

FINDINGS OF FACT – Tract 2A-3 of Partington Park Subdivision, Fifth Filing
Subdivision for Rent or Lease

The Planning staff has prepared on behalf of the Yellowstone County Board of Planning the Findings of Fact for the preliminary plan of the West Park Apartments on Tract 2A-3 of Partington Park Subdivision, Fifth Filing and has provided them for review by the City Council, as follows:

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608 (3) (a) and BMCC 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The subject property is part of a shopping plaza within an urban setting. There has been no agricultural activity in the vicinity for many decades, and there are no irrigation facilities on or affected by the subject property.

2. Effect on local services

- a. Utilities** – Water services will be provided by the City of Billings. The subdivider will tie into the existing 12-inch water main in 17th Street West, and extend separate private water lines for domestic and fire services.

Sanitary sewer service will also be provided by the City by connecting to the existing sewer main in 17th Street West. All internal sanitary sewer lines will be privately owned, and will be installed in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ.

MDU will provide gas services and NorthWestern Energy will provide electric services to the subdivision. Any necessary easements will need to be shown on the face of the plat as requested by these utility providers (**Condition #4**).

- b. Storm water** – Storm water drainage for the internal private streets shall be provided by surface drainage via curbs and gutters to underground storm drain lines. These lines will then discharge into an underground storm water detention area within the proposed park space. These and all other drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the Public Works Department.
- c. Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste. Dumpster sites will be finalized with the final site development plan.
- d. Streets** –The subject property fronts 17th Street West and Avenue D. Both streets are existing and upgrades are not being proposed with this development. Any deficiencies in sidewalks or curb will be evaluated at the time of building permit. 17th Street West experiences a moderate volume of traffic with a 2013 Traffic Count of 9,030 average

daily trips at this location. Based on traffic loads, the limited right-of-way width and a challenging intersection at Grand Avenue, Planning Board would like the applicant to work with City Traffic Engineering to verify that the traffic generated from this new development would not warrant some form of mitigation (**Condition #5**).

In addition to this further traffic evaluation, there is one contingency with the site development in regard to 17th Street West. This street is classified as a minor arterial on the Billing Urban Area Functional Classification Map. For minor arterials, the Unified Zoning Code requires a 60-foot setback from the centerline of the street to any structures. The current proposal shows the two western-most 12-plex building slightly encroaching on the 60-foot setback. The subdivider has submitted a request for a zoning variance and that request is in the review process. It is recommended as a condition of approval that the zoning variance be granted by the City Board of Adjustments prior to the final plan approval. If this is not the case, the final site plan shall be updated to comply with the required zoning code setback (**Condition #2**).

Internal streets are private, and owned and maintained by the developer (those on the subject property), and the adjacent lot owners (those within the West Park Promenade). A reciprocal access and utility agreement is in place so that all residents and shoppers may have unrestricted use of the internal street network. Evidence of this agreement shall be provided prior to final plan approval (**Condition #3**).

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1928 17th St. West (17th St. West/Parkhill Dr.) (Station #3). The subdivision is located within the ambulance service area of American Medical Response (AMR). Two points of access shall be provided to meet the emergency access road design standards and fire hydrants shall be installed and the apartments will have sprinklers installed.
- f. **Schools** – The subdivision is located within School District #2. Students from the proposed subdivision will likely attend Rose Park Elementary School, Lewis and Clark Middle School and Senior High School. The affected schools appear to have adequate capacity to serve the students of this proposed subdivision.
- g. **Parks and Recreation** – The underlying subject property has not previously provided parkland as required by state and local subdivision laws. Because this proposal is for multi-family residential development, a parkland provision of 16,117 square feet is required (11% of the net lot area). The site plan includes a 20,200 square foot central park/open space for the benefit of the residents to meet this requirement. Staff is agreeable to this proposal.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested the installation of centralized mailbox units (CBUs). The developer will work with the USPS to meet their needs.

3. Effect on the natural environment

The subject property is in a developed urban setting.

A geotechnical study, dated April 20, 2013, was performed to evaluate the subsurface soil conditions and give structural recommendations for building on the site. Furthermore, best management practices for storm water pollution prevention will be enforced during the construction of the project.

Overall the subdivision should have a minimal effect on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Since the property is in the center of the urban environment, the subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

Fire hydrants will be constructed to meet fire department requirements and apartment buildings will have sprinkler systems installed. Sidewalks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.1.)]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy, the Urban Area Transportation Plan--2009 Update, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]

1. Yellowstone County-City of Billings 2008 Growth Policy

The proposed subdivision is consistent with the following goals of the Growth Policy:

- a. Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (p. 6)
- b. Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods. (p. 6)
- c. Goal: Contiguous development focused in and around existing population centers separated by open space. (p.6)
- d. Goal: Affordable housing for all income levels dispersed throughout the City. (p. 6)

2. Urban Area Transportation Plan 2009 Update

The proposed subdivision adheres to the goals and objectives of the Transportation Plan 2009 Update and preserves the street network and street hierarchy specified in the plan.

3. Billings Area Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The plan identifies a proposed short-term bike lane along 17th St. West, and a proposed bicycle boulevard along Avenue D. No improvements are proposed at this time, however they may be installed in the future if the City upgrades either street.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-302.H.3.a.]

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and in general to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is located within the community commercial zoning district. In cases where residential properties are proposed in CC zoning, the Residential Multi-Family-Restricted zoning restrictions must be followed. Preliminary plans conform to these requirements with one exception. The required setback from 17th Street West is 60 feet from centerline. A zoning variance is being concurrently requested, and its approval will be required to move forward with the final plans as proposed (**Condition #2**). Final development plans will be reviewed for compliance with zoning prior to final plan approval (**Condition #1**).

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]

The subdivider will work with MDU and NWE to provide easements needed for the provision of easements on the final plan. (**Condition #4**).

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMCC 23-302.H.3.c.]

Legal and physical access is provided to the proposed development from 17th Street West and Avenue D.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plan of Tract 2A-3, Partington Park Subdivision (West Park Apartments) does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy Update, and does not conflict with the Transportation or Bikeway and Trail Plans.

- The proposed subdivision will comply with state and local subdivision regulations, local zoning, and will provide legal and physical access to each lot if conditions of approval are met.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, July 22, 2013.

Thomas W. Hanel, Mayor