

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
September 9, 2019 - 6:00 P.M.
City Commission Chambers, Room 330

- Time & Place** A regular City Commission meeting was held on Monday, September 9, 2019 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.
- Members Present** Mayor Collins requested Deputy City Clerk Clayborn call roll call: City Attorney Jodoin, Manager Cortez, Commissioner Haladay, Commissioner Noonan, and Commissioner O'Loughlin all responded present. Commissioner Wicks was excused.
- Pledge of Allegiance** Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.
- Minutes** The minutes of the August 26, 2019 Regular City Commission meeting were approved as submitted.
- Presentations** PRESENTATIONS
- Staff Report A. Edward Byrne Memorial Justice Assistance Grant (JAG)
- Chief of Police Steve Hagen reported the Helena Police Department has received funding from the Federal Bureau of Justice Assistance (BJA) for the past 18 years.
- The HPD is proposing to use its award to supplement a full-time detective's position that has been located in the Lewis and Clark County Attorney's Office. The detective serves as the liaison between the police department, county attorney's office, and the city prosecutor's office. This role allows him to coordinate information and developments from both law enforcement and prosecutors on case investigations. The detective actively works with the prosecution to prepare for trials and attends trials as a law enforcement expert.
- This grant requires the City of Helena and Lewis and Clark County Sheriff's Office to jointly submit the application. The allocation is set by the BJA for both the City of Helena and the Lewis and Clark County for a total of \$43,790. The city's award is \$29,146 and the county's award is \$14,644.
- The advantage of this grant is to retain one detective serving in the capacity of the liaison between the Helena Police Department, Lewis and Clark County Attorney's Office, and the City of Helena Prosecution Office. This position ensures tasks are completed in major cases and information shared and presented for prosecution.
- Chief Hagen recommended approval of acceptance of the JAG funding in the amount of \$29,146.
- Public Comment Mayor Collins asked for public comment. None was received
- Motion** Commissioner O'Loughlin moved to approve the acceptance of the JAG Funding in the amount of \$29,146.00. Commissioner Noonan seconded the motion. Deputy City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0.**
- B. Confirmation of Officer Jessica Cornell

Chief Hagen introduced Officer Jessica Cornell and gave brief remarks about her history on the Helena Police Department.

Officer Cornell thanked the Commission and gave brief remarks.

Motion

Commissioner O’Loughlin moved to approve the Confirmation of Officer Cornell. Commissioner Haladay seconded the motion.

Discussion

Commissioner Noonan welcomed Officer Cornell and recognized her as a Carroll College graduate.

Vote

Deputy City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O’Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0.**

Officer Cornell thanked the Commission and gave brief remarks.

Chief Hagen presented Officer Cornell with the Challenge Coin as a reminder of the dedication and respect of all officers in the community. Barb Hagen presented Officer Cornell with a gift in honor of the service to the community.

Proclamations

PROCLAMATIONS

A. Suicide Prevention Week

Mayor Collins presented a proclamation in note of Suicide Prevention Week to Suicide Prevention Coordinator of Lewis & Clark Public Health Jess Hegstrom.

Ms. Hegstrom accepted the proclamation and made brief remarks, stating tools and resources were available to those impacted by depression and suicide. St. Peter's health offered these resources.

Public Comment

Matt Furlong, local advisory council chair on behavioral health, thanked the Commission and Mayor for making a public proclamation.

Representative thanked the Mayor and commission for their public recognition of the epidemic of suicide, especially amongst youth. John Pruitt spoke to the Commission.

Consent Agenda

CONSENT AGENDA:

- A. Claims**
- B. Revised ordinance adding industrial wastewater regulations by amending Title 6, Chapter 6 of Helena City Code**
- C. Release of a portion of an existing 60 storm water easement located between lots 8 and 9 of Anderson Business Park, as shown in COS #3050024.**
- D. Appointment of Dannai Clayborn as the Interim Clerk of the Commission.**

City Manager Cortez recommended approval of the consent agenda, items A-D.

Public Comment

Mayor Collins asked for public comment, on items A - D. None was received.

Motion

Commissioner Haladay moved to approve the claims and consent agenda items, A-D. Commissioner Noonan seconded the motion.

Vote

Deputy City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0.**

Bid Award

BID AWARDS

A. HELENA SECONDARY DIGESTER COVER AND GAS PROCUREMENT PROJECT #19-13

Acting Public Works Director Eric Urban reported the East Secondary Digester cover at the City of Helena Wastewater Treatment Plant (WWTP) collapsed in September of last year. The failure is suspected to have been caused by a steel strut failure that caused ballast blocks to fall and the cover to fail. The cover became wedged inside the digester and the digester was removed from service. With only a single digester in service, the WWTP is operating with reduced digestion capacity and lacks unit redundancy. The West Secondary Digester continues to operate, however, repairs to the East digester are critical in order for the City to provide reliable digestion capacity.

The City received one bid for the Secondary Digester Cover and Gas Procurement Project #19-13 on July 30, 2019. The bidder, WesTech Engineering, Inc. submitted a responsible bid in the amount of \$357,402 for the digester cover and gas piping. The engineer's estimate for the project was \$450,000.

The cost for this project is budgeted from Wastewater Treatment capital funds as planned maintenance, upkeep and repair to the City's wastewater treatment system. It will improve reliability, operation and maintenance of the wastewater treatment plant.

Public Comment

Mayor Collins asked for public comment. None was received

Motion

Commissioner Noonan moved to award the Secondary Digester Cover and Gas Procurement Project #19-13 to the lowest bidder, Goble Sampson and Associates, in the amount of \$357,402.

Commissioner Haladay seconded the motion. Interim Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried 4-0.**

B. WESTSIDE WATER AND SEWER PHASE 1 AND 2, CITY PROJECT #18-15

Acting Public Works Director Eric Urban reported The City of Helena annexed the phase 1 and 2 of the Westside of Helena and as part of the annexation the City of Helena agreed to install water and sewer mains to all developable lots. The project will be funded by the City of Helena, a Montana Department of Environmental Quality State Revolving Fund Loan (SRF), and a TSEP grant. The City Commission will establish a reimbursement resolution for unserved lots to pay a proportional share of the main at the time the lots connect to City Services. The City utility funds will pay for replacing and upsizing any existing water and sewer mains, including the replacement of an old and

failing 14" water main in Cannon Street.

The City of Helena hired WWC Engineering in April of 2018 to design and manage the water and sewer main project. As part of the sewer design, it was discovered that the City needs an easement in the vacated Bradford Street right of way. Bradford Street was vacated by Lewis and Clark County and no utility easements were reserved. The City staff and WWC have working with the private property owners and the Helena School District to obtain the necessary easement. The easements are under negotiation but have not been finalized. As a result, the project was bid in two different schedules, so a portion of the project could be awarded and started as the easements are finalized. The hope was that the easements could be secured at the time of award, but the easements are taking longer than hoped. The whole project cannot be awarded at this time because of the TSEP and SRF funding. Both funding sources require all easements to be filed at time of award. As a result of the easement negotiation, the recommendation is to award the base part of the project to allow the construction to start this fall. The second part of the project will be awarded after easements are negotiated.

The City of Helena received 5 bids on August 13, 2019. The lowest responsible bidder was Helena Sand and Gravel of Helena, MT with a base bid of \$4,965,364. The City budgeted \$6,417,500 for the project.

Public Comment

Mayor Collins asked for public comment. None was received

Discussion

Commissioner O'Loughlin asked for clarification on the cost of the project, since the budgeted cost was \$6.4 million and the bid was in at \$4.9 million dollars. The Commissioner asked if the project had the potential to rise to the budgeted amount, should Staff bring forward the alternative measures outlined in Acting Director Urban's report. Acting Director Urban asked Jake Siska, project manager for WWC Engineering, to come forward to answer Commissioner O'Loughlin's question. Mr. Siska stated the costs would likely increase to the projected amount if the bid alternate were to be awarded.

Commissioner Noonan asked for clarification on the timeline. Mr. Siska stated the bid award was being proposed at this time due to the size and scope of the project and the project was projected to be finished in 2020.

Commissioner O'Loughlin asked how the easements which are being waited upon in the current proposals. Mr. Siska stated the easements negotiations were weighing upon the award and would in part determine if the bid alternate was to be used.

Commissioner O'Loughlin asked why the item was being considered at this time, due to the several aspects of the project, including the easements, not being settled of this time. Manager Cortez stated the item was brought forward with optimism the School District would award the easements. The Manager stated as of this day, it was the granting of the easements was unlikely.

Motion

Commissioner Haladay moved to award the Westside Water and Sewer Phase 1 and 2 base bid, City Project #18-15 the Helena Sand and Gravel in the amount of \$4,965,364. Commissioner Noonan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted

aye. **The motion carried 4-0.**

C. FRONT STREET IMPROVEMENTS, CHANGE ORDER TO ADD NEILL AND FULLER IMPROVEMENTS

Transportation Systems Director David Knoepke reported Reconstruction of Front Street from Neill Avenue to W. Lyndale Avenue was awarded to Helena Sand and Gravel in the amount of \$3,132,760.00 on February 11, 2019 and is currently under construction.

Reconstruction of the intersection of Neill and Fuller including a raised intersection at Neill and Front Street and storm sewer improvements were designed by KLJ Engineering and costs were provided by Helena Sand and Gravel for a change order to the Front Street Improvement contract. The total cost of the change order for Neill and Fuller Improvements is \$1,052,397.50 for a total contract cost of \$4,270,233.39.

Public Comment Mayor Collins asked for public comment. None was received

Motion Commissioner O'Loughlin moved to approve the change order to the Front Street Improvements Project for the Neill and Fuller Improvements to Helena Sand and Gravel in the amount of \$1,052,397.50. Commissioner Noonan seconded the motion.

Discussion Commissioner Haladay made brief supportive remarks of the project, especially concerning to the raised intersection.
Commissioner Noonan stated he was impressed with the work on the Front Street project.

Vote Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried 4-0.**

Communications from City Commissioners COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS
Mayor Collins congratulated Commissioner Wicks on the new addition to her family.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
City Attorney Jodoin gave an update on LR-130, the Supreme Court approved the ballot language drafted by the Attorney General's office.
The City was granted permission to file an Amicus Brief in the case involving the TenMile South Helena Watershed, and the brief filing date is September 27th, and a draft of the brief would be provided to the Commission for review

Discussion Commissioner Haladay stated he would like City to remain in contact with the League of Cities and Towns on this matter.

Report of the City Manager REPORT OF THE CITY MANAGER
City Manager Cortez no report given

Report from the HCC REPORT FROM THE HELENA CITIZENS COUNCIL
Nancy Perry, rep district 2, and stated on the 25th at the regular HCC meeting that a neighborhood group were proposing an alternative

design to the Beattie street design, and HCC would forward this alternative to the Commission for review.

Public Hearings

PUBLIC HEARINGS

Staff Summary

Community Development Director Sharon Haugen gave opening remarks on the Transitional Residential District Rezoning project. Director Haugen introduced City Planner Hillary Taylor for the staff report. Ms. Taylor gave a presentation on items A – J, presenting the area under consideration called “Downtown” as a group, which included items A – D. A period of discussion and public comment was held for those items. A motion and vote were held on items A – D. Ms. Taylor then gave a presentation on items E – J, considered the “Transitional” district. A period of discussion and public commentary was held on those items. A vote was then held for items E – J. The discussion and public commentary to follow.

Public Testimony

Mayor Collins declared the public portion of the hearing opened for items A – D and called for anyone wanting to address the commission. There being no persons wanting to address the commission, Mayor Collins closed the public portion of the hearing.

Discussion

Commissioner Noonan thanked and complimented Director Haugen and Planner Taylor for their work on the project and the extensive public commentary tabulated on this project.

Commissioner O’Loughlin asked for clarification on the timeline of the project and asked if the timeline allowed the zoning commission to take into account all public commentary on the matter. Ms. Taylor confirmed this.

- A. CONSIDER FIRST PASSAGE FOR AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA, FOR A ZONE CHANGE FROM B-2 (GENERAL COMMERCIAL) DISTRICT TO THE DT (DOWNTOWN ZONING) DISTRICT, FOR PROPERTIES GENERALLY LOCATED DOWNTOWN SOUTH OF LYNDALE AVENUE AND MEMORIAL DRIVE, AND EAST OF GETCHELL STREET, AND EAST OF THE ALLEY BETWEEN PARK AVENUE AND FULLER AVENUE, AND NORTH OF LAWRENCE STREET, AND WEST OF THE ALLEY BETWEEN LAST CHANCE GULCH AND JACKSON STREET, AND WEST OF CRUSE AVENUE, AND A SMALL PORTION WEST OF JACKSON STREET IN THE CITY OF HELENA, MONTANA.

Staff Report

Community Development Director Sharon Haugen reported On June 24, 2019 the City Commission approved Ordinance numbers 3256, 3257, 3258, 3259, 3260, 3261, and 3262 to put in place regulations for the DT (Downtown) and TR (Transitional Residential) Zoning Districts. Due to direction from these Ordinances, the Growth Policy and associated Neighborhood Plan for the downtown the City has applied to amend the zoning in the downtown area and adjacent areas.

Staff has been working with members of the Zoning Commission, City Commission, and the Helena Downtown Business Improvement District for over two years to gain consensus and develop a strategy to align the City with the proposed vision of the 2011 Helena Growth Policy and the 2016 Downtown Neighborhood Plan. On March

13, 2018 the Zoning Commission voted unanimously (4:0) to adopt an ordinance to establish the regulations for a Downtown Zoning District. On March 28, 2019 a public meeting was held at the Civic Center. To notify property owners and adjacent property owners about the meeting post cards were mailed, and a display ad was run in the Independent Record newspaper. The purpose of the meeting was to discuss the code, and the boundary was presented as it relates to the code. This meeting resulted in the Zoning Commission holding a work session April 16, 2019 where they discussed the issues that were raised during the March 28, 2019 meeting. As a result of this work session a few modifications were made to the code language and the boundaries. After much work and consideration, the ordinance was presented to the City Commission on June 10, 2019 for first passage and June 24, 2019 for final passage. The City Commission voted unanimously at both hearings to adopt the ordinances necessary to create the DT (Downtown) District and the TR (Transitional Residential) District.

The Zoning Commission heard and deliberated on all ten proposed rezone areas at the regularly scheduled hearing on August 13, 2019. Public comment was taken up to and at the meeting and is attached to this cover memo as a spread sheet and as the draft minutes from the meeting. In general, public comments have been inquiries as to how the proposed change would impact a specific property. At the meeting folks spoke in favor of the proposals except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential). Folks spoke against this proposal citing the dimensional limitations and the uses as too incongruous with the existing neighborhood. The Zoning Commission voted unanimously to recommend approval of all of the areas proposed for rezoning, except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential), where they voted unanimously to recommend denial of the proposed rezoning.

The proposal will create a consolidated zoning code for downtown that will provide predictability for property owners. The proposal will bring the downtown into accordance with long term plans for the downtown including the 2011 Growth Policy as amended by the 2016 Downtown Neighborhood Plan.

Director Haugen recommended approval of an ordinance amending the official zoning map for the City of Helena, for a zone change from B-2 (General Commercial) District to the DT (Downtown Zoning) district, for properties generally located downtown south of Lyndale Avenue and Memorial Drive, and east of Getchell Street, and east of the alley between Park Avenue and Fuller Avenue, and north of Lawrence Street, and west of the alley between Last Chance Gulch and Jackson Street, and west of Cruse Avenue, and a small portion west of Jackson Street in the City of Helena, Montana, as more particularly described in Exhibits 1,2, and 3.

Motion

Commissioner O'Loughlin moved to approve the ordinance amending the official zoning map for the City of Helena, for a zone change from B-2 (General Commercial) District to the DT (Downtown zoning) district, for properties generally located downtown south of Lyndale Avenue and Memorial Drive, and east of Getchell Street, and east of the alley between Park Avenue and Fuller Avenue, and north of Lawrence Street, and west of the alley between Last Chance Gulch and Jackson Street, and west of Cruse Avenue, and a small portion west of Jackson Street in the City of Helena, Montana, as more particularly described in Exhibits 1,2, and 3. Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted

aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0.**

Ordinance 3266

- B. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA, FOR A ZONE CHANGE FROM B3 (CENTRAL BUSINESS) DISTRICT TO THE DOWNTOWN ZONING DISTRICT, FOR PROPERTIES GENERALLY LOCATED DOWNTOWN SOUTH OF LYNDALE AVENUE, AND EAST OF KESSLER STREET AND EAST OF GETCHELL STREET, NORTH OF NEILL AVENUE, AND WEST OF LAST CHANCE GULCH, AND SOUTH OF LAWRENCE STREET, AND EAST OF PARK AVENUE, AND PORTION THAT IS WEST OF PARK AVENUE, NORTH OF WONG STREET, AND WEST OF CRUSE AVENUE IN THE CITY OF HELENA, MONTANA.

Staff Report

Community Development Director Sharon Haugen reported On June 24, 2019 the City Commission approved Ordinance numbers 3256, 3257, 3258, 3259, 3260, 3261, and 3262 to put in place regulations for the DT (Downtown) and TR (Transitional Residential) Zoning Districts. Due to direction from these Ordinances, the Growth Policy and associated Neighborhood Plan for the downtown the City has applied to amend the zoning in the downtown area and adjacent areas.

Staff has been working with members of the Zoning Commission, City Commission, and the Helena Downtown Business Improvement District for over two years to gain consensus and develop a strategy to align the City with the proposed vision of the 2011 Helena Growth Policy and the 2016 Downtown Neighborhood Plan. On March 13, 2018 the Zoning Commission voted unanimously (4:0) to adopt an ordinance to establish the regulations for a Downtown Zoning District. On March 28, 2019 a public meeting was held at the Civic Center. To notify property owners and adjacent property owners about the meeting post cards were mailed, and a display ad was run in the Independent Record newspaper. The purpose of the meeting was to discuss the code, and the boundary was presented as it relates to the code. This meeting resulted in the Zoning Commission holding a work session April 16, 2019 where they discussed the issues that were raised during the March 28, 2019 meeting. As a result of this work session a few modifications were made to the code language and the boundaries. After much work and consideration, the ordinance was presented to the City Commission on June 10, 2019 for first passage and June 24, 2019 for final passage. The City Commission voted unanimously at both hearings to adopt the ordinances necessary to create the DT (Downtown) District and the TR (Transitional Residential) District.

The Zoning Commission heard and deliberated on all ten proposed rezone areas at the regularly scheduled hearing on August 13, 2019. Public comment was taken up to and at the meeting and is attached to this cover memo as a spread sheet and as the draft minutes from the meeting. In general, public comments have been inquiries as to how the proposed change would impact a specific property. At the meeting folks spoke in favor of the proposals except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential). Folks spoke against this proposal citing the dimensional limitations and the uses as too incongruous with the existing neighborhood. The Zoning Commission voted unanimously to recommend approval of all of the

areas proposed for rezoning, except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential), where they voted unanimously to recommend denial of the proposed rezoning.

The proposal will create a consolidated zoning code for downtown that will provide predictability for property owners. The proposal will bring the downtown into accordance with long term plans for the downtown including the 2011 Growth Policy as amended by the 2016 Downtown Neighborhood Plan.

Motion

Commissioner O’Loughlin moved to approve first passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from B3 (Central Business) District to the Downtown Zoning district, for properties generally located downtown south of Lyndale Avenue, and east of Kessler Street and east of Getchell Street, north of Neill Avenue, and west of Last Chance Gulch, and south of Lawrence Street, and east of Park Avenue, and portion that is west of Park Avenue, north of Wong Street, and west of Cruse Avenue in the City of Helena, Montana, as more particularly described in Exhibits 1,2, and 3. Commissioner Noonan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O’Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0. Ordinance 3267**

- C. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA, FOR A ZONE CHANGE FROM PLI (PUBLIC LANDS AND INSTITUTIONS) DISTRICT TO THE DOWNTOWN ZONING DISTRICT, FOR PROPERTIES LOCATED DOWNTOWN GENERALLY BORDERED BY THE STREETS OF CRUSE AVENUE TO THE SOUTH, CRUSE AVENUE TO THE EAST, WEST LYNDALE AVENUE TO THE NORTH AND STUART STREET TO THE NORTH, AND BENTON AND PARK AVENUE TO THE WEST, IN LEWIS AND CLARK COUNTY, MONTANA, IN THE CITY OF HELENA, MONTANA.

Staff Report

On June 24, 2019 the City Commission approved Ordinance numbers 3256, 3257, 3258, 3259, 3260, 3261, and 3262 to put in place regulations for the DT (Downtown) and TR (Transitional Residential) Zoning Districts. Due to direction from these Ordinances, the Growth Policy and associated Neighborhood Plan for the downtown the City has applied to amend the zoning in the downtown area and adjacent areas.

Staff has been working with members of the Zoning Commission, City Commission, and the Helena Downtown Business Improvement District for over two years to gain consensus and develop a strategy to align the City with the proposed vision of the 2011 Helena Growth Policy and the 2016 Downtown Neighborhood Plan. On March 13, 2018 the Zoning Commission voted unanimously (4:0) to adopt an ordinance to establish the regulations for a Downtown Zoning District. On March 28, 2019 a public meeting was held at the Civic Center. To notify property owners and adjacent property owners about the meeting post cards were mailed, and a display ad was run in the Independent Record newspaper. The purpose of the meeting was to discuss the code, and the boundary was presented as it relates to the code. This meeting resulted in the Zoning Commission holding a work session April 16, 2019

where they discussed the issues that were raised during the March 28, 2019 meeting. As a result of this work session a few modifications were made to the code language and the boundaries. After much work and consideration, the ordinance was presented to the City Commission on June 10, 2019 for first passage and June 24, 2019 for final passage. The City Commission voted unanimously at both hearings to adopt the ordinances necessary to create the DT (Downtown) District and the TR (Transitional Residential) District.

The Zoning Commission heard and deliberated on all ten proposed rezone areas at the regularly scheduled hearing on August 13, 2019. Public comment was taken up to and at the meeting and is attached to this cover memo as a spread sheet and as the draft minutes from the meeting. In general, public comments have been inquiries as to how the proposed change would impact a specific property. At the meeting folks spoke in favor of the proposals except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential). Folks spoke against this proposal citing the dimensional limitations and the uses as too incongruous with the existing neighborhood. The Zoning Commission voted unanimously to recommend approval of all of the areas proposed for rezoning, except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential), where they voted unanimously to recommend denial of the proposed rezoning.

The proposal will create a consolidated zoning code for downtown that will provide predictability for property owners. The proposal will bring the downtown into accordance with long term plans for the downtown including the 2011 Growth Policy as amended by the 2016 Downtown Neighborhood Plan.

Community Development Director Haugen recommended approval of first passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from PLI (Public Lands and Institutions) District to the Downtown Zoning district, for properties located downtown generally bordered by the streets of Cruse Avenue to the south, Cruse Avenue to the east, West Lyndale Avenue to the north and Stuart Street to the north, and Benton and Park Avenue to the west, in Lewis and Clark County, Montana, in the City of Helena, Montana, as more particularly described in Exhibits 1,2, and 3.

Motion

Commissioner Noonan moved to approve first passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from PLI (Public Lands and Institutions) District to the Downtown Zoning district, for properties located downtown generally bordered by the streets of Cruse Avenue to the south, Cruse Avenue to the east, West Lyndale Avenue to the north and Stuart Street to the north, and Benton and Park Avenue to the west, in Lewis and Clark County, Montana, in the City of Helena, Montana, as more particularly described in Exhibits 1,2, and 3..

Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0. Ordinance 3268**

D. CONSIDER FIRST PASSAGE FOR AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA, FOR A ZONE CHANGE FROM RO (RESIDENTIAL OFFICE) DISTRICT TO THE DT (DOWNTOWN ZONING)

DISTRICT, FOR PROPERTIES GENERALLY LOCATED DOWNTOWN NORTH OF LAWRENCE STREET, EAST OF PARK AVENUE, WEST OF THE ALLEY BETWEEN FULLER AVENUE AND PARK AVENUE, AND SOUTH OF NEILL AVENUE, AND THAT PORTION OF PROPERTY ON THE SOUTHWEST CORNER OF LYNDALE AVENUE AND JACKSON STREET IN THE CITY OF HELENA, MONTANA.

On June 24, 2019 the City Commission approved Ordinance numbers 3256, 3257, 3258, 3259, 3260, 3261, and 3262 to put in place regulations for the DT (Downtown) and TR (Transitional Residential) Zoning Districts. Due to direction from these Ordinances, the Growth Policy and associated Neighborhood Plan for the downtown the City has applied to amend the zoning in the downtown area and adjacent areas.

Staff has been working with members of the Zoning Commission, City Commission, and the Helena Downtown Business Improvement District for over two years to gain consensus and develop a strategy to align the City with the proposed vision of the 2011 Helena Growth Policy and the 2016 Downtown Neighborhood Plan. On March 13, 2018 the Zoning Commission voted unanimously (4:0) to adopt an ordinance to establish the regulations for a Downtown Zoning District. On March 28, 2019 a public meeting was held at the Civic Center. To notify property owners and adjacent property owners about the meeting post cards were mailed, and a display ad was run in the Independent Record newspaper. The purpose of the meeting was to discuss the code, and the boundary was presented as it relates to the code. This meeting resulted in the Zoning Commission holding a work session April 16, 2019 where they discussed the issues that were raised during the March 28, 2019 meeting. As a result of this work session a few modifications were made to the code language and the boundaries. After much work and consideration, the ordinance was presented to the City Commission on June 10, 2019 for first passage and June 24, 2019 for final passage. The City Commission voted unanimously at both hearings to adopt the ordinances necessary to create the DT (Downtown) District and the TR (Transitional Residential) District.

The Zoning Commission heard and deliberated on all ten proposed rezone areas at the regularly scheduled hearing on August 13, 2019. Public comment was taken up to and at the meeting and is attached to this cover memo as a spread sheet and as the draft minutes from the meeting. In general, public comments have been inquiries as to how the proposed change would impact a specific property. At the meeting folks spoke in favor of the proposals except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential). Folks spoke against this proposal citing the dimensional limitations and the uses as too incongruous with the existing neighborhood. The Zoning Commission voted unanimously to recommend approval of all of the areas proposed for rezoning, except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential), where they voted unanimously to recommend denial of the proposed rezoning.

Community Development Director Haugen recommended approval of first passage for an ordinance amending the official zoning map for the City of Helena, for a zone change from RO (Residential Office) District to the DT (Downtown Zoning) district, for properties generally located downtown north of Lawrence Street, east of Park Avenue, west of the alley between Fuller Avenue and Park Avenue, and south of Neill Avenue, and that portion of property on the southwest corner of Lyndale Avenue and Jackson Street in the City of Helena,

Montana, as more particularly described in Exhibits 1,2, and 3.

Motion

Commissioner Haladay moved to approve first passage for an ordinance amending the official zoning map for the City of Helena, for a zone change from RO (Residential Office) District to the DT (Downtown Zoning) district, for properties generally located downtown north of Lawrence Street, east of Park Avenue, west of the alley between Fuller Avenue and Park Avenue, and south of Neill Avenue, and that portion of property on the southwest corner of Lyndale Avenue and Jackson Street in the City of Helena, Montana, as more particularly described in Exhibits 1,2, and 3.

Commissioner O'Loughlin seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0. Ordinance 3269**

Discussion

Commissioner O'Loughlin asked for clarification on the borders of area 10 and how much discussion by the Zoning Commission had occurred regarding area 10. Ms. Taylor stated there were discussions at the Zoning Commission meetings and they centered mostly on parking.

Commissioner O'Loughlin asked if it was possible to keep the Ordinances or the plan as a "fluid document," meaning the items could be reconsidered at some point and open for change at a later date. Director Haugen stated it would not be appropriate to describe Zoning Regulation as "fluid" but the regulations could always be amended at a later date. Director Haugen stated she felt there would be amendments at a later date, after feedback was received and the impact of the changes was observed.

Commissioner O'Loughlin asked if the Ordinances being considered factored in the recommendations of the Zoning Commission, including the removal of area 9. Ms. Taylor stated the Zoning Commission's recommendations were included in the motion language provided in the presentation, including the denial of area 9.

Commissioner Noonan stated today he had requested the vote be postponed on areas 9 and 10 due to his recent discussions at a growth policy meeting. The Commissioner felt due to possibility of confusion, which have occurred historically on similar matters, taking additional time to review may be warranted. The Commissioner stated he would advocate the motions be denied by the Commission at this time, to allow for additional discussion on the neighborhoods in question and be revisited after the impact of the other transitional zones enacted were fully realized.

Public Testimony

Mayor Collins declared the public portion of the hearing opened for items E – J and called for anyone wanting to address the commission.

Maryann Guggenheim, 100 Stuart Street, spoke to her general support of the zoning changes, but stated she would like the Commission to consider all the public testimony carefully. Ms. Guggenheim submitted a letter of support to the Commission as part of the official record.

Liz Gans, 418 W Lawrence, stated she was grateful for the work which had been done on the Transitional Zoning project. However, she was concerned about the buffer zones which may increase density of certain neighborhoods which were already densely populated in her opinion.

Rebecca McGlaughlin stated she was concerned about the size of the streets, and the impact of the rezoning on the parking which was limited in the area. Ms. McGlaughlin stated concerns over the language of the parking recommendations made by the zoning commission and expressed concerns over the safety of children in the area.

Rick Newby, 418 W. Laurence, stated he was concerned about the density of the neighborhood was at a premium and there should be considerations taken into account regarding this

Chris Horner, 639 Logan, stated she was not in support of District 9 being included in the rezoning.

Ann Cossit, area 9 resident, and asked the Commission to accept the zoning Commission's recommendations to deny the re-zoning of the area 9.

Discussion

Commissioner O'Loughlin stated she would like to recognize the openness of the process between the Zoning Commission and City Staff, and was open to accepting the Zoning Commission's recommendations regarding area 9 and denying the motion, and possibly holding a vote on area 10 for a later date, as suggested by Commissioner Noonan

Commissioner O'Loughlin asked for a break down of the ratio of used in area 10, due to it being zoned R-O, as in what is the usage of residential and office space.

Commissioner Haladay stated he would be fine with denying area 9, and table 10 but expressed concerns about where this would lead to.

Mayor Collins stated he would agree to denying area 9 and tabling area 10.

City Attorney Jodoin asked for clarification from the Commission on their intent between denying and tabling each item, stating tabling or denying would have different impacts to the overall timeline of the items for consideration.

Commissioner Noonan asked for clarification of the area boundaries between area 9 and area 10. Director Haugen displayed the pictures and map to clarify and stated area 10 was broken into several different disparate pieces.

City Manager Cortez stated the area 10 was spread throughout the other areas and was confusing due the disjointed nature of area 10.

City Attorney Jodoin clarified the area in the legal description of the area.

Commissioner O'Loughlin stated she was sensitive to the concerns of the residents of those areas and would open to amending the motion to not include a portion of area 10, where much of the public commentary expressing concerns existed.

Commissioner Haladay asked what the final desire of the Commission by removing certain areas would be and removing certain areas may further confuse matters. The Commissioner stated removal of a specific section of the areas, essentially means the item is removed permanently.

Commissioner Noonan stated he felt a desire for use in the area would bring the area back for consideration at some point.

Commissioner Haladay stated he felt the item J, referencing area 10, should be denied or remove the section of the area instead of tabling. The Commissioner stated the removed section could always come back at a later date and ask for a zoning amendment, if they so desire.

Commissioner Noonan agreed with this sentiment.

Commissioner O'Loughlin stated the pages of the packet which most clearly illustrated the areas in question for the removal of a portion of area 10 when making the motion.

- E. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA, FOR A ZONE CHANGE FROM B-1 (NEIGHBORHOOD BUSINESS) DISTRICT TO THE TR (TRANSITIONAL RESIDENTIAL) ZONING DISTRICT, FOR PROPERTIES GENERALLY LOCATED IN THE AREA COMMONLY REFERRED TO AS REEDERS ALLEY AND TO INCLUDE ADJACENT PROPERTIES IN THE CITY OF HELENA, MONTANA.

Staff Report

On June 24, 2019 the City Commission approved Ordinance numbers 3256, 3257, 3258, 3259, 3260, 3261, and 3262 to put in place regulations for the DT (Downtown) and TR (Transitional Residential) Zoning Districts. Due to direction from these Ordinances, the Growth Policy and associated Neighborhood Plan for the downtown the City has applied to amend the zoning in the downtown area and adjacent areas.

Staff has been working with members of the Zoning Commission, City Commission, and the Helena Downtown Business Improvement District for over two years to gain consensus and develop a strategy to align the City with the proposed vision of the 2011 Helena Growth Policy and the 2016 Downtown Neighborhood Plan. On March 13, 2018 the Zoning Commission voted unanimously (4:0) to adopt an ordinance to establish the regulations for a Downtown Zoning District. On March 28, 2019 a public meeting was held at the Civic Center. To notify property owners and adjacent property owners about the meeting post cards were mailed, and a display ad was run in the Independent Record newspaper. The purpose of the meeting was to discuss the code, and the boundary was presented as it relates to the code. This meeting resulted in the Zoning Commission holding a work session April 16, 2019 where they discussed the issues that were raised during the March 28, 2019 meeting. As a result of this work session a few modifications were made to the code language and the boundaries. After much work and consideration, the ordinance was presented to the City Commission on June 10, 2019 for first passage and June 24, 2019 for final passage. The City Commission voted unanimously at both hearings to adopt the ordinances necessary to create the DT (Downtown) District and the TR (Transitional Residential) District.

The Zoning Commission heard and deliberated on all ten proposed rezone areas at the regularly scheduled hearing on August 13, 2019. Public comment was taken up to and at the meeting and is attached to this cover memo as a spread sheet and as the draft minutes from the meeting. In general, public comments have been inquiries as to how the proposed change would impact a specific property. At the meeting folks spoke in favor of the proposals except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential). Folks spoke against this proposal citing the dimensional limitations and the uses as too incongruous with the existing neighborhood. The Zoning Commission voted unanimously to recommend approval of all of the areas proposed for rezoning, except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential), where they voted unanimously to recommend denial of the proposed rezoning.

The proposal will create a buffer district around the downtown with restricted heights and uses. The proposal will bring the downtown into accordance with long term plans for the downtown including the 2011 Growth Policy as amended by the 2016 Downtown Neighborhood Plan.

Community Development Director Haugen recommended approval of first passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from B-1 (Neighborhood Business) District to the TR (Transitional Residential) Zoning district, for properties generally located in the area commonly referred to as Reeder's Alley and to include adjacent properties in the City of Helena, Montana, and as more particularly described in Exhibits 1, 2, and 3.

Motion

Commissioner O'Loughlin moved to approve first passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from B-1 (Neighborhood Business) District to the TR (Transitional Residential) Zoning district, for properties generally located in the area commonly referred to as Reeder's Alley and to include adjacent properties in the City of Helena, Montana, and as more particularly described in Exhibits 1, 2, and 3.

Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0.**

Ordinance

- F. CONSIDER FIRST PASSAGE FOR AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA, FOR A ZONE CHANGE FROM B-2 (GENERAL COMMERCIAL) DISTRICT TO THE TR (TRANSITIONAL RESIDENTIAL) ZONING DISTRICT, FOR PROPERTIES GENERALLY LOCATED ALONG HELENA AVENUE BETWEEN JACKSON STREET AND FOURTEENTH STREET IN THE CITY OF HELENA, MONTANA.

Staff Report

On June 24, 2019 the City Commission approved Ordinance numbers 3256, 3257, 3258, 3259, 3260, 3261, and 3262 to put in place regulations for the DT (Downtown) and TR (Transitional Residential) Zoning Districts. Due to direction from these Ordinances, the Growth Policy and associated Neighborhood Plan for the downtown the City has applied to amend the zoning in the downtown area and adjacent areas.

Staff has been working with members of the Zoning Commission, City Commission, and the Helena Downtown Business Improvement District for over two years to gain consensus and develop a strategy to align the City with the proposed vision of the 2011 Helena Growth Policy and the 2016 Downtown Neighborhood Plan. On March 13, 2018 the Zoning Commission voted unanimously (4:0) to adopt an ordinance to establish the regulations for a Downtown Zoning District. On March 28, 2019 a public meeting was held at the Civic Center. To notify property owners and adjacent property owners about the meeting post cards were mailed, and a display ad was run in the Independent Record newspaper. The purpose of the meeting was to discuss the code, and the boundary was presented as it relates to the code. This meeting resulted in the Zoning Commission holding a work session April 16, 2019 where they discussed the issues that were raised during the March 28, 2019 meeting. As a result of this work session a few

modifications were made to the code language and the boundaries. After much work and consideration, the ordinance was presented to the City Commission on June 10, 2019 for first passage and June 24, 2019 for final passage. The City Commission voted unanimously at both hearings to adopt the ordinances necessary to create the DT (Downtown) District and the TR (Transitional Residential) District.

The Zoning Commission heard and deliberated on all ten proposed rezone areas at the regularly scheduled hearing on August 13, 2019. Public comment was taken up to and at the meeting and is attached to this cover memo as a spread sheet and as the draft minutes from the meeting. In general, public comments have been inquiries as to how the proposed change would impact a specific property. At the meeting folks spoke in favor of the proposals except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential). Folks spoke against this proposal citing the dimensional limitations and the uses as too incongruous with the existing neighborhood. The Zoning Commission voted unanimously to recommend approval of all of the areas proposed for rezoning, except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential), where they voted unanimously to recommend denial of the proposed rezoning.

Motion

Commissioner O’Loughlin moved to approve first passage for an ordinance amending the official zoning map for the City of Helena, for a zone change from B-2 (General Commercial) District to the TR (Transitional Residential) Zoning district, for properties generally located along Helena Avenue between Jackson Street and Fourteenth Street in the City of Helena, Montana, and as more particularly described in Exhibits 1, 2, and 3. Commissioner Noonan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O’Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0. Ordinance 3271**

- G. CONSIDER FIRST PASSAGE FOR AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA, FOR A ZONE CHANGE FROM B-3 (CENTRAL BUSINESS) DISTRICT TO THE TR (TRANSITIONAL RESIDENTIAL) ZONING DISTRICT, FOR PROPERTIES GENERALLY LOCATED SOUTH OF SEVENTH AVENUE, EAST OF CRUSE AVENUE, AND NORTH OF SIXTH AVENUE, AND WEST OF WARREN STREET IN THE CITY OF HELENA, MONTANA.

Staff Report

On June 24, 2019 the City Commission approved Ordinance numbers 3256, 3257, 3258, 3259, 3260, 3261, and 3262 to put in place regulations for the DT (Downtown) and TR (Transitional Residential) Zoning Districts. Due to direction from these Ordinances, the Growth Policy and associated Neighborhood Plan for the downtown the City has applied to amend the zoning in the downtown area and adjacent areas.

Staff has been working with members of the Zoning Commission, City Commission, and the Helena Downtown Business Improvement District for over two years to gain consensus and develop a strategy to align the City with the proposed vision of the 2011 Helena Growth Policy and the 2016 Downtown Neighborhood Plan. On March 13, 2018 the Zoning Commission voted unanimously (4:0) to adopt an

ordinance to establish the regulations for a Downtown Zoning District. On March 28, 2019 a public meeting was held at the Civic Center. To notify property owners and adjacent property owners about the meeting post cards were mailed, and a display ad was run in the Independent Record newspaper. The purpose of the meeting was to discuss the code, and the boundary was presented as it relates to the code. This meeting resulted in the Zoning Commission holding a work session April 16, 2019 where they discussed the issues that were raised during the March 28, 2019 meeting. As a result of this work session a few modifications were made to the code language and the boundaries. After much work and consideration, the ordinance was presented to the City Commission on June 10, 2019 for first passage and June 24, 2019 for final passage. The City Commission voted unanimously at both hearings to adopt the ordinances necessary to create the DT (Downtown) District and the TR (Transitional Residential) District.

The Zoning Commission heard and deliberated on all ten proposed rezone areas at the regularly scheduled hearing on August 13, 2019. Public comment was taken up to and at the meeting and is attached to this cover memo as a spread sheet and as the draft minutes from the meeting. In general, public comments have been inquiries as to how the proposed change would impact a specific property. At the meeting folks spoke in favor of the proposals except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential). Folks spoke against this proposal citing the dimensional limitations and the uses as too incongruous with the existing neighborhood. The Zoning Commission voted unanimously to recommend approval of all of the areas proposed for rezoning, except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential), where they voted unanimously to recommend denial of the proposed rezoning.

Motion

Commissioner Haladay moved to approve first passage for an ordinance amending the official zoning map for the City of Helena, for a zone change from B-3 (Central Business) District to the TR (Transitional Residential) Zoning district, for properties generally located south of Seventh Avenue, east of Cruse Avenue, and north of Sixth Avenue, and west of Warren Street in the City of Helena, Montana, and as more particularly described in Exhibits 1, 2, and 3. Commissioner Noonan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0.**
Ordinance 3272

H. CONSIDER FIRST PASSAGE FOR AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA, FOR A ZONE CHANGE FROM PLI (PUBLIC LANDS AND INSTITUTIONS) DISTRICT TO THE TR (TRANSITIONAL RESIDENTIAL) ZONING DISTRICT FOR PROPERTIES GENERALLY LOCATED SOUTH OF EAST LAWRENCE STREET BETWEEN WARREN STREET AND CRUSE AVENUE, AND THE CITY-COUNTY BUILDING GENERALLY LOCATED BETWEEN PARK AND BENTON AVENUE.

Staff Report

On June 24, 2019 the City Commission approved Ordinance numbers 3256, 3257, 3258, 3259, 3260, 3261, and 3262 to put in place regulations for the DT (Downtown) and TR (Transitional Residential)

Zoning Districts. Due to direction from these Ordinances, the Growth Policy and associated Neighborhood Plan for the downtown the City has applied to amend the zoning in the downtown area and adjacent areas.

Staff has been working with members of the Zoning Commission, City Commission, and the Helena Downtown Business Improvement District for over two years to gain consensus and develop a strategy to align the City with the proposed vision of the 2011 Helena Growth Policy and the 2016 Downtown Neighborhood Plan. On March 13, 2018 the Zoning Commission voted unanimously (4:0) to adopt an ordinance to establish the regulations for a Downtown Zoning District. On March 28, 2019 a public meeting was held at the Civic Center. To notify property owners and adjacent property owners about the meeting post cards were mailed, and a display ad was run in the Independent Record newspaper. The purpose of the meeting was to discuss the code, and the boundary was presented as it relates to the code. This meeting resulted in the Zoning Commission holding a work session April 16, 2019 where they discussed the issues that were raised during the March 28, 2019 meeting. As a result of this work session a few modifications were made to the code language and the boundaries. After much work and consideration, the ordinance was presented to the City Commission on June 10, 2019 for first passage and June 24, 2019 for final passage. The City Commission voted unanimously at both hearings to adopt the ordinances necessary to create the DT (Downtown) District and the TR (Transitional Residential) District.

The Zoning Commission heard and deliberated on all ten proposed rezone areas at the regularly scheduled hearing on August 13, 2019. Public comment was taken up to and at the meeting and is attached to this cover memo as a spread sheet and as the draft minutes from the meeting. In general, public comments have been inquiries as to how the proposed change would impact a specific property. At the meeting folks spoke in favor of the proposals except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential). Folks spoke against this proposal citing the dimensional limitations and the uses as too incongruous with the existing neighborhood. The Zoning Commission voted unanimously to recommend approval of all of the areas proposed for rezoning, except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential), where they voted unanimously to recommend denial of the proposed rezoning.

Motion

Commissioner Noonan moved to approve first passage for an ordinance amending the official zoning map for the City of Helena, for a zone change from PLI (Public Lands and Institutions) District to the TR (Transitional Residential) Zoning district for properties generally located south of East Lawrence Street between Warren Street and Cruse Avenue, and the City-County Building generally located between Park and Benton Avenue, and as more particularly described in Exhibits 1, 2, and 3. Commissioner O'Loughlin seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0. Ordinance 3273**

- I. CONSIDER FIRST PASSAGE FOR AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA, FOR A ZONE CHANGE FROM THE R-3 (RESIDENTIAL) DISTRICT TO THE TR (TRANSITIONAL

RESIDENTIAL) ZONING DISTRICT FOR PROPERTIES
GENERALLY LOCATED WEST OF LOGAN STREET, NORTH
OF ELEVENTH AVENUE, AND EAST OF JACKSON STREET,
AND SOUTH OF THIRTEENTH STREET IN THE CITY OF
HELENA, MONTANA.

Staff Report

On June 24, 2019 the City Commission approved Ordinance numbers 3256, 3257, 3258, 3259, 3260, 3261, and 3262 to put in place regulations for the DT (Downtown) and TR (Transitional Residential) Zoning Districts. Due to direction from these Ordinances, the Growth Policy and associated Neighborhood Plan for the downtown the City has applied to amend the zoning in the downtown area and adjacent areas.

Staff has been working with members of the Zoning Commission, City Commission, and the Helena Downtown Business Improvement District for over two years to gain consensus and develop a strategy to align the City with the proposed vision of the 2011 Helena Growth Policy and the 2016 Downtown Neighborhood Plan. On March 13, 2018 the Zoning Commission voted unanimously (4:0) to adopt an ordinance to establish the regulations for a Downtown Zoning District. On March 28, 2019 a public meeting was held at the Civic Center. To notify property owners and adjacent property owners about the meeting post cards were mailed, and a display ad was run in the Independent Record newspaper. The purpose of the meeting was to discuss the code, and the boundary was presented as it relates to the code. This meeting resulted in the Zoning Commission holding a work session April 16, 2019 where they discussed the issues that were raised during the March 28, 2019 meeting. As a result of this work session a few modifications were made to the code language and the boundaries. After much work and consideration, the ordinance was presented to the City Commission on June 10, 2019 for first passage and June 24, 2019 for final passage. The City Commission voted unanimously at both hearings to adopt the ordinances necessary to create the DT (Downtown) District and the TR (Transitional Residential) District.

The Zoning Commission heard and deliberated on all ten proposed rezone areas at the regularly scheduled hearing on August 13, 2019. Public comment was taken up to and at the meeting and is attached to this cover memo as a spread sheet and as the draft minutes from the meeting. In general, public comments have been inquiries as to how the proposed change would impact a specific property. At the meeting folks spoke in favor of the proposals except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential). Folks spoke against this proposal citing the dimensional limitations and the uses as too incongruous with the existing neighborhood. The Zoning Commission voted unanimously to recommend approval of all of the areas proposed for rezoning, except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential), where they voted unanimously to recommend denial of the proposed rezoning. On area 9 the following citizens spoke in opposition to the proposal: Christine Horner, John Metropoulos, Carl Cossitt, Anne Cossitt, and Tim Thompson. In general the citizens objected to the proposed dimensional limitations and allowed uses stating it would create an incongruous development pattern not in keeping with the established residential neighborhood. The R-3 (Residential) land in question is developed by single family houses, multi-family dwelling units, and a few businesses. The proposal is to rezone the area to allow higher density and more mixed uses. The proposal will create a buffer district around the downtown with restricted heights and uses. The proposal will bring the

downtown into accordance with long term plans for the downtown including the 2011 Growth Policy as amended by the 2016 Downtown Neighborhood Plan.

Motion

Commissioner Haladay moved to deny first passage for an ordinance amending the official zoning map for the City of Helena, for a zone change from the R-3 (Residential) District to the TR (Transitional Residential) Zoning district for properties generally located west of Logan Street, north of Eleventh Avenue, and east of Jackson Street, and south of Thirteenth Street in the City of Helena, Montana, and as more particularly described in Exhibits 1, 2, and 3.

Commissioner Noonan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 4-0.

- J. CONSIDER FIRST PASSAGE FOR AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA, FOR A ZONE CHANGE FROM R-O (RESIDENTIAL OFFICE) DISTRICT TO THE TR (TRANSITIONAL RESIDENTIAL) ZONING DISTRICT, FOR PROPERTIES GENERALLY LOCATED SOUTH OF FLOWERREE STREET, EAST OF BENTON AVENUE AND WEST OF PARK AVENUE, AND A SMALL PORTION WEST OF THE CITY-COUNTY BUILDING, AND NORTH OF BROADWAY STREET, AND NORTH OF REEDERS ALLEY AND SOUTH AND EAST OF CRUSE AVENUE, AND WEST OF SOUTH WARREN STREET, AND SOUTH OF ELEVENTH AVENUE, NORTH OF LAWRENCE STREET, EAST OF CRUSE AVENUE, AND WEST OF LOGAN STREET IN THE CITY OF HELENA, MONTANA.

Staff Report

On June 24, 2019 the City Commission approved Ordinance numbers 3256, 3257, 3258, 3259, 3260, 3261, and 3262 to put in place regulations for the DT (Downtown) and TR (Transitional Residential) Zoning Districts. Due to direction from these Ordinances, the Growth Policy and associated Neighborhood Plan for the downtown the City has applied to amend the zoning in the downtown area and adjacent areas.

Staff has been working with members of the Zoning Commission, City Commission, and the Helena Downtown Business Improvement District for over two years to gain consensus and develop a strategy to align the City with the proposed vision of the 2011 Helena Growth Policy and the 2016 Downtown Neighborhood Plan. On March 13, 2018 the Zoning Commission voted unanimously (4:0) to adopt an ordinance to establish the regulations for a Downtown Zoning District. On March 28, 2019 a public meeting was held at the Civic Center. To notify property owners and adjacent property owners about the meeting post cards were mailed, and a display ad was run in the Independent Record newspaper. The purpose of the meeting was to discuss the code, and the boundary was presented as it relates to the code. This meeting resulted in the Zoning Commission holding a work session April 16, 2019 where they discussed the issues that were raised during the March 28, 2019 meeting. As a result of this work session a few modifications were made to the code language and the boundaries. After much work and consideration, the ordinance was presented to the City Commission on June 10, 2019 for first passage and June 24, 2019 for final passage. The City Commission voted unanimously at both

hearings to adopt the ordinances necessary to create the DT (Downtown) District and the TR (Transitional Residential) District.

The Zoning Commission heard and deliberated on all ten proposed rezone areas at the regularly scheduled hearing on August 13, 2019. Public comment was taken up to and at the meeting and is attached to this cover memo as a spread sheet and as the draft minutes from the meeting. In general, public comments have been inquiries as to how the proposed change would impact a specific property. At the meeting folks spoke in favor of the proposals except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential). Folks spoke against this proposal citing the dimensional limitations and the uses as too incongruous with the existing neighborhood. The Zoning Commission voted unanimously to recommend approval of all of the areas proposed for rezoning, except for the proposal to rezone Area 9 from R-3 (Residential) to TR (Transitional Residential), where they voted unanimously to recommend denial of the proposed rezoning.

Discussion

Commissioner O'Loughlin stated for the record it was the intent of the Commission to remove a portion of area 10 in the formal motion.

Motion

Commissioner O'Loughlin moved to approve first passage for an ordinance amending the official zoning map for the City of Helena, for a zone change from R-O (Residential Office) District to the TR (Transitional Residential) Zoning district, for properties generally located south of Flowerree Street, east of Benton Avenue and west of Park Avenue, and north of Broadway Street, and north of Reeder's Alley and south and east of Cruse Avenue, and west of South Warren Street, and south of Eleventh Avenue, north of Lawrence Street, east of Cruse Avenue, and west of Logan Street in the City of Helena, Montana, and as more particularly described in Exhibits 1, 2, and 3. Commissioner Haladay seconded the motion. . Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 4-0. **Ordinance 3274**

Public Communications

PUBLIC COMMUNICATIONS

Dan Casey 336 South Park, asked for an update from the Commission on the pile of dirt on the area above Reeder's Alley area.

City Attorney Jodoin stated on the dirt pile in question, and he is going to have an engineer review the property; and he would remove the pile after he has an engineer provide him with a plan by the end of next week.

Adjournment

There being no further business to come before the City Commission, the meeting adjourned at 7:49 p.m.

Meetings of Interest MEETINGS OF INTEREST

Administrative Meeting – September 18, 2019 - 4:00 p.m. - Room 326, City-County Building

Regular City Commission Meeting – September 23, 2019 - 6:00 p.m. - Commission Chambers, City-County Building

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DANNAI CLAYBORN
CLERK OF THE CITY COMMISSION