

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
June 5, 2006
6:00 P.M.**

Time & Place A regular City Commission meeting was held on Monday, June 5, 2006 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present Mayor Smith indicated for the record that Commissioners Cartwright, Oitzinger, Peura, and Pouliot were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Mary Ann Dunwell representing the Helena Citizens Council.

Pledge of Allegiance Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.

Minutes The minutes of the regular City Commission meeting of May 22, 2006 were approved as amended.

Proclamation PROCLAMATION:
A. State Capital Band

Mayor Smith presented the proclamation designating June 5, 2006 as State Capital Band Day. Mr. Eric Burke thanked Mayor Smith and the Commission for the city's annual financial contribution to the band, and introduced the band's Conductor and Board of Directors in attendance. The first concert of the 2006 season will be June 29, 2006.

Appointments APPOINTMENTS:
A. Civil Service Commission
B. Helena International Affairs Council – Carroll College Representative

Mayor Smith asked for Commission concurrence on the following board appointments:

Civil Service Commission – Appointment of Jan Brown

Helena International Affairs Council – Appointment of Alexis Rincon as the Carroll College representative

Public comment Mayor Smith asked for public comment, none was received.

Motion **Commissioner Peura moved approval of the appointments to the Civil Service Commission and the Helena International Affairs Council.** Commissioner seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Resolutions of intention to levy and assess the following annual charges for fiscal year 2007:
a. Street lighting Districts **Resolution #19344**

- b. Storm Water Utility **Resolution #19345**
- c. Tree Planting and Maintenance District **Resolution #19346**
- d. Special Improvement Districts (SIDs) **Resolution #19347**
- e. Sidewalk Improvement Program **Resolution #19348**
- f. Street Maintenance District #1 **Resolution #19349**
- C. Resolution of intention to approve the proposed budget of the 9-1-1 fund for fiscal year 2007. **Resolution #19350**
- D. Resolution of intention to approve the proposed budget of the Support Services Division for fiscal year 2007. **Resolution #19351**
- E. Resolution of intention setting fees charged for disposal of garbage and refuse at the City of Helena Transfer Station for fiscal year 2007. **Resolution #19352**
- F. Resolution of intention to establish a rate matrix for service charges for commercial collection and disposal of garbage and refuse in the City of Helena, Montana for fiscal year 2007. **Resolution #19353**
- G. Resolution of intention to establish charges for collection and disposal of residential garbage and refuse in the City of Helena, Montana for fiscal year 2007. **Resolution #19354**
- H. Resolution of intention to approve the proposed budget of the Helena Parking Commission for fiscal year 2007. **Resolution #19355**
- I. Resolution of intention to levy an assessment for the City of Helena Business Improvement District (BID), and approve the proposed budget and work plan for fiscal year 2007. **Resolution #19356**
- J. Resolution of intention to levy additional property tax revenue for fiscal year 2007. **Resolution #19357**
- K. Renewal of audit contract with Galusha, Higgins and Galusha for fiscal years 2006 and 2007.
- L. Resolution of intention to annex contiguous government property, being portions of Gibbon Street, Billings Avenue, and Blaine Street into the City of Helena.
- M. Dedication of right-of-way for Knight Street - Helena School District #1

City Manager Tim Burton recommended approval of the claims and the consent agenda. He noted the public hearings for the budget resolutions of intention would be held on June 19, 2006. He explained that item L was a clean up procedure to annex right-of-way for some property that was annexed into the city years ago.

Commissioner Oitzinger asked that item L be removed from the consent agenda for further discussion.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Oitzinger moved approval of items A through K, and M on the consent agenda. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

- L. Resolution of intention to annex contiguous government property, being portions of Gibbon Street, Billings Avenue, and Blaine Street into the City of Helena.

City Planner Lucy Morell-Gengler reported the City of Helena proposes to annex the following rights-of-way to improve efficiency and minimize confusion for emergency providers:

1. The 40-foot wide right-of-way of Gibbon Street from the north line of Billings Avenue to the north line of the Boyce Addition lying between Blocks 4 and 5 of the Boyce Addition;
2. The 70-foot wide right-of-way of Billings Avenue from the west line of Gibbon Street to the west line of Blaine Street; and
3. The 40-foot wide right-of-way of Blaine Street from the north line of Billings Avenue 110.5 feet north to the northern lot line of Lot 4A, Block 4 of the Boyce Addition.

These rights-of-way are adjacent to land that is currently in the City of Helena. The annexation of these street rights-of-way into the city is intended to assist emergency response personnel in correctly defining the City/County service boundaries for emergency aid, as well as promote uniform development of street section improvements and street maintenance.

In accordance with Montana Law (Section 7-2-4403 MCA), "the administrative head of the owner of land referred to in 7-2-4402 or the administrative head of the holder of a beneficial interest in such land shall file with the clerk of the municipality a description of the land, a certification of ownership or of beneficial interest therein, and a statement that the owner of or the holder of the beneficial interest in the land desires to have it annexed." The County Commissioners of Lewis and Clark County have submitted a request to have the subject rights-of-way annexed to the City.

Commissioner Oitzinger asked how the property relates to agenda items 12, 13A and 13B? Ms. Morell-Gengler explained when staff received a land use change application for other property in the area, they looked for other changes that could be done at the same time. Annexation of right-of-way is a different process than other annexations and requires a public hearing, so often staff will hold off and group the annexations with other land use changes in the area. Commissioner Oitzinger asked if the Billings Avenue right-of-way was directly north of the property that will be considered later on the agenda? Ms. Morell-Gengler concurred and explained the property to the north and south of the subject portion of Billings Avenue has already been annexed into the city limits. Commissioner Oitzinger asked if the unpaved portion of Billings Avenue is part of the right-of-way proposed for annexation? Ms. Morell-Gengler stated no.

Commissioner Cartwright asked if these annexations include the entire width of the right-of-way? City Manager Burton stated yes.

Motion

Commissioner Oitzinger moved approval of a resolution of intention to annex contiguous government property, being portions of Gibbon Street, Billings Avenue, and Blaine Street into the City of Helena. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19358**

Bid Award

BID AWARD:

A. Golf Course Irrigation Main, City Project No. 05-09

Staff Report

City Engineer Ryan Leland reported Bill Robert's Golf Course currently uses approximately one million gallons per day of treated water for irrigation during peak irrigation times. This project will allow the use of the city's well drilled on the county shop property for an additional irrigation supply for the golf course. This well will supply approximately 350 gallons per minute to the golf course, thus decreasing the demand on the treated drinking water supply. The well could reduce the irrigation demand by the golf course by 50%.

The project was advertised and bids were opened on May 16, 2006. Four contractors submitted bids. Hard Rock Road Building & Utilities of Helena submitted the low bid of \$146,360.

Mr. Leland recommended awarding the base bid to the lowest responsible bidder, Hard Rock Road Building & Utilities in the amount of \$146,360.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Peura moved approval to award City Project No. 05-09 to the lowest responsible bidder, Hard Rock Road Building & Utilities in the amount of \$146,360. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Pouliot asked City Engineer Leland to give an update on the Yaw Yaw water main replacement project. Mr. Leland gave an overview of recent problems with the installation of the main and noted water service was restored to the area Thursday, June 1, 2006.

Commissioners Oitzinger, Cartwright, and Peura spoke of attending high school graduation ceremonies on Saturday, June 3, 2006.

Commissioner Cartwright commented on the State of Montana-sponsored bike/ped health workshops that were held in Helena on June 1-2, 2006.

Commissioner Peura encouraged citizens to vote on Tuesday, June 6, 2006.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

A. City Planning Board – Jefferson County

City Attorney Nielsen referred the Commission to a letter that will be sent to the Jefferson County Commission, with Helena City Commission concurrence, regarding the formation of a city planning board. He explained the letter is a result of a proposal to annex property currently in Jefferson County into the City of Helena. The letter does not presume that the proposed annexation or subdivision will take place; however, city code requires that pre-zoning be done prior to annexation and in order to pre-zone property there needs to be a planning board that has jurisdiction over the subject property. City Attorney Nielsen noted this letter and the recent Attorney General opinion regarding annexation of property in Jefferson County, are coincidental and not related.

Motion

Commissioner Cartwright moved approval to authorize Mayor Smith to sign and send the above referenced letter to Jefferson County. Commissioner Pouliot seconded the motion. All voted aye, motion carried.

City Attorney Nielsen also reported his office sent out five notices of municipal infraction for failure to comply with the city's boulevard landscaping ordinance.

Report of the City Manager

REPORT OF THE CITY MANAGER

City Manager Burton reported the applicants for Sam's Club have decided to retract their application. He asked the Commission to table items 12 and 13A and 13B, and noted the landowners are requesting the postponement. He read a letter from CLC Associates, the applicant, into the record.

Discussion was held on ex-parte communications. City Attorney Nielsen noted the proposed zoning designation and pre-zoning do not fall under the restrictions of ex-parte communications.

City Manager Burton asked Public Works Director John Rundquist to give an update on the status of the city's reservoirs. Director Rundquist gave an overview of the water supply and stated the city is in great shape going into the summer. Mayor Smith asked if the water conservation plan is still in place? Director Rundquist concurred.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Mary Ann Dunwell gave an overview of the May HCC meeting. She reported there is a vacancy in District 4 and encouraged interested citizens to apply. Ms. Dunwell also thanked HCC Secretary Teresa Klotz for preparing the twice-monthly HCC report.

Boyce Addition

CONSIDER A RESOLUTION OF INTENTION TO ANNEX ALL OF BLOCKS 16 AND 20 IN THE BOYCE ADDITION, EXCEPTING THE .632-ACRE WESTERLY PORTION OF BLOCK 20, AND EXCEPTING A 41,898.4-SQUARE FOOT PORTION OF BLOCK 20, TOGETHER WITH ONE-HALF OF VACATED MARKET STREET ADJACENT TO BLOCK 20 AND THE ADJACENT RIGHTS-OF-WAY OF BLAINE STREET, MISSOULA AVENUE, MARKET STREET AND BILLINGS AVENUE.

The applicant requested this item be tabled.

Motion

Commissioner Pouliot moved to table a resolution of intention to annex Block 16 and a portion of Block 20 of the Boyce Addition together with one-half of vacated Market Street right-of-way, and the adjacent rights-of-way as legally described in the resolution to the July 17, 2006 Commission Meeting. Commissioner Peura seconded the motion. All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS:

A. CONSIDER FIRST PASSAGE OF AN ORDINANCE PRE-ZONING TO B-2 (GENERAL COMMERCIAL) DISTRICT, BLOCK 16 AND THE EASTERLY PORTION OF BLOCK 20, BOYCE ADDITION; GENERALLY LOCATED SOUTH OF BILLINGS AVENUE AND WEST OF BLAINE STREET RIGHT-OF-WAY.

The applicant requested this item be tabled.

Motion

Commissioner Pouliot moved to table an ordinance pre-zoning to B-2 (General Commercial) District, Blocks 16 and 20, Boyce Addition, together with one-half of vacated Market Street right-of-way, for property legally described in the ordinance to the July 17, 2006 Commission Meeting. Commissioner Peura seconded the motion. All voted aye, motion carried.

B. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CITY OF HELENA ORDINANCE NO. 2359 AND AMENDING THE OFFICIAL ZONING MAP THEREOF IN REFERENCE TO A ZONE CHANGE FROM CLM (COMMERCIAL LIGHT MANUFACTURING) DISTRICT TO B-2 (GENERAL COMMERCIAL) DISTRICT FOR BLOCKS 15, 21, AND 22 OF THE BOYCE ADDITION AND ADJACENT VACATED RIGHTS-OF-WAY OF MISSOULA AND BUTTE AVENUES, AND MARKET STREET.

The applicant requested this item be tabled.

Motion

Commissioner Pouliot moved to table first passage of an ordinance amending City of Helena Ordinance No. 2359 and amending the official zoning map thereof in reference to a zone change from CLM (Commercial Light Manufacturing) District to B-2 (General Commercial) District and adjacent vacated rights-of-way of Missoula and Butte Avenues, and Market Street as described in Resolution #11716 for property legally described in the ordinance to the July 17, 2006 Commission Meeting. Commissioner Peura seconded the motion. All voted aye, motion carried.

C. CONSIDER A RESOLUTION AUTHORIZING THE CITY OF HELENA TO APPLY FOR A MONTANA DEPARTMENT OF COMMERCE COMMUNITY ECONOMIC DEVELOPMENT BLOCK GRANT TO ASSIST THE STUDENT ASSISTANCE FOUNDATION EXPANSION.

Staff Report

Community Development Director Sharon Haugen reported the Student Assistance Foundation (SAF) is a Montana nonprofit corporation located here in Helena, Montana, and is organized and operated exclusively for charitable and education purposes. Currently SAF manages more than \$1.6 billion in assets and services more than \$1.4 billion in student loans. SAF is projecting that it will increase its student loan portfolio by 155% in the upcoming fiscal year. To accommodate this growth, SAF is anticipating adding 35-50 new employees to its existing staff of 207. This growth requires substantial investment in recruiting and training costs as well as equipping the new employees with workspace and technology. The average wage with benefits for SAF's employees is \$50,400 while their starting rate is \$16.13 per hour.

SAF, working with Gateway Economic Development Corporation (GEDC), is requesting that the City of Helena sponsor a CDBG Economic Development grant application in the amount of \$400,000. The purpose of the grant would be to assist in financing working capital for training and equipment for the expansion of SAF in the form of a loan, managed by GDEC. The CDBG loan will be matched equally by equity

and operating capital generated by SAF and a loan from a local bank. As part of the CDBG grant, SAF will hire a minimum of 51% of the new jobs created from individuals who are considered low to moderate income.

The proceeds from the loan would become part of the City of Helena's Revolving Loan Fund, which is managed by GEDC. The fund is used to provide funding and financial assistance to new and expanding businesses within the city.

Director Haugen recommended approval of the resolution and stated the City of Helena's Growth Policy encourages the city to promote the maintenance and expansion of existing Helena area businesses. It also encourages the development of resources and incentives to help accomplish that goal. The SAF CDBG application would help accomplish both of these goals for the city. The proceeds from the loan will be additional capital for the city's Revolving Loan fund.

Commission comment

Mayor Smith asked if Helena is an entitlement city for CDBG grants? Ms. Haugen stated no, the only entitlement cities are Missoula, Billings and Great Falls; the City of Helena would compete for this grant.

Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

There being no persons wishing to address the Commission, Mayor Smith closed the public hearing.

Motion

Commissioner Oitzinger moved approval of a resolution authorizing the City of Helena to apply for a Community Development Block Economic Development Grant to assist the Student Assistance Foundation expansion. Commissioner Peura seconded the motion. All voted aye, motion carried. **Resolution #19359**

D. CONSIDER A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW SKYWAY REGIONAL SHOPPING CENTER, A PLANNED UNIT SHOPPING CENTER, TO BE LOCATED IN A B-2 (GENERAL COMMERCIAL) DISTRICT GENERALLY LOCATED ON THE SOUTHWEST CORNER OF CUSTER AVENUE AND WASHINGTON STREET. THIS PROPOSAL INCLUDES REQUESTS FOR VARIANCES FROM:

A. SECTION 11-23-11(B) ZONING ORDINANCE OF THE CITY OF HELENA TO ALLOW THE PROPOSED SHOPPING CENTER PYLON SIGN TO EXCEED THE 150 SQUARE FOOT LIMITATION;

B. SECTION 11-23-11(B) (1) ZONING ORDINANCE OF THE CITY OF HELENA, TO ALLOW THE PROPOSED MONUMENT SIGNS TO EXCEED THE 6-FOOT HEIGHT LIMITATION AND THE 50 SQUARE FOOT AREA LIMITATION

C. SECTION 11-23-11(B)(2) ZONING ORDINANCE OF THE CITY OF HELENA TO ALLOW SIGNS TO EXCEED THE 3-FREESTANDING SIGN LIMITATION FOR A SHOPPING CENTER; AND TO EXCEED THE ONE FREESTANDING SIGN LIMITATION PER STREET FRONTAGE;

D. SECTION 11-23-11(B)(3) ZONING ORDINANCE OF THE CITY OF HELENA TO ALLOW AN INCREASE IN WALL SIGNAGE UP TO 10% OF THE BUILDING FACADE AS WALL SIGNAGE, AND TO ALLOW EACH USER TO HAVE A WALL SIGN ON THE REAR OF THE BUILDING NO LARGER THAN 50% OF THE PRIMARY SIGN ON THE FRONT OF THE BUILDING.

Staff Report

City Planner Lucy Morell-Gengler reported the applicant is seeking approval for a Resolution granting a Conditional Use Permit (CUP) to allow Skyway Regional Shopping Center, a planned unit shopping center, to be located in a B-2 (General Commercial) District generally located at the southwest corner of Custer Avenue and Washington Street. This proposal includes requests for variances from the sign requirements to allow additional wall signage, additional freestanding signs and increased sign area and height.

On May 9, 2006 the Helena Zoning Commission recommended:

- o Approval (3:1 vote) for the adoption of a Resolution granting a Conditional Use Permit (CUP) to allow Skyway Regional Shopping Center, a planned unit shopping center, in a B-2 (General Commercial) District subject to the conditions in the staff report for property legally described as Lots 1,2, 4, and 5 of the Skyway Regional Shopping Center Minor Subdivision; Helena, Montana; generally located south of Custer Avenue, west of Washington Street and east of Interstate 15.
- o Denial (4:0 vote) for variances from Sections 11-23-11(B) (1), (2), and (3) Zoning Ordinance of the City of Helena. These variances would allow a pylon sign to exceed the 150 square foot limitation; monument signs to exceed the 6 foot height limitation and the 50 square foot area limitation; signs to exceed the 3-freestanding sign limitation for a shopping center; and signs to exceed the one freestanding sign limitation per street frontage.
- o Approval (4:0 vote) for a variance from Section 11-23-11(B) (3) Zoning Ordinance of the City of Helena to allow an increase in wall signage up to 10% of the building facade as wall signage, and to allow each user to have a wall sign on the rear of the building no larger than 50% of the primary sign on the front of the building.

Ms. Morell-Gengler noted this CUP proposal is consistent with the 2001 Helena Growth Policy and Zoning Ordinance, and is compatible with the land uses in the area. Granting the variances to the sign ordinance would provide greater visibility for the tenants of the shopping center and might facilitate locating some businesses.

Commission comment

Commissioner Peura commented on the need for a bike/pedestrian trail within the development so patrons can walk from store to store.

Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

Cameron Gunter, 1 East Center Street, Provo Utah, applicant; urged the Commission to approve the proposed Planned Unit Development and stated the development firm is willing to work with city staff to alleviate concerns with the project.

Robert Schmidt, 1 East Center Street, Provo, Utah, Project Manager; spoke in support of the variances to the sign ordinance.

Pamela Sourbeer, Helena; spoke in opposition to the sign variances because she believes large signs are a visual pollution.

George McCauley, 926 5th Avenue; spoke in opposition to the sign variances and encouraged the city to apply design standards to new development.

Mary Carparelli, Helena; spoke in opposition to the requested sign variances.

Anne Lauer, Helena; spoke in opposition to the proposed development.

Teresa Green, Helena; spoke in opposition to the sign variances and encouraged the developer to provide connectivity.

Jeffrey Krott, 804 N. Roberts; expressed his concern for the water table in the area and asked the Commission to provide adequate bus services to the area.

Sheldon Bartel, 2620 Gold Rush; spoke in support of the planned unit development.

Norb Lauer, Helena; spoke in opposition to the proposed sign variances.

Mary Ann Dunwell, 2520 Lookout Circle; stated these developments should be designed in a collaborative way.

There being no further persons wishing to address the Commission, Mayor Smith closed the public hearing.

Discussion

Commissioner Oitzinger stated sign variances can be denied based on lack of harmony in an area and asked if the variance Home Depot received for its sign could be excluded when considering the proposed variances? City Attorney Nielsen stated variances are granted because technical compliance becomes a burden or a difficulty to the applicant; consideration of the variances should be based on the applicant complying with the spirit of the ordinance although the development is technically varied.

Commissioner Peura asked what the signage options for the applicant would be if no variances were granted? Ms. Morell-Gengler referred to the site plan and explained the options that would be available to the applicant. Commissioner Peura confirmed according to the site plans, signs A and C would be allowed at a smaller size, sign E would not be allowed, sign B exists and piggyback signage with Home Depot might be possible. Commissioner Peura asked if billboard signage would be allowed in addition to, or instead of, the allowable pylon sign? Ms. Morell-Gengler clarified in addition to the allowable sign.

Commissioner Cartwright asked what amount of signs would be allowed per lot if this proposal were not a PUD? Ms. Morell-Gengler explained each lot would be permitted a free-standing sign not to exceed 150 square feet.

Commissioner Cartwright asked Mr. Gunter for the success rate of businesses that are not allowed excess signage? Mr. Gunter explained communities with large populations do not need as much

signage but smaller communities do in order to draw tenants and customers. He noted leases with the prospective tenants require additional signage.

Commissioner Cartwright asked Mr. Gunter to explain the components of the development that make it similar to a lifestyle center. Mr. Gunter explained the development has "Main Street" features, which are pathways around the development that would connect to the existing bike/pedestrian paths and designate walkways around the shopping center and parking lot.

Commissioner Pouliot asked for confirmation that the proposed larger pylon sign would take the place of the allowable billboard sign? Mr. Gunter concurred; the applicant would agree to give up their right to a billboard sign if the variance for the larger pylon sign were approved.

Commissioner Peura recommended condition 2 be amended as follows:

2. Parking

d. The shopping center design must be amended to provide for pedestrian access and bicycle parking per Section 11-22-8 of the Zoning Ordinance of the City of Helena, so that there is safe pedestrian connectivity between and among all the buildings of the Planned Unit Shopping Center, not only from each parking lot area to the adjacent building.

Mr. Gunter indicated he was agreeable to the amended condition.

Motions

Commissioner Peura moved approval for condition 2 to be amended as follows:

2. Parking

d. The shopping center design must be amended to provide for pedestrian access and bicycle parking per Section 11-22-8 of the Zoning Ordinance of the City of Helena, so that there is safe pedestrian connectivity between and among all the buildings of the Planned Unit Shopping Center, not only from each parking lot area to the adjacent building. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Commissioner Peura recommended adding item C to the variance motion below in order to memorialize the applicant's intention should the variance be approved.

Commissioner Pouliot moved approval of a variance from Section 11-23-11(B) Zoning Ordinance of the City of Helena to allow the proposed pylon sign to exceed the 150 square foot area limitation by 148 square feet subject to the following conditions:

a. Billboard signs, as described in 11-23-9, are not permitted within the boundaries of the shopping center (Lots 1,2, 4, and 5 of the Skyway Regional Shopping Center Minor Subdivision).

b. The pylon sign must be located a minimum distance of 500 feet from another freestanding sign.

c. The pylon sign may only be 30 feet in height.

Commissioner Peura seconded the motion.

Commissioner Oitzinger indicated she would not support the motion. Commissioner Peura stated he would not support the additional variances but urged the Commission to consider that this as a large development being brought in as one unit which has dramatically reduced the total square footage of signage. Also, if the applicant does not install a billboard it will be a long-term benefit to the visual effects of the area. Commissioner Oitzinger stated a 600-foot billboard would serve as notice of the Commission standing by the city's sign ordinance. Mayor Smith commented sign standards exist in the City's Zoning Ordinance. He indicated he would support the proposed variance to allow increased wall signage but would not support any of the other variances. Commissioner Cartwright noted he would like to review the sign ordinance relative to large developments.

Vote

Motion carried 3-2, with Mayor Smith and Commissioner Oitzinger voting no.

Commissioner Peura moved denial of a variance from Section 11-23-11(B) (1) Zoning Ordinance of the City of Helena, to allow the proposed monument signs to exceed the 6-foot height limitation by 6 feet and the 50 square foot area limitation by 162 square feet. Commissioner Oitzinger seconded the motion.

Commissioner Pouliot indicated he would not support the motion to deny the variance because he believes the development has made their best effort to reduce the amount of signage in the subdivision. Commissioner Oitzinger stated she would not support the proposed variances because the conditions do not create a burden on the applicant.

Vote

Motion carried 4-1, with Commissioner Pouliot voting no.

Commissioner Peura moved denial of a variance from Section 11-23-11(B)(2) Zoning Ordinance of the City of Helena to allow signs to exceed the 3 freestanding sign limitation for a shopping center signs by two additional signs; and to allow signs to exceed the one freestanding sign limitation per street frontage allowing 3 freestanding signs on Washington Street and 2 freestanding signs adjacent to Interstate 15. Commissioner Oitzinger seconded the motion.

Commissioner Cartwright indicated he would not support the motion, as the proposed signs don't seem like they would create excess visual clutter.

Vote

Motion carried 3-2, with Commissioners Cartwright and Pouliot voting no.

Commissioner Pouliot moved approval of a variance from Section 11-23-11(B) (3) Zoning Ordinance of the City of Helena to allow an increase in wall signage up to 10% of the building facade as wall signage, and to allow each user to have a wall sign on the rear of the building no larger than 50% of the primary sign on the front of the building. Commissioner Cartwright seconded the motion. Motion carried 3-2, with Commissioners Peura and Oitzinger voting no.

Commissioner Cartwright stated developers need to look to the future when building planned developments and encouraged them not to duplicate styles from other communities. He indicated he would not support the CUP for design reasons.

City Manager Burton reiterated the developer could develop the property with the underlying B-2 zoning criteria, including signage, which exceeds what is proposed with the CUP.

Motion

Commissioner Peura moved approval for resolution granting a Conditional Use Permit (CUP) to allow Skyway Regional Shopping Center, a planned unit shopping center, in a B-2 (General Commercial) District for property legally described in the staff report and subject to the amended conditions. Commissioner Oitzinger seconded the motion. Motion carried 3-2, with Commissioners Cartwright and Oitzinger voting no.

E. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CITY OF HELENA ORDINANCE NO. 2359 AND AMENDING THE OFFICIAL ZONING MAP THEREOF IN REFERENCE TO A ZONE CHANGE FROM R-2 (SINGLE FAMILY RESIDENTIAL) AND R-3 (MEDIUM DENSITY RESIDENTIAL) DISTRICTS TO PLI (PUBLIC LANDS AND INSTITUTIONS) DISTRICT FOR PROPERTY GENERALLY LOCATED EAST OF CALIFORNIA STREET BETWEEN HIGHLAND STREET AND WINNE AVENUE WITH STREET ADDRESSES OF 201 AND 209 SOUTH CALIFORNIA STREET.

City Planner Lucy Morell-Gengler stated on May 9, 2006 the Helena Zoning Commission unanimously recommended approval (4:0 vote) for the adoption of an Ordinance for a zone change from R-3 (Medium Density Residential) District for 201 South California Street, and from R-2 (Single-Family Residential) District for 209 South California Street, to PLI (Public Lands and Institutions) District.

The applicant is requesting a zone change from R-3 District for 201 South California Street, Lots 1-5, Block 41 of the Lenox Addition, and from R-2 District for 209 South California Street, Lots 6-8, to PLI District. St. Peter's Hospital currently owns 201 South California Street, which is the Hospice/Homelink office. The property at 209 South California Street is currently a nonconforming multifamily use; the hospital intends to purchase this property and convert it to the St. Peter's Foundation office.

Ms. Morell-Gengler recommended approval of the zone change and reported this proposal is consistent with the 2001 Helena Growth Policy and Zoning Ordinance, and is compatible with the land uses in the area. It is anticipated expanding the PLI District to incorporate these properties will help facilitate the provision of medical services in the Helena community.

Commission comment Mayor Smith asked if relocating a water main would be feasible? Ms. Morell-Gengler explained in discussion with city staff, the main could be relocated but it would create additional constraints on the property. Commissioner Cartwright asked if conditions could be placed on the property so that future development would remain consistent with the neighborhood? Ms. Morell-Gengler stated the Commission cannot add conditions to zone changes.

Public Testimony Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

Mary Ann Dunwell, 2520 Lookout Court; spoke in support of the zone change.

There being no further persons wishing to address the Commission, Mayor Smith closed the public hearing.

Motion Commissioner Pouliot moved approval for first passage of an ordinance for a zone change from R-3 (Medium Density Residential) and R-2 (Single-Family Residential) Districts to PLI (Public Lands and Institutions) District for property legally described in the ordinance. Commissioner Oitzinger seconded the motion.

Comment Commissioner Cartwright urged the applicant to install sidewalks on the property.

Vote All voted aye, motion carried. **Ordinance #3058**

F. CONSIDER A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A CREMATORY AND FUNERAL HOME TO BE LOCATED IN A CLM (COMMERCIAL LIGHT MANUFACTURING) DISTRICT FOR PROPERTY GENERALLY LOCATED SOUTH OF BOZEMAN AVENUE BETWEEN BLAIN STREET AND CARTER DRIVE.

Staff Report City Planner Kathy Macefield reported on May 9, 2006 the Helena Zoning Commission unanimously recommended approval (4:0 vote) for the adoption of a Resolution granting a Conditional Use Permit (CUP) to allow a crematory and funeral home with an accessory chapel and retail showroom in a CLM (Commercial Light Manufacturing) District for property legally described as Lot 15 of the Airport Business Park Subdivision, Helena, Montana; generally located south of Bozeman Avenue between Blaine Street and Carter Drive.

Ms. Macefield recommended approval of the CUP and noted this proposal represents infill development, and efficient use of energy, infrastructure and resources. This proposal is consistent with the 2001 Helena Growth Policy and Zoning Ordinance, and is compatible with the surrounding land uses. No negative public comment has been received about this proposal.

Commission comment Mayor Smith asked if the crematory use is specifically excluded from the CLM zoning district? Ms. Macefield stated crematories are allowed by CUP only.

Public Testimony Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

There being no persons wishing to address the Commission, Mayor Smith closed the public hearing.

Motion

Commissioner Cartwright moved approval for a resolution granting a Conditional Use Permit (CUP) to allow a crematory and funeral home (SIC # 726) with an accessory chapel and retail showroom in a CLM (Commercial Light Manufacturing) District for property legally described in the staff report and generally located south of Bozeman Avenue between Blaine Street and Carter Drive.
Commissioner Peura seconded the motion. All voted aye, motion carried. **Resolution #19361**

G. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CITY OF HELENA ORDINANCE NO. 2359 AND AMENDING THE OFFICIAL ZONING MAP THEREOF, IN REFERENCE TO PROPERTY LOCATED AT 1121 SANDERS STREET AND 1509 LIVINGSTON AVENUE, FOR A ZONE CHANGE FROM A R-2 TO A PLI DISTRICT.

Staff Report

Ms. Macefield reported on May 23, 2006 the Helena Zoning Commission unanimously (4:0 vote) recommended approval for the adoption of an Ordinance amending City of Helena Ordinance No. 2359, and amending the Official Zoning Map thereof in reference to these lots, for a zone change from R-2 (Single-Family Residential) to a PLI (Public Lands and Institutions) District. Legally described as Lots 1-3, Block 43, Conrad-Stanford Addition, Helena, Montana; generally located south of Livingston Avenue and east of Sanders Street with property addresses of 1121 Sanders Street and 1509 Livingston Avenue.

The applicant is proposing a zone change from R-2 (Single-Family Residential) District to PLI (Public Lands and Institutions) District. According to the submitted traffic study, the 2 existing residences would be removed from the property to accommodate construction of a state office building "...referred to as the 'Education Administration Building,' ...planned to house the Office of the Commissioner of Higher Education (OCHE), as well as staff from other state agencies." Information submitted by the applicant is attached. However, any use that is allowed by a zoning district would be permitted on the property. The existing residences would be removed from the property to accommodate new construction.

Ms. Macefield recommended approval of the proposed ordinance and added the proposal represents infill development, and efficient use of energy, infrastructure and resources. The proposal is consistent with the 2001 Helena Growth Policy and Zoning Ordinance, and is adjacent to PLI zoning on 3 sides.

Commission comment

Mayor Smith asked who owns the subject property? Ms. Macefield clarified the Helena College of Technology (HCT) owns all of the property under consideration.

Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

Rusty Harris, Think One, architect for the project; spoke in support of the proposed ordinance.

Daniel Bingham, HCT Dean, 801 South California; spoke in support of the zone change.

There being no further persons wishing to address the Commission, Mayor Smith closed the public hearing.

Motion

Commissioner Peura moved approval first passage of an ordinance amending City of Helena Ordinance No. 2359, and amending the Official Zoning Map thereof in reference to 3 lots, for a zone change from R-2 (Single-Family Residential) to a PLI (Public Lands and Institutions) District as legally described in the ordinance. Commissioner Oitzinger seconded the motion.

Discussion

Commissioner Oitzinger encouraged the HCT and OCHE to consider the downtown area when looking for additional office space. Mayor Smith thanked HCT for working with the neighborhood and city staff on the project.

Vote

All voted aye, motion carried. **Ordinance #3059**

Public Communications

PUBLIC COMMUNICATIONS

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is Wednesday, June 14, 2006 and the next Commission Meeting is Monday, June 19, 2006. The final Commission Budget Work Session will be held on Tuesday, June 6, 2006.

Commissioner Peura reported the public meeting for the Downtown visioning process is scheduled for June 20, 2006 at 6:30 pm in the Civic Center auditorium.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:52p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission