Item 1 2605 N Sanders



Michael Alvarez, Planner II Community Development Department

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Date: Aug 04, 2022

File: ZONC2206-001 | 2605 N Sanders St

ZONE CHANGE

STAFF REPORT

TO: City of Helena Zoning Commission

FROM: Michael Alvarez, Planner II

Christopher Brink, Community Development Director

SUBJECT: To make a recommendation on an ordinance amending the official zoning

map for the City of Helena that changes the zoning district from CLM (commercial-light manufacturing) to R-4 (residential-office) for property legally described as Tract 1A of land located in the NE ¼ of Section 20,

Township 10 N, Range 3 W, P.M.M.; and described more fully on COS 3198943,

City of Helena, Lewis and Clark County, Montana. This property is located at 2605 N Sanders St.

GENERAL INFORMATION

DATE OF APPLICATION: June 24, 2022 DATE DEEMED COMPLETE: July 21, 2022

PUBLIC HEARING DATES:

Zoning Commission: 6:00 P.M. Tuesday, September 13, 2022 **City Commission:** 6:00 P.M. Monday, October 17, 2022

PUBLIC NOTICE:

Legal notice has been published August 28, 2022 in the <u>Independent Record</u>; notice letters have been sent to adjacent property owners, and a sign posted on the property.

PUBLIC COMMENT:

As of Tuesday, September 6th no public comments have been received regarding this proposed zone change.

OWNER: Sumist Two LLC

ADDRESS: PO Box 5447, Helena, MT 59604

APPLICANT: Thrive Development

ADDRESS: 7585 Union Park Ave Ste 200, Midvale, UT 84047

SUBJECT PROPERTY ADDRESS: 2605 N Sanders St., Helena, MT 59601

LEGAL DESCRIPTION:

Tract 1A of land located in the NE $\frac{1}{4}$ of Section 20, Township 10 N, Range 3 W, P.M.M.; and described more fully on COS 3198943, City of Helena, Lewis and Clark County, Montana.

GENERAL LOCATION: The property is generally located on the east side of N Sanders St, south of Marshall Ln, and north of Orange St.

PRESENT LAND USE: Vacant

Size: 11.03 Acres

ADJACENT LAND USE:

North: Immediately north is vacant land and north again are general retail locations

South: City of Helena park land

East: City of Helena park land and east again is HWY I-15

West: Commercial buildings

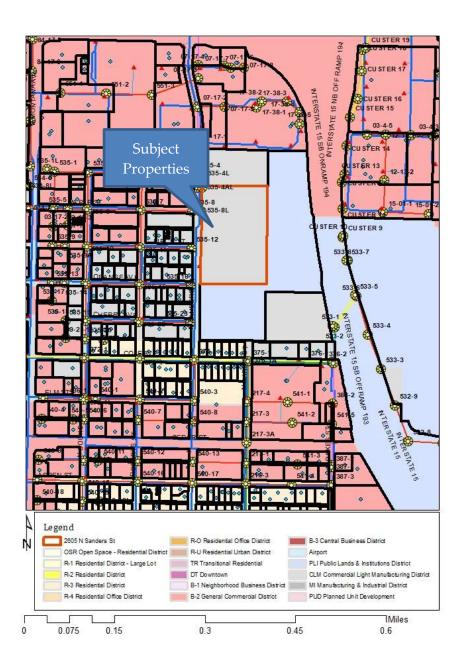
PRESENT ZONING: CLM (commercial)

ADJACENT ZONING:

North: CLM (commercial)

South: PLI (public lands and institutions)East: PLI (public lands and institutions)West: CLM (commercial) & B-2 (commercial)

VICINITY MAP:



ZONING USE DEFINITIONS:

The CLM (commercial-light manufacturing) District provides for the community's commercial and light manufacturing needs. These uses generally need access to the City's transportation amenities and should be located to reduce adverse impacts upon residential neighborhoods in the City.

The R-4/R-0 (residential-office) districts provide for a compatible mix of higher density residential development with professional and business offices and associated service uses.

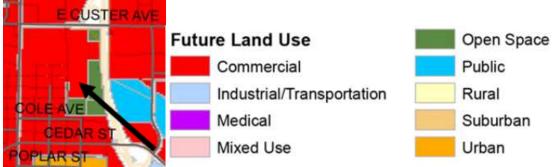
DESCRIPTION / BACKGROUND

The applicant/property owner is requesting a that the official zoning map for the City of Helena be amended to change the zoning district of 2605 N Sanders St from CLM (commercial-light manufacturing) to R-4 (residential-office). The property is currently vacant and a zone change would allow high-density residential housing to be constructed at the location.

EVALUATION:

GROWTH POLICY:

2019 Growth Policy Future Land Use Map



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

1) Growth Policy Area Designation:

The 2019 Helena Growth Policy Land Use Chapter and Future Land Use map identifies the area that the property is in as commercial. Areas to the north and west of the properties are also designated as commercial. There are areas designated as Open Space to the east and south. All developable areas in the vicinity are designated commercial though residential uses are present in the area. The Growth Policy also includes several goals and objectives that are applicable to the proposed zone change.

2) Growth Policy Area Definition:

The 2019 Growth Policy identifies the Commercial future land use areas as "[1] ands 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." R-4 (residential-office) zoning allows for higher density residential uses.

The Land Use chapter of the 2019 Growth Policy sets forth a range of objectives relevant to the present rezoning application. When considering rezoning of lots within the city, consideration must be made for factors such as the future land use mapping (discussed above), compatibility with surrounding land uses, and the development of vacant and under-utilized spaces, to name a few.

3) Growth policy Objectives of note:

Objective 12 of the Growth Policy seeks to "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 for all residents;
- Optimize infrastructure use;
- Prepare Helena to meet emerging needs.

The CLM district does not accommodate moderate to high density residential units without a CUP. R-4 (residential-office) allows for the development of all types of housing stock, including the denser types of housing the future land use map allows for with a Commercial designation.

Objective 78 of the Growth Policy seeks to "Encourage infill development on vacant and underutilized 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."

2605 N Sanders St is currently vacant. Development here would be considered in-fill.

4) Zoning compatibility:

The proposed zoning, R-4, would most squarely address the Growth Policy's direction to allow for more intensive residential development in the area. The change in zoning from CLM to R-4 would allow for the development of all types of housing – and specifically multi-family residential. While the area could be developed with residential with a zone change to B-2 (commercial), designating the area R-4 more accurately reflects the intent of the prospective property owner and will allow for a more accurate estimate of the impacts of their proposal.

The proposed zone change from R-2 to R-3 District meets all the zone change requirements outlined in MCA Section 76-2-304(1.b). This is documented below.

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

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

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

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

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

This change in zoning offers a chance to fill in a gap in housing between N Montana Ave and I-15 and north of Orange St. This area lacks housing but includes many retail and service destinations. The lack of housing in the area means that the opposite travel node for trips here will be longer, increasing congestion. The City would like to see high-density residential projects in areas of high commercial development.

Both zoning districts contain provisions that address the promotion of public health and safety through dimensional limitations and allowed uses.

The intent of CLM district is the creation and preservation of businesses that provide for the city's commercial and manufacturing needs. Generally, CLM is an appropriate designation for ana rea that can handle trucking and should be located near highways. This area does fit that desired design element for a CLM zoning designation. However, this tract has not been developed under the CLM designation and the prospective property owner seeks to develop residential at the location. Development of vacant or under-utilized CLM zoned areas has seen greater success east of I-15.

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

The property is currently vacant and the change in zoning has been proposed as a precursor for a high-density residential development. The effects on the provision of transportation, water, sewerage, schools, parks, and/or other public requirements will be calculated at the time of building permits. Generally, the city would expect R-4 to produce fewer vehicle trips per day than CLM, but have greater water and sewage requirements. There are existing public parks adjacent to the property.

The property is approximately 11 acres in size and city utilities are in the area. The applicant has been informed that their project will need a traffic impact study (TIS) performed, however, zone changes are to be reviewed in the abstract of zone types and are not based the project proposal. Transportation systems will review the TIS when it is provided.

The traffic estimate for \sim 11 acres of CLM is 9,567 trips per day. Traffic estimate for R-4 is 4,295 trips per day.

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

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

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

a) reasonable provision of adequate light and air;

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

The minimum lot size, setbacks, height restrictions of City Code are intended to prevent the overcrowding of the land and ensure buildings that are compatible in size and

scale to others in the district. In addition, these requirements are also intended to assure adequate light and air will be provided. The dimensional limitations for both the CLM and R-4 districts are listed in the Table under §11-4-2. R-4 has more dimensional standard limitations than CLM.

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

CLM is considered a more intensive traffic producing land use than R-4. Sidewalks would be required on all frontages with any new primary structure (required for a building permit).

c) promotion of compatible urban growth;

The proposed zone change is only in keeping with the surrounding area if built densely. R-4 allows high -density residential development.

- d) the character of the district and its peculiar suitability for particular uses; and
 The area has primarily developed as a commercial district and this proposed zone change could see the area begin to be developed as a neighborhood.
- e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area

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

CONCLUSION

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

RECOMMENDATION

Move to recommend <u>Approval</u> of an ordinance amending the official zoning map for the City of Helena that changes the zoning district from CLM (commercial-light manufacturing) to R-4 (residential-office) for property legally described as Tract 1A of land located in the NE ¼ of Section 20, Township 10 N, Range 3 W, P.M.M.; and described more fully on COS 3198943, City of Helena, Lewis and Clark County, Montana.

This property is located at 2605 N Sanders St.



City of Helena **ZONE CHANGE**Application Form

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

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

	R4/RO B2, PLI, and CLM				
1.	PROPOSED ZONING: ADJACENT ZONING:				
	Vacant Land				
2.	PRESENT USE:				
2	Multifamily				
3.	PROPOSED USE: (attach additional information if necessary)				
	Commerical, and Single Family, and Industrial uses				
4	ADJACENT USES:				
5. REASON(S) THIS PROPOSAL SHOULD BE APPROVED (attach additional information if neces					
	The R4 Zone fits with The City of Helena's commercial designation in the City of Helena Growth Policy and future land use map.				
	The N4 2016 his with the City of Helena's confinercial designation in the City of Helena Growth Policy and future land use map.				
	Application Instructions				
	INTERNIT. Annihilation and all III and Toring Commission and Commi				
	INTENT: Application to the Helena Zoning Commission and City Commission for an amendment to to official Zoning Map. Such amendments re-classify property from one zoning district to ano				
	orneral Zonnig Map. Such amendments re-classify property from one zoning district to ano	tner.			
GEN	NERAL REQUIREMENTS:				
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1. 🔽		deadline			
	schedule available in the Community Development Department.				
2.	The application must be COMPLETE and SIGNED by the applicant and approximately				
2	The application must be COMPLETE and SIGNED by the applicant and property owner. An incomplete application may delay review of your request. Attach additional information if need	lad			
		icu.			
3. V	Submit the following materials with your signed application:				
	A. A description of the boundaries of the area of the proposed zone change and its relations	hip to			
	the City of Helena Growth Policy and future land use map.				
	B. A vicinity map of the area showing the location of the property in relation to surroundin	σ land			
	and zoning in the immediate area, and City streets.	5 min			

/ C.	The most recently filed plat or certificate of survey;
✓ D.	A current tax receipt for the subject property (if available).
E.	Any information you may find relative to the review criteria listed below:

Review Criteria

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

- (1) Zoning regulations must be:
 - (a) made in accordance with a growth policy; and
 - (b) designed to:
 - (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.
- (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.

PROCESS:

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.

ANY ZONE CHANGE ACTION IS NOT EFFECTIVE UNTIL THIRTY (30) DAYS FOLLOWING <u>SECOND</u> PASSAGE OF AN APPROVED ZONING ACTION BY THE CITY COMMISSION.

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



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: Thrive Development		Name: Sumist Two LLC			
	Address: 7585 Union Park Ave. Ste 200	.	Address: PO Box 5447			
	Midvale, UT 84047		Helena, MT 59604			
	Primary Phone:801-948-8800		Primary Phone: _406-439-3782			
	Secondary Phone 435-896-3335	_	Secondary Phone: 406-439-7800			
	Email address: _russ@thrivecorp.com	orași.	Email address: sskinner@q.com			
	Authorized Representative Russ Poulsen (The representative is authorized to represent the	prope	rty owner and to receive all correspondence)			
3.	LEGAL DESCRIPTION (submit a deed and r	ecent	copy of the plat to verify description):			
	Subdivision/Blocks/Lots and COS number:s20, T10 N, R03 W, C.O.S. 3198943, ACRES 11.03, TRACT 1A, IN E2NW4					
	Section, Township, and Range: T10 N, R03 W, Sec. 2	20				
4.	ADDRESS OF PROPERTY: 2605 N Sanders St, Helena MT 59601	.,,,,,,,				
5.	CURRENT ZONING: CLM					
6.	GEOCODE:05-1888-20-2-04-15-0000					
Pleas	e indicate the type of land use/land use change you a	re rec	questing and submit this form with your application:			
□ Co	e-Zone Annexation nditional Use Permit Variance from Zoning Reg njor Subdivision Preliminary Plat Minor Subdivi					

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

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.

Property Owner: State Secretary Date: 6/10/22

Hi different from applicant)

3A. A description of the boundaries of the area of the proposed zone change and its relationship to the City of Helena Growth Policy and future land use map.

PERIMETER DESCRIPTION

2 TRACTS OF LAND IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 3 WEST, PRINCIPAL MERIDIAN MONTANA, LEWIS AND CLARK COUNTY, MONTANA AND BEING COMPRISED OF TRACT 1 OF CERTIFICATE OF SURVEY NO. 565249/T AND TRACT OF LAND DESCRIBED IN M35, PAGE 7271 OF DEEDS; LOCATED IN THE CITY OF HELENA, AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

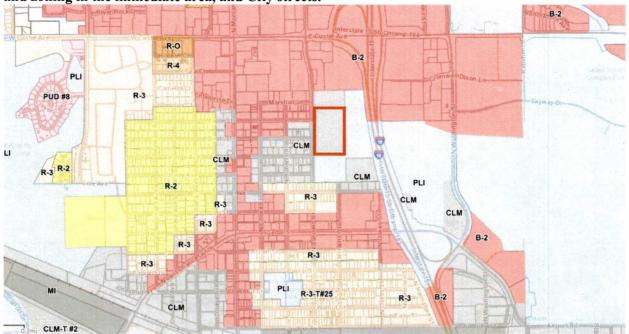
BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 1 ON THE EAST RIGHT-OF-WAY LINE OF SANDERS STREET, THENCE N00'59*E, 487.37 FT. ALONG SAID RIGHT-OF-WAY LINE; THENCE LEAVING SAID EAST RIGHT-OF-WAY LING N88*30*13*W, 70.00 FT. TO THE WEST RIGHT-OF-WAY LINE OF SANDERS ATREET AND BEING THE NORTHEAST CORNER OF LOT 1 BLOCK 12 ON THE EAST LINE OF THE HERSHFIELD ADDITION: THENCE ALONG SAID EAST LINE N01*09*32*E, 375.30 FT. TO THE NORTHWEST CORNER OF TRACT OF CERTIFICATE OF SURVEY 565294/T: THENCE N01*09*32*E, 81.42 FT.: TO THE NORTHEAST CORNER OF LOT 15, BLOCK 13 OF THE HERSHFIELD ADDITION: THENCE S88*52*07*E, 70.00 FT.: THENCE N01*09*32, 60.00 FT.: THENCE N88*52*07*W. 70.00 FT.: THENCE N01*09*32*E 183.88 FT. TO THE SOUTHEAST CORNER OF LOT 6 CUSTER LANDING, CERTIFICATE OF SURVEY NO 3148387: THENCE S88*45*14*E, 639.37 FT. TO THE NORTHWEST CORNER OF PARCEL A, CERTIFICATE OF SURVEY NO. 534421/B: THENCE ALONG THE WEST LINE OF SAID PARCEL A S01*03*43*W. 1176.40 FT. TO THE SOUTH EAST CORNER OF TRACT 1 CERTIFICATE OF SURVEY NO.565249/T: THENCE ALONG THE SOUTH LINE OF SAID TRACT 1 S88*57*11*E, 570.01 FT. TO THE POINT OF BEGINNING

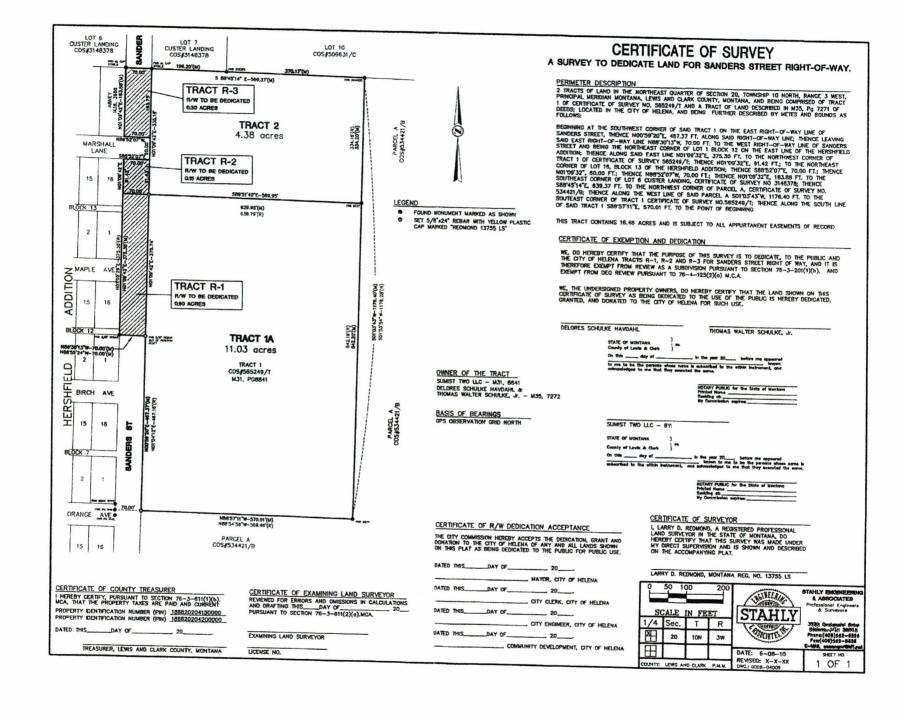
THIS TRACT CONTAINS 16.46 ACRES AND IS SUBJECT TO ALL APPURTANENT EASEMENTS OF RECORD

The R4 Zone fits with The City of Helena's commercial designation in the City of Helena Growth Policy and future land use map.

According to the 2019 Growth Policy, Chapter 3 – Land Use, Future Land Use, "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"

3B. A vicinity map of the area showing the location of the property in relation to surrounding land and zoning in the immediate area, and City streets.





3D. A current tax receipt for the subject property (if available).

