

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
August 28, 2006
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, August 28, 2006 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present Mayor Smith indicated for the record that Commissioners Cartwright, Oitzinger, Peura, and Throssell were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Teresa Klotz representing the Helena Citizens Council.

Pledge of Allegiance Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.

Minutes The minutes of the regular City Commission meeting of August 14, 2006 were approved as submitted.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Consider second passage of Ordinance No. 3061 amending City of Helena Ordinance No. 2359 and amending the Official Zoning Map thereof from R-2 (Single-Family Residential) District to R-3 (Medium Density Residential) District for property legally described as Lots 15-17 in Block 29 of the Corbin Addition in the City of Helena, Montana; with a property address of 1221 E. Broadway. **Ordinance #3061**

City Manager Tim Burton recommended approval of the claims and the consent agenda.

Public comment Mayor Smith asked for public comment, none was received.

Motion **Commissioner Oitzinger moved approval of items A and B on the consent agenda.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Mayor Smith and the Commission members wished Police Chief Troy McGee a happy birthday.
Commissioner Cartwright spoke of construction to the 300 Block of Last Chance Gulch. He also urged the owners of the Shober House to leave it in its current location instead of moving it to the old State Nursery property.
Commissioner Oitzinger wished students and teachers returning to school good luck.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
No report was given.

Report of the City Manager REPORT OF THE CITY MANAGER
A. Detective Bryan Fischer

City Manager Burton read a letter from FBI Director Robert S. Mueller, III and asked Police Chief Troy McGee to report on Detective

Bryan Fischer's involvement in the FBI's Innocent Images National Initiative. Chief McGee gave an overview of Detective Fischer's case assignments and commended his performance. Mayor Smith and the Commission members thanked Detective Fischer for his work.

City Manager Burton briefed the Commission on construction to the 300 Block of Last Chance Gulch. The grade of the westside sidewalks had created some design problems. Public Works Director Rundquist explained the historic buildings contain vaults underneath the sidewalk, and noted many of the businesses use the vaults for storage or other purposes. The 300 Block project was designed around the vaults, as there are too many problems relative to construction on them. This approach was successful except for the westside where there is a disparity between the curb and the vault lids and/or sidewalks. This disparity will create an aesthetic problem once construction is completed. Staff is looking at solutions to overlay the sidewalk to provide a better elevation match with the curb. Director Rundquist noted this will result in an increased cost for the project but assured the Commission staff would find a solution. He added a solution to the problem should be identified within a couple of days.

Commissioner Cartwright commented this problem is not only aesthetic; it could result in dangerous conditions during the winter.

***Report from the
Helena Citizens
Council***

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Teresa Klotz gave an overview of the August 23, 2006 HCC meeting. There are five vacancies on the HCC; interested parties should contact HCC Chair Justin Trafton. She reminded the Commission the HCC City-wide Cleanup Day will be held on Sunday, October 8, 2006. There was also discussion regarding the Quality of Life Survey.

Ms. Klotz reported on Midtown Planning Group progress. The planning boundary is as follows: the eastern boundary is I-90, from Cedar Ave to Last Chance, East on Lyndale, South on Rodney, East on Billings (South side of HMS), South on Montana, East on Eight Ave, North on Roberts, East on Eleventh Ave back to I-90. It's a large area that encompasses both residential and commercial properties. The next meeting will be Thursday, September 7, 2006 from 5:30-7:00pm at the University of Montana-Helena College of Technology on Roberts Street.

Commissioner Oitzinger noted Health Officer Melanie Reynolds would like to report about the Lewis and Clark County Health Department and Community Health Clinic to the HCC on a regular basis.

ROW Vacation

CONSIDER A RESOLUTION OF INTENTION TO VACATE A PORTION OF THE DONALDSON STREET RIGHT-OF-WAY ADJACENT TO LOT 12 OF BLOCK 75 IN THE ORIGINAL HELENA TOWNSITE; GENERALLY LOCATED EAST OF REEDERS VILLAGE DRIVE.

Staff Report

City Engineer Ryan Leland reported Jeff and Korene McGuire applied to vacate a portion of the Donaldson Street right-of-way (ROW) adjacent to Lot 12 of Block 75 of the Original Helena Townsite.

The requested vacation is a 40-foot by 100 foot triangular piece of the Donaldson Street ROW adjacent to property they presently own. There are no utilities in the portion of the ROW proposed to be vacated. Donaldson Street was constructed as part of the Harrison Avenue Development. Because of topographic constraints, the Donaldson Street ROW had to be moved to the north onto property the McGuires

previously donated to the City of Helena. Now that Donaldson Street has been constructed, the McGuires desire that the unusable ROW be vacated to allow them to install a retaining wall and driveway access to their lot. The square footage to be vacated is approximately 2000 square feet with a calculated fee of approximately \$1000.

Mr. Leland recommended approval of the proposed vacation and noted the vacation would allow use of ROW that is not currently developed and of no value to the city as ROW.

Commission comment Commissioner Peura asked for confirmation that the \$1000 fee was calculated using the Department of Revenue valuation process. Mr. Leland concurred.

Public comment Mayor Smith called for public comment.
Jerry McGuire, 1300 Floweree, spoke in opposition to the fee for the vacation.

Discussion Commissioner Oitzinger asked if Mr. McGuire is required to pay the fee or could the prior land trade be considered payment? Mr. Leland explained the Commission has the option to set the fee to be charged, if any. City Manager Burton noted it is the Commission's discretion to charge the applicant. The decision of whether or not to charge the proposed fee can be made at the public hearing. Commissioner Cartwright noted if the city received value for value with the previous land trade he would be less inclined to charge the applicant for this donation.

Motion **Commissioner Cartwright moved approval of a resolution of intention to vacate a portion of Donaldson Street ROW adjacent to Lot 12 of Block 75 of the Original Helena Townsite and set a public hearing date of September 11, 2006.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Resolution #19398**

Surplus Property CONSIDER A RESOLUTION DECLARING TANGIBLE PERSONAL PROPERTY OWNED BY THE CITY OF HELENA TO BE SURPLUS PROPERTY AND AUTHORIZING THE DISPOSAL OF THAT PROPERTY.

Staff Report Police Chief Troy McGee reported approval of the proposed resolution would allow for the transfer of old City of Helena radio infrastructure equipment to the Lewis & Clark County Radio Project, when new equipment is received. The transfer will allow equipment to be recycled to other emergency service providers that cannot afford to purchase the new radios. These emergency service providers make requests to the Lewis & Clark County project for old radios that can be programmed to function at a basic interoperable level with the new equipment. The new equipment provided to the City of Helena in lieu of the old allow emergency services such as police, fire, public works, etc. to operate at currently the highest level of interoperability and security. This equipment is provided to city departments through various public safety grants secured by Lewis & Clark County. The only agreement is the expectation of the exchange of the old equipment.

Chief McGee recommended approval of the resolution as the new equipment provides more interoperable and secure communications, is FCC compliant and provides broader-ranging coverage. The old equipment will provide radio access to users not

previously capable of affording or acquiring adequate communications equipment.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Peura moved approval of a resolution declaring tangible personal property consisting of radio system equipment owned by the City of Helena to be surplus property and authorizing the disposal of that property. Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Resolution #19399**

Annexation

CONSIDER A RESOLUTION ANNEXING LOTS 25-28 IN BLOCK 160 OF THE SYNDICATE ADDITION GENERALLY LOCATED EAST OF LAUREL STREET AND WEST OF GLENDALE STREET.

Staff Report

Community Development Project Manager Debra LaFontaine reported Regina Lindsey is proposing to complete the annexation of Lots 25-28 in Block 160 of the Syndicate Addition, in Lewis and Clark County.

On July 17, 2006, the City Commission adopted a Resolution of Intention (#19383) to Annex Lots 25-28 in Block 160 of the Syndicate Addition, in Lewis and Clark County.

The applicant has completed the conditions for annexation that includes the following:

1. Infrastructure: The property owner must install infrastructure improvements as required by the city, to city standards, including paved streets, curb, gutter, and sidewalks, or enter into a development agreement acceptable to the city that defines responsibility for installation or deferment of the improvements.

2. Review of New Construction: The property owner must submit plans for review by the City of Helena for all construction commenced subsequent to the adoption of this resolution and prior to annexation of the property to ensure compliance with infrastructure, zoning and all other Code requirements, including building and fire codes, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the city.

3. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the resolution of annexation.

4. Completion of Conditions: The property owner must notify city Planning in writing upon completion of the conditions for approval of annexation. The applicant notified City Planning in writing (July 7, 2006) of the completion of conditions for annexation.

Ms. LaFontaine recommended approval of the annexation and noted annexation of the private property is consistent with city policy and consistent with the policy of annexing properties served by city infrastructure.

Commission comment

Commissioner Cartwright asked if the applicant entered into a Development Agreement for the installation of infrastructure? Ms. LaFontaine stated yes and noted they have one-year to complete the installation.

- Public comment Mayor Smith called for public comment, none was received.
- Motion** **Commissioner Peura moved approval for a resolution annexing Lots 25-28, in Block 160 of the Syndicate Addition, in Lewis and Clark County, Montana and extend services to the property as shown on Exhibit "A" attached to the resolution.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19400**
- Annexation** CONSIDER A RESOLUTION ANNEXING 13.55 ACRES IN LEWIS AND CLARK COUNTY, GENERALLY LOCATED NORTH OF CUSTER AVENUE BETWEEN WASHINGTON STREET AND THE I-15 FRONTAGE ROAD, WITH A CURRENT ADDRESS OF 1822 EAST CUSTER AVENUE.
- Staff Report City Planner Kathy Macefield reported Montana Opportunities has requested final annexation for 13.55 acres located adjacent to the city limits. The Helena City Commission approved pre-zoning this property as B-2 (General Commercial) District, and the Resolution of Intention to annex on October 17, 2005 subject to 6 conditions. These conditions have been completed and the required improvements have been either installed or financially guaranteed. Annexation would allow construction of a convenience store and casino in a single 6,320-square foot building with 6 gas pumps and a drive-through carwash.
- The applicant has given a deed donating a 100-foot right-of-way (ROW) for the 317-foot long northward extension of Washington Street to the City. The construction of the northward extension of Washington Street, the upgraded stoplight, and the extension of water and sewer are financially guaranteed. The City's water and wastewater service area boundaries will be automatically extended when the property is annexed.
- Ms. Macefield recommended approval of the annexation as the property is located adjacent to the city limits; the property is currently served by City water and sewer, will not be wholly surrounded property, and the taxes are paid and current.
- Public comment Mayor Smith called for public comment.
- Tom Richardson, 600 South Main, Butte, MT, General Counsel for the applicant; noted he was available to answer questions regarding the annexation.
- Motion** **Commissioner Cartwright moved approval of a resolution of annexation for 13.55 acres into the City of Helena as legally described in the resolution.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Resolution #19401**
- Annexation** CONSIDER A RESOLUTION ANNEXING 7.5 ACRES AND THE ADJACENT RIGHTS-OF-WAY IN LEWIS AND CLARK COUNTY, TO BE KNOWN AS SUSSEX PARK MAJOR SUBDIVISION; GENERALLY LOCATED SOUTH OF WOODWARD STREET AND WEST OF GRANITE STREET.
- Staff Report Ms. Macefield reported on November 7, 2005 the City Commission gave approval to Rebekka Cantrell and Ron Bartsch for a Resolution of Intention to Annex the Sussex Park Subdivision subject to 4 conditions. The Sussex Park subdivision encompasses the originally platted Blocks 14 and 15 of the Highland Park Addition in Lewis and

Clark County. Conditional approval for the subdivision of this same property was also given at that time

The proposed annexation consists of 7.5 acres, including the adjacent portions of Park Drive, Glen Street, Granite Avenue, and Chessman Avenue. The applicant is also requesting approval for the final plat of the same property.

Ms. Macefield recommended approval of the annexation and noted the property is adjacent to the city limits, is a logical extension of the city, and is an efficient use of land, energy and resources. All of the annexation conditions have been satisfactorily completed.

Commission comment Commissioner Peura asked if this subdivision would impact the trail that runs along LeGrande Cannon Boulevard? Ms. Macefield stated the subject property lies north of the existing trail and it would not be impacted.

Commissioner Cartwright asked about an existing house in the area. Ms. Macefield explained the house was located on the property prior to the development of the subdivision and is now being remodeled. Mayor Smith asked if the portion of Granite Street from Woodward Street south to Hauser Boulevard would remain unpaved? Ms. Macefield concurred. City Manager Burton commented the ratepayers of Helena are not subsidizing the improvements in the area; the neighborhoods of the future will be paying for those improvements.

Public comment Mayor Smith called for public comment, none was received.

Motion **Commissioner Oitzinger moved approval of a resolution of annexation the Sussex Park subdivision and the adjacent rights-of-way portions as legally described in the resolution.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.
Resolution #19402

Final Plat CONSIDER FINAL PLAT FOR SUSSEX PARK MAJOR SUBDIVISION CREATING 22 SINGLE-FAMILY RESIDENTIAL LOTS FROM 7.5 ACRES, INCLUDING THE VACATED PORTIONS OF PARK DRIVE, GLENDALE STREET, AND GRANITE AVENUE; GENERALLY LOCATED SOUTH OF WOODWARD STREET AND WEST OF GRANITE STREET.

Staff Report Ms. Macefield reported on November 7, 2005 the City Commission approved the preliminary plat for the Sussex Park major subdivision preliminary plat creating 22 single-family residential lots from 7.5 acres proposed to be located in a R-2 (Single-family Residential) District. This approval was subject to 11 conditions (attached) to be completed prior to filing the final plat. Conditional approval for the annexation of this same property was also given at that time.

The applicant has applied for approval of the final plat for the Sussex Park major subdivision creating 22 single-family residential lots from 7.5 acres, including the vacated portions of Park Drive, Glen Street, and Granite Avenue. The applicant will provide right-of-way for access to trails at the southeast and southwest corners of the subdivision, along with trails on Granite Avenue, in-between the two cul-de-sacs and between Lots 4 and 5 and Lots 15 and 16.

Ms. Macefield recommended approval of the final plat and stated the property is adjacent to the city limits, is a logical extension of the city, and is an efficient use of land, energy and resources. All of the annexation conditions have been satisfactorily completed.

Commission comment

Commissioner Cartwright asked if the properties north of Woodward Street receive city water? Ms. Macefield stated she was unsure, but did not think so. Commissioner Cartwright asked if the subdivision contains cul-de-sacs because of the steepness of the area or if they are a design choice? Ms. Macefield explained there were some topographical reasons but they were primarily a design choice. Commissioner Oitzinger asked for more information on the wildfire mitigation plan for the subdivision. Ms. Macefield stated the Fire Department was provided a copy of the plan and did not have any objections to it. Fire Chief Larson explained the applicant provided mitigation for the Wildland Urban Interface as required. As each property is developed the Fire Department will meet with the individual owner to discuss mitigation needs.

Public comment

Mayor Smith called for public comment, none was received. Byron Stahly, Stahly Engineering; stated the applicant is keeping the existing trails as is.

Motion

Commissioner Cartwright moved approval for the Sussex Park subdivision final plat creating 22 single-family residential lots from 7.5 acres to be located in a R-2 (Single-family Residential) District, including the vacated portions of Park Drive, Glen Street, and Granite Avenue. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Res. of Intention to Annex

CONSIDER A RESOLUTION OF INTENTION TO ANNEX LOTS 14 AND 15, BLOCK 312, BELLEVUE ADDITION AND THE ADJACENT RIGHTS-OF-WAY IN LEWIS AND CLARK COUNTY INTO THE CITY OF HELENA AND ESTABLISH CONDITIONS FOR ANNEXATION; GENERALLY LOCATED EAST OF GRANITE STREET AND SOUTH OF KNIGHT STREET.

Staff Report

Ms. Macefield reported the property owner has requested annexation by petition for Lots 14 and 15, Block 312, Bellevue Addition and the adjacent rights-of-way in Lewis and Clark County. The annexation would also include the adjacent right-of-way portions of Granite Avenue (70 feet wide), and Knight Street (20 feet wide) and the alley (16 feet wide). The Helena Zoning Commission unanimously recommended approval (3:0 vote) for pre-zoning the property as a R-2 (Single-Family Residential) District on August 8, 2006.

Water and sewer mains must be extended across the property frontage. The adjacent streets must be improved to city standards or a signed waiver of protest for the creation of an SID must be submitted. A fire hydrant is located on Granite Avenue approximately 220 feet north of the applicant's property. The Fire Department has indicated that a new hydrant will be required in the future on Granite Avenue south of this property, and on Knight Street east of the subject property.

Ms. Macefield recommended approval of the resolution of intention as the property is located adjacent to the city limits; infrastructure can be readily extended to serve the property, making

efficient use of land, infrastructure, energy and other resources. This proposal does not create any individually wholly surrounded properties.

Ms. Macefield noted the applicant wishes to build condos or townhouses in the future which would require a Conditional Use Permit.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Peura moved approval for a resolution of intention to annex Lots 14 and 15, Block 312, Bellevue Addition and the adjacent rights-of-way in Lewis and Clark County, subject to the four conditions stated in the resolution. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19403**

Res. of Intention to Annex

CONSIDER A RESOLUTION OF INTENTION TO ANNEX LOTS 14 AND 15, BLOCK 312, BELLEVUE ADDITION AND THE ADJACENT RIGHTS-OF-WAY IN LEWIS AND CLARK COUNTY INTO THE CITY OF HELENA AND ESTABLISH CONDITIONS FOR ANNEXATION; GENERALLY LOCATED EAST OF GRANITE STREET AND SOUTH OF KNIGHT STREET.

Staff Report

Community Development Director Sharon Haugen reported this property is currently located in the county with no zoning. The proposal is to pre-zone to R-4 (High Density Residential) District Lots 4 and 5 of the Barbeau Villa Sites.

The owner of this property has applied for annexation to the City of Helena for Lots 4 and 5 of the Barbeau Villa Sites in Lewis and Clark County, Montana. The property is located south of Northgate Loop and north of Custer Avenue. The property is contiguous with existing City limits. No public hearing is required for this annexation. Commission review will satisfy all legal and procedural requirements and enable the City Commission to establish conditions of annexation.

The following conditions to annexation are proposed:

1. Legal or physical access must be provided to these lots.
2. The amended plat must be ready for filing after annexation conditions are met and the City Commission's passes a resolution annexing the property.
3. Infrastructure: The property owner must install infrastructure improvements as required by the city, to City standards, including paved streets, curb, gutter, and sidewalks, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements.
4. Review of New Construction: The property owner must submit plans for review by the City of Helena for all construction commenced subsequent to the adoption of this resolution and prior to annexation of the property to ensure compliance with infrastructure, zoning and all other Code requirements, including building and fire codes, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.

5. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.
6. Completion of Conditions: These annexation conditions must be completed within one (1) year of the date of approval of this resolution. The property owner must notify City Planning in writing upon completion of the conditions for approval of annexation. If the conditions are not completed within that time frame, the City is under no obligation to annex the property and may discontinue any City services to the property, including water and sewer service."

Currently, there are no approaches off of Custer Avenue for these two lots, and there is no other access available to them. If the amended plat were not filed, approach permits would need to be obtained from the Montana Department of Transportation for Custer Avenue, which may be difficult to get.

Water and sewer are not readily available to these lots, if the amended plat is not filed. Water and sewer are located in Northgate Loop but is not now adjacent. Although water and sewer services are located in Custer Avenue, they are on the south side of the street. Therefore, these services will have to be bored under Custer Avenue, which is extremely costly. If the amended plat gets filed and the proposed development goes in, the city will need all easements provided for any city services extended into these two lots by way of the proposed easement shown on the amended plat.

Director Haugen recommended approval of the resolution of intention to annex and added annexation of this property would enable services to be extended to the area consistent with state and local laws.

Commission comment

Commissioner Peura asked if access would be allowed off of Custer Avenue or only through Northgate Loop? Ms. Haugen stated it is the applicants and staff's preference to require access from Northgate Loop or Benton Avenue once it is extended.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Peura moved approval for a resolution of intention to annex Lots 4 and 5 of the Barbeau Villa Sites, in Lewis and Clark County, Montana, establish conditions for annexation per the resolution, and extend services to the property as shown on Exhibit "A". Commissioner Throssell seconded the motion. All voted aye, motion carried. **Resolution #19404**

Public Hearings

PUBLIC HEARINGS:

A. CONSIDER A RESOLUTION TO VACATE A PORTION OF THE DONALDSON STREET RIGHT-OF-WAY ADJACENT TO LOT 1 OF BLOCK 71 IN THE ORIGINAL HELENA TOWNSITE; GENERALLY LOCATED EAST OF REEDERS VILLAGE DRIVE.

Staff Report

City Engineer Ryan Leland William Harper has applied to vacate 35' of the Donaldson Street right-of-way (ROW) adjacent to Lot 1 of Block 71 in the Original Helena Townsite. Donaldson Street is a platted but undeveloped street in the Harrison Street Development.

There are no utilities in the proposed vacated portion of the ROW. The Donaldson Street ROW dead-ends at the eastern boundary of the Reeders Village Subdivision. The rest of the ROW will remain as ROW for use as a pedestrian trail, conveyance of storm water and for a water main, which has already been installed in this portion of the ROW. The square footage to be vacated is approximately 2,450 square feet with a calculated fee of approximately \$1,225.

Mr. Leland recommended approval of the ROW vacation, as it would allow for the use of unusable ROW.

Commission comment Commissioner Cartwright asked if the applicant is agreeable to paying the fee? Mr. Leland concurred. Commissioner Cartwright reiterated his concern that \$.50 per square foot is too low of a valuation.

Public Testimony Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

There being no persons wishing to address the Commission, Mayor Smith closed the public hearing.

Motion **Commissioner Throssell moved approval for a resolution to vacate a portion of Donaldson Street ROW.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19405**

B. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CITY OF HELENA ORDINANCE NO. 2359, AND AMENDING THE OFFICIAL ZONING MAP THEREOF AND PRE-ZONING TO R-2 (SINGLE FAMILY RESIDENTIAL) DISTRICT, PRIOR TO ANNEXATION FOR MULTIPLE PROPERTIES IN LEWIS AND CLARK COUNTY, GENERALLY LOCATED SOUTH OF KNIGHT STREET, WEST OF JOSLYN STREET, NORTH OF HAUSER BOULEVARD AND EAST OF GRANITE AVENUE IN LEWIS AND CLARK COUNTY.

Staff Report Ms. Macefield reported on August 8, 2006 the Helena Zoning Commission recommended approval (3:0 vote with one abstention) for the adoption of an Ordinance pre-zoning to a R-2 (Single-Family Residential) District prior to annexation for multiple properties located in Lewis and Clark County; generally located south of Knight Street, west of Joslyn Street, north of Hauser Boulevard and east of Granite Avenue. Annexation has also been requested for two of the lots (Lots 14 and 15, Block 312, Bellevue Addition) located within the larger area.

Ms. Macefield recommended approval of the proposed zone change and pre-zoning and stated this proposal could facilitate infill development, and efficient use of energy, infrastructure and resources. This area is adjacent to the city limits on the northwest, north, and southeast. Pre-zoning the larger area would identify the desired type of development for the area, and would save time and money for property owners requesting annexation in the future. This proposal is consistent with the 2001 Helena Growth Policy and Zoning Ordinance, and is compatible with the surrounding land uses and the established County Special Zoning District.

Commission comment Commissioner Peura asked for confirmation that it is allowable to pre-zone a larger area than is being applied for by the applicant? Ms. Macefield stated yes and explained staff looked at the "big picture", meaning recommendation of a zoning designation that would be

appropriate for the larger area, instead of zoning just one piece of property at a time.

Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

There being no persons wishing to address the Commission, Mayor Smith closed the public hearing.

Motion

Commissioner Throssell moved approval for first passage of an ordinance pre-zoning to a R-2 (Single-Family Residential) District prior to annexation for multiple properties located in Lewis and Clark County as legally described in the attached Ordinance.

Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Ordinance #3062**

C. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CITY OF HELENA ORDINANCE NO. 2359, AND AMENDING THE OFFICIAL ZONING MAP THEREOF FOR A ZONE CHANGE FROM R-3 (MEDIUM DENSITY RESIDENTIAL) DISTRICT TO R-4 (HIGH DENSITY RESIDENTIAL) DISTRICT FOR PROPERTY GENERALLY LOCATED NORTH OF CUSTER AVENUE AND SOUTH OF NORTHGATE LOOP.

D. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CITY OF HELENA ORDINANCE NO. 2359, AND AMENDING THE OFFICIAL ZONING MAP THEREOF, AND PRE-ZONING TO R-4 (HIGH DENSITY RESIDENTIAL) DISTRICT, PRIOR TO ANNEXATION FOR PROPERTY IN LEWIS AND CLARK COUNTY FOR PROPERTY GENERALLY LOCATED NORTH OF CUSTER AVENUE AND SOUTH OF NORTHGATE LOOP.

Staff Report

Director Haugen reported the applicant is requesting a zone change from R-3 (Medium Density Residential) District to R-4 (High Density Residential) District to allow for the development of the proposed Northgate Meadows Phase III project. Two other simultaneous actions are proposed: pre-zoning and annexation of Lots 4 and 5 of the Barbeau Villa Sites. An amended plat aggregating Lots 28, 29, and 30 of the Northgate Meadows Major Subdivision and Lots 4 and 5 of the Barbeau Villa Sites into one lot that will consist of 71,551 square feet is under review.

On Tuesday, August 8, 2006, the Helena Zoning Commission unanimously recommended approval (4:0 vote) for adoption of an Ordinance for a zone change from R-3 (Medium Density Residential) District to R-4 (High Density Residential) District for Lots 27, 28, 29, and 30 of the Northgate Meadows Major Subdivision.

Also, on Tuesday, August 8, 2006, the Helena Zoning Commission unanimously recommended approval (4:0 vote) for adoption of an ordinance for pre-zoning, prior to annexation, to R-4 (High Density Residential) District for property legally described as Lots 4 and 5 of the Barbeau Villa Sites in Lewis and Clark County, Montana.

Director Haugen recommended approval of the zone change and proposed pre-zoning as this proposal represents infill development, and efficient use of energy, infrastructure and resources. This proposal is consistent with the 2001 Helena Growth Policy and Zoning Ordinance, and is compatible with the surrounding land uses.

Commission comment Commissioner Cartwright asked if the applicant is aware that they will be charged wastewater, stormwater and street maintenance fees even though the streets within the subdivision will be private? Director Haugen concurred.

Public Testimony Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

Tyler Emmert, 675 Jeannie Road, Stahly Engineering; spoke in support of the zone change and pre-zoning.

Jesse Ennis, 1411 Aspen Street, Hamlin Construction; stated the applicant's preference is to provide access from Northgate Loop, not Custer Avenue.

There being no further persons wishing to address the Commission, Mayor Smith closed the public hearing.

Motion Commissioner Cartwright moved approval for first passage of an ordinance amending City of Helena Ordinance No. 2359 and amending the Official Zoning Map thereof for a zone change, from R-3 (Medium Density Residential) to R-4 (High Density Residential) District for property legally described in the ordinance.

Commissioner Peura seconded the motion. All voted aye, motion carried. **Ordinance #3063**

Motion Commissioner Throssell moved approval for first passage of an ordinance for a re-zoning designation prior to annexation into the City of Helena, Montana, to R-4 (High Density Residential) District, for property in Lewis and Clark County, Montana, and legally described in the ordinance.

Commissioner Peura seconded the motion. All voted aye, motion carried. **Ordinance #3064**

Public Communications

PUBLIC COMMUNICATIONS

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is Wednesday, September 6, 2006 and the next Commission Meeting is Monday, September 11, 2006. The City/County Joint Work Session will be held on Thursday, September 7, 2006.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:45p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission