

Staff Report

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

DATE: May 4, 2021
File: 739 Getchell DT to TR District

TO: City of Helena Zoning Commission

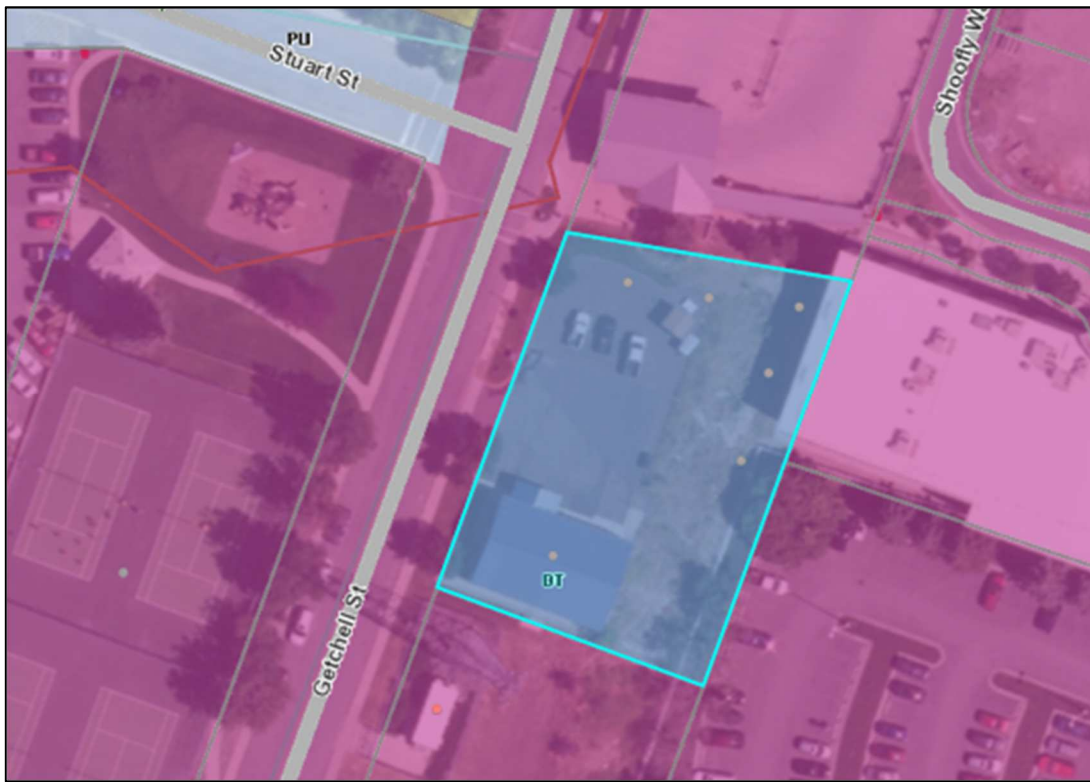
FROM: Ellie Ray, Planner II

Telephone: 406-447-8491

OVERVIEW

SUBJECT: Consider passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from DT (Downtown) District to TR (Transitional Residential) District for property addressed as 739 Getchell Street, Helena, Montana, with a legal description as described in Certificate of Survey number 3130567 found in Book M36, Page 7122.

VICINITY MAP:



City of Helena, Montana

GENERAL INFORMATION

DATE OF APPLICATION: March 24, 2021

PUBLIC HEARING DATES:

Zoning Commission: 6:30 P.M., Tuesday, May 11, 2021

City Commission: 6:00 P.M., Monday, June 21, 2021 (First Passage)

6:00 P.M., Monday, July 26, 2021 (Final Passage)

Public Comment

As of Tuesday, May 4, 2021, no written comments of the proposed zone change have been submitted.

PROPERTY APPLICANT: Bridget Butler
ADDRESS: 3925 Fawn Meadow Drive, Helena, MT 59602
PROPERTY OWNER: Bridget Butler, Quintary Holdings
ADDRESS: 3925 Fawn Meadow Drive, Helena, MT 59602
REPRESENTATIVE: Bridget Butler
EMAIL: bridgetbutler40@gmail.com

LEGAL DESCRIPTION:

Lot A of the Getchell and Child Placer Addition as legally described in COS #3130567; generally located east of Getchell Street, between Neill Avenue to the south and Stuart Street to the north, with property addresses of 739 Getchell Street, Helena, MT.

GENERAL LOCATION: The application is proposed to apply only to the property at 739 Getchell Street, generally located east of Getchell Street, between Neill Avenue to the south and Stuart Street to the north.

DESCRIPTION:

The applicant is requesting a zone change from the DT (Downtown) District to the TR (Transitional Residential) District to allow for the higher density of development of ground-level residential uses and compatible commercial uses. This change in the density and location of uses would serve as a transitional buffer to the type and intensity of uses found to the northwest of the proposed zone change lot where a neighborhood of R-3 (Residential) District uses exist.

SIZE:

Approximately 22,200 square feet (approximately 0.5 acres).

PRESENT LAND USE:

Developed land with a general retail sales use.

ADJACENT LAND USE:

North: General Commercial, Municipal (Great Northern Town Center, Getchell Parking Garage)

East: General Commercial, Offices (Cinemark, Federal Reserve Bank)

South: Offices (Stone Ranch Montana Wagyu), Cellular Tower
West: Municipal Parks (Kay McKenna Park, Scribner Memorial Tennis Courts)

PRESENT ZONING:
DT (Downtown) District

ADJACENT ZONING:
North: DT (Downtown) District
East: DT (Downtown) District
South: DT (Downtown) District
West: DT (Downtown) District

RECOMMENDATION

Staff recommends **APPROVAL** for the passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from DT (Downtown) District to TR (Transitional Residential) District for property addressed as 739 Getchell Street, Helena, Montana, with a legal description as described in Certificate of Survey number 3130567 found in Book M36, Page 7122.

EVALUATION

GROWTH POLICY:

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.

Properties to the north, east, and south are also designated as mixed use, while the municipally owned properties to the west are classed as parkland. The Growth Policy also includes several goals and objectives that are applicable to the proposed zone change.

The 2019 Growth Policy identifies “mixed use” future land use areas as areas where “people can work, live, and play and learn,” with a wide variety of complementary uses that are well integrated with one another in a densely developed area. Uses range from all forms of residential uses to offices, retail uses, entertainment uses, public uses, and even light industrial/manufacturing uses. These areas are also typified by multi-modal transportation offerings and high levels of walkability. Uses in these areas are not segregated from one another and may, in fact, collocate within a parcel or structure.

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

	<p>the development of vacant and under-utilized buildings, to name a few. A further Growth Policy objective “encourage[s] 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.” Relatedly, other objectives speak to the promotion of mixed-use neighborhood centers, such as the Downtown, and encouraging mixed-use growth in such areas, particularly where infrastructure already exists to support mixed-use, compact land use patterns.</p> <p>Both the DT and TR Districts, in conformance with the 2019 Growth Policy, are intended to:</p> <p>...encourage the creation and preservation of mixed-use development opportunities, including a wide range of housing options serving a wide range of incomes and demographics; to provide for the protection and enhancement of historic and cultural resources; to establish minimum requirements and responsibilities for the installation of public improvements in support of redevelopment; and to encourage desirable site design for all development occurring in the districts.</p> <p>The proposal to rezone 739 Getchell Street from a DT to TR (Transitional Residential) District will maintain the mixed-use zoning designation that the city has established for the property in question, similar to the surrounding area. The functional distinction between the two districts is largely down to the location of residential uses on the property. The TR district would allow for ground floor residential uses on any portion of the property, and it would impose a maximum building height of 36 feet. In contrast, the DT District only allows residential uses in upper stories of structures and provides an unlimited height allowance. The TR District also has marginally more restrictive commercial use allowances as compared with the DT District in an effort to encourage non-residential uses that are most compatible with a residential district. With respect to compatibility of uses that may develop at 739 Getchell, they will be compatible with those on surrounding DT District parcels in the vicinity. Further, they will serve as an appropriately dense, mixed-use buffer for the R-3 (Residential) District properties that begin within 150 feet to the northwest of the property (north of Stuart, west of Getchell).</p> <p>In consideration of the analysis above, the proposed zoning change is compatible with the identified goals, objectives and policies of the Growth Policy.</p>

Montana MCA Section 76-2-304 (1.b) continues with criteria:	
<p>Montana MCA Section 76-2-304(1.b), Criteria and guidelines for zoning regulations:</p> <p>(1) Zoning regulations must be (b) <i>designed to:</i></p> <ul style="list-style-type: none"> (i) <i>secure safety from fire and other dangers;</i> (ii) <i>promote public health, public safety, and the general welfare; and</i> (iii) <i>facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.</i> <p>Montana MCA Section 76-2-304(2.a thru e), “Purposes of Zoning” states:</p> <p>(2) <i>In the adoption of zoning regulations, the municipal governing body shall consider:</i></p> <ul style="list-style-type: none"> (a) <i>reasonable provision of adequate light and air;</i> (b) <i>the effect on motorized and non-motorized transportation systems;</i> (c) <i>promotion of compatible urban growth;</i> (d) <i>the character of the district and its peculiar suitability for particular uses; and</i> (e) <i>conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.</i> 	
The proposed zone change from the DT District to the TR 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.	
<i>Designed to (i) secure safety from fire and other dangers;</i>	The proposed zone change from the DT District to the TR District will not present a significant change to the overall safety from fire and other dangers in the area. Included in the appendix of this staff report is an analysis of the overall change in dimensional limitations that will be allowed, along with an allowed use analysis and a transportation analysis. The property has adequate access to transportation facilities along Getchell Street and other rights-of-way in the vicinity of the subject parcel. The property has and will continue to be serviced with adequate access to municipal water and sewer as well as police and fire services.
<i>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</i>	The proposed zone change from the DT District to the TR District will not have any significant impacts on the promotion of public health, public safety, and the general welfare. Both zoning districts contain provisions that address the promotion of public health and safety through dimensional limitations and allowed uses. The sections of code comparing

	the allowed dimensional limitations and allowed uses are included in the appendix of this staff report.
--	---

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) <i>reasonable provision of adequate light and air.</i>	<p>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 property located in a given 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.</p> <p>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 DT and TR Districts are included in the appendix.</p>
(b) <i>the effect on motorized and non-motorized transportation systems;</i>	<p>While the property at 739 Getchell is currently developed, its redevelopment potential under either the current DT District or proposed TR District could be both a higher density and higher intensity of use than what currently exists. The existing commercial use structure predates a rezoning to the DT District in recent years. The TR District was created to serve as a buffer between the DT District and adjacent residential districts. Consequently, the expectation is that the overall density of any future development in the TR District would be lower in height and lower in overall density as a result. Therefore, the anticipated impact on the vicinity's transportation systems with redevelopment of 739 Getchell is expected to be less than the current DT zoning would allow.</p> <p>This established street network system provides basic access to the proposed zone change property. The</p>

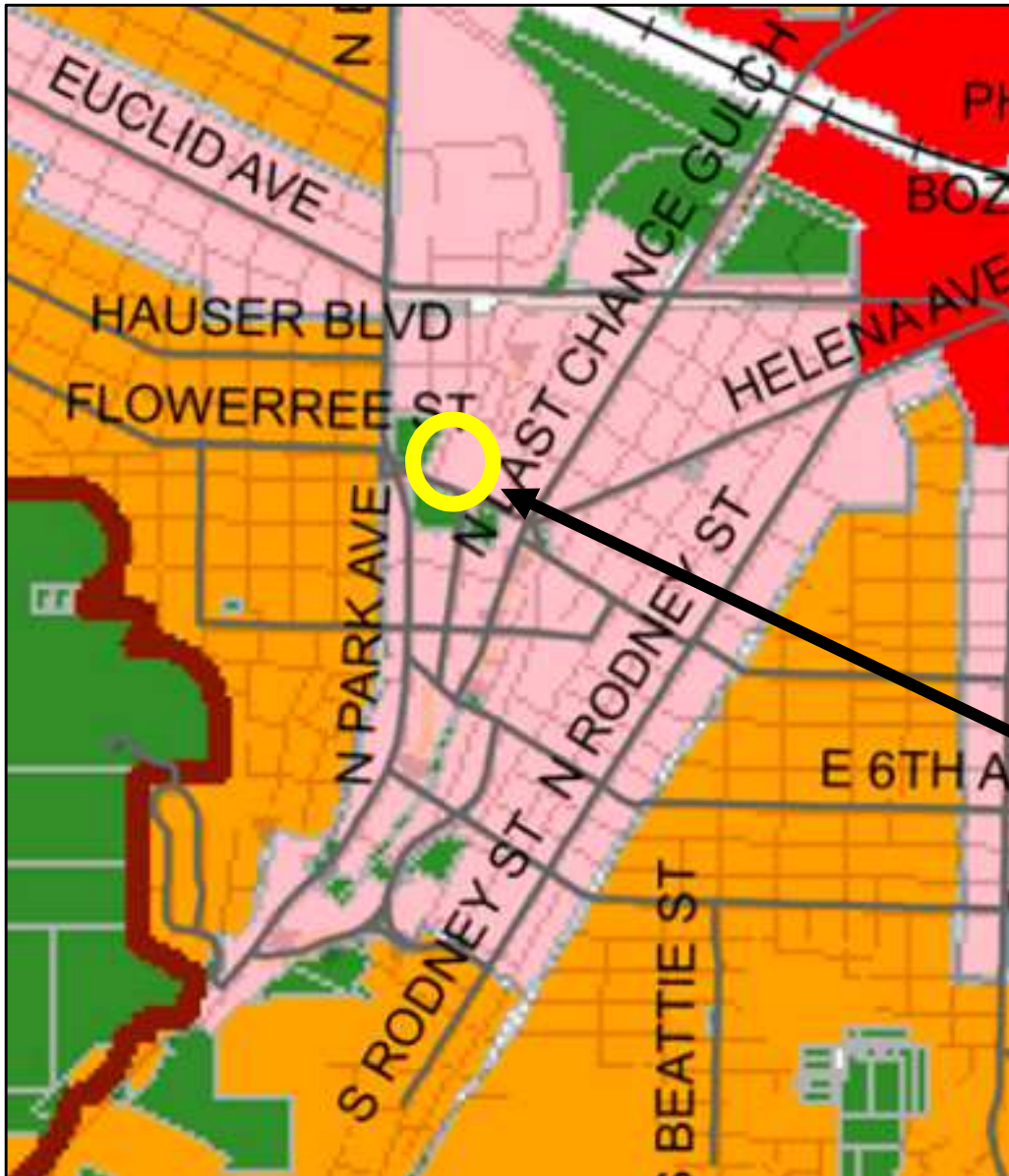
	<p>2014 Greater Helena Area Long Range Transportation Plan classifies Getchell Street as a “Local Road.” According to the 2013 City of Helena Engineering Standards, local roads typically carry between 1,500 and 3,500 vehicles trips per day (vpd) in urban areas.</p> <p>The city’s Transportation Services Department produces a list of traffic counts for intersections within the city. No traffic counts are recorded for Getchell and any of its intersections in the vicinity of the project site. Without traffic counts in the vicinity of the proposed zone change, staff cannot adequately provide traffic analysis of the current condition resultant from the DT District for a comparison with the TR District. However, with the decreased density allowance in the TR District noted above, the assumption is that there would be a corresponding decrease in vehicular traffic associated with redevelopment of 739 Getchell in comparison with its redevelopment potential as a DT District parcel. It is anticipated that most of the traffic for these parcels will be adequately handled by Neill Avenue or by Stuart Street en route to Benton Avenue.</p> <p>There are currently sidewalks, curbs, and gutters along Getchell Street and other rights-of-ways in the project vicinity, and, as such, the area is well served for pedestrian modes of travel. Lower overall speeds in the area also make the project vicinity amenable to bicyclists. The zone change is not anticipated to have a significant impact on the non-motorized transportation system.</p> <p>A summary of the effect on motorized and non-motorized transportation systems is analyzed in the attached appendix of this report.</p>
(c) <i>promotion of compatible urban growth;</i>	<p>Please see the attached use comparison table included as an appendix of this chart. The proposed zone change would result in compatible urban growth because the TR District uses are compatible with the surrounding DT District. The permitted uses in the TR District were deliberately established to serve as a buffer to adjacent residential neighborhoods, such as the nearby R-3 District that is within 150 feet of the subject property.</p>

<i>(d) the character of the district and its peculiar suitability for particular uses; and</i>	Based on permitted uses in Section 11-2-3 of City Code, there would not be a significant change in the peculiar suitability for particular uses in the area. The TR District would allow uses and associated dimensional limitations that are markedly similar to those in the surrounding DT District, the difference being that the following uses would not be permitted by right or with a CUP in the TR District: casinos, medical marijuana dispensaries, bus terminals, or any of the vehicle trade/services uses.
<i>(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area</i>	The proposed zone change from the existing DT District to the TR District is not anticipated to have any impact on the conservation of the value of buildings, and it is anticipated to continue to encourage the most appropriate use of land for the subject property and wider jurisdictional area. The table of allowed uses is included in the attached appendix. The surrounding area is already fully developed, and the proposed zoning change is not expected to result in a significant change in the overall character in the area.

CONCLUSION

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

2019 Growth Policy Future Land Use Map

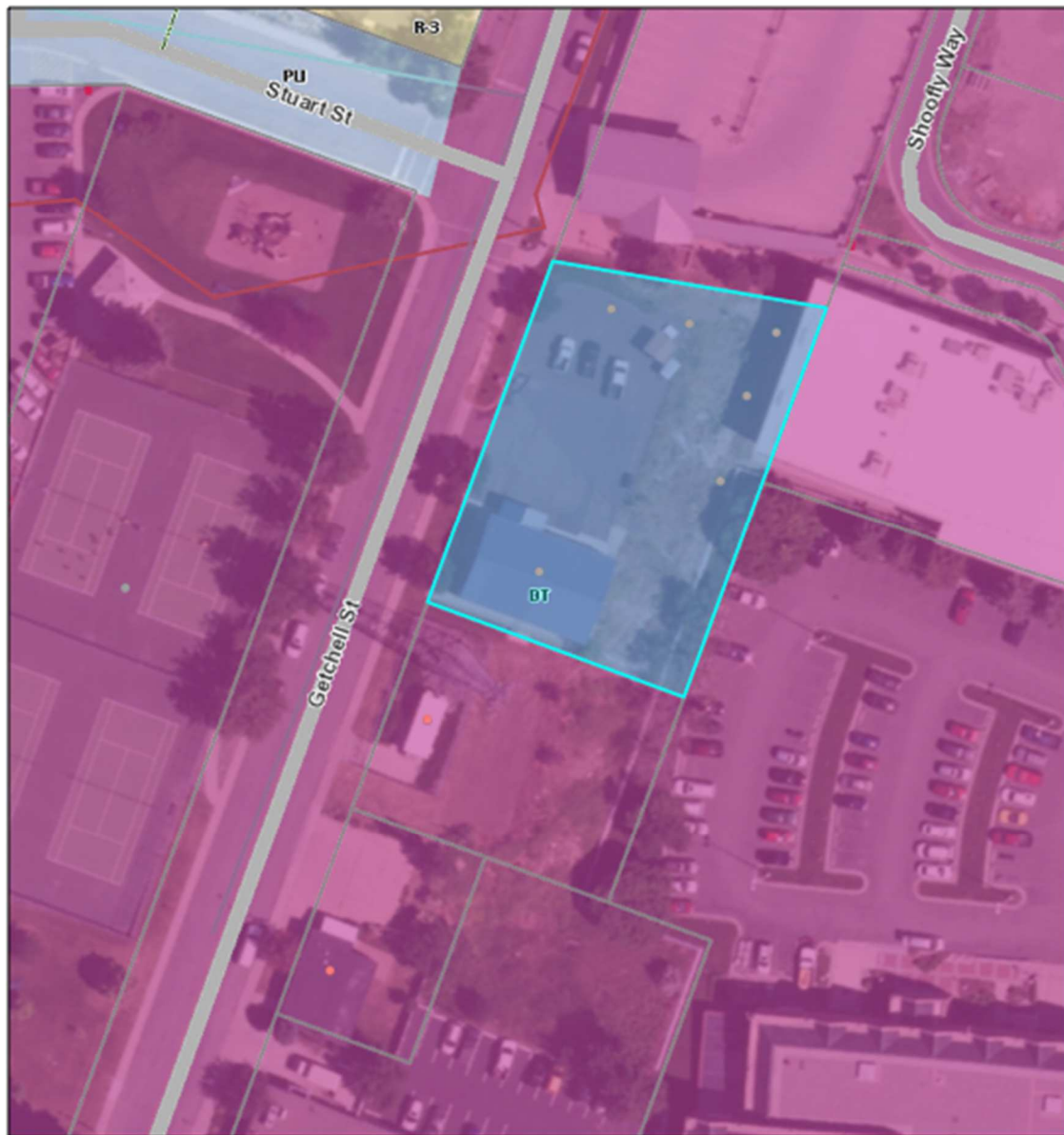


Growth Policy Land Use Designations:

Red = Commercial
Pink = Mixed Use
Green = Open Space
Gold = Urban

Proposed Zone Change from DT to TR District

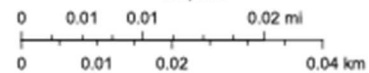
739 Getchell Street Vicinity Map



4/13/2021, 4:45:05 PM

1:1,128

- | | |
|-----------------|----------------|
| —+— Railroads | Highways |
| Roadways (Zoom) | Interstate Hwy |
| — Alley | US Hwy |
| — Driveway | Montana Hwy |
| — Secondary Hwy | |



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Lewis and Clark County/City of Helena GIS Services. The data contained on this map are NOT the official records and may be inaccurate and incomplete! The City of Helena and Lewis & Clark County do not warrant, either explicit or implied,

Web AppBuilder for ArcGIS

esri The City of Helena and Lewis & Clark County do not warrant, either explicit or implied, the completeness or accuracy of the information provided. | Earthstar Geographics | Lewis & Clark County, Maxar, Microsoft |

Appendix

ZONING REGULATIONS

Section 11-9-1 provides the following combined district intent statement that applies to both the DT (Downtown) and TR (Transitional Residential) Districts:

This chapter provides design standards and administrative procedures specific to the Downtown and Transitional Residential Districts. These standards and procedures are intended to encourage the creation and preservation of mixed-use development opportunities, including a wide range of housing options serving a wide range of incomes and demographics; to provide for the protection and enhancement of historic and cultural resources; to establish minimum requirements and responsibilities for the installation of public improvements in support of redevelopment; and to encourage desirable site design for all development occurring in the districts. These aspects are all essential for the development of a diverse, dynamic and desirable city environment. The interests of the community and the goals of the Growth Policy are further ensured through the application of this chapter.

Comparison Table of City Code District Design Standards from Section 11-9-7, covering the current zoning (DT), proposed zoning (TR) and adjacent zoning (DT), as well as District Dimensional Standards from Section 11-4-2 for the nearby R-3 (Residential) District.

Zoning Regulations	Current DT District Zoning	TR District Proposed Zoning	Nearby R-3 District
Lot Size/Area	No minimum	No minimum	No minimum
Lot Width	No minimum	No minimum	No minimum
Lot Coverage	50% minimum	50% minimum	40% maximum
Landscaping	Minimum 5% of ground floor story sq. footage (may be located anywhere)	Minimum 5% of ground floor story sq. footage (may be located anywhere)	N/A
Primary or Secondary Street/Front Lot Line	0 ft. primary/secondary street setback (A minimum of 50% of the building frontage is required to meet the zero lot line setback.)	0 ft. primary/secondary street setback (A minimum of 50% of the building frontage is required to meet the zero lot line setback.)	10' minimum front lot line setback
Common Lot Line/Side Lot Line	0 ft. setback (if abutting R-U, R-1, R-2, R-3, R-4, R-O, or TR districts, a 10 ft. minimum setback is required.)	0 ft. setback (if abutting R-U, R-1, R-2, R-3, R-4, R-O, or TR districts, a 10 ft. minimum setback is required.)	6' minimum
Rear Lot Line	0 ft. setback (if abutting R-U, R-1, R-2, R-3, R-4, R-O, or TR districts, a 10 ft.	0 ft. setback (if abutting R-U, R-1, R-2, R-3, R-4, R-O, or TR districts, a 10 ft.	10' minimum

	minimum setback is required.)	minimum setback is required.)	
Surface Parking Setback	10 ft. minimum (the setback is applicable only when parking is located adjacent to the building.)	10 ft. minimum (the setback is applicable only when parking is located adjacent to the building.)	N/A
Building Height	22 ft. minimum No maximum height	22 ft. minimum 36 ft. maximum height	36' maximum
Off-Street Parking	No parking minimums Maximum Allowance: Residential uses: 1 space/dwelling unit Ground floor story commercial: 2 spaces/1,000 sq. ft. Upper story commercial: 1 space/1,000 sq. ft.	No parking minimums Maximum Allowance: Residential uses: 2 spaces/dwelling unit Ground floor story commercial: 2 spaces/1,000 sq. ft. Upper story commercial: 1 space/1,000 sq. ft.	Calculation based on use

Comparison of Allowed Land Uses for the current DT District in comparison with the proposed TR District

All use allowances are the same between the DT and TR Districts with the following exceptions:

Use	DT District	TR District
Casinos	CUP	NP
Medical Marijuana	P	NP
Bus Terminal	P	NP
Vehicle Fuel Sales	P	NP
Vehicle Repair	P	NP
Vehicle Sales and Rental	P	NP
Vehicle Services	P	NP

Traffic analysis for the current DT District in comparison with the proposed TR District.

The proposed zone change to TR District will allow for similar high-density development to the existing DT District, albeit with a height restriction that may lower the overall density of any redevelopment. As a result, it is not anticipated that the proposed zone change will significantly impact the traffic in the vicinity of 739 Getchell. With the decreased height allowance of 36-feet instead of an unlimited height allowance, the net effect may be an overall decrease in vehicle trips per day associated with uses on the parcel being rezoned. The downtown core that surrounds the property is now—and will continue to be—a walkable and bikeable destination in the city, given it is well served by streets, sidewalks, and bike lanes that offer a high level of service to users.