

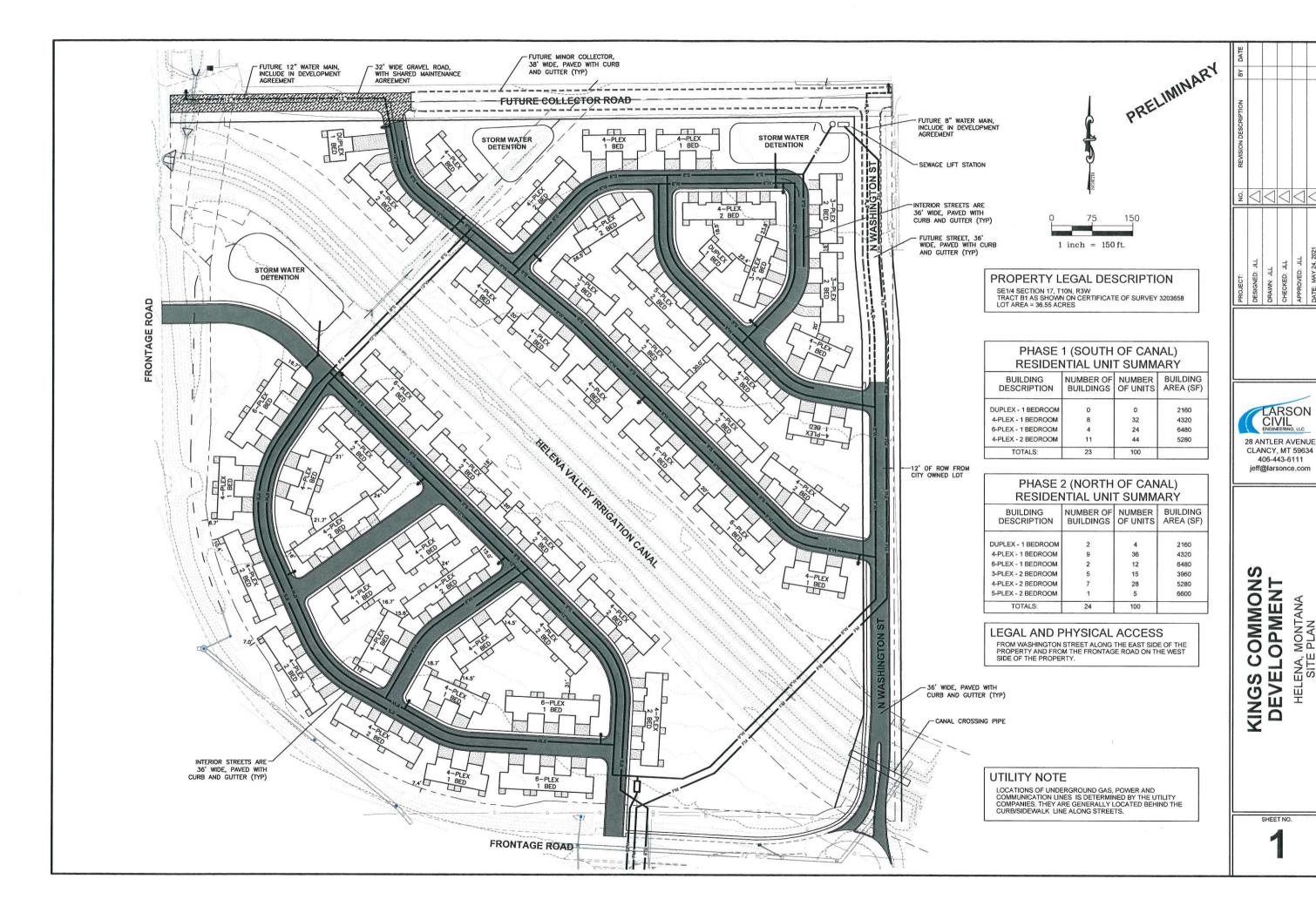
KINGS COMMONS VICINITY MAP

KINGS COMMONS VICINITY MAP

HELENA, MONTANA

SHEET NO.

OF 1





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Helena, MT 59623

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helenamt.gov

Date: January 19, 2022

To: Helena Zoning Commission

From: Michael McConnell - Planner II

Subject: Kings Common Pre-Zone

Overview

The applicant Kings Common LLC have petitioned for annexation into the City of Helena and applied for prezoning review. The property legally described as "Tract B1 as shown on COS # 3203658." is an approximately 36-acre site on the northwest corner of the Frontage Road and North Washington Street intersection.

The proposal calls for a pre-zone designation of B-2 (general commercial) and annexation of the entire 36-acre parcel. The applicant intends to construct multifamily uses on the property. Any use allowed with the B-2 district would be allowed onsite if approved. Approval of this zoning proposal does not indicate approval for the applicants submitted design or uses. The B-2 district is generally associated with all types of commercial uses and medium to high density residential uses.

The subject property is adjacent to city limits on the south, east and north sides. The parcels to the north and south are zoned B-2 and the parcel to the east is zoned PLI (Public Lands and Institutions). The only adjacent development is to the south and is a 100-unit multifamily development. This property is bisected by the Helena Valley Irrigation Canal.

General Information

Application Date: June 01, 2021

Meeting Date: Zoning Commission – February 8, 2022

City Commission – February 28, 2022

Applicant: Kings Common LLC

2729 Aspen Way Billings MT, 59106

Property Owner: Kings Common LLC

2729 Aspen Way Billings MT, 59106

Representative: Jeff Larson P.E.

28 Antler Avenue, Clancy MT 59634

General Location: Northwest corner of the Frontage Road and North

Washington Street intersection

Present Land Use: Vacant

Current Zoning: Urban Residential Mixed Use (URMU)

Adjacent Land Uses & Zoning: North: Vacant (B-2)

South: Residential – (B-2) East: Vacant - URMU

West: Stormwater & Wastewater Infrastructure - (PLI)

Size: 36 acres

2019 Growth Policy

Land Use Designation: Commercial – Lands where the predominant use is the transaction of goods or services such as retail, office, restaurants, entertainment, etc.; such areas are usually near arterials or have good access to major streets. These properties are expected to have limited single-unit residential uses but may include high-density residential uses and residences associated with a commercial use.

Within Urban

Standards Boundary: Yes

Review Process

City Code Section 11-1-4:

- A. All territory to be annexed into the city must first be prezoned, and the zoning must be consistent with the designated land uses for such territory as set forth in the growth policy.
- B. Prezoning applications are filed with the community development department and any required fees must be paid upon submission of an application.
- C. The zoning commission shall hold a public hearing and make a recommendation to the city commission.
- D. The city commission shall determine the appropriate zoning and pass an ordinance establishing the zoning, which zoning is effective upon the date of annexation.

This review process as defined by city code allows for public comment, staff review and vetting through city departments and appointed and elected boards or committees prior to approval. As part of this process the Community Development Department sends the application materials to applicable departments for their review and comment. This leads

to a full evaluation of potential impacts and helps determine how the proposed zoning relates to the review criteria.

DISCUSSION

Public Comment:

As of January 19, 2022, there have been no comments received regarding the proposed subdivision, annexation and pre zone.

Zoning Commission Recommendation: Move to recommend approval of **an ordinance pre-zoning prior to annexation to B-2 (General Commercial)** for property legally described as "Tract B1 as shown on Certificate of Survey filed under document No. 3203658".

Evaluation:

The property is zoned in unincorporated Lewis and Clark County as "Urban Residential, Mixed Use. While the zone district and its boundaries have been adopted by the County Commission there are currently no development standards, uses or other regulations associated with the zone district. These will be adopted in a future amendment. The intent of that zoning district will be to match City standards to the extent possible, according to Lewis and Clark County.

B-2 (General Commercial)

The applicant has proposed a zone district of B-2 in association with the proposed development. B-2 allows most commercial uses like restaurants, office space and retail activities as well as vehicle sales, administrative services, overnight lodging and churches and other community facilities in addition to medium to high density residential uses.

This zone district generally fits in with the types of uses and densities located in the immediate vicinity, mostly to the south of the subject property. The zone district dimensional standards including maximum height limit and lot coverage will facilitate land use patterns that are in line with uses and structures currently located in the immediate neighborhood and will ensure that any new development integrates easily with surrounding structures.

<u>Development standards for the B-2 zone district are:</u>

Lot Coverage: No minimum

Front/rear Setback: No minimum (unless abutting a residential zone)

Side Setback: No minimum (unless abutting a residential zone)

Height: 75 feet maximum Lot Area: No minimum

The wider area encompassing the Kings Common development is primarily commercial in nature with some higher density residential uses being constructed immediately to the south of the subject property. The other properties immediately adjacent are a city stormwater facility (east) and a county gravel pit (north). Farther north are low density residential uses developed in Lewis and Clark County.

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

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

Montana MCA Section 76-2-304(2.a thru e), "Purposes of Zoning" states:

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

The proposed pre-zone to the B-2 (General Commercial) District meets all the zone change requirements outlined in MCA Section 76-2-304(1.b) and (2.a thru e). This is documented below.

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

The subject property is currently undeveloped. When annexed any new construction will be built in accordance with the most current building and fire codes that are enforced by the City of Helena. Any new development will be required to comply with all relevant dimensional standards of the B-2 District. These measures are intended to help protect the property from fire and other dangers. This area is designated in the City of Helena Growth Policy as a moderate fire danger area. Once annexed, the parcel will receive all city services, including fire, police, and once developed, those parcels will have City solid waste services available to them. The Helena Valley Irrigation Canal bisects the property and will be fenced to ensure residents don't have access. This will be ensured with an annexation

condition.

Designed to (ii) promote public health, public safety, and the general welfare; and (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements The City through its standards tries to ensure the public health and safety of its citizens through the enforcement of its Building Codes, Fire Codes, and other City regulations. Currently there is no development on the property. Developing to City standards will better ensure that potential issues can be better mitigated than if developed without those standards. City Standards and requirements for all development types help ensure that new developments provide adequate transportation infrastructure, water, and sewer facilities.

The International Building Code is used to ensure quality construction of new developments and to provide protections based on hazards like wildfire or liquefaction.

The City of Helena Engineering Standards ensure that water and sewage facilities are providing safe and efficient services and ensure the overall integrity and ability of those services to provide for the entire service network.

B-2 zone district designations allow generally moderate to high intensity uses and the immediately adjacent neighborhood is currently built out with similar uses. There is a moderate intensity residential use being developed near this project site. This continuity will help facilitate a smooth transition between the subject property and its surroundings.

In order to help facilitate development on site the city, will enter into a development agreement for roadway and other infrastructure improvements on the north side of the Helena Valley Irrigation Canal. The applicant is free to develop the south side of the canal under the terms of annexation set forth in the Resolution of Intent to Annex, but will not be eligible for a building permit on the north side until all infrastructure needed to ensure service provision and safety are installed.

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

(a) reasonable provision of adequate light and air.

The subject property is zoned by the county as Urban Residential Mixed-Use, which presently does not have use or dimensional standards adopted. As currently zoned, there are no provisions for adequate light or air. The zoning requirements for the B-2 zone district will apply to all future structures on this property and are the mechanism used to enforce compliance and support for these criteria. Enforcement of the zoning requirements related to setbacks from property lines and height restrictions will ensure that future development have adequate light and air. Additionally, the property must be developed in accordance with other zoning requirements and regulations for the applicable districts, such as: use, off-street parking, screening, and landscaping. These standards ensure adequate light and air are available.

(b) the effect on motorized and nonmotorized transportation systems;

With the addition of approximately 36-acres of B-2 zoned land the effects on both the motorized and non-motorized transportation systems could be significant. B-2 zoning district allows primarily commercial uses with low to high density residential uses also allowed by right

The Community Development Department uses a traffic generation model that assumes several uses will be located on the subject property based on relevant examples throughout the community and allowable uses for the specific zone district. This type of model is used because prezoning, as with rezoning, is not intended to be project specific and no conditions can be placed on the proposal so the mechanism used to estimate the traffic generation must be general in nature and not specific to the subdivision or development proposal itself.

Using this model, based on the total land area, it

is estimated that the motorized traffic generated could be upwards of 41,000 new trips per day. This is taking into account multiple commercial use types including a restaurant, general retail sales, general office uses and high density residential. The applicant prepared a TIS and it anticipates at full buildout development on this site will produce 1,537 new trips per day based on up to 210 new residential units.

According to the submitted TIS Frontage Road currently carries 3,931 trips per day north of Queen Ann's Street. Custer Avenue currently carries 18,494 trips per day.

The 2014 Greater Helena Area Long Range Transportation Plan Update classifies the Frontage Road as a "Major Collector" from the round-about north. The City of Helena Engineering and Design Standards states "Major Collector" are designed to carry between 3,500 and 5,000 vehicles per day. North Washington Street from Custer Avenue to the round-about is also classified as a "Major Collector". North of the roundabout North Washington Street will be classified as a "local Road" handling between 0 and 1,500 trips per day.

The 2014 Greater Helena Area Long Range Transportation Plan Update projects that by the year 2035 the adjacent section of Frontage Road will carry 6,550 trips per day. This document also projects 1,750 new jobs and 250 new housing units will be located in this vicinity.

The nearby Custer Avenue and North Washington Street intersection is identified in the submitted TIS as operating at a level "C/C,". This is the lowest acceptable level that does not warrant an intersection upgrade of some type.

The effects on the non-motorized transportation system could also be significant with many new dwelling units potentially being located on the subject property. Any newly dedicated public

rights of way would have to conform to the complete street's ordinance. There will be 2 newly constructed public roads with sidewalks adjacent to the project site. Sidewalks on the opposite sides of the street will be constructed when those properties are developed. Properties south of Frontage Road are currently being developed with a mix of high density residential and commercial uses.

This pre-zone application will be accompanied by a petition for annexation. There will be several conditions of annexation related to transportation in the form of newly constructed roads that will be dedicated to the City. These roads are North Washington Street, a future and as yet unnamed minor collector across the northern frontage. Boulevard sidewalks will also be constructed along the Frontage Road and on the frontage for the other above roadways.

(c) promotion of compatible urban growth.

The allowable uses within the B-2 zone district are generally compatible with the surrounding area to the south. The density and uses allowed within these zone districts are similar to what is currently represented in the wider neighborhood.

The future land use map designates the subject property as "Commercial" which includes land that is predominately dedicated to the transactions of good and services. This land use designation can also include moderate to high density residential uses. The 2019 Growth Policy encourages lands to be developed with city services and built out at a higher density if they are designated as "Commercial.". Parcels on the subject properties east and south sides are classified as being appropriate for commercial and high-density residential uses as well. North of the subject property is classified as "Suburban" and identifies land uses like low density residential and commercial uses that serve the immediate area to serve as a transition between urban areas and the more rural areas of Lewis

	and Clark County as being suitable.
(d) the character of the district and its peculiar suitability for particular uses; and	The subject property is in Lewis and Clark County within the Urban Residential Mixed-Use zoning district and is also located within the city's Urban Standards Boundary. City staff is recommending pre-zoning to the B-2 district prior to annexation into the city because the uses and other requirements associated with B-2 zoning are generally compatible with the adjacent residential and commercial developments in the area.
(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area	The B-2 District is a suitable district designation for the subject property when considering the existing blend of residential and commercial development in the vicinity. The area to the south is generally being built out with similar densities. The uses in this area will be comparable to the uses found in other parts of the city that are zoned similarly.

Growth Policy Analysis

The 2019 City of Helena Growth Policy represents this area as being best suited for an urban style of development. The future land use map designates the subject property as "Commercial" which includes land that is predominately dedicated to the transactions of good and services. This land use designation can also include moderate to high density residential uses. The 2019 Growth Policy encourages lands to be developed with city services and built out at a higher density if they are designated as "Commercial.". Parcels on the subject properties east and south sides are classified as being appropriate for commercial and high-density residential uses as well. North of the subject property is classified as "Suburban" and identifies land uses like low density residential and commercial uses that serve the immediate area to serve as a transition between urban areas and the more rural areas of Lewis and Clark County as being suitable. With proposed zone district classification of B2 this property would meet that definition.

The main theme of the 2019 Growth Policy Update is for the City of Helena to grow around urban centers which promote compact development in areas and clearly defined locations to be identified with neighborhood plans. These urban centers are meant to be complimentary and supportive of existing neighborhoods, in some cases more than one existing neighborhood. As such these centers are more appropriately located along major transportation routes with good ingress and egress options for all users.

The subject property I would most appropriately be utilized as a residential or mixed-use neighborhood. The B-2 zone district designation that is being proposed is supportive of this vision and set of circumstances as they exist today. B-2 is the most versatile and accommodating zone district in the Helena City Code. The wide variety of uses allowed in B-2 could be considered supportive for a wide range of future visions for the wider neighborhood. The subject property being near high traffic volume rights of way Custer Avenue and Interstate 15 is well suited to medium to high density uses.

This zone district is supportive of a mix of housing types and with elements of the zoning code like setbacks and height restrictions are supportive of public health and wellbeing.

This development would also meet several 2019 Growth Policy Goals and Objectives including:

[G.02] Support provision of housing that is safe, available, accessible, and affordable for all Helena residents.

[0.12] Promote and maintain development of a diverse housing stock, helping to:

- Minimize depletion of natural resources.
 - Reduce land consumption and demands on the physical environment;
- Provide housing options for all residents;

Optimize infrastructure use;

- [0.14] Support the development of housing located in proximity to necessary services and quality of life assets, including generalized physical, technological, social and economic infrastructure
- [G.03] Provide high-quality, affordable and efficient public facilities and services in Helena that also prioritize the protection of public health, including residents and visitors.
- [0.43] Require street development or improvement projects to include facilities allowing persons of all ages and abilities to travel by automobile, foot, bicycle, and public transit.
- [0.46] Require that subdivisions and other developments provide a transportation system that:

Promotes connectivity where adjacent to developed areas; Provides for future connectivity with anticipated development; Incorporates 'traffic calming' measures where appropriate; Supports non-motorized transportation.

- [0.55] Minimize environmental degradation in areas with challenging physical and environmental characteristics, such as steep slopes, watercourses, drainage ways and wetlands.
- [0.78] Encourage infill development on vacant and under-utilized land within the city, directing growth to areas currently served by, or in close proximity to, existing infrastructure and that harmonizes with the character of existing neighborhoods.

The land uses generally allowed within these zone districts are mainly residential with a small number of commercial uses allowed with a Conditional Use Permit. Overall, this

development is consistent with the goals and objectives of the 2019 City of Helena Growth Policy. The above goals are intended to guide city decision making and implement a citizen guided vision for the future of Helena.

Zoning Commission Recommendation: Move to recommend approval of **an ordinance pre-zoning prior to annexation to B-2 (General Commercial)** for property legally described as "Tract B1 as shown on Certificate of Survey filed under document No. 3203658".



City of Helena LAND USE Application Form

Please provide all of the information requested in the Application Instructions. AN INCOMPLETE APPLICATION MAY DELAY REVIEW OF YOUR REQUEST.

1.	APPLICANT: 2.	PROPERTY OWNER (if different from applicant):	
	Name: HELENA KINGS COMMONS, LLC	Name:	
	Address: 2729 ASPEN WAY	Address:	
	BILLINGS, MT 59106		
	Primary Phone: (406) 655 - 4646	Primary Phone:	
	Secondary Phone	Secondary Phone:	
	Email address: <u>calkunkel</u> @ gmail.com	Email address:	
	Authorized Representative JEFF LARSON (The representative is authorized to represent the proper	erty owner and to receive all correspondence)	
3.	LEGAL DESCRIPTION (submit a deed and recent copy of the plat to verify description):		
	Subdivision/Blocks/Lots and COS number:	CT BI, COS #3203658	
	Section, Township, and Range: SECTION 17,	TION, RZW	
4.	ADDRESS OF PROPERTY:		
5.	CURRENT ZONING: NONE		
6.	GEOCODE: 05-1888 -17-4-01-01	- 0000	
Please in	ndicate the type of land use/land use change you are req	uesting and submit this form with your application:	
□ Condi	one ≱Annexation tional Use Permit □ Variance from Zoning Regulatio Subdivision Preliminary Plat □ Minor Subdivision P		

IT IS THE POLICY OF THE CITY COMMISSION <u>NOT</u> TO ACT ON A PROPOSAL IF THE APPLICANT/APPLICANT'S REPRESENTATIVE IS NOT PRESENT AT THE COMMISSION MEETING. City Planning Staff represents the City; staff cannot answer questions for the applicant.

The taxes and assessments on the applicant's property, which is the subject of the proposed action, must be paid or payment of said taxes and assessments must be made a condition of final approval of said action by the city commission, with the taxes and assessments to be paid within fourteen (14) days after final passage. In the event the taxes and assessments are not paid, the proposal will be brought back before the city commission at the next regularly scheduled meeting for reconsideration.

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

SIGNED:	CXL	Date:	5 25 21
Applica	int		ı
Property Owner:		Date:	
	(If different from applicant)		

DATE RECEIVED:



City of Helena PREZONE Application Form

APPLICATION FEE: \$410.00 (Payable to the City of Helena) ALL FEES ARE NON-REFUNDABLE

INTE	Application to the Helena Zoning Commission and City Commission for an amendment to the official Zoning Map; such amendment will pre-zone property for annexation purposes. Zoning does not become effective until the property has been annexed into the City.
1.	IS THE PROPERTY CONTIGUOUS TO EXISTING CITY LIMITS? Yes X No I I So, what is the adjacent city zoning? BZ PLI
2.	IS THE PROPERTY IN OR ADJACENT TO A COUNTY SPECIAL ZONING DISTRICT? If so, what zoning district? URBAN RESIDENTIAL MIXER USE USE USE IF SO, WHITE PROPERTY IN OR ADJACENT TO A COUNTY SPECIAL ZONING DISTRICT?
3.	PROPOSED ZONING: & Z
4.	PRESENT USE: VACANT
5.	ADJACENT USES: RESIDENTIAL, COMMERCIAL, GRAVEL PIT, STORM WATER PUND
6.	PROPOSED USE: (attach additional information if necessary)
	RESIDENTIAL
7.	REASON(S) THIS PROPOSAL SHOULD BE APPROVED: (attach additional information if necessary)
	TO PROVIDE MORE AFFORDABLE HOUSING IN THE CITY OF
	HELENA.
	RAL REQUIREMENTS: the following materials:
1	An application, including the application fee, according to the Zone Change schedule available in the Community Development Department.
2	Description of the boundaries of the area to be prezoned
	Vicinity map of the area with the application form. This map must show the location of the property in relation to surrounding land and zoning in the immediate area; location of City water and sewer mains and other utilities; and City streets.
1	The application must be COMPLETE and SIGNED by the applicant <u>and</u> property owner. An incomplete application may delay review of your request. Attach additional information if needed.

Review Criteria

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

Your application will be reviewed using Montana MCA Section 76-2-304, "Criteria and Guidelines for Zoning Regulations" stated below. Therefore, please describe how your proposal relates to the following criteria (attach additional sheets if necessary):

- (1) Zoning regulations must be:
 - (a) made in accordance with a growth policy; and
 - (b) designed to secure safety from fire and other dangers;
 - (ii) promote public health, public safety, and the general welfare; and
 - (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- (2) In the adoption of zoning regulations, the municipal governing body shall consider:
 - (a) reasonable provision of adequate light and air;
 - (b) the effect on motorized and nonmotorized transportation systems;
 - (c) promotion of compatible urban growth;
 - (d) the character of the district and its peculiar suitability for particular uses; and
 - (e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

Section 11-1-10 of the Helena Zoning Ordinance states the Zoning Commission and the City Commission will hold public hearings, to give the public an opportunity to be heard upon the matter.

ZONING IS NOT EFFECTIVE UNTIL THE PROPERTY HAS BEEN ANNEXED INTO THE CITY.

The Zoning Commission will make a recommendation to the City Commission who will approve, deny or conditionally approve the requested prezoning.