

CITY OF HELENA PLANNING DIVISION  
316 North Park Avenue  
Helena, Montana 59623

March 17, 2020  
File: Anderson Village – MJP61906-001  
Telephone: 406-447-8492

**STAFF REPORT**

TO: City of Helena/Lewis and Clark County Consolidated Planning Board

FROM: Mike McConnell, Planner II  
Sharon Haugen, Community Development Director

SUBJECT: Consider the preliminary plat for the Anderson Village Major Subdivision creating 18 lots and ROW from approximately 5.76 acres. The subdivision is generally located south and east of Ptarmigan Lane and north of Bedrock Drive in the City of Helena, Montana.

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## OVERVIEW

The applicant is requesting preliminary plat approval for the Anderson Village Major Subdivision. This request is a replat of Anderson Business Park Major Subdivision lots 8, 9 & 13 and would create 18 new lots with 12 planned for moderate to high density residential while the remaining 6 are planned for office uses. The newly created lots will range from .15 acres to .43 acres. A new street is planned with this subdivision, Nighthawk Street with total ROW occupying approximately .8 acres. The property is in the City of Helena and is zoned RO (Residential/Office). No zone changes are proposed with this subdivision. The subject properties are bounded by Ptarmigan Lane to the north and west, Bedrock Drive to the south. Water and wastewater will be provided by extending existing city services in the area.

## GENERAL INFORMATION

APPLICATION DATE:	Determined sufficient & complete on March 5, 2020
MEETING DATE:	Planning Board – March 17, 2020 City Commission – May 4, 2020
APPLICANT AND PROPERTY OWNER:	ANDERSON DEVELOPMENT 3424 Hwy 12 East Helena, MT 59601
ENGINEER	Holly Manning P.E. Robert Peccia & Associates 3147 Saddle Drive Helena, MT 59601
LEGAL DESCRIPTION:	Lots 8, 9 & 13 of the Anderson Business Park subdivision as shown in COS# 3050024
GENERAL LOCATION:	South and East of Ptarmigan Lane and North of Bedrock Drive in the City of Helena, Montana.
PRESENT LAND USE:	Vacant
ADJACENT LAND USES:	North: Residential East: Residential West: Commercial Office South: Commercial Office, Residential
ADJACENT ZONING:	North: R3 (Residential), RO (Residential/Office) East: R3 (Residential) South: B2 (General Commercial)

West: B2 (General Commercial)

CURRENT ZONING: RO (Residential/Office)

SIZE: Approximately 5.76 total acres. 4.94 acres plus .82 acres for Nighthawk Street ROW.

## DISCUSSION

### **Public Comment:**

As of March 17, 2020, there have been no comments received regarding the proposed subdivision.

## RECOMMENDATION

Move to recommend to the Helena City Commission conditional approval of the preliminary plat for the Anderson Village Major Subdivision creating eighteen (18) lots and street right-of-way from approximately 5.76 acres and to adopt the Findings of Fact and the conditions contained therein for property legally described in the Findings of Fact.

## EVALUATION

### **Draft FINDINGS OF FACT**

#### 2020 Anderson Village Major Subdivision

The City of Helena and Lewis & Clark County consolidated Planning Board, at their Tuesday, March 17, 2020 public hearing, to review a request to approve the preliminary plat of the Anderson Village Major Subdivision creating 18 lots and street right-of-way (ROW) from Anderson Business Park major subdivision lots 8, 9 & 13 within the City of Helena as shown on COS# 3050024 containing 5.76 acres. The proposed subdivision is located north of Bedrock Drive and east and south of Ptarmigan Lane.

The Planning Board considered the staff report, information submitted in the application for the preliminary plat, other related information, the subdivision review criteria set forth in §76-3-608, MCA, and the City Code of Helena including the City of Helena's Subdivision Regulations in Title 12, in evaluating the subdivision proposal. Based upon this review and after considering the applicant's preferences for mitigations of impacts from this subdivision, the Planning Board makes the following Findings and Conclusions:

## **1. Impacts to Agriculture**

### *Findings:*

- A. Chapter 12 of the Helena 2011 Growth Policy, Subdivision Review states:

*Agriculture is defined as the use of land for growing, raising, or marketing of plants or animals to produce food, feed, and fiber commodities. Examples of agricultural activities include, but are not limited to, cultivation and tillage of the soil; dairying; growing and harvesting of agricultural or horticultural commodities; and raising livestock, fur-bearing animals, or poultry. Agriculture does not include gardening for personal use, keeping house pets, kenneling, or landscaping for aesthetic purposes.*

- B. The property is located in the City of Helena in an area with a zoning classification of RO (Residential - Office) District, a zoning district for which higher density residential and office or light commercial uses are allowed by right. The property is surrounded entirely by development in the City which mainly consists of residential dwellings built at an urban density and larger office or commercial type structures. There are no agricultural uses in the vicinity.

### *Conclusion:*

This proposed major subdivision will not impact agricultural production.

## **2. Impacts to Agricultural Water User Facilities**

### *Findings:*

- A. Chapter 12 of the Helena 2011 Growth Policy, Subdivision Review states:

*Agricultural water user facilities are defined as facilities that provide water for irrigation and stock watering for the production of agricultural goods. They include, but are not limited to, reservoirs, ponds, ditches, pipes, and other water conveying facilities.*

- B. The proposed 18 lots of the subdivision will utilize city water and wastewater and is located a substantial distance from the nearest agricultural users, thus will not have a significant impact on depleting surface or ground waters and will not have a significant impact on agricultural water user facilities.

### *Conclusion:*

This proposed major subdivision will not have adverse impacts on agricultural water user facilities.

## **3. Impact to Local Services**

### *Findings:*

- A. Chapter 12 of the Helena 2011 Growth Policy, Subdivision Review, defines “Local Services” as *all services provided to the public by the City of Helena, other local governmental bodies, or public utilities, including, but not limited to, transportation*

*systems and non-motorized facilities, law enforcement, fire protection, drainage structures, water supply, sanitary sewage disposal, solid waste collection and disposal, parks, and schools.*

- B. §12-2-15, Helena City Code requires public improvements be installed in conformance with plans, specifications, and a construction schedule approved by the city.

### **Transportation**

- A. The property has existing access points at Ptarmigan Lane and Bedrock Drive. A new street, built to city standards, (Nighthawk) is being proposed that will access 14 of the 18 proposed lots. The remaining 4 proposed lots will gain access from either Ptarmigan Lane or Bedrock Drive as appropriate. The nearest Capital Transit stop is located approximately 900 feet east of the property on Ptarmigan Lane with service for the Red Line.
- B. The proposed subdivision could potentially add up to 534 trips per day for the 18 lots at full buildout per the Transportation Impact Study.
- C. As proposed, the Anderson Village subdivision would not require any roadway modifications to the surrounding road network to provide effective roadway operations. Per the applicants TIS, all intersections will continue to function at a LOS “C” or better through full buildout of the development. The proposed design includes stop signs at both intersections of the proposed new street, Nighthawk Street. These stop signs must be installed prior to final plat approval. **(Condition #1)**
- D. Road identification signs must be installed at all intersections of existing roads and new internal access roads prior to final plat approval in order to provide emergency services with wayfinding help, potentially decreasing their time in transit to an emergency. **(Condition #2)**
- E. Ptarmigan Lane, Bedrock Drive and Nighthawk Street are all classified as local roads in the 2014 Update to the Helena Area Long Range Transportation Plan. The nearest arterial road is West Custer Avenue and the nearest major collector is McHugh Lane. The following classification is identified in the City Engineering Standards for local roads:

*Local: Comprises all facilities not included in the higher systems. Its primary purpose is to permit direct access to abutting lands and connections to higher systems. Usually through-traffic movements are intentionally discouraged. Posted speed limits on local roads typically range from 25 mph to 35 mph and designed for less than 1,500 vehicles per day.*

### **Non-Motorized**

- A. Non-motorized transportation facilities currently in the area are widespread with sidewalks or other non-motorized trails along most of the surrounding streets except for

the subject property. Installation of sidewalks is required but, may be delayed per City Code §12-2-16 (C), with installation of streets thus; sidewalk will be extended with this subdivision on the new Nighthawk Street ROW as well as along Bedrock Drive where there is currently no non-motorized infrastructure. The required sidewalks will be installed prior to final plat approval per the applicant.

- B. As Nighthawk Street is a new street and no development is expected within the 18-month timeframe for installation and Bedrock Drive is a lightly traveled roadway, the delay of sidewalk installation would also be acceptable.
- C. As part of the former plat, Anderson Business Park, pedestrian facilities were located on the property as a fitness loop contained within a 30-foot-wide pedestrian easement located along interior property lines and along the eastern property lines of lots 8, 9 & 10. This easement has since been vacated via quiet title action on December 12, 2019.

### **Stormwater**

- A. Subdivisions and their development create additional impervious surface which results in increased storm water that can cause negative impacts to other property owners and the natural environment. Providing storm water detention and restricting encroachment into storm water drainages will help control storm water and mitigate possible impacts.
- B. According to the Grading and Stormwater Plan submitted with the subdivision application:

Storm drainage for the proposed project has been analyzed in accordance with the City of Helena requirements. Storm runoff from developed areas will be collected in one existing retention and one new on-site detention pond.

Stormwater from the easterly lots will flow to the existing retention pond. The new detention pond will accept storm runoff from the remaining lots either via Nighthawk Streets curb and gutter system or through a shallow drainage swale within an existing stormwater easement along the eastern edge of proposed lots 9C, 9D, and 9E.
- C. Through compliance with the City of Helena Engineering standards any impacts to stormwater or stormwater facilities will be mitigated.

### **Water/ Wastewater**

- A. The applicant proposes water and wastewater treatment be provided by the City of Helena. The Preliminary Engineering Report states *"Sanitary sewer, water for both domestic consumption and fire protection, and stormwater control and drainage will be provided by extension of the existing City of Helena infrastructure."*
- B. The proposed subdivision is surrounded on three sides by 8-inch ductile iron water mains and will relocate two existing fire hydrants near the north and south intersections of the proposed Nighthawk Street. The applicant is proposing a new water main located within the ROW of Nighthawk Street. The main will provide a loop within the system and each lot bordering Nighthawk Street will connect to it. The water distribution system proposed with this subdivision will meet all City of Helena and Department of Environmental

Quality Circular DEQ 1 standards for water works.

- C. This subdivision will utilize capacity within the Golden Estates lift station. The capacity was reserved when the original Anderson Business Park subdivision was created. The Anderson Business Park subdivision has 71,110 gpd reserved as is using only 19,175 gpd.

#### **Other Services**

- A. Medical and ambulance services are available from St. Peter's Hospital; police and fire protection is provided by the City of Helena.
- B. The City will review fire hydrant placement with infrastructure plans to determine if hydrant spacing and fire-flow requirements are met. Tentative approval of the new hydrant location has been provided by the Helena Fire Department.
- C. The City of Helena, in accordance with State laws will provide solid waste disposal services.
- D. Parkland is required for major subdivisions per City Code §12-4-12 (C). The applicant is proposing a cash in lieu of land donation to meet this requirement. The calculations are based on the total land within the subdivision (5.76ac) minus land within the proposed street ROW (.82ac) which results in 4.94 acres. As the lots are less than one half acre in size the applicant is required to dedicate 11% of the total for parkland resulting in .54 acres. Final amounts will be determined at final plat. The nearest park, Skelton Park, is approximately 150 feet east of the proposed subdivision. Skelton Park is approximately 3.2 acres in size and features a play structure, picnic areas and large open fields.
- E. The parks board at their March 4, 2020 regular meeting voted in favor of the cash in lieu payment option. The final amount will be determined prior to final plat.
- F. The Helena School District will serve students that might live on the subject property. The RO zoning would permit moderate to high density residential development which could result in more students residing in the school district. The schools that typically serve the property are Four Georgians Elementary School, CR Anderson Middle School, and Capital High School. According to the Helena School District, if a school in the district is at capacity in a particular grade level, new students may be bused to another school that has available space.

#### *Conclusion:*

There are minor impacts on local services. However, the impacts can be mitigated with the completion of the proposal as supplemented with approval conditions as recommended in the Findings of Fact.

#### **4. Impact to the Natural Environment**

*Findings:*

- A. Chapter 12 of the Helena 2011 Growth Policy, Subdivision Review, defines the “Natural Environment” *as the physical conditions that exist within a given area, including, but not limited to, land, topography, climate, air quality, surface and ground water, wetlands and riparian areas, floodplains, minerals, flora, fauna, noise, light, and objects of historic, cultural, and aesthetic significance.*
- B. The subject property is not within any natural drainage or environmentally sensitive area.
- C. The proposed subdivision will utilize city water and wastewater mains.
- D. Storm water and water quality for the entire site must meet city MS4 requirements and State Water Quality Standards. Compliance with regulations mitigates the impact water runoff from the subdivision may have on water quality and quantity.
- E. Noise or light associated with development of the subdivision is expected to be consistent with the existing urban uses in the area and mitigated through compliance with the proposed RO zoning and the Lighting Ordinance of the Helena City Code. These parcels of land are currently within Lighting District #209.
- F. No floodplains, minerals, or objects of historic, cultural, and aesthetic significance were identified on the subject property.

*Conclusion:*

There are minimal impacts on the natural environment. However, the impacts will be mitigated with the completion of the proposal in compliance with city and state regulations and as described in the application and Findings of Fact.

#### **5. Impacts to Wildlife and Wildlife Habitat**

*Findings:*

- A. Chapter 12 of the Helena 2011 Growth Policy, Subdivision Review, defines “Wildlife” as *animals that are not domesticated or tamed.*

“Wildlife Habitat” is defined as *an area containing the environmental conditions essential to wildlife for feeding and forage, cover, migration, breeding, rearing, nesting, or buffers from those areas. It also includes areas essential to the conservation of species protected by the Endangered Species Act or of special interest or concern to the State of Montana.*



- B. The proposed major subdivision is surrounded by urban uses. There is no known habitat located on the property or habitat essential to the conservation of species protected by the Endangered Species Act or of special interest or concern to the State of Montana.
- C. While wildlife may occasionally be present on the subject property it is typically only for short periods of time. The 2011 Growth Policy notes that rural areas are better suited for wildlife and that urban areas like the City of Helena are not intended for wildlife habitat.
- D. Development of property within city limits may help reduce pressure to develop land located in the county, reducing the pressure to develop larger areas of potential wildlife habitat.
- E. Utilization of city water and wastewater, which are regulated to minimize impacts to ground and surface water, helps to mitigate the subdivisions impact to wildlife habitat.

*Conclusion:*

There are minimal if any impacts on wildlife or wildlife habitat. Any impacts that may arise will be mitigated with the completion of the proposal in compliance with city and state regulations and as described in the application and Findings of Fact.

## **6. Impacts to Public Health and Safety**

*Findings:*

- A. Chapter 12 of the Helena 2011 Growth Policy, Subdivision Review, defines “Public Health and Safety” as *a condition of wellbeing and security for individuals and the population as a whole within the community.*
- B. Safe water, wastewater treatment, and adequate storm water facilities are important components of public health and safety and will be provided with this subdivision.
- C. The Helena Police and Fire Departments serve the property and help protect the subdivision from fire, and other dangers.
- D. Subdivisions need adequate fire hydrants installed to provide fire protection to the property. The City, in reviewing fire protection final plans, will determine if the hydrant spacing and fire flows meet fire code requirements. A letter from the Fire Marshal tentatively accepting the hydrant location accompanied this submittal.
- E. The applicant has indicated that improvements listed in City Code section §12-2-15 will be installed prior to final plat including streets, sidewalks or other non-motorized paths,

curb & gutters on both sides of the street, all stormwater facilities, all street signage, electrical facilities, water mains, fire hydrants, wastewater mains.

- F. There may be liquefaction issues in this area, but these will be mitigated by using appropriate building techniques.

*Conclusion:*

This development creates minimal impacts on public health and safety. The impacts will be mitigated with the completion of the proposal as supplemented with approval conditions as recommended in the Findings of Fact.

## **7. Survey Requirements**

*Findings:*

Compliance with survey requirements cannot be evaluated until the final plat is reviewed for approval.

*Conclusion:*

Survey requirements will be reviewed for completeness upon submission of final plat for approval and a copy in digital format for City records.

## **8. Helena Subdivision Regulations**

*Findings:*

- A. §12-1-5 of the Helena City Code, Helena Subdivision Ordinance, Relationship to Zoning Ordinance states “*Newly subdivided or replatted lands must conform to the requirements and provisions of the underlying zone as provided in the zoning ordinance, title 11 of this code, as amended. This title shall apply to any and all areas under the jurisdiction of the city.*”
- B. All future developments will have to be in compliance with the City of Helena Zoning Ordinance, including all setbacks, lot coverage, parking, landscaping and signage regulations.
- C. §12-4-2(D)(1), Helena Subdivision Ordinance, requires a minimum of two (2) public accesses for ingress and egress connecting to existing streets for each subdivision with a projected trip generation of more than 200 vehicle trips per day. Access to the subject subdivision will be provided via Ptarmigan Lane and Bedrock Drive.
- D. §76-3-608 (3) (d), MCA and §12-4-6, Helena City Code, requires legal and physical access to each parcel in a new subdivisions. According to the applicant, Nighthawk Street, Bedrock Drive and Ptarmigan Lane will provide access to the proposed lots. Nighthawk Street will be less than 600 feet long.

*Conclusion:*

The major subdivision, Anderson Village, with the completion of the proposal complies with the applicable subdivision requirements.

## **9. Local Subdivision Review Procedure**

*Findings:*

A public hearing is required for major subdivisions. The Planning Board will review this application at 6:00 p.m. on Tuesday, March 17, 2020 and the City Commission will review this application at the Commission meeting to be held at 6:00 p.m., Monday, May 4, 2020.

The subdivision review and approval process are consistent with the requirements of the Montana Subdivision and Platting Act.

## **10. Easements**

*Findings:*

Per Helena City Code §6-6-17, §6-2-6, and §6-3-4, city infrastructure must be located in right-of-way, city property or in easements to the city. Therefore, easements to the city must be provided to accommodate access and maintenance of city-owned and maintained infrastructure.

- A. §12-4-7, Helena Subdivision Regulations, states “*Easements must be provided for utilities, drainage, and pedestrian access not located in public right of way.*” All utilities or other infrastructure that will be maintained by the City of Helena are within proposed street ROW or easements.
- B. New storm drainage facilities proposed to be located on the south side of Ptarmigan Lane, this new facility is not within a city ROW or city-controlled easement. Prior to final plat approval, this newly created facility must be within an easement and transferred to the City of Helena. **(Condition #3)**

*Conclusion:*

The proposed subdivision, as supplemented with approval conditions, complies with the provision of easements within and to the proposed subdivision for the location and installation of any planned utilities or infrastructure improvements.

## **11. Legal and Physical Access**

*Findings:*

- A. §76-3-608 (3) (d) MCA states a subdivision must be reviewed for “*the provision of legal and physical access to each parcel within the proposed subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the parcel.*”
- B. Ptarmigan Lane, Nighthawk Street and Bedrock Drive will provide legal and physical access each of the proposed lots. Lots will be assigned addresses from the roads in which they access after final plat approval.

- C. The Nighthawk Street name was approved and reserved on June 24, 2019 for use in this subdivision.

*Conclusion:*

The proposal provides legal and physical access to all proposed subdivision lots.

## **12. Post Preliminary Plat Approval**

*Findings:*

Final plat approval may be granted if:

- A. The applicant develops the property in accordance with the preliminary plat application as previously approved;
- B. Satisfies the conditions of approval;
- C. In accordance with Sections §76-3-507, MCA and §18-2-122, MCA, the plans for the public improvements must be complete and in compliance with standards of the City of Helena and the State of Montana, and bear the seal of a professional engineer for the engineering, a professional land surveyor for land surveying and a licensed architect for the architectural; and
- D. The improvements are either constructed to completion and accepted by the City, or, pursuant to §76-3-507, MCA, the applicant either:
  - (a) provides a bond or other reasonable security, in amount and with surety and conditions satisfactory to the City Commission, providing for and securing the construction and installation of the improvements within 18 months from the date of final plat approval. Reasonable time extension may be granted by the City Commission provided binding or other security is also extended. The amount of the bond or security may be reduced in accordance with the completion and final City acceptance of portions of the required improvements, or
  - (b) applies for and receives approval by the City Commission for an incremental payment or guarantee plan.

## **APPROVAL**

In light of these Findings and Conclusions, the City of Helena/Lewis and Clark Consolidated Planning Board hereby conditionally recommends the approval of the preliminary plat for the Anderson Village Major Subdivision creating 18 lots and ROW from approximately 5.76 acres, legally described as Anderson Business Park, Lots 8, 9 & 13, as shown on COS#3050024. The conditions of approval herein set forth are additional requirements to mitigate the impacts identified in the previous Findings that are not fully resolved by the applicant's proposal. The evidence supporting the reasons for these conditions are contained in the city staff report, the application materials.

The applicant may receive final plat approval upon completion of the applicant's proposal as set forth in applicant's preliminary plat application as accepted and modified by these additional conditions. This approval is in force for 3 calendar years from Commission action, except when extended as provided by law.

This preliminary plat approval by itself does not constitute approval and acceptance of the design and plans for construction and installation of any public infrastructure for the subdivision. The City's approval and acceptance of public infrastructure is subject to future review and approval of the detailed design, plans, and final construction of that infrastructure in accordance with city standards.

The following conditions that apply to the preliminary plat approval and that must be satisfied before the final plat may be approved are:

#### **SECTION FOR CONDITIONS**

1. Stop signs on both the north and south ends of the proposed Nighthawk Street ROW must be installed prior to final plat approval.
2. Road identification signs must be installed at all intersections of existing roads and internal access roads prior to final plat approval.
3. New storm drainage facilities on south side of Ptarmigan Lane must be placed within an easement and be transferred to the City of Helena prior to final plat approval.

#### **NOTICE OF APPEAL RIGHTS**

Any party aggrieved by this conditional approval has the right to bring an action against the city of Helena pursuant to §76-3-625, MCA. In addition, any party may appeal this decision to the district court within thirty (30) days of the date of this decision.

**DATED** this 4<sup>th</sup> day of May 2020

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**MAYOR**

## CONCLUSION

Staff concludes this proposed major subdivision as conditioned conforms to the Helena 2011 Growth Policy, to the city's Subdivision and Zoning Regulations, and will meet the requirements of the Montana Subdivision and Platting Act.

## APENDIX - SUPPLEMENTAL INFORMATION

<b>Zoning Regulations</b>	<b>RO</b>
Lot Area	No minimum
Lot Width	No minimum
Lot Coverage	60 percent maximum
Front Lot Line	10-foot minimum
Rear Lot Line	10-foot minimum
Side Lot Line	6 foot minimum for each side yard
Building Height	36-foot maximum

### **2011 HELENA GOWTH POLICY**

This Growth Policy provides development guidance in the Land Use Chapter which contains the Future Land Use map. On this map the subject property is within the City of Helena and within the Urban Standards Boundary in an area planned for “Mixed Use” type development. Mixed Use is described in the 2011 Growth Policy as: *“Places where people can work, live, and play. These areas include a variety of complementary and integrated uses, such as, but not limited to, all forms of residential, office, light industrial/manufacturing, retail, public, or entertainment. Development is usually in a denser comprehensive pattern to achieve a unified, functional, efficient and aesthetically appealing physical setting; provides opportunities for connectivity, public transportation and walkability; these areas do not use traditional segregation of uses.”*

The uses allowed in the RO zoning district are generally residential or office and permits parkland and other public uses, thus the proposed subdivision is consistent with the Growth Policy Future Land Use map “Mixed Use” designation. The dimensional standards of this district also promote moderate to high density developments making this proposed subdivision

The subject property is proposed to be developed with a mix of residential and office uses which are consistent with existing urban density. The subdivision, as conditioned, would create lots within the city that encourage economic vitality while promoting efficient use of public facilities and services and protecting the natural environment.

This subdivision, located near an extensive motorized and non-motorized transportation network and close to city commercial establishments and services, can reduce vehicle miles traveled by

encourage one trip to perform multiple tasks – shopping, banking, eating, etc. The development is adjacent to city water and wastewater mains, facilitating the efficient extension of city services. Therefore, this proposal is consistent with several of the goals and objectives identified in the city Growth Policy. The 2011 City of Helena Growth Policy was not used to establish any conditions and will not be used to solely approve or deny this application.