

Minutes
Zoning Commission Meeting
December 15, 2022, 6:00 p.m.
Via ZOOM Virtual Platform and in Commission Chambers

Commission Members Present:

Kim Wilson, *Vice Chair*
 Nicole Anderson
 Betsy Story

Members of the Public Present:

HCTV
 Andy Brummer
 Greg Wirth
 Tyler Warren

Staff Present:

Michael Alvarez, Planner II
 April Sparks, Administrative Assistant III

<u>Topic</u>	<u>Time</u>	<u>Description</u>
<i>Call to Order & Staff Introduction</i>	<i>(0:00:40)</i>	Meeting began at 6:00 pm with a brief introduction.
<i>Approval of Minutes</i>	<i>(0:01:37)</i>	Minutes from October 18, 2022 were approved without discussion.
<i>Public Hearing: Item 1</i>	<i>(0:03:03)</i>	Mr. Alvarez presented a power point staff report on his findings regarding the public hearing item: Make a recommendation on an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from CLM (commercial-light manufacturing) to B-2 (General Commercial) for property legally described as Tract 2, situated in Section 20, Township 10 N, Range 3 W, P.M.M.; City of Helena, Lewis and Clark County, Montana, as shown and described on COS 3198943. One public comment was received for the proposal and provided to the Commission as an addendum to their packet
	<i>(0:09:26)</i>	Staff recommends that the Zoning Commission <u>recommend Approval</u> of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from CLM (commercial-light manufacturing) to B-2 (General Commercial) for property legally described as Tract 2, situated in Section 20, Township 10 N, Range 3 W, P.M.M.; City of Helena, Lewis and Clark County, Montana, as shown and described on COS 3198943.
<i>Questions for Staff by the Commission</i>	<i>(0:10:10)</i>	Vice-Chair Wilson asked where the new grocery store that was mentioned in the presentation located and where the residential units that were approved earlier in the year located. Mr. Alvarez indicated the location of grocery store on the map in his presentation. Vice-Chair Wilson asked how many residential units would be included in the new proposal or if the developer does not have specifics yet. Mr. Alvarez stated that would be a question for the applicant, but he thinks that it is going to be around 130 units.

(0:11:47) Ms. Story asked about the disagreement about the traffic impact study and what Transportation Systems may ask the applicant to do to mitigate any impacts. Mr. Alvarez stated that part of it is the traffic impact study from the residential units to the south came up with some ideas for mitigation and that there is hope that MDT will approve the ability to move a traffic light over, however it is a better conversation to have with someone from Transportation. Vice-Chair Wilson asked Mr. Alvarez to summarize what the concerns were. Mr. Alvarez stated that there were concerns with the level of service, as his understanding is that Cedar is doing worse than Custer was, and the level of service there is already a D and between this development and the other one, it is going to get a failing grade. Vice-Chair Wilson clarified this was the Cedar and Sanders intersection. Ms. Story asked if Mr. Alvarez was talking about the light at the Cedar and Harris intersection. Mr. Alvarez confirmed.

(0:14:11) When asked by Vice-Chair Wilson, Ms. Sorenson stated that she did not have any questions, but just had her usual residential concerns with B2, the set back concerns with his density residential right up against really big commercial, and stated that with this being a mutli-story development it is different than what has been seen in other similar areas. Mr. Alvarez noted that city staff did have conversations with the applicant about R4 zoning, but with the height restrictions it simply wasn't going to work for the project they want to do.

**Applicant
Presentation**

(0:16:15) Greg Wirth of Stahly Engineering provided a brief presentation on behalf of the applicant. Mr. Wirth noted that the project had been brought forward at the September 26, 2022 pre-application meeting and it was discussed if it would be more beneficial to pursue a zone change or a conditional use permit, and everyone concurred that a zone change would be the best course of action so the use would be by right. He noted that the proposal is for a 4-story 132 unit apartment building, and while they recognize that a zone change is not specific to use, the specific use is what caused the need for a zone change, and it was determined that B2 was the most appropriate as they are proposing a 4 story building a 42' height restriction in R4 prohibits a 4 story building, which at the peak of the rood would be approximately 60' and then the project would get into variances, and it was decided that a B2 zone simplifies things and allows the use by right. Mr. Wirth stated that they applicant had reviewed the staff report and concur with the analysis that the zone change is aligned with the growth policy and compatible with adjacent B2 zoning and the recently changed R4 zoning to the immediate south. It was also noted that the project promotes infill development to fully utilize city services, and has the infrastructure, water, sewer, and streets with available capacity. Mr. Wirth also acknowledged that Transportation has expressed concerns, however the traffic impact studies that they're asking about weekday trips and the amount of weekday trips are really about 5% to the capacity on Sanders St , so the infrastructure is built to support this use. Mr. Wirth also noted that

Winco Foods provided correspondence on December 10th that they are strongly in favor of the planned apartment project.

(0:19:13) Mr. Wirth also stated that Trident Development has over 20 years' experience in constructing similar apartment buildings, including a recent development in Bozeman. He also noted the development will significantly increase the tax base in Helena while providing much needed housing in the community.

Questions for the Applicant

(0:20:01) Ms. Sorenson asked if there are any plans for screening in the direct adjacency from the residential use to commercial to the north. Mr. Wirth stated that there were currently no specific plans for screening, but the way in which the project is currently sited on the property the building would be on the south side and possibly carports or single stall garages to potentially allow for solar panels on the north side of the property, and the structures would provide for the screening. He additionally noted that there is an approximate 4 foot grade difference between the Winco property and the project site. Ms. Sorenson stated that it appeared that her concerns would not be relevant in this case, but that she tends to be concerned about people living on the first story right up against parking lots where people might be driving in and out in the nighttime hours.

(0:21:27) Vice-Chair Wilson asked if there are plans for landscaping in the area between the driveway and the apartment buildings as well as on the north and west side, and further what kind of landscaping and buffer does the applicant envision. Mr. Wirth stated that with the way the site is currently laid out, and even with the developer's projects in Bozeman, they respond to the market and provide some recreational opportunities such as an athletic court and a dog park. Mr. Wirth further explained the layout of the proposed parking lot between the garages to the north and building to the south, along with the locations of a stormwater management pond, and that there would be boulevard trees as required by the city along with a vegetated buffer in a monument sign and entryway corridor along the Sanders St frontage. Vice-Chair Wilson asked if there would be any connectivity to the new residential parcel to the south. Mr. Wirth stated that had not been coordinated or planned, but there would be connectivity via the sidewalk along Sanders St, and on Sanders St, in addition in a meeting with the Fire Marshal, based upon the size of the building there will be fire sprinklers, the Fire Marshal also requested a path around the building, so the developer is planning on a path, primarily for fire access, but also for residents to walk dogs and for fitness.

(0:23:52) Vice-Chair Wilson asked about open space adjacent to the property. Mr. Wirth confirmed that there is open space immediately to the east, but it is wetlands for the purpose of stormwater management and not necessarily a recreational property. Vice-Chair Wilson also asked about the traffic issue and stated that his understanding is that the concern from the city is that the level of service is close to or already maxing out at Cedar

[and Sanders]. Mr. Wirth stated that the comment was regarding weekday traffic, not necessarily the intersection traffic, and that Transportation Services did recognize that southbound traffic attempting to make a left-hand turn going eastbound on Cedar is problematic, and the projected traffic from this project would increase those but not enough to warrant any other type of mitigation measures you could try and eliminate that movement, but most people would bypass those so they don't work well. Mr. Wirth further stated that the traffic engineer that did the TIS recommended that it's really a long-range transportation plan issue and not a site specific issue because there are other things that influence the complications with making left hand turns, and it would be poor planning to put another light a block down from the Harris intersection, and it's part of an overall traffic problem that this project alone cannot solve. Vice-Chair Wilson state presumably people that live in there, if they're regularly turning east on Cedar are going to know to go left and right by the post office. Mr. With stated that traffic model actually shoes that people learn that if they want to go eastbound, you use the four way stop north of the post office and go around the block to use the traffic signal which is well signed already.

Public Comment

(0:26:56)

Vice-Chair Wilson opened the meeting for public comment. Tyler Warren of Coldwell Banker Commercial Green and Green stated he is representing the buyer of this property and wanted to make a statement in favor of this proposal. He noted he is also a real estate appraiser and is continuously looking at the economics of housing cost and rents and the increase in rents in the Helena market has elicited more development here, but more competition will stabilize rents and provide more housing for Helena, which is an important part of keeping the community viable. Mr. Warren also noted this will prevent people from developing in the county, which is an ongoing problem and what he is observing in the market.

**Commission,
Discussion, Motion,
and Vote**

(0:29:08)

Vice-Chair Wilson opened commission discussion. Ms. Story voiced her support and stated she thought is was a great use of property which is currently vacant, and changing it to B2 would git in with the rest of the surrounding area, and if this project ultimately did not come to fruition it would allow for another big-box store or large business to come in and utilize the property. Ms. Story also noted the proximity to the interstate would be beneficial for a high-density residential development

(0:30:30)

Ms. Sorenson stated her support for the proposed change, and that it's a really great location for a high-density residential development with the proximity to a gym, grocery store, and brewery and hopes the project works out. Vice-Chair Wilson also stated his support for those reasons, additionally he stated that he thinks it is good infill development and he likes the idea of starting to have a residential buffer along that street between the big boxes and the residential to the south.

(0:31:46) Ms. Story motioned to recommend approval of an ordinance amending the official zoning map for the City of Helena that changes the zoning district from CLM commercial light manufacturing to B2 general commercial or property legally described as track 2 situated in Section 20 Township 10 N Range 3 W City of Helena, Lewis and Clark County, Montana, as shown and described on Certificate of Survey 319-8943. Ms. Sorenson seconded.

(0:32:26) With no further discussion on the motion, Vice-Chair Wilson called for a vote. Motion to recommend passed unanimously (3:0).

Old Business **(0:32:53)** There was no old business to discuss.

Public Comment **(0:33:06)** Andy Brummer, Trident Development, expressed his thanks to everyone for reviewing the application, and that they are very exiting to get the project going and on the market.

New Business **(0:33:40)** Mr. Alvarez stated that while it is not new business, he did want to give the commission an update on some of the marijuana zoning. A letter had been sent out to all the marijuana businesses in town and one response had already been received, so city staff would be collecting those as per the commission's request. There was some discussion of when the next work session would be held in order to discuss the matter further and the strategy for eliciting a response.

Public Comment **(0:35:35)** There was no additional public comment.

Proposals for Next Agenda **(0:35:45)** There were no proposals for the next agenda.

Adjournment **(0:36:02)** The meeting was adjourned at approximately 6:30 PM.