposed zoning conforms to the Helena Growth Policy and Land Use Map; include how the proposed zoning conforms with the area neighborhood plan if one has been adopted (#6 on the checklist on page 3 of the ZCA);
- Statement indicating if the existing structures meets the proposed zoning dimensional standards requirements without the need for a variance (#7 on the checklist on page 3 of the ZCA);
- Statement indicating if the existing use on the subject property meets the proposed zoning permitted uses (#8 on the checklist on page 3 of the ZCA);
- Historical uses, established use patterns, and recent changes and trends in the neighborhood (#9 on the checklist on page 3 of the ZCA).

Additionally, please correct the following errors in your submitted ZCA:

- The existing use on the property is the latest legal-conforming use on the property. The latest use at 1312 Harrison St is "Residence, single-dwelling unit".
- This is a Zone Change and not a "variance".

Regarding your statement attached to the ZCA:

- "Home office" is not a use described in Table 1 of §11-2-3. An office with employees would fall under the land use category of "General/professional services" and is not permitted in the R-2 (residential) zoning district. A Home Occupation would be permitted at that location. Home Occupations are regulated under §11-26.
    - *§11-26-3-D Only those persons who reside in the residence shall be engaged in any home occupation located in that residence or accessory buildings on the premises. (Ord. 2442, 6-1-1987)*

  Since neither you nor your employees reside at 1312 Harrison Ave you may not claim a home occupation there.

Sincerely,

Michael Alvarez, Planner II

Michael Alvarez, Planner II
Community Development Department
316 North Park Avenue, Rm. 445
Helena, MT 59623

Phone: 406-447-8459
Fax: 406-447-8460
Email: malvarez@helenamt.gov

helenamt.gov

February 03, 2022

TO WHOM IT MAY CONCERN: A land use change is being proposed in your area. Please review the enclosed description, and vicinity map. You may respond to the proposal at the public hearing or submit written comments prior to the February 14, 2023 Zoning Commission public hearing to the City Planning Division, 316 North Park, Helena MT 59623

The Helena Zoning Commission will hold public hearings for the following items on Thursday, February 14, 2023, at 5:30pm:

The hearings will be conducted in commission chambers as a hybrid in-person and online meeting utilizing the Zoom meeting platform. The meeting will serve to consider the following proposals:

Item 2. To make a recommendation on an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-4 (Residential) for properties legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition,
AND;
The south half of lots 13-16 in Block 39 of the Broadwater Addition,
both to the City of Helena, Lewis and Clark County, Montana;

The Helena Zoning Commission hearing can be accessed via the online meeting platform zoom at:
https://zoom.us/j/92989300533
Meeting ID: 929 8930 0533
Dial in at 1(346) 248-7799, or find your local number at: https://zoom.us/u/a7dWq98hm

The Helena City Commission will hold public hearings for the following items on Monday, January 23, 2023, at 6pm:

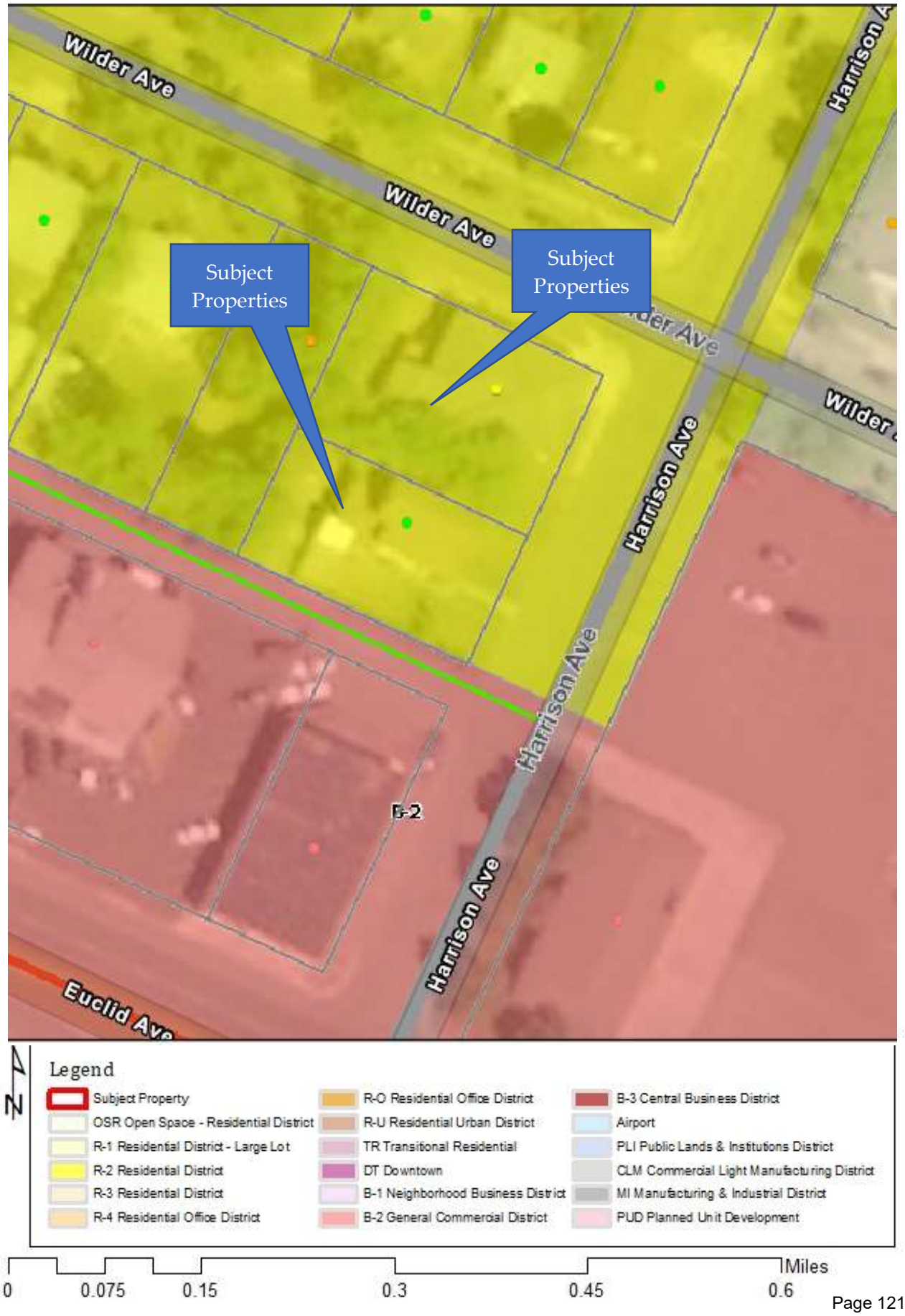
First passage of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-4 (Residential) for properties legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition,
AND;
The south half of lots 13-16 in Block 39 of the Broadwater Addition,
both to the City of Helena, Lewis and Clark County, Montana;

The Helena City Commission hearing can be accessed via the online meeting platform zoom at:
https://us06web.zoom.us/j/81262666408
Webinar ID: 812 6266 6408
Dial US: US: +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 346 248 7799

If you have questions concerning the proposed change, please contact the City Planning Division of the Community Development Department at 447-8459.

Sincerely,

Michael Alvarez, Planner II


Wilder Ave
Wilder Ave
Harrison A
Subject Properties
Subject Properties
Wilder Ave
Wilder
Harrison Ave
Harrison Ave
Harrison Ave
B-2
Euclid Ave
Legend
Subject Property
OSR Open Space - Residential District
R-1 Residential District - Large Lot
R-2 Residential District
R-3 Residential District
R-4 Residential Office District
R-O Residential Office District
R-U Residential Urban District
TR Transitional Residential
DT Downtown
B-1 Neighborhood Business District
B-2 General Commercial District
B-3 Central Business District
Airport
PLI Public Lands & Institutions District
CLM Commercial Light Manufacturing District
MI Manufacturing & Industrial District
PUD Planned Unit Development
N
0
0.075
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Miles

Customer Ad Proof

102-60120441 CITY OF HELENA Order Nbr 141744

Publication	**Helena Independent Record**		
Contact	CITY OF HELENA	PO Number	
Address 1	316 N PARK AVE RM 320	Rate	HEL Legal Folio
Address 2		Order Price	65.00
City St Zip	HELENA MT 59601	Amount Paid	0.00
Phone	4064478417	Amount Due	65.00
Fax			
Section	Legal	Start/End Dates	01/29/2023 - 01/29/2023
SubSection		Insertions	1
Category	0701 Legals Helena	Size	112
Ad Key	141744-1	Salesperson(s)	HEL Legals
Keywords	NOPH 2-14-23	Taken By	Citlalli Rangel
Notes			

Ad Proof

NOTICE OF PUBLIC HEARING

The **Helena Zoning Commission** will hold public hearings for the following items on **Tuesday, February 14, 2023, at 5:30pm**: The hearings will be conducted as hybrid in-person and online meeting utilizing the Zoom meeting platform. The meeting will serve to consider the following proposals:

1. To make a recommendation on the pre-zoning for Craftsman Village Phases 8, 9, & 10 of the Mountain View Meadows Major Phased Subdivision, creating 208 lots and ROW from approximately 32.268 acres. The proposed subdivision is generally located east of Craftsman Village Phase 7 of the Crossroads at Mountain View Meadows Subdivision and is a subdivision of Tract A-1-A-1-A-1- A-1-A-1-A-1 of Amended Plat Number 3386391 located within the South ½ of Section 26, and the North ½ and Southeast ¼ of Section 35, Township 10 North, Range 3 West, P.M.M, Lewis and Clark County, Montana.

2. To make a recommendation on an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-4 (Residential) for properties legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition,

AND;

The south half of lots 13-16 in Block 39 of the Broadwater Addition, both to the City of Helena, Lewis and Clark County, Montana;

3. To 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-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

https://zoom.us/j/92989300533

Meeting ID: 929 8930 0533

Dial in at 1(346) 248-7799

or find your local number at: **https://zoom.us/u/a7dWq98hm**

The Zoning Commission will consider all written and oral comments. Public comment will be taken up to and at the above meeting. If you wish to submit written comments prior to the meeting please send them in via email to **malvarez@helenamt.gov** or mail to Michael Alvarez, Community Development Department, Room 403, 316 N. Park Ave, Helena MT, 59623. For any questions,

please call Michael Alvarez, Planner II at 406-447-8459.

Rebecca Harbage

Zoning Commission Chair

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: (406) 447- 8490; TTY Relay Service **1-800-253-4091** or 711; Email: **Citycommunitydevelopment@helenamt.gov**; Mailing Address & Physical Location: 316 North Park, Avenue, Room 445, Helena, MT 59623.

January 29, 2023 141744 **MNAXLP**

MAP
—OF—
HAUSER, MING, CANNON AND BROADWATER #1
ADDITIONS TO HELENA.

Scale 200 ft. = 1 Inch.

CUMMING & HOVEY
CIVIL AND MINING ENGINEERS

Acknowledgment

Be it known that the undersigned C.W. Cannon, D.A.G. Flowerree, A.J. Steele and S.C. Ashby Proprietors of the Hauser, and John H. Ming, Proprietor of the Ming; C.A. Broadwater Proprietor of the Broadwater, and C.W. Cannon, S.T. Hauser, Eliza Gillette and George H. Mullery Proprietors of the Cannon Addition to Helena, Situated in the S½ of Sec. 24 and N½ of Sec. 25 T.10 N.R.4 W. Principal Base and Meridian Montana, acknowledge and certify that we procured and caused to be made a Survey of the same of which this plat is a true plan thereof for the purpose of record, and we hereby elevate and dedicate the Streets and Alleys therein designated to the public use and benefit forever

In testimony whereof we have hereunto set our hands and seals this 6th day of May A.D. 1887.

Charles W. Cannon
D. A. G. Flowerree
A. J. Steele
S. C. Ashby
S. T. Hauser
Eliza Gillette
C. A. Broadwater.

Territory of Montana
Lewis and Clarke County } ss

Be it known that on this 18th day of May 1887. personally came before me a Notary Public C.W. Cannon, D.A.G. Flowerree, A.J. Steele, S.C. Ashby, C.A. Broadwater, S.T. Hauser, and Eliza Gillette, the signers and Sealers of the foregoing plat and acknowledged the same to be their free act and for the purpose therein expressed.

In witness whereof I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Notarial Seal

Geo. H. Hill
Notary Public

For partial vacation of Cannon Add: see 1½ of Misc. page 243.

Filed May 24th A.D. 1887 at 10.45 A.M.

W. E. Frederick Recorder,
By Wm. Taylor Deputy.

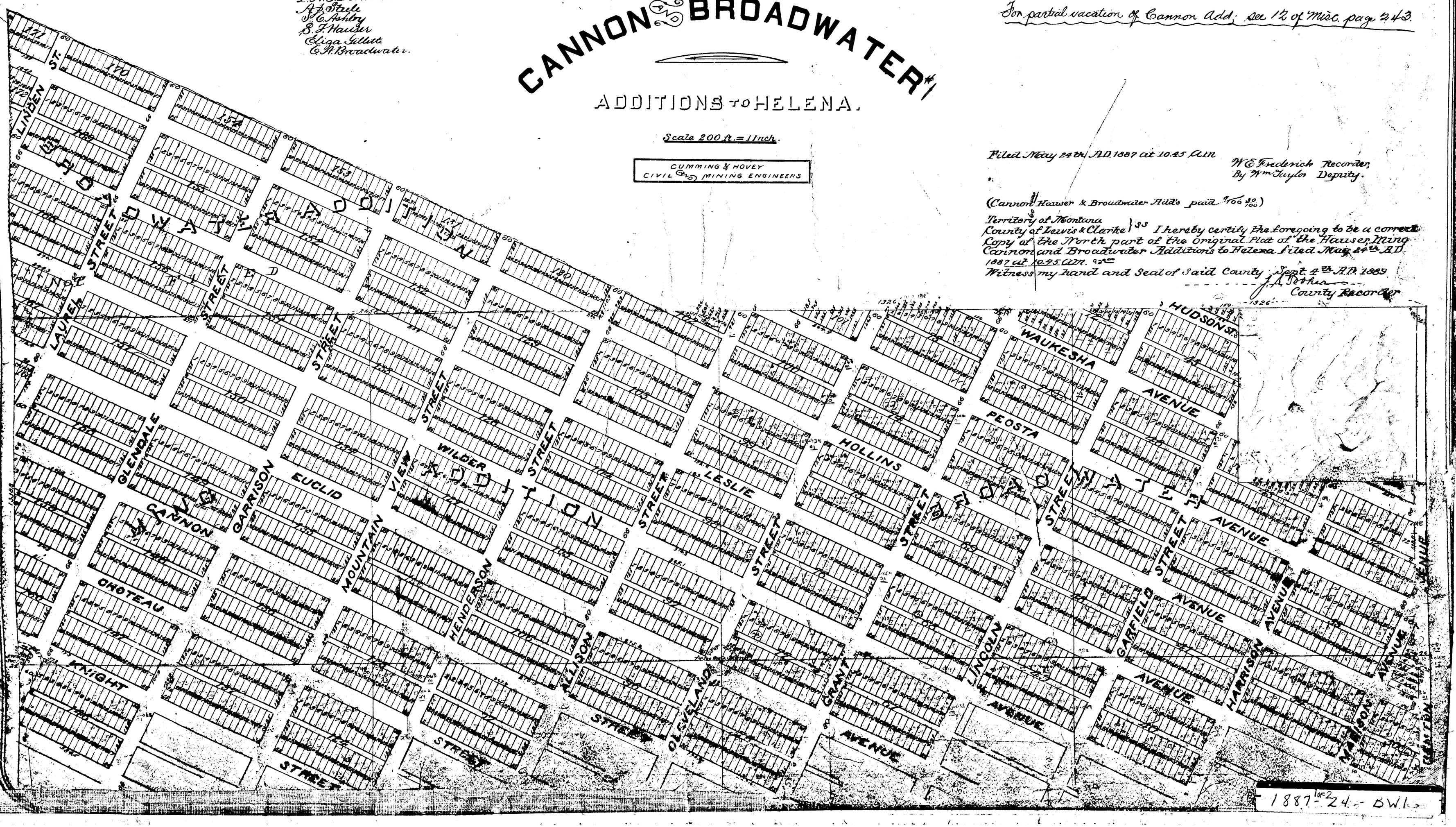
(Cannon Hauser & Broadwater Add's paid $66 90/100)

Territory of Montana
County of Lewis & Clarke } ss

I hereby certify the foregoing to be a correct Copy of the North part of the Original Plat of the Hauser, Ming, Cannon and Broadwater Additions to Helena filed May 24th A.D. 1887 at 10.45 A.M. 92nd

Witness my hand and Seal of Said County Sept 4th A.D. 1889

J. A. Rothe
County Recorder



1887 1 OF 2 24 - BWL

Ordinance No. 1530 closing a portion which lies between Blk 26 + 29 of Broadwater addn. Recorded Oct. 24, 1905 Book page misc.

For partial vacation of Cannon Add see 12 of Misc. page 243.

" " " " " " " 56 of Deeds Bk 5.

For Rededication see Book 22 of Misc Records at page 219

I A.B. Cumming do solemnly swear that I made careful Survey of the Hauser, Ming, Cannon and Broadwater Additions to Helena, and that the Streets and Alleys are of the width stated in the foregoing remarks, and in figures on this plat and that said Additions have been laid out on the ground according to this plat and that said Additions embraces the N.E. ¼ and part of the N.W. ¼ of Sec. 25; S½ of S½ Sec. 24 and part of N½ of S.W. ¼ of Sec. 24 T. 10 N. R. 4 W. of prin. Mer. Montana. Being more particularly described as follows:

Beginning at ¼ Sec. Cor. on East bdy of Sec. 25. thence North along Tp. line 1315 ft. to South line of Cemetery, thence West along Cemetery line 906 ft. to S. Mor. of Cemetery, thence North 668 ft. to N.W. Cor. of Cemetery, thence West along line between North and South ½ of S½ of Sec. 24 to Southerly side of Alley in Bl. No. 108, thence N. 64° 25' W. to west bdy of Sec. 24. thence South along west bdy of Sec's 24 & 25 to S. bdy of Alley in Block No. 111. thence South Easterly along Southerly bdy. of said Alley 1395 ft. to the westerly side line of Lincoln St. thence South westerly along said westerly side line of Lincoln St. 528 ft. thence South Easterly along Southerly side line of University St. 1322 ft. to the South boundary of the N.W. ¼ of Sec. 25. thence East along the South boundary of the N½ of Sec. 25 to place of beginning

A.B. Cumming
Civil Engineer

Subscribed and sworn to before me this 4th day of May 1887
Albert S. Hovey
Notary Public in and for
Montana

Notarial Seal

Territory of Montana } ss.
County of Lewis & Clarke

I hereby certify that the foregoing is a correct such part of the Copy of the Original Plat of the Hauser, Ming, Cannon and Broadwater Additions to Helena, filed May 24th AD 1887 at 10.45 A.M.

Witness my hand and Seal of said County. Sept. 4th A.D. 1889

J.B. Tooker
County Recorder

1887--24 Cannon Addition
Hauser Addition
2 of 2

#105006
First Montana Land Title Company
400 North Park Avenue
Helena, MT 59601

After Recording Return to:
First Montana Land Title Company
400 North Park Avenue
Helena, MT 59601

3308735 B: M53 P: 878 DEED
07/27/2017 12:46 PM Pages: 1 of 1 Fees: 7.00
Paulette DeHart Clerk & Recorder, Lewis & Clark MT

WARRANTY DEED

For Value Received:

Life Church of Helena, MT

the grantor(s) do(es) hereby grant, bargain, sell and convey unto

Berean Baptist Church

The grantees the following described premises, in Lewis & Clark County, Montana, to-wit:

The North 62 1/2 feet of Lots 13, 14, 15 and 16 in Block 39 of the BROADWATER ADDITION to the City of Helena, Lewis and Clark County, Montana. (Deed reference Book 267 of Deeds, Page 287)

TO HAVE AND TO HOLD the same premises, with the appurtenances unto said Grantee(s) his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the Grantee(s), that he/she/they are/is the owner(s) in fee simple of said premises; that is free from all encumbrances SUBJECT to all legal taxes and assessments levied with respect to said premises and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/26/17

Life Church of Helena, MT

BY: _____
Jason Lieberg, President

STATE OF Montana

COUNTY OF Lewis & Clark

I, a Notary Public of the County and State first above written, do hereby certify that

Jason Lieberg personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this day July 26, 2017.

Patti Lynn Collishaw
Notary Public

My Commission Expires: 2/21/2018

(SEAL)

PATTI LYNN COLLISHAW NOTARIAL SEAL STATE OF MONTANA

PATTI LYNN COLLISHAW
NOTARY PUBLIC for the
State of Montana
Residing at Helena, Montana
My Commission Expires
February 21, 2018

3400862 B: M61 P: 2703 DEED
07/15/2022 01:34:32 PM Page 1 of 2 Fees: $16.00
Amy Reeves, County Recorder
Lewis & Clark County, MT

L & C 1048960
Return to:
First Montana Land Title
P.O. Box 251
Helena, MT 59624

AND WHEN RECORDED MAIL TO:
Amy Jo Fisher and James Anderson
3267 Barbeau Drive
Helena, MT 59602-7746

Filed for Record at Request of:
First Montana Land Title Company

Space Above This Line for Recorder's Use Only

Order No.: 1048960
Parcel No.: 5972

WARRANTY DEED

FOR VALUE RECEIVED,

Aaron Jones

hereinafter called Grantor(s), do(es) hereby grant, bargain, sell and convey unto

Amy Jo Fisher and James Anderson as Trustees of The Amy Fisher Family Trust, Dated March 20, 2020

whose address is: **3267 Barbeau Drive, Helena, MT 59602-7746**

Hereinafter called the Grantee, the following described premises situated in **Lewis and Clark** County, **Montana**, to-wit:

The South ½ of Lots 13, 14, 15 and 16 in Block 39 of the Broadwater Addition to the City of Helena, Lewis and Clark County, Montana. (Deed reference Book 221 of Deeds, Page 69)

SUBJECT TO covenants, conditions, restrictions, provisions, easements and encumbrances apparent or of record.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantees and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 15, 2022

Aaron Jones

STATE OF Montana)
ss.
COUNTY OF Lewis and Clark)

This instrument was acknowledged before me on July 15, 2022, by Aaron Jones.

CONNIE JESTER
NOTARY PUBLIC for the
State of Montana
Residing at Helena, Montana
My Commission Expires
February 21, 2026

Connie Jester
Notary Public for the State of Montana
Residing at: Helena
My Commission Expires: 02-21-2026

Shopping Cart: 0 items [$0.00]

New Search | History | Payoff | PayTaxes | Help

Property Tax ID: 5972

Status: Current
Realware#: 188725146170000
Receipt:

2022 Owner(s):
JONES AARON

Mailing Address:
1312 HARRISON AVE
HELENA, MT 596012433

Levy District:
01-01, Tax District 01

2022 Value:

Market:	$214,100
Taxable:	$2,891

Detail

2022 Taxes:

First Half:	$0.00	**Due:**
Second Half:	$0.00	**Due:**
Total:	$0.00	

Detail

2022 Payments:

First Half:	$0.00
Second Half:	$0.00
Total:	$0.00

(May include penalty & interest)

2022 Legal Records:

Geo Code: 05-1887-25-1-46-17-0000 **Deed Book:** M56 **Page:** 8457 **Instru#:** 3352347 **Date:** 2020-03-27

Property address: 1312 HARRISON AVE, HELENA MT 59601
Subdivision: (BW1) SubDiv BW1 **Lot:** 13 **Block:** 39
TRS: T10 N, R04 W, Sec. 25
Legal: BROADWATER ADDN, S25, T10 N, R04 W,
BLOCK 39, Lot 13 - 16, S2

Note: The accuracy of this data is not guaranteed. Property Tax data was last updated 09/15/2022 04:00 PM.

Send Payments to:
Lewis & Clark County
316 North Park Ave; Room #113
Helena, Montana 59623

Phone: (406) 447-8329
Email: propertytax@lccountymt.gov

© 2022 Tyler Technologies, Inc. iTax Version 2022.1.0.0

Customer Ad Proof

102-60120441 CITY OF HELENA Order Nbr 146741

Publication	**Helena Independent Record**		
Contact	CITY OF HELENA	PO Number	
Address 1	316 N PARK AVE RM 320	Rate	HEL Legal Folio
Address 2		Order Price	52.00
City St Zip	HELENA MT 59601	Amount Paid	0.00
Phone	4064478417	Amount Due	52.00
Fax			
Section	Legal	Start/End Dates	03/12/2023 - 03/12/2023
SubSection		Insertions	1
Category	0701 Legals Helena	Size	90
Ad Key	146741-1	Salesperson(s)	HEL Legals
Keywords	Notice of PH 3.27.23	Taken By	Jamie Narjes
Notes			

Ad Proof

NOTICE OF PUBLIC HEARING

The Helena City Commission will hold public hearings on Monday, March 27, 2023, at 6pm. The meeting will be conducted in a hybrid format, both in City Commission chambers and utilizing the Zoom meeting platform. Please check www.HelenaMT.gov/meetings for the full agenda of items being heard including the following proposals:

• Consideration of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-4 (Residential) for properties legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition,

AND;

The south half of lots 13-16 in Block 39 of the Broadwater Addition, both to the City of Helena, Lewis and Clark County, Montana;

These properties are located at 1312 Harrison Ave and 601 Wilder Ave.

• Consideration of a resolution granting a Conditional Use Permit to allow a Residence, multiple-dwelling units (3 or more units) use in the R-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

This Property is located at 1000 Cannon St.

This meeting can be accessed via the online meeting platform zoom at: https://us06web.zoom.us/j/81262666408

Or Telephone:

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833

Meeting / Webinar ID: 812 6266 6408

Public comment will be taken up to and at the above meeting. If you wish to submit written comments prior to the meeting please send them in via email to malvarez@helenamt.gov or mail to Michael Alvarez, Community Development Department, Room 403, 316 N. Park Ave, Helena MT, 59623. For any questions, please call 406-447-8459.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: (406) 447- 8490; TTY Relay Service 1-800-253-4091 or 711; Email: Citycommunitydevelopment@helenamt.gov; Mailing Address & Physical Location: 316 North Park, Avenue, Room 445, Helena, MT 59623

March 12, 2023 146741 **MNAXLP**

City of Helena, Montana

March 10, 2023

To: Mayor Collins and the Helena City Commission

From: Tim Burton, City Manager
Michael Alvarez, Planner II, Community Development Department
Christopher Brink, Director, Community Development Department

Subject: Consider a resolution granting a Conditional Use Permit to allow a Residence, multiple-dwelling units (3 or more units) use in the R-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

Present Situation: The applicant would like to build a residential multiple dwelling-unit (3 or more) building at 1000 Cannon St. That property is currently vacant and is located in an R-3 T#12 zoning district.

Background Information: The applicant proposes construction of a nine-unit building. The proposed structure is two-stories tall with a shed roof, very similar in style and massing to the multiple dwelling-unit home to the west. The applicant is not requesting any variances for the building with this proposal. All other structures have already been removed.

Proposal/Objective: The applicant proposes construction of a nine-unit building. The proposed structure is two-stories tall with a shed roof, very similar in style and massing to the multiple dwelling-unit home to the west. The applicant is not requesting any variances for the building with this proposal. All other structures have already been removed.

Advantage: Increasing the number of dwelling units in the city is a goal of the 2019 Growth Policy.

Notable Energy Impact: This proposal will provide additional housing in a mixed-use area that is in close proximity to shopping, schools, and recreational opportunities. The CUP proposal, as mentioned in the analysis above, is not anticipated to add more than 200 vehicle trips per day to local rights-of-way. The parcel's proximity to other non-residential uses implies that future residents of the condominiums will have an opportunity to use non-vehicular means of transportation to go about daily activities. As a result, the proposal supports the overall goal of reducing carbon dioxide emissions into the atmosphere. The applicant intends to use permeable pavers to reduce the impervious area to rainwater. At the time of this report staff has not determined if it will accept the proposed paving system.

Disadvantage: The applicant is relying on the codified allowance for 50% or less of the off-street parking requirement to be met with on-street parking spaces adjacent to the property. This could be a concern for neighbors worried about overflow parking in the area.

Notice of Public Hearing: Attached

Staff Recommendation: The zoning commission recommends:
Approval of a resolution granting a Conditional Use Permit to allow a Residence, multiple-dwelling units (3 or more units) use in the R-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition

to the City of Helena, Lewis and Clark County, Montana, with the following conditions:

1. A building permit must be submitted for within one (1) year.
2. All conditions must be met within one year of CUP approval, as per Section 11-3-9 of the Helena City Code.

ATTACHMENTS:
Resolution
Staff Report
Application
Site plan
elevations
partial topo survey
plat
Applicant vicinity Map
Applicant utility Map
letter from neighbor
Neighbor notification
Legal ad
ZC legal ad
Tax info

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A RESIDENCE, MULTIPLE-DWELLING UNITS (3 OR MORE UNITS) IN AN R-3 T#12 (RESIDENTIAL) ZONING DISTRICT IN THE CITY OF HELENA, MONTANA

WHEREAS, the Helena City Commission has before it a request to grant a conditional use permit to allow a residence, multiple-dwelling units (3 or more units) use in the R-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana;

WHEREAS, the Zoning Commission of the City of Helena, Montana, held a scheduled public hearing on the conditional use permit application related to the above-mentioned property on February 14, 2023, to gather facts and information from all interested parties as contemplated by Helena City Code § 11-3-6;

WHEREAS, the Zoning Commission has recommended that the Helena City Commission approve the conditional use permit subject to the following conditions:

1. A building permit must be applied for within one (1) year of CUP approval.

2. All conditions must be met within one year of CUP approval, or the permit will be considered revoked by the City, as

per Section 11-3-9 of the Helena City Code.

WHEREAS, a public hearing was held on March 27, 2023, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via Zoom Meeting at webinar ID: https://us06web.zoom.us/j/81262666408 as contemplated by Helena City Code § 11-3-7; and

WHEREAS, the City Commission has considered the information contained in the application, the information presented at said public hearing, the Zoning Commission's recommendation, and whether the proposed conditional use meets the requirements of Helena City Code § 11-3-4A1 and A2, by weighing and balancing the following factors, as set forth in Helena City Code § 11-3-4B:

1. Location, character, and natural features of the subject property as it currently exists;

2. Type and size of the proposed structure and improvements and their relative location on the subject property;

3. Historical uses, established use patterns, and recent changes and trends in the neighborhood;

4. Conformity of the proposed use with the neighborhood plan, if one has been adopted;

5. Current and proposed pedestrian, vehicular, and bicycle traffic including ingress and egress, circulation, and parking;

6. Whether the use is consistent with the Helena Climate Change Action Plan;

7. Whether the proposal meets the zoning dimensional standards requirements for the zoning district without the need for a variance;

8. Hours of operation;

9. Noise;

10. Glare;

11. Odor; and

12. Expressed public opinion related to factors identified above.

WHEREAS, based on its consideration of all those matters, the Helena City Commission hereby specifically finds as follows:

1. That public hearings have been held by the Zoning Commission and the City Commission after required legal notice has been given, and the public has been given an opportunity to be heard on the matter;

2. That the proposed conditional use, as conditioned, will not adversely impact public health, safety, or general welfare; and

3. That the proposed conditional use, as conditioned, will

not adversely impact the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. A conditional use permit is hereby granted to allow a residence, multiple-dwelling units (3 or more units) use in the R-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana:

1. A building permit must be applied for within one (1) year of CUP approval.

2. All conditions must be met within one year of CUP approval, or the permit will be considered revoked by the City, as per Section 11-3-9 of the Helena City Code.

Section 2. City Commission may reconsider the granting of this conditional use permit or place additional conditions if the City becomes aware that the circumstances on the property have changed with respect to the 11-3-4B factors to the extent that they would change the City Commission’s findings required by 11-3-4A.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. _____

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 27th DAY OF March, 2023.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

Michael Alvarez, Planner II
Community Development Department
316 North Park Avenue, Room 403
Helena, MT 59623

Phone: 406-447-8459
Fax: 406-447-8460
Email: malvarez@helenamt.gov

helenamt.gov

Date: February 08, 2023

CONDITIONAL USE PERMIT

STAFF REPORT

CITY OF HELENA PLANNING DIVISION
316 North Park Avenue
Helena, Montana 59632

TO: City of Helena Zoning Commission

FROM: Michael Alvarez, City Planning

SUBJECT: **Consider a resolution granting a Conditional Use Permit to allow a residence, multiple-dwelling units (3 or more units) use in the R-3 T #12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.**

OVERVIEW

GENERAL INFORMATION

DATE OF APPLICATION: Dec 27th, 2022
DATE DEEMED COMPLETE: Jan 05th, 2023

PUBLIC HEARING DATES:
Zoning Commission: 5:30 P.M. Tuesday, February 14, 2023
City Commission: 6:00 P.M. Monday, March 27, 2023

PUBLIC NOTICE:
Legal notice has been published January 29, 2023 in the Independent Record; notice letters have been sent to adjacent property owners and a sign posted on the property.

PUBLIC COMMENT:
As of Wednesday, February 08, 2023, no public comments have been expressed regarding this proposed CUP.

OWNER: Erik & Michelle Gorman
ADDRESS: 1240 Cannon St, Helena, MT 59601
EMAIL: erikgorman93@gmail.com
PHONE: 406-558-9114

AUTHORIZED REP: Erik Gorman
ADDRESS: see above

EMAIL: see above

SUBJECT PROPERTY ADDRESS: 1000 Cannon St, Helena, MT 59601

LEGAL DESCRIPTION: Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

GENERAL LOCATION: This property is generally located on the northwest corner of Cannon St and Lincoln St.

DESCRIPTION / BACKGROUND

The applicant/property owner is looking to obtain a Conditional Use Permit (CUP) to allow a multiple-dwelling unit residence in the R-3 (Residential) T #12 Zoning District. The subject parcel currently sits vacant. The previous use was for a single-dwelling unit residence. The owner received a demolition permit to remove that structure in June of 2021, and the applicant now seeks to build multiple dwelling-unit residences at the location. Multiple dwelling-unit residential is allowed by right in the zoning district R-3; however, the R-3 T #12 transitional district overlay requires a CUP for any use other than single dwelling-unit.

The "T" districts are to be treated as temporary in and this "T" district specifically appears to be in conflict with the 2019 Growth Policy's designation of the area as "mixed-use." The property owner has already received a similar variance in this district for a residential multiple dwelling-unit building in this district at 1240 Cannon St.

DEFINITIONS:

R-3 (RESIDENTIAL) DISTRICTS: It is the intent of this district to provide for the development of a mixture of residential structures to serve varied housing needs and allows limited compatible nonresidential uses.

"T" Standard #12 R-3-T: Due to the location of this property, abutting a B-2 and R-O zone, with substantial residential development located to the south, this zone is created to provide a buffer between the existing residential and commercial uses. To protect existing uses and to provide for harmonious development, and permitted use, and [sic] permitted use, except single family dwelling and its assessory[sic] uses, in the R-3 zones must first receive as[sic] conditional use permit prescribed in Section 17 of the Zoning Ordinance.

MULTIPLE-DWELLING UNITS RESIDENCE: A building containing three (3) or more dwelling units for occupancy by three (3) or more groups living separately from each other, including condominiums.

2019 GROWTH POLICY FUTURE LAND USE DESIGNATION:

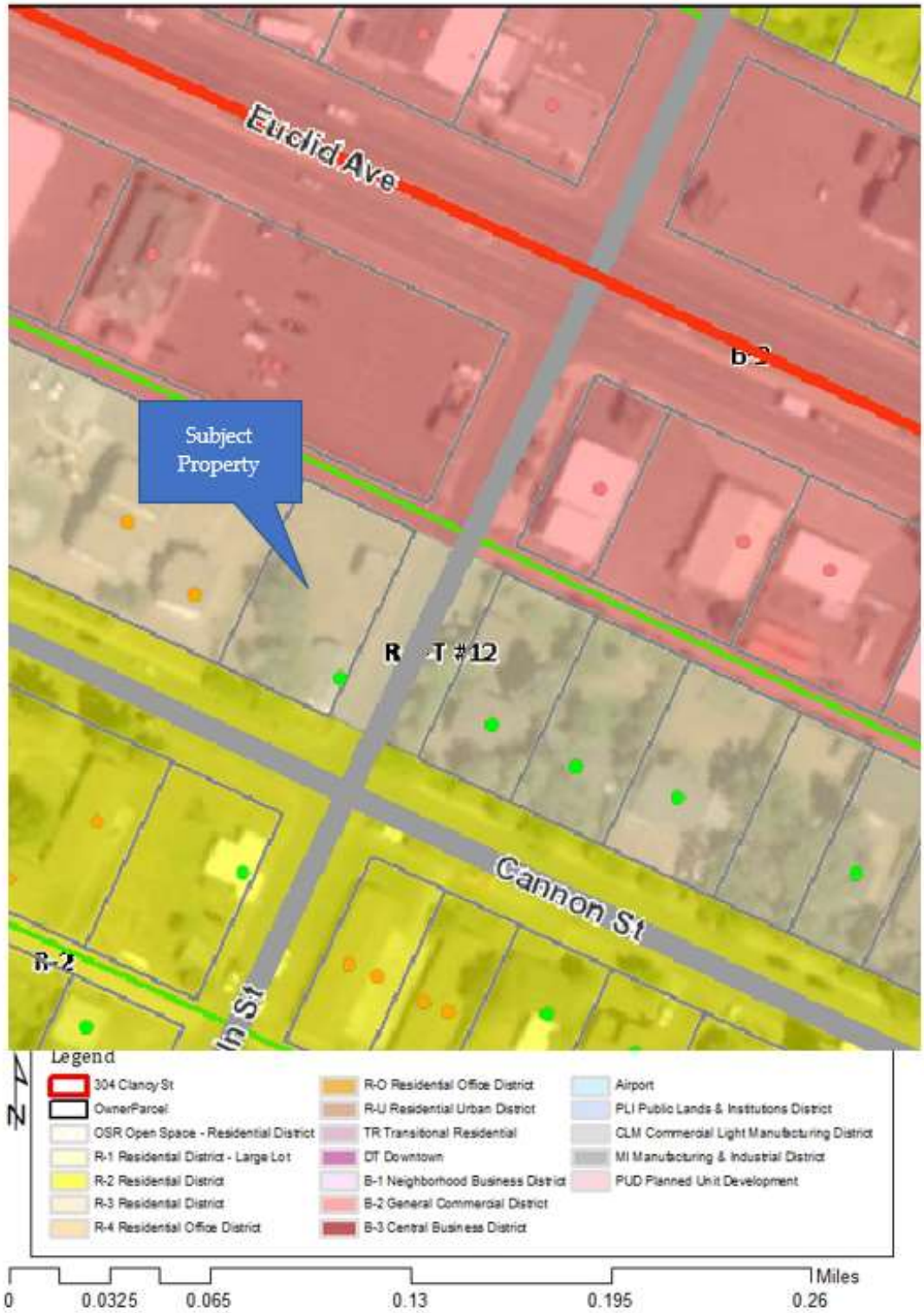
MIXED USE: Places where people can work, live, and play and learn. These areas include a variety of complementary and integrated uses such as, but not limited to, all forms of residential; office; light industrial/manufacturing; retail, entertainment or public uses. Development is usually in a denser comprehensive pattern to achieve a unified, functional, efficient, and aesthetically appealing physical setting, and provides opportunities for connectivity, public transportation, and walkability. Mixed-use areas do not use the traditional segregation of uses.

PRESENT LAND USE & ZONING:
R-3-T #12 (Residential) – land is presently vacant and last had the land use designation of single dwelling-unit residential

ADJACENT LAND USE & ZONING:
North: B-2 (commercial) – restaurant (Early Bird Cafe, and its parking lot)
South: R-2 (residential) – single-dwelling and two dwelling unit residences
East: R-2 (residential) – single-dwelling unit residences
West: R-3 (residential) – multiple dwelling-unit residential (Helena Housing Authority)

VICINITY MAP:

1000 Cannon St



REVIEW CRITERIA FOR THE CONDITIONAL USE

Section 11-3-4 of the Helena Zoning Ordinance includes certain criteria that must be reviewed as part of the conditional use permit procedure.

A. *A conditional use permit may be granted by the city commission only upon a finding, supported by substantial credible evidence in the record that the following standards are met:*

1. *The proposed conditional use, as conditioned, will not adversely impact the public health, safety, or general welfare.*
2. *The proposed conditional use will not adversely impact or impair the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located.*

B. *In considering whether sections §11-3-4(A)(1) and (A)(2) of this chapter have been met, the following factors must be considered in determining the impacts of the proposed conditional use on the abutting properties and the neighborhood:*

1. *Location, character, and natural features of the subject property as it currently exists.*
2. *Type and size of the proposed structure and improvements and their relative location on the subject property.*
3. *Historical uses, established use patterns, and recent changes and trends in the neighborhood.*
4. *Conformity of the proposed use with the neighborhood plan, if one has been adopted.*
5. *Current and proposed pedestrian, vehicular, and bicycle traffic including ingress and egress, circulation and parking.*
6. *Whether the use is consistent with the Helena Climate Change Action Plan.*
7. *Whether the proposal meets the zoning dimensional standards requirements for the zoning district without the need for a variance.*
8. *Hours of operation.*
9. *Noise.*
10. *Glare.*
11. *Odor.*
12. *Expressed public opinion related to factors identified above.*

C. The above factors are weighed and evaluated depending on the circumstances of each case. Any one factor may be sufficient to find adverse impacts for the purposes of Section §11-3-4(A)(1) and (A)(2) justifying denial of the permit or placement of special conditions.

<u>FINDINGS & EVALUATION</u>

1. *Location, character, and natural features of the subject property as it currently exists.*

   The site is located on the northwest corner of Cannon and Lincoln Streets. Euclid Avenue and the commercial district centered on it is one block to the north, zoned B-2 (General Commercial). To the south lies an R-2 (Residential) District neighborhood, which is almost exclusively residential in nature with the exception of churches and home occupations. This area includes a blend of multi-dwelling unit residential alongside single-family residential uses with a blend of homeowner and rental units. Along Cannon Street where the R-3 T#12 District exists, there are numerous residential multiple dwelling-unit properties to both the east and west of the subject parcel denoting a prevalence of non-conformities in existence already.

2. *Type and size of the proposed structure and improvements and their relative location on the subject*

property.

The applicant proposes construction of a nine-unit building. The proposed structure is two-stories tall with a shed roof, very similar in style and massing to the multiple dwelling-unit home to the west. The applicant is not requesting any variances for the building with this proposal. All other structures have already been removed.

3. *Historical uses, established use patterns, and recent changes and trends in the neighborhood.*

The site currently has the land use single dwelling-unit residential. The applicant's block of Cannon Street has other multiple dwelling-unit residential structures along it both to the east and west. Despite the stated intent of the R-3 T #12 District to serve as a buffer district between the B-2 District fronting Euclid Avenue and the lower-density R-2 District, the land use pattern in the area points to a prevalence of non-conformities – largely in the form of residential multiple dwelling-unit buildings. The applicant has already received approval from the City Commission for one such residential multiple dwelling-unit building located at 1240 Cannon Street in 2021.

4. *Conformity of the proposed use with the neighborhood plan, if one has been adopted.*

The subject area does now fall under an approved neighborhood planning area. Looking to the 2019 Growth Policy Land Use chapter, the City of Helena Future land Use map designates this area as Mixed-Use. This proposal would fit the definition of mixed-use by providing a place where people can live a short distance from a commercial corridor.

5. *Current and proposed pedestrian, vehicular, and bicycle traffic including ingress and egress, circulation, and parking.*

This proposal uses some on-street spaces to meet its off-street parking requirement as is allowed under §11-22-9-B. Four off-street parking spaces including ADA would be accessed off the alley.

The applicant will need to install new boulevard sidewalks on Cannon and Lincoln Streets in-keeping with City standards.

The estimated trip generation for the building is below the 200 trip per day threshold for requiring a traffic impact study.

6. *Whether the use is consistent with the Helena Climate Change Action Plan.*

This proposal will provide additional housing in a mixed-use area that is in close proximity to shopping, schools, and recreational opportunities. The CUP proposal, as mentioned in the analysis above, is not anticipated to add more than 200 vehicle trips per day to local rights-of-way. The parcel's proximity to other non-residential uses implies that future residents of the condominiums will have an opportunity to use non-vehicular means of transportation to go about daily activities. As a result, the proposal supports the overall goal of reducing carbon dioxide emissions into the atmosphere. The applicant. intends to use permeable pavers to reduce the impervious area to rainwater. At the time of this report staff has not determined if it will accept the proposed paving system.

7. *Whether the proposal meets the zoning dimensional standards requirements for the zoning district without the need for a variance.*

The proposal will meet the district dimensional standards and not require a variance

8. *Hours of operation.*

Not applicable.

9. *Noise.*

Noise levels can be expected to be typical of a nine dwelling-unit building.

10. *Glare.*

Proposed structure will not result in an unusual amount of glare.

11. *Odor.*

There are no expected new odors to be produced from the proposal.

12. *Expressed public opinion related to factors identified above.*

As of Wednesday, 02/08/2023, no public comments have been given for this proposal.

RECOMMENDATION

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-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana, with the following conditions:

1. A building permit must be submitted for within one (1) year.
2. All conditions must be met within one year of CUP approval, as per Section 11-3-9 of the Helena City Code.

Conditional Use Permit Application for a 9-unit Residential Structure located at 1000 Cannon Street, Helena, MT 59601.

Prepared by Erik Gorman, December 2022. Updated January 2023.

- A person desiring a conditional use permit shall apply to the City on the appropriate forms and pay any required fees.
- Type and extent of the proposed use.
    - *9-unit residential structure to provide housing for Helena residents.*
- Site Plan showing the proposed and current location of:
    - Pedestrian, vehicular, and bicycle ingress and egress to the property;
    - Parking and loading areas;
    - Landscaping and screening;
    - Solid waste collection areas;
    - Utilities;
    - Signs;
    - Lighting

        See attached Site Plan
- Proposed stormwater drainage plan.
    - *Per the City of Helena Engineering Division, a civil engineer designed stormwater drainage plan is required if the project results in a net increase of 5,000 square feet or more of impervious surfaces. The net increase of impervious surface for this project will be less than 5,000 square feet through the use of permeable pavers for the parking area. Stormwater will be retained as necessary so as to not negatively impact neighboring properties.*
- Traffic impact study for any use that will generate more than two hundred vehicle trips a day.
    - *N/A (this project will not result in more than two hundred vehicle trips a day).*
- Vicinity map of the area showing the location of the property in relation to surrounding land and zoning in the immediate area, water and wastewater mains, other utilities, and city streets.
    - *See attached Vicinity Map showing surrounding zoning. Please see the attached site plan for locations of water and wastewater mains, other utilities, and city streets.*
- Planned modifications to the existing structure.
    - *N/A. No structures currently exist at the property.*
- Preliminary architectural drawings for new construction with elevations that include building heights.
    - *See attached drawings.*
- An evaluation of the impacts on the abutting properties and the neighborhood with respect to the factors identified in section 11-3-5B. The evaluation must address any potential adverse impacts and how any such adverse impacts will be mitigated.
    - *This project will not adversely impact abutting properties or the neighborhood.*
- Expected time when permitted conditional use will commence.

    - *March 2023.*
- Variances requested.
    - *No variances requested.*
- The proposed conditional use, as conditioned, will not adversely impact public health, safety, or general welfare.
    - *Being residential construction, this project will not adversely impact public health, safety, or general welfare.*
- The proposed conditional use, as conditioned, will not adversely impact the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located.
    - *Being residential construction, this project will not adversely impact the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located.*
- Location, character, and natural features of the subject property as it currently exists.
    - *This project will take place at 1000 Cannon St, Helena, MT 59601. This is a gently sloping parcel located across the alley from the parking lot for the Early Bird Cafe . There are no remarkable natural features.*
- Type and size of the proposed structure and improvements and their relative location on the subject property.
    - *The proposed structure is a two-story, nine-unit residential apartment building with a footprint of approximately 3,564 square feet. Please refer to the attached site plan for details regarding improvements and their relative locations on the property.*
- Historical uses, established use patterns, and recent changes and trends in the neighborhood.
    - *This neighborhood is residential with commercial use across the alley. The occupants of the neighborhood are a mix of homeowners and renters. There are several multi-family structures on Cannon Street west of the proposed building site.*
- Conformity of the proposed use with the neighborhood plan, if one has been adopted.
    - *To my knowledge there is currently no neighborhood plan in place.*
- Current and proposed pedestrian, vehicular, and bicycle traffic including ingress and egress, circulation, and parking.
    - *Current: Pedestrians use the existing sidewalk on the east side of Lincoln Street. Vehicles park on Lincoln Street and Cannon Street and drive on the alley on the north side of the property. Bicycles use the alley and adjacent streets.*
    - *Proposed: Sidewalks will be installed along Cannon Street and Lincoln Street. Vehicles will continue to be able to park on the adjacent streets and drive along the alley. Three off-street parking spaces, plus one van accessible ADA parking space, will be provided as shown on the Site Plan. Six additional parking spaces are shown along Lincoln and Cannon Streets. This parking plan meets the City Zoning Division requirements for R-3 multi-family construction.*
- Whether the use is consistent with the Helena Climate Change Action Plan.

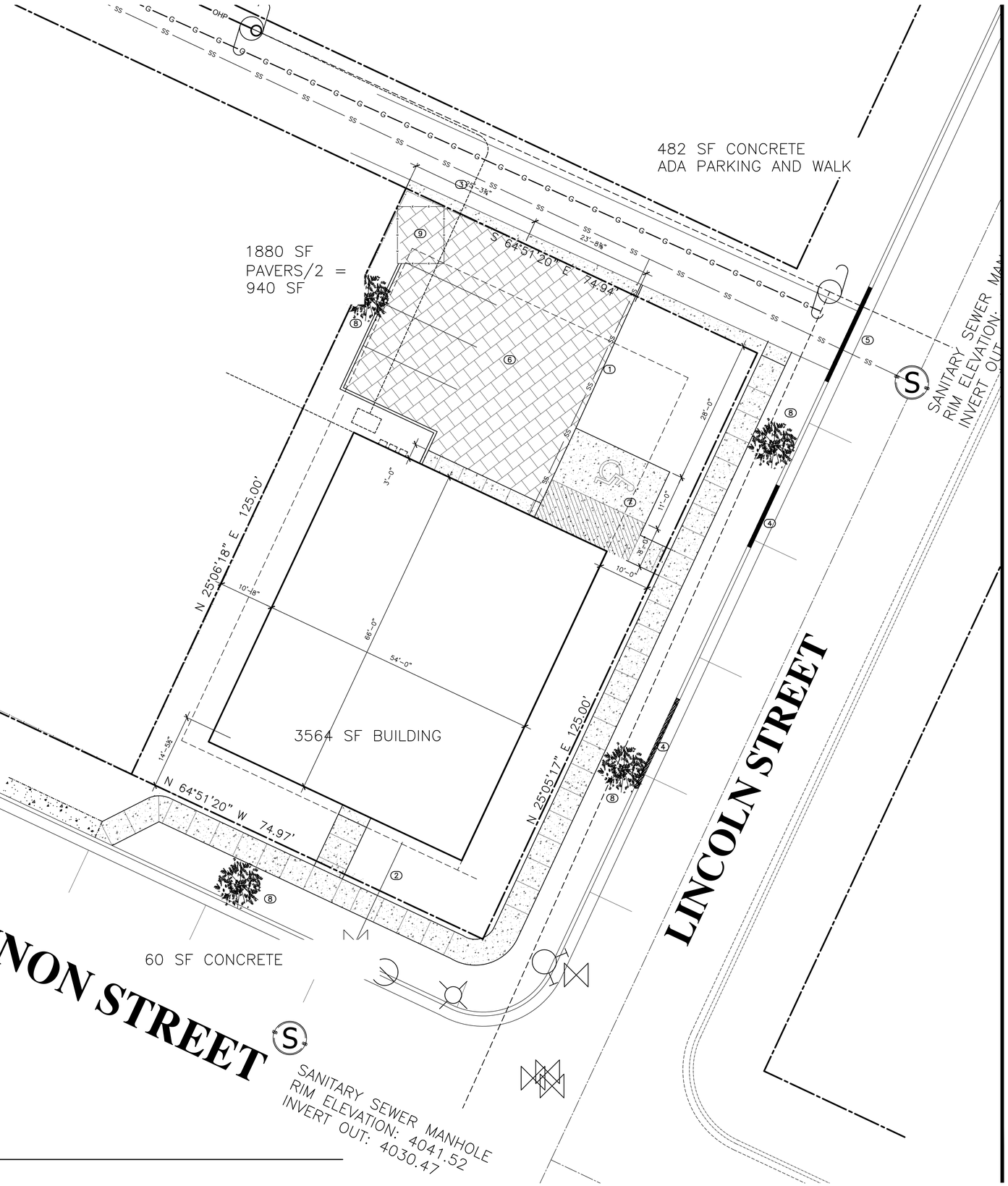
    - *This project will provide housing within Helena city limits. The occupants will enjoy close proximity to shopping, schools, and recreation.*
- Whether the proposal meets the zoning dimensional standards requirements for the zoning district without the need for a variance.
    - *The proposed project meets zoning dimensional standards requirements for the zoning district without the need for a variance.*
- Hours of operation.
    - *N/A (residential structure).*
- Noise.
    - *N/A (residential structure).*
- Glare.
    - *Proposed structure will not result in an unusual amount of glare.*
- Odor.
    - *N/A (residential structure).*
- Expressed public opinion related to factors identified above.
    - *To be determined during commission meetings.*

CODE REVIEW

PROJECT DESCRIPTION:	9–UNIT APARTMENT BUILDING (4) 2–BEDROOM UNITS (5) 1– BEDRROM UNITS (1) COMMON MECH/STORAGE ROOM
OWNER:	MICHELLE & ERIK GORMAN 1215 ALLISION ST, UNIT A HELENA, MT 59601
BUILDING CODES:	INTERNATIONAL BUILDING CODE 2021
LOCAL AUTHORITY:	CITY OF HELENA
WATER:	CITY OF HELENA
EXISTING LOT USE:	VACANT
PROPOSED USE:	MULTI–FAMILY RESIDENCE
EXISTING ZONE:	R–3–T #12 TRANSITIONAL RESIDENTIAL DISTRICT
ESTIMATED VALUATION:	$800,000
PARCEL #:	051887251390000 LOT AREA = 9,369 SF
BUILDING HEIGHT:	TWO–STORY, < 36 FEET
BUILDING AREA:	FIRE AREA UNDER ROOF 3,432 SF LIVING AREA FIRST FLOOR 2,290 SF LIVING AREA SECOND FLOOR 3,128 SF
CONSTRUCTION TYPE:	VB
OCCUPANCY TYPE:	R–2, FIRE SPRINKLERS REQUIRED
SEPARATION WALLS:	1 HR FIRE PARTITION & HORIZONTAL ASSEMBLY BETWEEN UNITS
SITE AREA:	.21 ACRES
BUILDING COVERAGE:	3,564 SF ROOF AREA/BUILDING AREA = 36.66% 482 SF OF CONCRETE SLAB ON GRADE (SIDEWALKS & PARKING) PARKING TO BE SURFACED WITH PAVERS OR GRASS PAVE SYSTEM 1,880 SF OF PERVIOUS PAVING MATERIAL = 940 SF TOTAL IMPERVIOUS SURFACE = 4,986 SF

CODED NOTES

1. NEW 6" SEWER TO LINE IN ALLEY
2. NEW DOMESTIC WATER AND FIRE LINE TO BUILDING
3. NEW UNDERGROUND ELECTRICAL FEED. BUILDING TO BE METERED SEPARATELY. 12 INDIVIDUAL APARTMENT UNITS AND ONE HOUSE PANEL
4. INFILL EXISTING DRIVEWAY CUTS
5. EXISTING DRIVE WAY TO REMAIN
6. PERVIOUS PAVERS UNDER PARKING AREAS
7. CONCRETE SLAB ON GRADE FOR ADA PARKING STALL. PROVIDE ADA COMPLIANT STRIPING AND SIGNAGE PER CITY OF HELENA CODES
8. NEW STREET TREES
9. 9'X11' FENCED IN TRASH ENCLOSURE
10.
11.



N

site plan

1" = 10' when printed at 24x36

REVISIONS

CUP APPLICATION

new apartment builidng for:

lincoln st. apartments

1000 CANON STREET
units 101-106 & 201-206
helena, mt 59601

a101

site plan

SHS NO.	2137	DRAWN	
DATE	10.21.21	REVIEWED	pah

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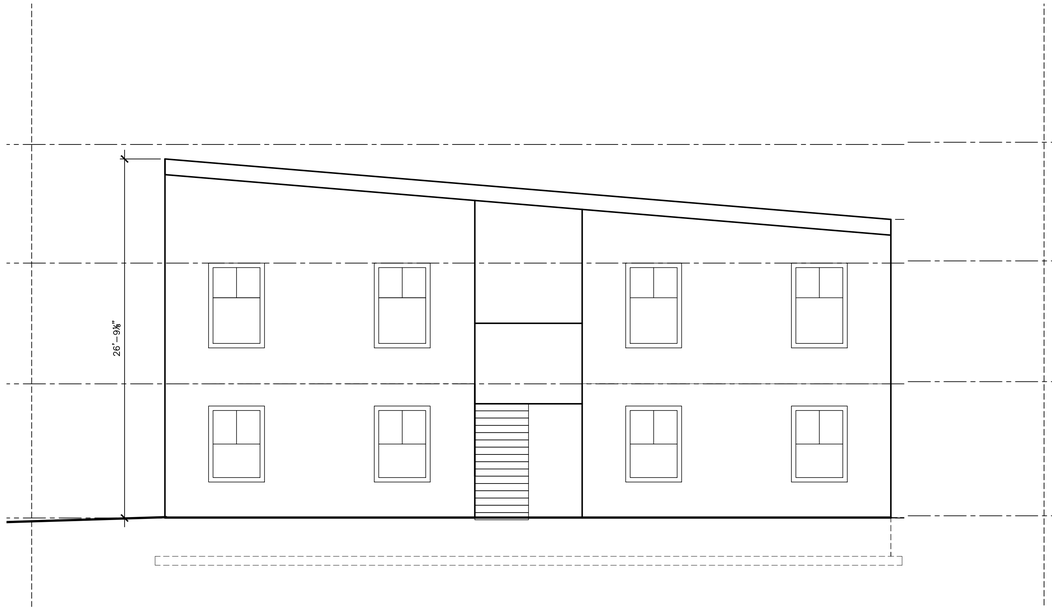
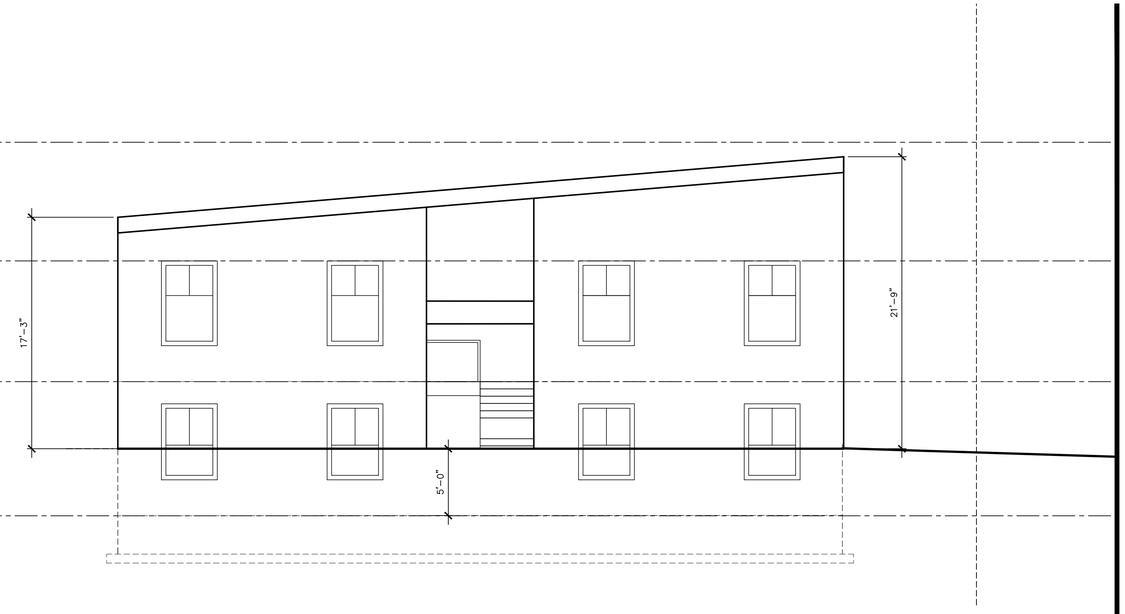
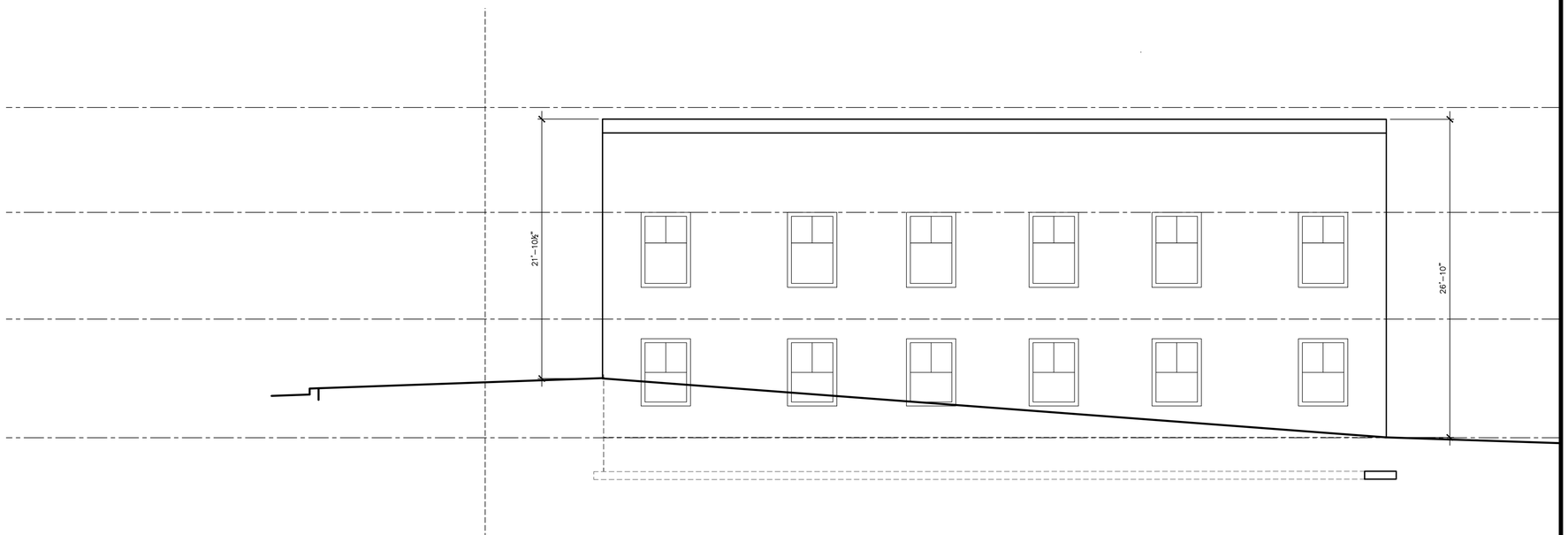


north elevation - alley



south elevation - cannon street

3/16"= 1'-0" when printed at 24x36



east elevation - lincoln street

REVISIONS

CUP APPLICATION

new apartment builidng for:

lincoln st. apartments

1000 CANON STREET
units 101-106 & 201-206
helena, mt 59601

a401

exterior elevations

SHS NO.	2137	DRAWN	
DATE	10.21.21	REVIEWED	pah

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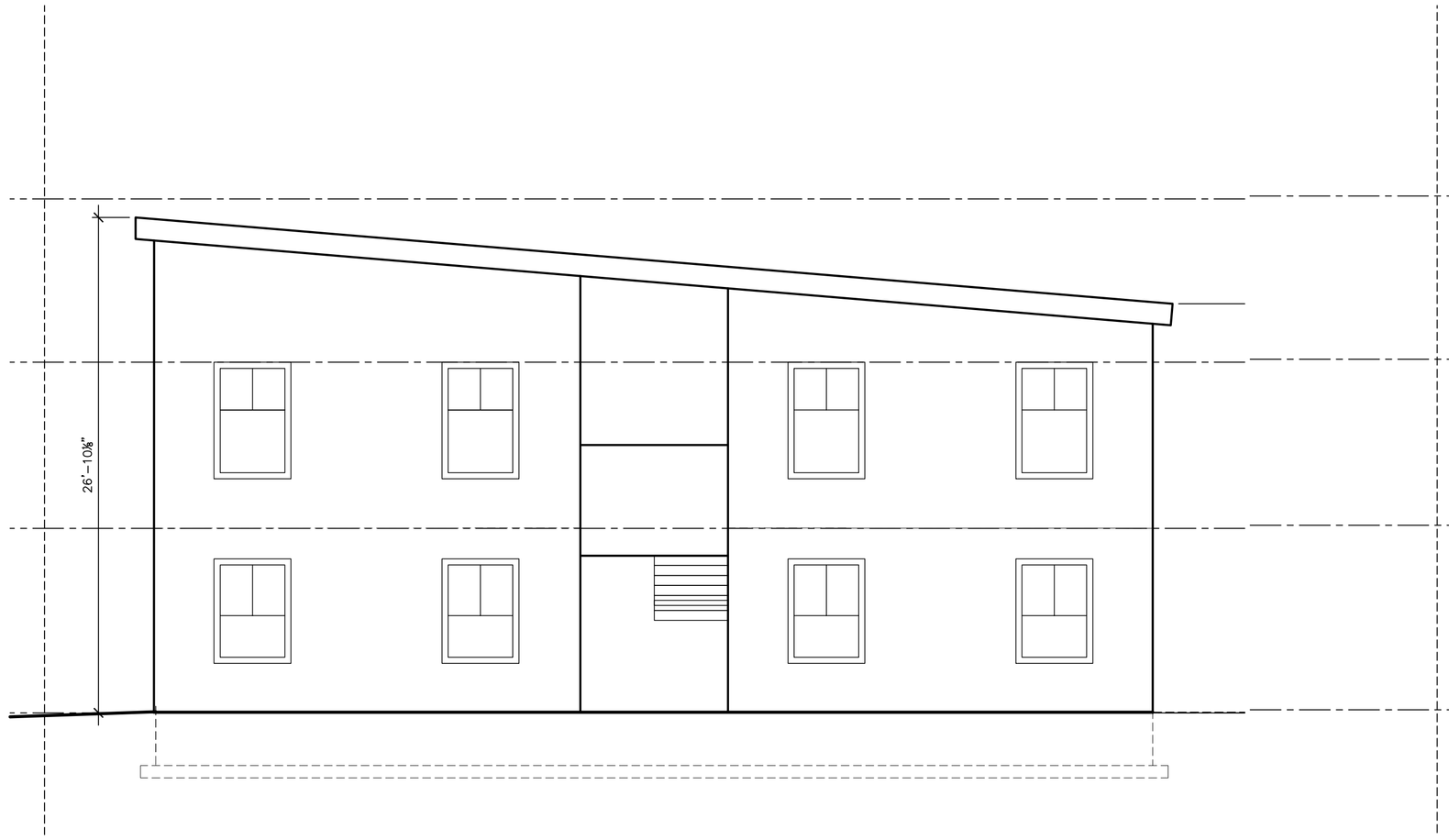
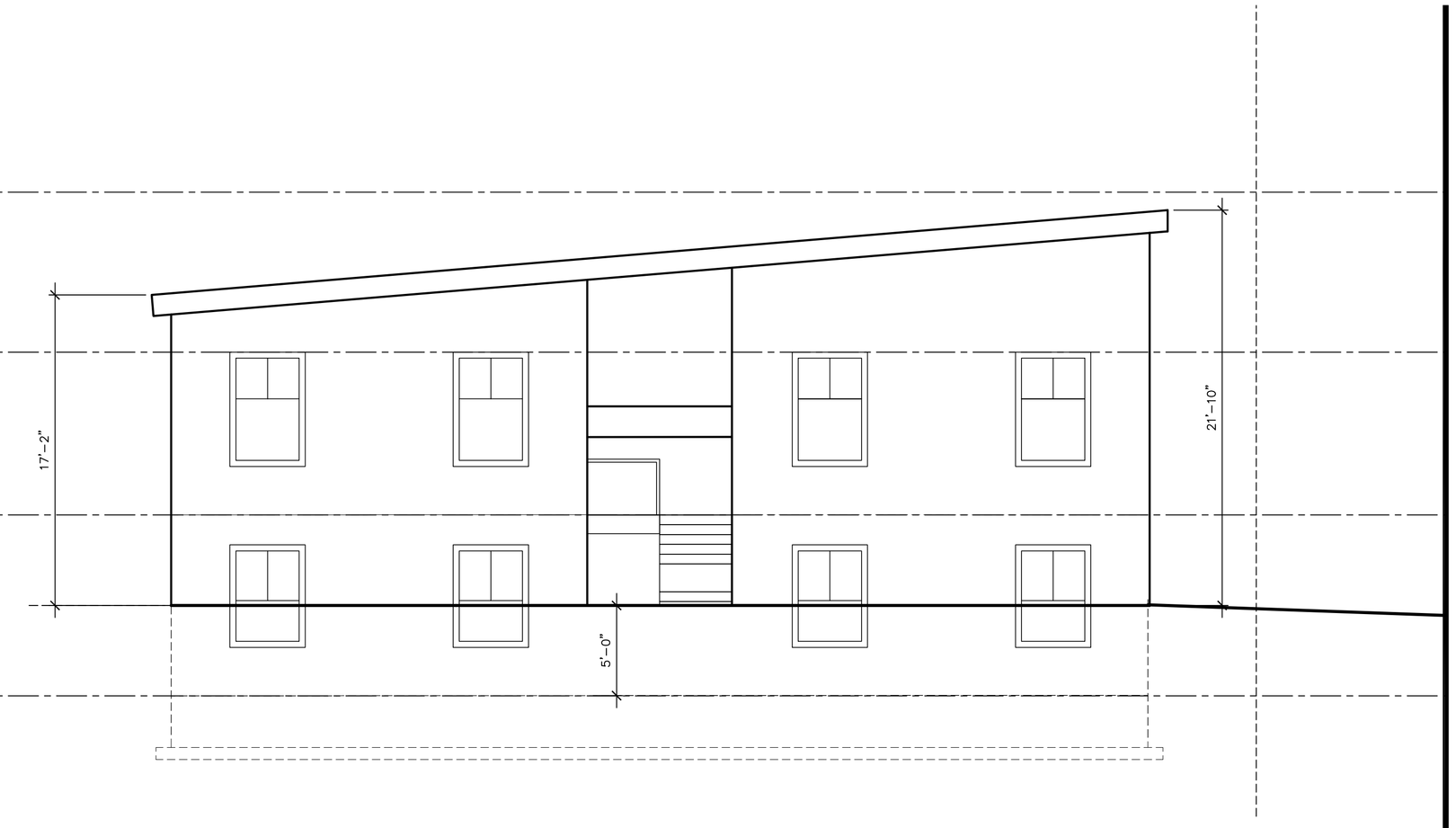
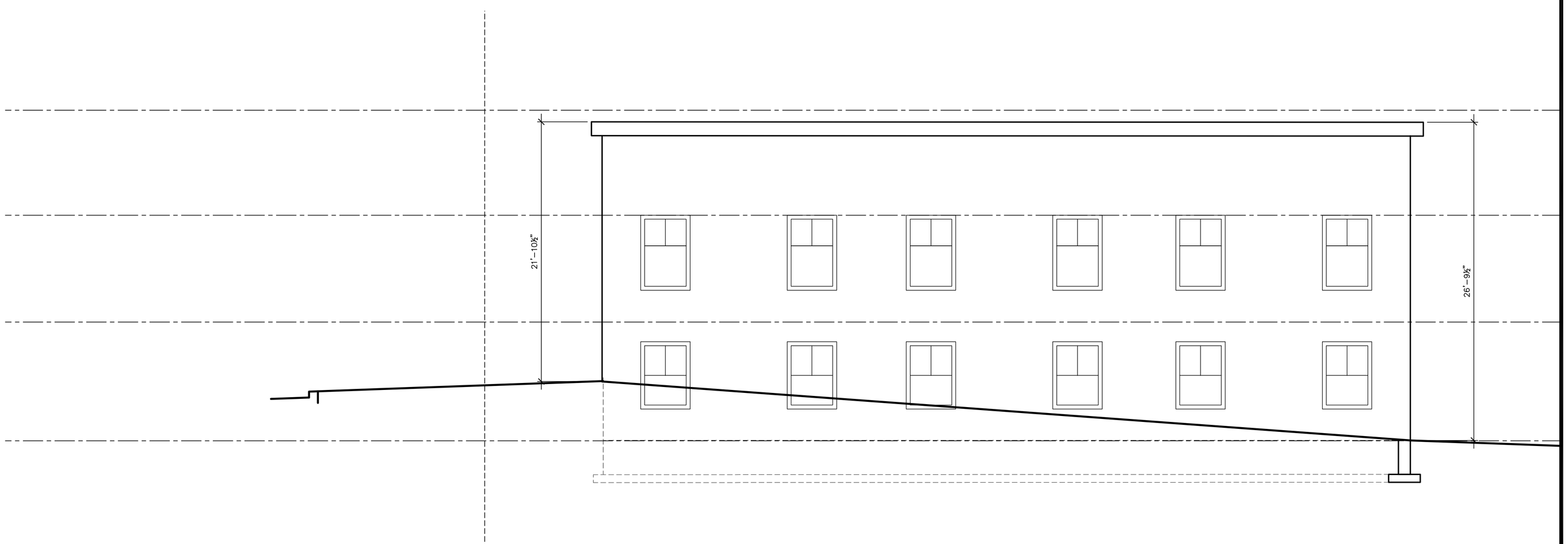


north elevation - alley



south elevation - cannon street

3/16"= 1'-0" when printed at 24x36



east elevation - lincoln street

REVISIONS

CUP APPLICATION

new apartment building for:

lincoln st. apartments

1000 CANON STREET
units 101-106 & 201-206
helena, mt 59601

a401

exterior elevations

SHS NO.	2137	DRAWN	
DATE	10.21.21	REVIEWED	pah

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PARTIAL AS-BUILITY/TOPOGRAPHICAL SURVEY OF

LOTS 17, 18, 19 IN BLOCK 66 OF THE CANNON ADDITION TO THE CITY OF HELENA, MONTANA. (BOOK M60, PAGE 9630)

PROPERTY OWNER: ERIK & MICHELLE GORMAN
PROPERTY ADDRESS: 1000 CANNON STREET
HELENA, MT 59601

ZONING: R-3-T Transitional Residential District

GEO CODE: 05-1887-25-1-39-09-0000, ASSESSMENT CODE: 0000004661.

NOTE:

(1) THIS PARTIAL AS-BUILT SURVEY IS NOT TO BE USED AS AN EXTENSIVE BOUNDARY SURVEY OR ENCROACHMENT SURVEY.
(2) THE BEARING/DISTANCES SHOWN AREA FOUND MEASUREMENTS AND WERE BASED FROM THE ORIGINAL SURVEYS/PLATS, ADJACENT FOUND MONUMENTS, AND STREET RIGHT-OF-WAYS.
(3) ALL UTILITIES DEPICTED ON THIS PARTIAL ASBUILT/TOPOGRAPHICAL SURVEY ARE FROM VISIBLE AND/OR OBSERVABLE EVIDENCE. RIES & ASSOCIATES, P.C. IS NOT RESPONSIBLE FOR THE LOCATION OR NATURE OF UTILITIES. CLIENT IS ADVISED TO CONTACT "ONE CALL" (811) LOCATE SERVICE AND UTILITY PROVIDERS PRIOR TO CONDUCTING ANY EXCAVATION/NEW CONSTRUCTION.
(4) BUILDING SET BACK LINES ARE NOT SHOWN ON THIS SURVEY. SEE ZONING FOR BUILDING SET BACKS.

LEGEND:

- ● TO BE SET 5/8" REBAR W/Y.P.C. (D.J. RIES 18368LS);
- △ FOUND 1/2" REBAR (ELEVATION: 4040.58);
- ○ CALCULATED POSITION, NOTHING FOUND/SET;
- Ⓢ EXISTING SANITARY SEWER MANHOLE;
- ⋈ EXISTING WATER GATE VALVE
- ⊘ EXISTING CURB STOP;
- EXISTING FIRE HYDRANT;
- Ⓒ COMMUNICATION MANHOLE
- EXISTING LIGHT POLE;
- EXISTING UTILITY POLE;
- —G—G—G— EXISTING GAS LINE;
- —SS—SS— EXISTING SANITARY SEWER LINE.

BASIS OF BEARINGS:
GPS CONTROL SURVEY, ROTATED TO GEODETIC NORTH.

BASIS OF VERTICAL:
LOCAL DATUM, BASED ON GPS HERE SHOT.

CONTOUR INTERVAL:
1/2 FOOT W/ONE FOOT INDEX CONTOUR LABEL.

30 0 30
GRAPHIC SCALE – FEET

1/4	SEC.	T.	R.
	25	10N	4W

P.M. MONTANA,
LEWIS AND CLARK COUNTY.
SHEET 1 OF 1

DATE: OCTOBER 04, 2022	PREPARED BY: RIES & ASSOCIATES PC. 6850 GREEN MEADOW DR. HELENA, MONTANA 59602
JOB NO.: 22151-AB-T	
FIELD BY: DJR, NFR	
DRAFTED BY: DJR	

MAP
—OF—
HAUSER, MING, CANNON AND BROADWATER #1
ADDITIONS TO HELENA.

Scale 200 ft. = 1 inch.

CUMMING & HOVEY
CIVIL AND MINING ENGINEERS

Acknowledgment

Be it known that the undersigned C.W. Cannon, D.A.G. Flowerree, A.J. Steele and S.C. Ashby Proprietors of the Hauser, and John H. Ming, Proprietor of the Ming; C.A. Broadwater Proprietor of the Broadwater, and C.W. Cannon, S.T. Hauser, Eliza Gillette and George H. Mullery Proprietors of the Cannon Addition to Helena, Situated in the S½ of Sec. 24 and N½ of Sec. 25 T.10 N.R.4 W. Principal Base and Meridian Montana, acknowledge and certify that we procured and caused to be made a Survey of the same of which this plat is a true plan thereof for the purpose of record, and we hereby elevote and dedicate the Streets and Alleys therein designated to the public use and benefit forever

In testimony whereof we have hereunto set our hands and seals this 6th day of May A.D. 1887.

Charles W. Cannon
D. A. G. Flowerree
A. J. Steele
S. C. Ashby
S. T. Hauser
Eliza Gillette
C. A. Broadwater.

Territory of Montana
Lewis and Clarke County } ss

Be it known that on this 18th day of May 1887. personally came before me a Notary Public C.W. Cannon, D.A.G. Flowerree, A.J. Steele, S.C. Ashby, C.A. Broadwater, S.T. Hauser, and Eliza Gillette, the signers and Sealers of the foregoing plat and acknowledged the same to be their free act and for the purpose therein expressed.

In witness whereof I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Notarial Seal

Geo. H. Hill
Notary Public

For partial vacation of Cannon Add: see 1½ of Misc. page 243.

Filed May 24th A.D. 1887 at 10.45 A.M.

W. E. Frederick Recorder,
By Wm. Taylor Deputy.

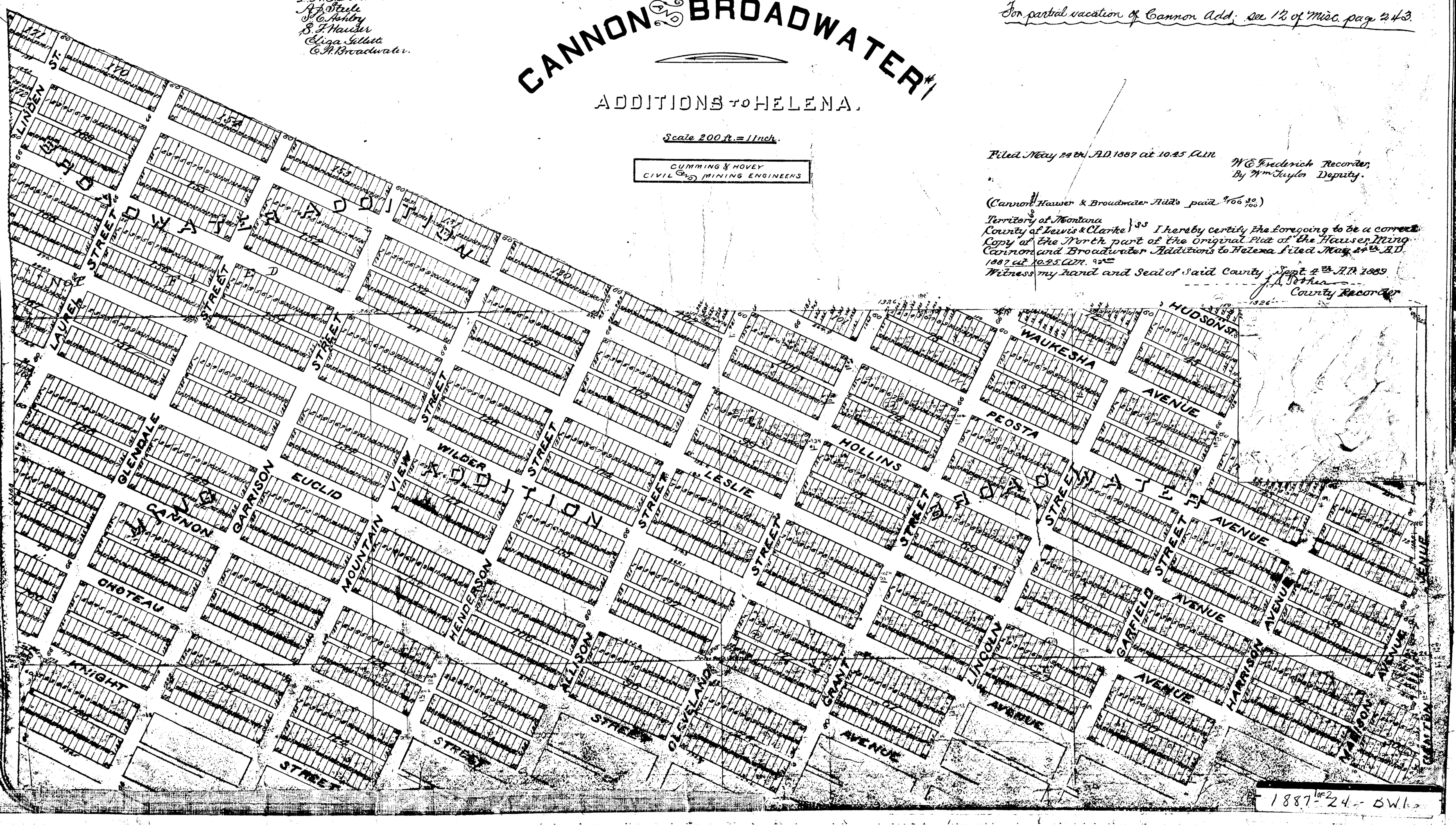
(Cannon Hauser & Broadwater Add's paid $66 90/100)

Territory of Montana
County of Lewis & Clarke } ss

I hereby certify the foregoing to be a correct Copy of the North part of the Original Plat of the Hauser, Ming, Cannon and Broadwater Additions to Helena filed May 24th A.D. 1887 at 10.45 A.M. 92nd

Witness my hand and Seal of Said County Sept 4th A.D. 1889

J. A. Rothe
County Recorder



Ordinance No. 1530 closing a portion which lies between Blk 26 + 29 of Broadwater addn. Recorded Oct. 24, 1905 Book page misc.

For partial vacation of Cannon Add see 12 of Misc. page 243.

" " " " " " " 56 of Deeds Bk 5.

For Rededication see Book 22 of Misc Records at page 219

I A.E. Cumming do solemnly swear that I made careful Survey of the Hauser, Ming, Cannon and Broadwater Additions to Helena, and that the Streets and Alleys are of the width stated in the foregoing remarks, and in figures on this plat and that said Additions have been laid out on the ground according to this plat and that said Additions embraces the N.E.¼ and part of the N.W.¼ of Sec. 25; S½ of S½ Sec. 24 and part of N.½ of S.W.¼ of Sec. 24 T. 10 N. R. 4 W. of prin. Mer. Montana. Being more particularly described as follows:

Beginning at ¼ Sec. Cor. on East bdy of Sec. 25. thence North along Tp. line 1315 ft. to South line of Cemetery, thence West along Cemetery line 906 ft. to S. Mor. of Cemetery, thence North 668 ft. to N.W. Cor. of Cemetery, thence West along line between North and South ½ of S½ of Sec. 24 to Southerly side of Alley in Bl. No. 108, thence N. 64°25' W. to west bdy of Sec. 24. thence South along west bdy of Sec's 24 & 25 to S. bdy of Alley in Block No. 111. thence South Easterly along Southerly bdy. of said Alley 1895 ft. to the westerly side line of Lincoln St. thence South westerly along said westerly side line of Lincoln St. 528 ft. thence South Easterly along Southerly side line of University St. 1322 ft. to the South boundary of the N.W.¼ of Sec. 25. thence East along the South boundary of the N.½ of Sec. 25 to place of beginning

A.E. Cumming
Civil Engineer

Subscribed and sworn to before me this 4th day of May 1887
Albert S. Hovey
Notary Public in and for
Montana

Notarial Seal

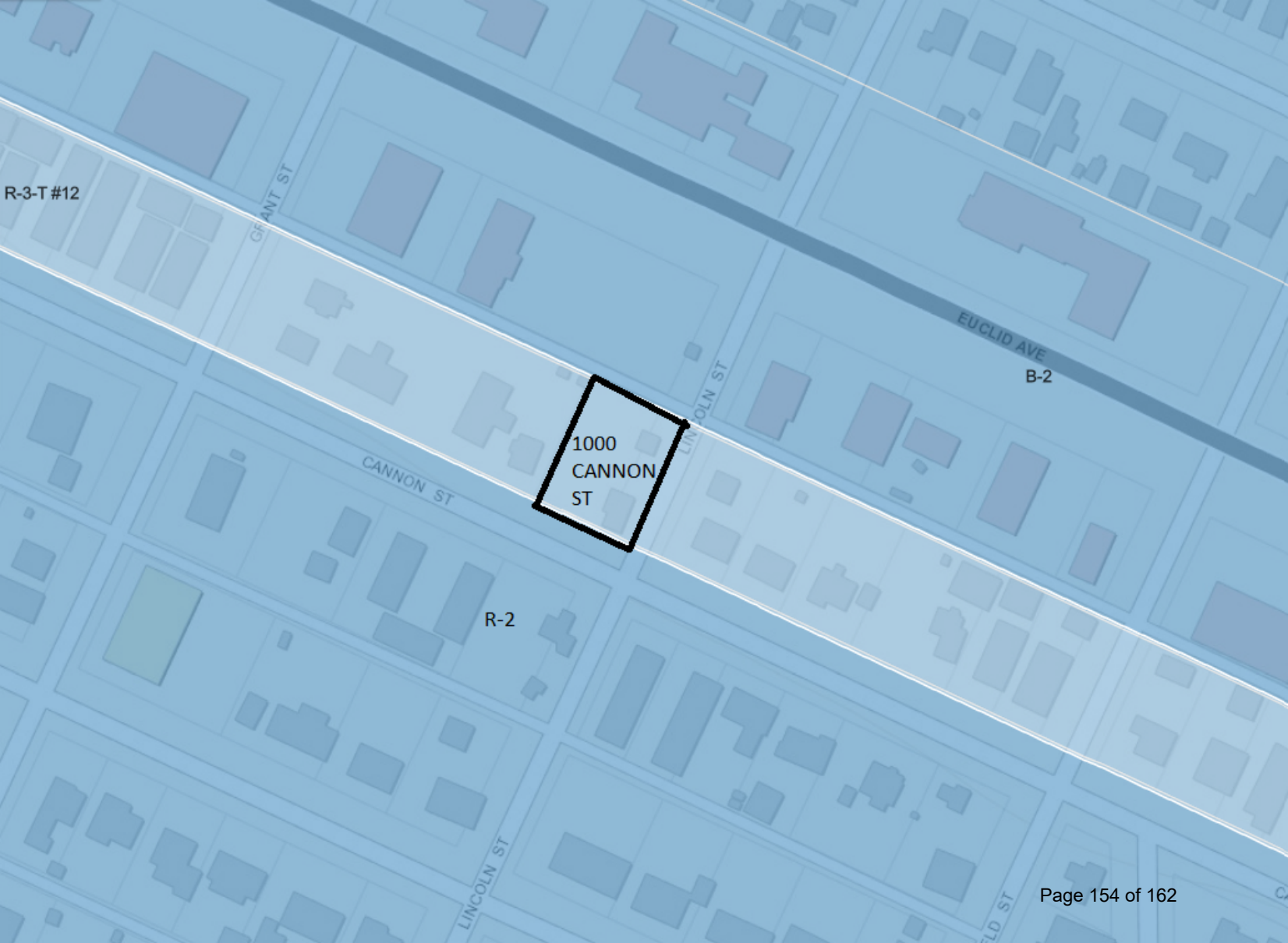
Territory of Montana } ss.
County of Lewis & Clarke

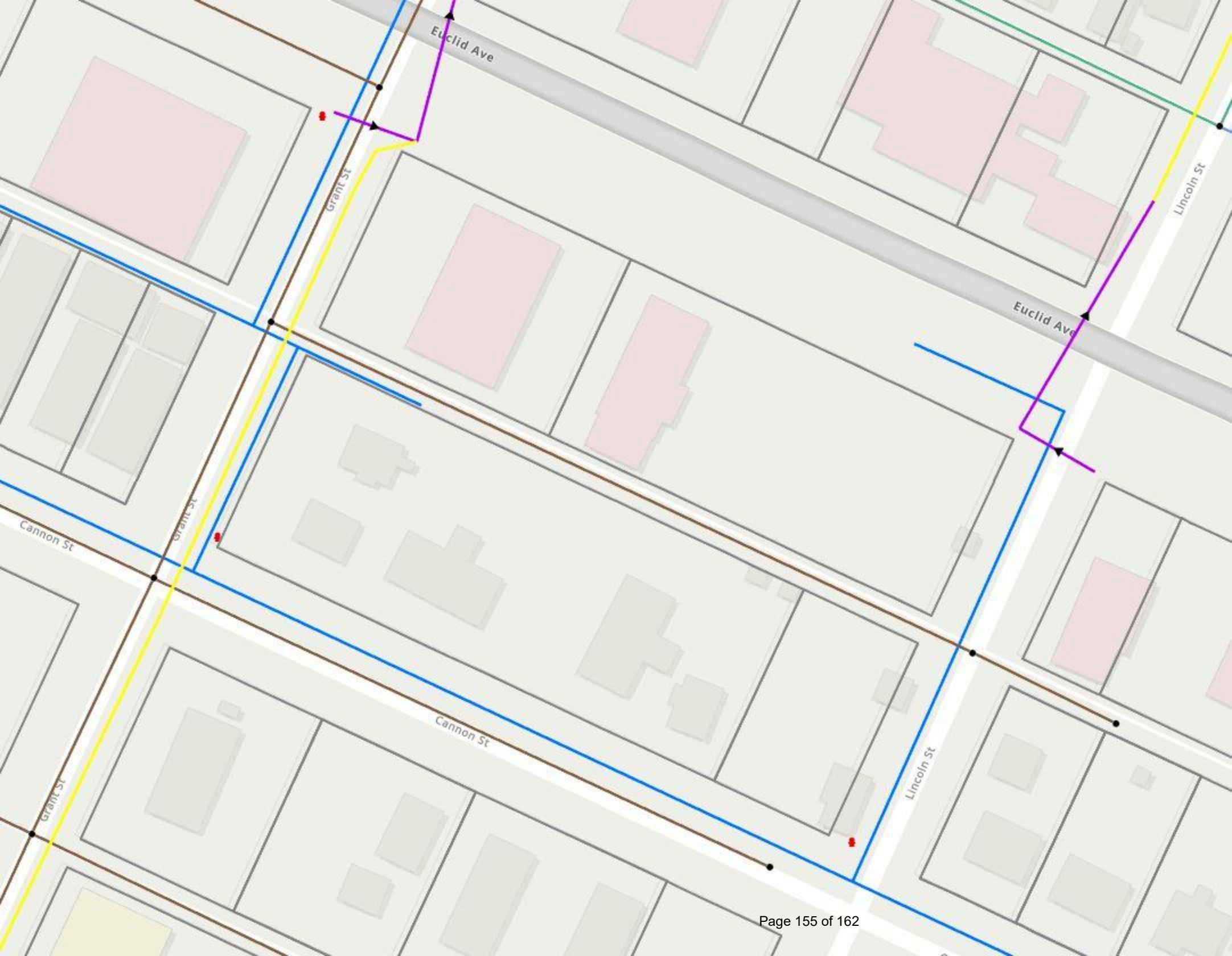
I hereby certify that the foregoing is a correct ~~such part of the~~ Copy of the Original Plat of the Hauser, Ming, Cannon and Broadwater Additions to Helena, filed May 24th AD 1887 at 10.45 A.M.

Witness my hand and Seal of said County. Sept. 4th A.D. 1889

J.B. Tooker
County Recorder

1887--24 Cannon Addition
Hauser Addition
2 of 2


R-3-T #12
GRANT ST
EUCLID AVE
B-2
LINCOLN ST
1000
CANNON
ST
CANNON ST
R-2
LINCOLN ST


Euclid Ave
Euclid Ave
Grant St
Grant St
Grant St
Lincoln St
Lincoln St
Cannon St
Cannon St

CITY PLANNING DIVISION
ATTN ZONING COMMISION PUBLIC HEARING
316 NORTH PARK AVENUE RM 445
HELENA MT 59623

To whom it may concern:

I want to bring up a few things that will impact the area on Cannon and Lincoln especially if there is going to be more than three units, which will add a substantial amount of people and vehicles in the area.

If you plan to have more than three units what are your plans for parking and the ability for snowplows and street sweepers to get through the area on an already congested street? We already have issues with cars that park all around our property including directly Infront of our front door. I'm sure our corner lot is going to be impacted greatly by visitors even if parking spots are designated on the lot.

How long do you intend construction to take and how early/ late will this go on? All last year we were woken up way before dawn to loud construction to our south, turning any machine they could on promptly at 6am and now we will have another multiple years' worth of construction? You can imagine how stressful this is for us. It's exhausting having to deal with consistent construction noises when you're just trying to relax in your own home.

When it says 3+ units, how many units are you attempting to fit on this lot? I understand the need for more housing, but it feels like this area is trying to put people directly on top of each other to get the most amount of profit instead of providing comfortable affordable housing to our Helena community.

Thank you,

Ashley Miller

1003 Cannon St

Michael Alvarez, Planner II
Community Development Department
316 North Park Avenue, Rm. 445
Helena, MT 59623

Phone: 406-447-8459
Fax: 406-447-8460
Email: malvarez@helenamt.gov

helenamt.gov

February 03, 2023

TO WHOM IT MAY CONCERN: A land use change is being proposed in your area. Please review the enclosed description, and vicinity map. You may respond to the proposal at the public hearing or submit written comments prior to the February 14, 2023 Zoning Commission public hearing to the City Planning Division, 316 North Park, Helena MT 59623.

The Helena Zoning Commission will hold a public hearing on the CUP request on Tuesday, February 14, 2023 at 5:30 p. m. via Zoom at https://zoom.us/j/92989300533**, Meeting ID: 929 8930 0533. Dial in at** (346) 248-7799 **or find your local Zoom phone number by going to https://zoom.us/u/a7dWq98hm.**

PROPOSAL (Zoning Commission):
To 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-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

The Helena City Commission will hold a public hearing on the CUP request on Monday, February 27, 2023, at 6:00 p. m. via Zoom at https://us06web.zoom.us/j/81262666408**, Webinar ID:** 812 6266 6408**. Dial in at** US: +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 564 217 2000 or +1 646 931 3860 or +1 929 205 609
or find your local Zoom phone number by going to https://us06web.zoom.us/u/kbjK8OXjE1

Interested parties are encouraged to attend this meeting. We may not be able to reach all who may be interested in this application, and we encourage you to talk to your neighbors about this proposal.

PROPOSAL (City Commission):
Consideration of a resolution granting a Conditional Use Permit to allow a Residence, multiple-dwelling units (3 or more units) use in the R-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

ADDRESS:
1000 Cannon St, Helena, MT, located in a R-3 T#12 (Residential) zoning district.

GENERALLY LOCATED:
This property is generally located on the northwest corner of Cannon St and Lincoln St.

If you have questions concerning the proposed change, please contact the City Planning Division of the Community Development Department at (406) 447-8459.

Sincerely,

Michael Alvarez, Planner II

1000 Cannon St

Legend

- 304 Clancy St
- OwnerParcel
- OSR Open Space - Residential District
- R-1 Residential District - Large Lot
- R-2 Residential District
- R-3 Residential District
- R-4 Residential Office District
- R-O Residential Office District
- R-U Residential Urban District
- TR Transitional Residential
- DT Downtown
- B-1 Neighborhood Business District
- B-2 General Commercial District
- B-3 Central Business District
- Airport
- PLI Public Lands & Institutions District
- CLM Commercial Light Manufacturing District
- MI Manufacturing & Industrial District
- PUD Planned Unit Development

N

0 0.0325 0.065 0.13 0.195 0.26 Miles

Customer Ad Proof

102-60120441 CITY OF HELENA Order Nbr 146741

Publication	**Helena Independent Record**		
Contact	CITY OF HELENA	PO Number	
Address 1	316 N PARK AVE RM 320	Rate	HEL Legal Folio
Address 2		Order Price	52.00
City St Zip	HELENA MT 59601	Amount Paid	0.00
Phone	4064478417	Amount Due	52.00
Fax			
Section	Legal	Start/End Dates	03/12/2023 - 03/12/2023
SubSection		Insertions	1
Category	0701 Legals Helena	Size	90
Ad Key	146741-1	Salesperson(s)	HEL Legals
Keywords	Notice of PH 3.27.23	Taken By	Jamie Narjes
Notes			

Ad Proof

NOTICE OF PUBLIC HEARING

The Helena City Commission will hold public hearings on Monday, March 27, 2023, at 6pm. The meeting will be conducted in a hybrid format, both in City Commission chambers and utilizing the Zoom meeting platform. Please check www.HelenaMT.gov/meetings for the full agenda of items being heard including the following proposals:

• Consideration of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-4 (Residential) for properties legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition,

AND;

The south half of lots 13-16 in Block 39 of the Broadwater Addition, both to the City of Helena, Lewis and Clark County, Montana;

These properties are located at 1312 Harrison Ave and 601 Wilder Ave.

• Consideration of a resolution granting a Conditional Use Permit to allow a Residence, multiple-dwelling units (3 or more units) use in the R-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

This Property is located at 1000 Cannon St.

This meeting can be accessed via the online meeting platform zoom at: https://us06web.zoom.us/j/81262666408

Or Telephone:

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833

Meeting / Webinar ID: 812 6266 6408

Public comment will be taken up to and at the above meeting. If you wish to submit written comments prior to the meeting please send them in via email to malvarez@helenamt.gov or mail to Michael Alvarez, Community Development Department, Room 403, 316 N. Park Ave, Helena MT, 59623. For any questions, please call 406-447-8459.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: (406) 447- 8490; TTY Relay Service 1-800-253-4091 or 711; Email: Citycommunitydevelopment@helenamt.gov; Mailing Address & Physical Location: 316 North Park, Avenue, Room 445, Helena, MT 59623

March 12, 2023 146741 **MNAXLP**

Customer Ad Proof

102-60120441 CITY OF HELENA Order Nbr 141744

Publication	**Helena Independent Record**		
Contact	CITY OF HELENA	PO Number	
Address 1	316 N PARK AVE RM 320	Rate	HEL Legal Folio
Address 2		Order Price	65.00
City St Zip	HELENA MT 59601	Amount Paid	0.00
Phone	4064478417	Amount Due	65.00
Fax			
Section	Legal	Start/End Dates	01/29/2023 - 01/29/2023
SubSection		Insertions	1
Category	0701 Legals Helena	Size	112
Ad Key	141744-1	Salesperson(s)	HEL Legals
Keywords	NOPH 2-14-23	Taken By	Citlalli Rangel
Notes			

Ad Proof

NOTICE OF PUBLIC HEARING

The **Helena Zoning Commission** will hold public hearings for the following items on **Tuesday, February 14, 2023, at 5:30pm**: The hearings will be conducted as hybrid in-person and online meeting utilizing the Zoom meeting platform. The meeting will serve to consider the following proposals:

1. To make a recommendation on the pre-zoning for Craftsman Village Phases 8, 9, & 10 of the Mountain View Meadows Major Phased Subdivision, creating 208 lots and ROW from approximately 32.268 acres. The proposed subdivision is generally located east of Craftsman Village Phase 7 of the Crossroads at Mountain View Meadows Subdivision and is a subdivision of Tract A-1-A-1-A-1- A-1-A-1-A-1 of Amended Plat Number 3386391 located within the South ½ of Section 26, and the North ½ and Southeast ¼ of Section 35, Township 10 North, Range 3 West, P.M.M, Lewis and Clark County, Montana.

2. To make a recommendation on an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-4 (Residential) for properties legally described as the north half of lots 13-16 in Block 39 of the Broadwater Addition,

AND;

The south half of lots 13-16 in Block 39 of the Broadwater Addition, both to the City of Helena, Lewis and Clark County, Montana;

3. To 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-3 T#12 (Residential) Zoning District for property legally described as Lots 17-19 in Blk 66 of the Cannon Addition to the City of Helena, Lewis and Clark County, Montana.

https://zoom.us/j/92989300533

Meeting ID: 929 8930 0533

Dial in at 1(346) 248-7799

or find your local number at: **https://zoom.us/u/a7dWq98hm**

The Zoning Commission will consider all written and oral comments. Public comment will be taken up to and at the above meeting. If you wish to submit written comments prior to the meeting please send them in via email to **malvarez@helenamt.gov** or mail to Michael Alvarez, Community Development Department, Room 403, 316 N. Park Ave, Helena MT, 59623. For any questions,

please call Michael Alvarez, Planner II at 406-447-8459.

Rebecca Harbage

Zoning Commission Chair

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: (406) 447- 8490; TTY Relay Service **1-800-253-4091** or 711; Email: **Citycommunitydevelopment@helenamt.gov**; Mailing Address & Physical Location: 316 North Park, Avenue, Room 445, Helena, MT 59623.

January 29, 2023 141744 **MNAXLP**

Shopping Cart: 0 items [$0.00]

New Search | History | Payoff | PayTaxes | Help

Property Tax ID: 4661

Status: Current
Realware#: 188725139090000
Receipt: 16446

2022 Owner(s):
GORMAN ERIK & MICHELLE

Mailing Address:
1240 CANNON ST
HELENA, MT 596012149

Levy District:
01-01, Tax District 01

2022 Value:

Market: $61,500
Taxable: $830

Detail

2022 Taxes: View Pie Charts

First Half: $682.92 **Due:** 11/30/2022
Second Half: $682.90 **Due:** 5/31/2023
Total: $1,365.82

Detail

2022 Payments:

First Half: $700.30
Second Half: $682.90
Total: $1,383.20

(May include penalty & interest)

2022 Legal Records:

Geo Code: 05-1887-25-1-39-09-0000 **Deed Book:** M60 **Page:** 9630 **Instru#:** 3397537 **Date:** 2022-04-28

Property address: 1000 CANNON ST, HELENA MT 59601
Subdivision: (CNN) SubDiv CNN **Lot:** 17 **Block:** 66
TRS: T10 N, R04 W, Sec. 25
Legal: CANNON ADDN, S25, T10 N, R04 W, BLOCK 66, Lot 17 - 19
Acres: 0.22

Note: The accuracy of this data is not guaranteed. Property Tax data was last updated 03/10/2023 03:00 PM.

Send Payments to:
Lewis & Clark County
316 North Park Ave; Room #113
Helena, Montana 59623

Phone: (406) 447-8329
Email: propertytax@lccountymt.gov

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