

Minutes
Zoning Commission Meeting
March 2, 2022 6:00 p.m.
Via ZOOM Virtual Platform

Commission Members Present:

Rebecca Harbage, *Chair*
 Alyssa Sorenson
 Nicole Anderson
 Kim Wilson

Members of the Public Present:

Mike Keene
 Jeff Larson
 Marc Parriman
 Mark Runkle

Staff Present:

Mike McConnell, Planner II
 April Sparks, Administrative Assistant III
 Lucy Morel-Gengler, Planner

<u>Topic</u>	<u>Time</u>	<u>Description</u>
<i>Call to Order & Staff Introduction</i>	<i>(00:27)</i>	Meeting began at about 6:00 pm with a brief introduction.
<i>Public Hearing : Item 1</i>	<i>(04:49)</i>	Mr. McConnell presented a power point staff report on his findings regarding the public hearing item: Consider an ordinance pre-zoning prior to annexation to R-4 for property legally described as “9.123-acre Portion of Tract A-1-A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391.”
	<i>(15:38)</i>	Staff is recommending <u>Approval</u> of an ordinance pre-zoning prior to annexation to R-4 for property legally described as “9.123-acre Portion of Tract A-1-A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391.”
<i>Questions for Staff by the Commission</i>	<i>(16:06)</i>	Ms. Anderson asked Mr. McConnell to confirm that there was no public comment on this item. Mr. McConnell confirmed.
<i>Applicant Addressed the Commission</i>	<i>(16:32)</i>	Jeff Larson, applicant’s representative, thanked the Commission for meeting in a special meeting. Mr. Larson stated that he did not have anything else to add to Mr. McConnell’s presentation. Mark Runkle, applicant, stated that he thinks this a very good, low cost addition to the City, and will generate a considerable sum of tax revenue. Additionally, single-story condominiums are a high demand product, especially with the retirement and female over 55 demographics, and as such are important to the growth of the city.

(18:39) Mr. McConnell pointed out that there was an update in the language to the recommended motion. From the submitted application, there was not another COS recorded, and since that time the language has been updated.

Public Comment

(19:18) Chair Harbage opened the meeting to public comment. There was no public comment.

Commission Discussion

(19:52) Chair Harbage asked if there were any additional questions from the Commission at this time. Chair Harbage asked how people typically access the lot. Mr. McConnell showed on the map showed how the lot would be accessed off of private streets off of Montana Highway 282. Chair Harbage additionally asked if the city oversees how private streets are handled such as speed, snow removal, and street sweeping. Mr. McConnell stated that he believes that will fall to the HOA. Mr. Wilson asked if the city or private property owners establish the speed limit on private roads. Mr. McConnell stated that it is the private property owners. Additionally Mr. Wilson asked if these private roads are open to public access. Mr. McConnell stated that these are part of a public access easement.

(23:14) Chair Harbage asked the applicant how they determined R-4 would be the most appropriate zoning over R-U. Mr. Larson stated the primary reason it was chosen as this is an extension of a larger area of R-4 zoning and they desired to maintain consistency in the zoning. Mr. McConnell clarified that R-U would not allow for what the developer has planned. Mr. Wilson asked Mr. McConnell why this is not being considered as a major subdivision. Mr. McConnell stated that this proposed development is under the number of lots being created in order to be considered a major subdivision. Mr. Wilson asked for further clarification that the condominium owners association would own the larger lot and the residents own their individual units. Mr. McConnell confirmed this. Mr. Runkle further expanded on how the ownership of the condominiums and the condominium owners association's ownership of the lot work.

Motion and Vote

(27:11) Mr. Wilson motioned to recommend approval of an ordinance pre-zoning prior to annexation to R-4 for property legally described as "9.123-acre Portion of Tract A-1-A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391."

Ms. Anderson seconded the motion.

(28:00) Chair Harbage stated that she agrees with the comments of the applicant, that this is a good spot for this type of development, it is within the urban standards boundary, and where the city has already looked at developing higher density housing.

Ms. Anderson stated she agrees with the R-4 zoning, and appreciates the explanation and that consistency is best.

(28:50) The motion passed unanimously. (5:0) It was noted that this will be heard at the March 14 City Commission meeting.

***Public Hearing :
Item 2***

(29:45) Ms. McConnell presented a power point staff report on his findings regarding the public hearing item: Consider passage 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.”

(37:29) Staff is recommending **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.”

***Questions for Staff
by the Commission***

(37:55) Mr. Wilson asked if this is not going to the subdivision process and if so why not. Mr. McConnell stated that they do not need to as there is no reason to subdivide the property based on the multi-family rental nature of the development. Ms. Anderson asked how far the setback is from the canal. Mr. McConnell stated that there is an easement on the canal and that the easement will be fenced off as a condition of annexation, further setbacks are for property lines, and the easement is wider than the canal itself so there is ample space. Ms. Sorenson asked if there are any plans to resolve issues with traffic at Custer and Washington. Mr. McConnell stated that there are multiple remedies, and that MDT controls these roadways, and has the final say over improvements to these roads.

(41:33) Mr. Wilson asked if there will be any turn lanes added to facilitate people getting out of the project site to facilitate traffic flow. Mr. McConnell stated that it exits to a round-about and that there will not be any turn lanes. Mr. Wilson asked about the additional proposed entry/exit point onto Frontage drive as the exit Mr. McConnell spoke of is only on Washington. Mr. McConnell stated he is unaware of any plans to add a turn lane to that future collector road.

(43:12) Ms. Anderson asked if there was any public comment on this proposal. Mr. McConnell confirmed there was not.

***Applicant Addressed
the Commission***

(43:34) Marc Parriman, applicant, stated the development near this proposed development is almost complete, and it seems as though these projects are very popular, and that there is a strong need for housing in Helena.

(47:38) Mr. Runkle asked if the Commission has any lee-way to require certain design standards on this type of project. Mr. McConnell stated they do not. Chair Harbage stated that is something that is being looked at.

- (49:27) Mr. Larson added that there are 4 planned approaches and that the 2 approaches to the north could be considered for turn lanes if traffic warrants, but it is thought that most traffic will go through the approaches at the round-about and Queen Anne. At this time there are lanes required and MDT would require them if there was a need. Mr. Larson addressed Mr. Wilson's question about subdivision and stated there is a state law regarding subdivision for properties for lease or rent, however within the law cities can determine that is enforced and the city of Helena generally does not utilize this. Further the B-2 zoning was chosen to fit with the existing zoning. Mr. Larson also wanted to address the numbers provided for traffic and stated that the high number of 41,000 trips per day is at the ultimate buildout and to put it into perspective, for residential traffic the number of trips per day is 1,537. The applicants also have considered a business park and the trips per day for that are estimated at 4,194 and there are no problems anticipated at any of the intersections with that number. Mr. Larson gave comparisons for judging the high number of 41,000 trips per day.
- (54:09) Mike Keene, the applicant's representative, stated these are single level patio unit rental homes, and are very popular. They want to make these attractive and affordable. Mr. Keene wanted to thank the Commission for holding this special meeting as it has been very helpful in helping the developer with their tight timeline.
- (55:26) Mr. Wilson asked Chair Harbage if it was appropriate to ask the developer questions or if he should wait for the commission discussion. Chair Harbage stated he could ask questions now. Mr. Wilson asked if there was any thought of pedestrian connectivity between this development and the development to the south. Mr. Larson stated that there is a plan. All streets within the development would have sidewalks on one side of the street, and there will be sidewalk along one side of the street outside of the development and they will be asking for a variance to not have a sidewalk along the Frontage Road, and there will be a crosswalk between the two developments at Queen Anne. Mr. Wilson asked about the type of crosswalk, and Mr. Larson stated they have already had conversations with MDT about the type of crosswalk and currently they will not require any flashing lights.
- (58:25) Chair Harbage asked the applicant if there are plans to deal with potential run off into the canal, and how will they handle the fact that there will be more impervious surface than now. Mr. Larson stated in the northern part of the development that tends to drain towards the canal, there will be a retention basin added in the far northwest corner and there is an existing 30-inch syphon that goes under the canal that will move overflow of this basin away from the canal. The other areas of the development drain away from the canal, but there will be additional basins added.
- (59:33) Ms. Anderson stated she needed to leave but that she was in favor of recommending approval. There was discussion of doing a proxy

vote if that were allowed. Mr. McConnell stated he wasn't sure if that was allowed, but we could make note of her support. Mr. Wilson stated that there was still a quorum with 3 members present.

(1:00:30)

Ms. Sorenson asked if someone discusses the need for vegetation buffers between the high-density residential developments zoned B-2 that have no setback requirements and commercial developments out of curiosity. Mr. McConnell stated that the buffering would be necessary in a residential zoning, but it is not necessary with B-2. Ms. Sorenson then asked if B-2 was the appropriate zoning with residential in a commercial zone and if it should be discussed. Mr. McConnell stated that could be a factor in the decision-making process of what the Commission recommends.

Public Comment

(1:03:10)

Chair Harbage opened the meeting to public comment. There was no public comment.

Commission Discussion

(1:03:29)

There was no further discussion or questions from the Commission.

Motion and Vote

(1:03:47)

Ms. Sorenson asked if there was any further discussion about her concerns. Mr. Wilson stated he does have concerns about this given some of the same reasons as Ms. Sorenson. He is concerned about pedestrian connectivity and greenspaces in areas of high density such as this one. Chair Harbage again asked if there was a motion.

(1:06:17)

Mr. Wilson motioned 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."

Chair Harbage seconded the motion.

(1:06:55)

Chair Harbage stated that regarding what Mr. Wilson was speaking about, looking at MCA purposes for zoning it seems as though they are looking at the effect on non-motorized transportation systems, and that they shouldn't get too deep into what the development will look like specifically. Mr. Wilson agreed with Chair Harbage and expressed his concern for a residential development in a largely commercial area and these islands of residential development. Ms. Sorenson stated that she doesn't think this is the best type of zoning for this type of development even though it is allowed in B-2, while this type of development is needed, she would like it to be nice for the people who end up living there. Mr. McConnell addressed the Commission and let them know their concerns will be noted in the minutes and forwarded to the commission, so they should be aware of their thoughts and comments.

(1:10:40) Chair Harbage stated her thoughts and feelings are similar to the other commissioners, but when you look at the zoning map and the city of Helena, B-2 makes sense here. Chair Harbage agrees that consistency with the area is important and agrees with Ms. Sorenson that this type of housing is needed and thinks the developer should think of ways to make the area a bit more neighborhood-like to separate it from the surrounding commercial.

(1:12:00) The motion passed unanimously (3:0). It was noted this proposal will be heard at the March 14 City Commission meeting.

Next Meeting (1:12:50) The next meeting is scheduled for April 12, 2022.

Public Comment (1:13:10) Mr. Runkle asked how many other cities in Montana is this developer in with this type of architecture (Item #2). Mr. Keene answered that they are in Billings and Helena and Cheyenne and Rapid City and several cities in Idaho. Mr. Runkle asked why they were not in Bozeman. Mr. Keene stated it is not a good fit for them currently.

Adjournment (1:14:52) The meeting adjourned at about 7:15 PM.