



Missoula Consolidated Planning Board  
Agenda

Date: February 18, 2020, 7:00 PM  
Location: City Council Chambers  
140 W. Pine Street, Missoula , MT  
Members: Andy Mefford (County), Peter Bensen (County), Stephanie Potts (County),  
Sean McCoy (County), Josh Schroeder (Conservation Dist Appt), Vince Caristo (City),  
Caroline Lauer (City), Shane Morrissey (City-Alternate), Neva Hassanein (Mayoral Appointee),  
John Newman (Mayoral Appointee)

*If anyone attending this meeting needs special assistance, please provide 48 hours advance notice by calling Development Services at 406-552-6630 or Missoula County Community & Planning Services at 406-258-4657.*

Pages

1. Call to Order
2. Roll Call
3. Approval of Minutes 1
4. Public Comment
5. Staff Announcements
  - 5.1 Introduction of new City Council appointments to MCPB: Ms. Caroline Lauer (City) and Mr. Shane Morrissey (City-Alternate)
6. Public Hearings
  - 6.1 Rezone properties located at 724, 730 and 738 Toole Avenue from RT2.7 Residential (two unit/townhouse) to B2-2 Community Business. Craig Malin, Planner III Craig Malin 9

Recommended motion:  
APPROVE the adoption of an ordinance to rezone 724, 730 and 738 Toole Avenue from RT2.7 Residential (two unit/townhouse) to B2-2 Community Business, based on the findings of fact in the staff report.
7. Communications and Special Presentations
8. Committee Reports
9. Old/Other Business
  - 9.1 Election of Missoula Consolidated Planning Board Vice-Chair

10. New Business and Referrals
11. Comments from MCPB Members
12. Adjournment

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## Missoula Consolidated Planning Board Minutes

January 21, 2020, 7:00 PM  
City Council Chambers  
140 W. Pine Street, Missoula , MT

Voting members present: Peter Bensen (County Appt), Sean McCoy (County Appt), Andy Mefford (BCC appointee), John Newman (Mayor appointee), Helen Pent Jenkins (CC appointee), Stephanie Potts (BCC appointee)

Regular member(s) absent: Vince Caristo (City Appt), Neva Hassanein (Mayor appointee), Josh Schroeder (Conservation Dist Appt)

### 1. Call to Order

Mr. Newman called the meeting to order at 7:00 p.m.

### 2. Roll Call

Donna McCammon called the roll.

### 3. Approval of Minutes from January 7, 2020

A motion was made by Mr. Bensen, seconded by Ms. Potts, to approve the January 07, 2020 Missoula Consolidated Planning Board minutes as submitted. With a voice vote of all ayes the minutes were approved.

### 4. Public Comment

There were no public comments on items not on the agenda.

### 5. Staff Announcements

There were no staff announcements.

### 6. Public Hearings

#### 6.1 Yuhas Property Rezoning. Lauren Ryan, Missoula County Community and Planning Services (CAPS)

Lauren Ryan, Missoula County Community Planning and Services (CAPS), received a request from Territorial Landworks, Inc. on behalf of Snow Cap, LLC to rezone the property legally described as Tract 4 of COS 5877 in S02, T12, R20 W. The applicant is proposing to zone 9.3 acres of the 61.61-acre tract C-C2 General Commercial and the remaining portion of the tract, C-A1 Agriculture. The property is currently zoned Part One or Citizen-Initiated Zoning District #39. The parcel is currently vacant. The Missoula Consolidated Planning Board has the authority to make a recommendation to rezone the property to two Part Two zoning districts but cannot act on the amendment of the Part One or Citizen-Initiated Zoning District. Ms. Ryan explained the project process:

- Missoula Consolidated Planning Board (MCPB) would make a recommendation on the Part Two zoning request
- February 5, 2020: Planning and Zoning Commission and Board of County Commissioners vote to amend boundaries of the Part One or Citizen-Initiated Zoning District and rezone to Part Two zoning districts
- March 12, 2020: Board of County Commissioners make final resolution to adopt Part Two zoning districts

Visual slides of Yuhas property and floodplain areas were identified. Ms. Ryan stated that the property is accessed through a 60-foot wide private access easement through Yuhas Ranch Lane. Surrounding uses are commercial, open space, and residential. The property is currently zoned ZD-39; this zoning district was established in 1975. The permitted uses in the zoning district include single family residential, school, churches, parks, libraries, and community halls. The current zoning district does not allow for any commercial uses. Ms. Ryan stated that the 2019 Missoula Land Use Element recommends two land use designations for the property. The applicants are proposing to zone the property to match the applicable land use designation in the 2019 Missoula Land Use Element. The Commercial Center land use designation boundary follows the area of the property indicated as above the 100-year floodplain elevation. She stated that the rest of the property is designated agriculture.

The review criteria for rezoning requests includes whether the rezoning is compatible with the growth policy. The commercial land use designation goals are to provide for a mix of commercial and higher intensity residential uses if sewer is available. Commercial land uses primarily consist of retail trades and services that are inherently automotive and highway oriented and for commercial uses of low intensity such as lodging, offices, food, and automobile service. The commercial center land use designation covers roughly a 9-acre are on the 61-acre parcel. Ms. Ryan stated that the majority of the parcel is designated as agriculture and the goals of the land use designation is to allow for a large tract of agricultural systems where agriculture soils and irrigation facilities are present and to protect areas with identified hazards, such as floodplains. Land uses in this designation include: agriculture, residential, and activities incidental to agriculture. She provided slides with views of the property and full description of uses and conditional uses allowed in C-C2 General Commercial and C-A1 Agriculture. The Bitterroot branch trail runs adjacent to this property and there is a mix of residential and a commercial use just to the west of the boundary.

Staff did not receive any public comment on the proposal, and most agencies provided a standard response of no concern for the proposal. The Montana Department of Transportation (MDT) made the following comment:

“No specific comments regarding the rezoning request for the property; however, access from Highway 93 in this area is a challenge and a safety concern for the Montana Department of Transportation. When a commercial use for the subject property is identified, it will be a requirement of the owner to submit an approach permit application to the Montana Department of Transportation. The permit application will be subject to the System Impact Action Process (SIAP). A traffic impact study will most likely be required to determine if any mitigation to the highway

will be required before a permit is approved. The traffic impact study should address the possibility of join use approach(es), restricted movement approach(es), internal connections to provide access to Blue Mountain Road, and all other ways to provide safe and efficient access to and from Highway 93.”

Ms. Ryan said staff is recommending approval for the zoning district to be designated C-C2 General Commercial and C-A1 Agricultural/Open Space based on the findings of fact.

Mr. Paul Forsting, Territorial Landworks, on behalf of the applicant, explained the components of the application. The current owners of the property, the Yuhas' family, are excited to see the proposed changes. He referenced the original zoning documents, titled the Yuhas Mostad Paddock zoning area. The Yuhas family is requesting a change from the original zoning. The Mostads' have since completed subdivisions in the area, including Loren's Carpet One. Amending the boundaries and removing a property from a Part One or Citizen-Initiated Zoning District requires a petition signed by 60% of the property owners within Citizen-Initiated Zoning District. Five of the six petitions were returned, to meet the required 60% of the property owner's signatures to amend the zoning district boundaries. Mr. Forsting recognized the limitations due to the floodplain. He identified existing business to the west: Axemen, Peak, and Loren's Carpet One. Adjacent property is unzoned.

#### **PUBLIC HEARING OPEN [7:12 p.m.]**

Brent Roster, 4375 Hwy 93 S, northwest of the subject area. Mr. Roster stated that he, his wife, and three children live to the northwest of the proposed rezoning area. He was not contacted about the proposed changed. He accesses his property through a driveway easement to the eastern edge of the property proposed for rezoning. He had heard rumors of the proposed uses and sought clarification.

Mr. Newman, MCPB Chair stated that the request being heard was to rezone the property, and to determine if the rezoning for the property is appropriate. There is a range of uses that could come into effect under the zoning that is being proposed and recommended for approval. He called for additional public comment. No responses.

#### **PUBLIC HEARING CLOSED [7:14 p.m.]**

#### **PLANNING BOARD COMMENTS**

Mr. Mefford asked about the split zoning of a single parcel. Ms. Ryan stated that it was not the ideal situation; however, the Land Use Element had split the land use designation for this parcel. Only the 9-acre area is feasible for commercial due to floodplain issues. The recommendation was made based on the Land Use Designation and the viable area appropriate for development due to the floodplain. There is not a rule in the county that a parcel cannot be split zoned.

Mr. Bensen asked about access to the Roster property and concerns made by MDT. Mr. Forsting stated that he met with MDT, and the worst scenario is right-in and right-out; which is not ideal in a commercial situation. He explained that right-in and right-out means that entrance and exit is from the right only. Turning left from the site would

create conflict. A center turn lane exists and they are looking for a more functional option. There have been preliminary discussions about linking Bunk House Road and Blue Mountain Road.

Ms. Jenkins recalled that Fish Wildlife and Parks (FWP) made an extensive number of comments when the land use element was reviewed. However, they did not make specific comments to this application. Ms. Ryan stated that FWP was notified of the rezoning application and did not comment. Ms. Karen Hughes, CAPS Assistant Director, recalled that FWP had comments on the area, but not this particular property and they were okay with the direction the Land Use Element went and to add zoning to it would be appropriate.

Mr. Bensen asked for clarification on the action being voted upon and would like to see agricultural lands preserved. Clarification was provided by staff. Ms. Jenkins felt it complied with the Land Use Element.

Mr. McCoy thanked Mr. and Mrs. Roster for attending and asked them if their questions had been answered. *[Public Hearing Comment period closed at 7:14 p.m. These comments presented after closure of Public Hearing.]* Grace Roster, 4375 Hwy 93 S, off of Yuhas Ranch Ln, asked about the right-in, right-out traffic flow and if it would affect her road, or a separate road to a development. Mr. Forsting apologized for the Rosters not being notified; however, persons outside of the zoning district were not notified. Yuhas Ranch road will be part of the MDT review and study when the time comes. The Rosters have an easement which will be considered in the traffic decisions. Ms. Ryan added that protocol was followed when posting the on-site notice as well as mailing notices to property owners within 300 feet of the property boundary. There is one un-zoned parcel outside of the district, so the Rosters would not have been part of the landowner petitions.

**Moved by:** Andy Mefford

**Seconded by:** Helen Pent Jenkins

**THAT** the request for zoning the Citizen Initiated Zoning District #39 parcel to C-C2 (General Commercial) and C-A1 (Agricultural/Open Space) zoning be approved based on the findings of fact contained in the staff report, public testimony, and written comment. The property subject to this approval is legally described as Tract 4 of COS 5877 in S02, T12 N, R20W.

AYES: (6): Peter Bensen, Sean McCoy, Andy Mefford, John Newman, Helen Pent Jenkins, and Stephanie Potts

ABSENT: (3): Vince Caristo, Neva Hassanein, and Josh Schroeder

**Vote results: Approved (6 to 0)**

## **7. Communications and Special Presentations**

### **7.1 Climate Ready Missoula: Proposed Issue Plan of the City and County Growth Policies**

Karen Hughes, Community and Planning Services, Missoula County, Diana Maneta, Energy Conservation and Sustainability Coordinator, Missoula County; Amy Cilimburg,

Executive Director, Climate Smart Missoula; and Chase Jones, Energy Conservation and Climate Action Coordinator, City of Missoula.

Ms. Hughes provided background on the Climate Ready Missoula Plan, a proposed issue plan of the city and county growth policies. She stated that Missoula City and County growth policies both have multiple goals, objectives, and strategies that support climate action planning to deal with mitigating impacts on climate change as well as support planning for resilient communities. The Climate Ready Missoula Plan is an adaptation plan to help address weather. She stated that this plan dovetails with other efforts already underway: land use planning, hazard mitigation planning, transportation planning, environmental protection, and open space planning. Incorporating these into the growth policy helps guide climate action planning in other activities. Ms. Hughes stated that it is still in an early phase, where public comment is being collected, but it will come before MCPB as a proposed issue plan for both the city and county growth policies. As the keeper of growth policies under Montana State law, MCPB has the primary role of holding the public hearing and reviewing any amendments to the growth policy. Following the outreach process, MCPB will hold a hearing, probably in early March 2020, and two actions will be considered: 1) Is the 2020 Climate Ready Missoula Plan in conformance with both the city and county growth policies, and 2) To recommend it for adoption as an issue plan for both the city council and the county commissioners. An analysis will be provided to demonstrate how the plan dovetails with both growth policies.

Mr. Jones stated that after 18 months of hard and intentional work, the draft Climate Ready Missoula Plan had been released. This was the collaborative effort between the city, the county, and a non-profit. He recognized the project leads, steering committee members, Laval Means, City of Missoula, and Karen Hughes, Missoula County, and Caroline Lauer, Climate Smart Missoula. Mr. Jones detailed the robust public process conducted to get to this point. The draft is open to public comment.

Ms. Maneta stated that many resources contributed to the locally specific climate projects in the report, including the Montana Climate Assessment conducted by scientists at the University of Montana, Montana State University, and federal agencies, such as NOAA. Missoula County will likely experience hotter/drier summers, warmer/wetter winters and springs resulting in more frequent spring flooding, more frequent and intense summer drought, a longer wildfire season, and more wildfire smoke. It is also likely to mean more variability from year to year, such that the concept of a 'normal/typical year' becomes a thing of the past. She stated that there is a good chance it will mean an increase in county population, in addition to the increase that is projected independent of climate change as other parts of the country are likely to be worse off, especially places dealing with sea level rise and hurricanes. Any effort to predict the future is accompanied by uncertainty, and this is also true with climate science. The draft plan illustrates the uncertainty through ranges of projected temperature change and precipitation changes. The uncertainty is also illustrated by means of scenarios. The draft plan includes three mid-century climate scenarios for the county that illustrate a range of futures the county may experience based on these projections. Ms. Maneta stated that one of the reasons for the uncertainty in climate science is how much and how long greenhouse gas will continue to be put into the atmosphere globally in the coming decades. She provided a chart from the draft plan illustrating projected temperature change in Missoula County by the end of the century under two different assumptions

about global greenhouse gas emissions: 1) stabilization, and 2) business as usual. In addition to preparing for and adapting to climate change, efforts need to be made to reduce our contribution to climate change.

The Climate Ready Missoula process and history was provided. 29 goals and 67 proposed strategies to address climate change in Missoula county were identified in the draft resiliency plan. The report and background information are available on the new website: <https://www.climatereadymissoula.org/>.

Ms. Cilimburg detailed several risk and strategy examples and directed MCPB members to access the interactive website. They are seeking comments and feedback from the public for the next three weeks, and there is a survey link on the website. Public open houses are scheduled for:

- January 22, 2020; 11:30 – 1:30 p.m., County Courthouse (Sophie Moiese Room)
- January 22, 2020; 4:00 – 6:00 p.m., County Courthouse (Sophie Moiese Room)
- January 24, 2020; 11:30 – 1:30 p.m., City Council Chambers

The group will be providing presentations to Community Councils within Missoula County and groups within the City of Missoula. The deadline for comments is February 3, 2020 and the final plan should be available in about one month. From here, this plan will transition from a standalone plan to one incorporated as an amendment to the growth policy when passed by the city and the county, possibly in April 2020. Ms. Cilimburg stated that it is designed to be a plan for local government, but also beyond, and extend to individuals, businesses, non-profits, etc. She envisions an implementation task force, yearly reporting to the city and county, and planned updates every 5 years. They will be returning to the planning board in March/April.

Ms. Jenkins thanked the group for their presentation to the planning board. The goals and strategies section provided a great aspirational plan of ideas, but when the plan is presented for adoption would there be a semblance of prioritization or urgency versus educational campaigns? Ms. Cilimburg explained the effort put into the plan; some of the very low priority risks and strategies were not included. Best practices suggest that an implementation task force and committees are best suited to set priorities. Ms. Jenkins noted that the city and county did a good job with their growth policies, and the strategies need to be actionable with identifiable timelines.

Mr. Bensen agreed with Ms. Jenkins' comments. He asked about the cost of implementation and prioritization and addressing inexpensive and easier to reach goals first to build momentum. Ms. Cilimburg stated that at one time they studied prioritization based on cost but chose to seek more engagement first, many are on-going efforts and have already been started.

Ms. Jenkins noted that on page ES-9 water goals and strategies included connection to sewer. She stated that development pressure continues to occur in places without sewer. This strategy was also included in the county growth policy and she would like to see some cross referencing of strategies and goals that are duplicated in other documents, including development strategies for the city and the county. Mr. Jones stated that the information would be included in the staff report when the team returns to



move through the adoption process. The plan is intended to be an enhancement to the growth policy.

Mr. Bensen asked about funding sources for climate change initiatives and issues. Ms. Cilimburg answered that some communities help fund the planning process; states also have funding and they are recommending the state step up to provide better information to the communities. In Montana there are not a lot of direct government funds but there are opportunities to pull it from elsewhere. There are also opportunities for funding at the federal level. Ms. Maneta stated that some of the strategies in the draft plan would require new or additional funding sources, but not everything would be a big budget item. Ms. Cilimburg identified that ultimately the planning efforts would save the community money and return on investment would be greater for communities with larger projected impacts. Ms. Potts appreciated the robust public process and thanked the team for their efforts.

## **8. Committee Reports**

Mr. Bensen reported that the Transportation Policy Coordinating Committee (TPPC) met earlier in the day. Congestion Mitigation and Air Quality Improvement (CMAC) funding and plans for spending it over the next 10 years was discussed. Some of the funding would be set aside for street cleaners and street sweepers. Issues for mitigating dust/particulate and intelligent traffic controllers were also examined. The "Buy American" impetus was causing strain in purchasing street sweepers.

MCPB Subcommittee on Incentives met prior the MCPB meeting. Mr. Bensen reported that incentive subcommittee members included himself, Ms. Jenkins, Mr. Mefford, Mr. McCoy, and Mr. Caristo. Subcommittee discussed reviewing incentives for developments inside and outside of city limits, promoting affordable home construction, finding ways to assist displaced people in low income housing, and exploring lessons learned and research findings from other communities and municipalities. Reporting would flow to the MCPB board and other committees/agencies to be identified later. Group discussed "affordable housing" and how to define it. It needs to include not only the very poor, but the middle class. One recommendation was increasing wages, not just cutting housing prices, so people could afford what was available. It is important to decrease or hold the cost of housing; which could be done by supporting smaller lot size and sharing of infrastructure costs. They need to examine the time and cost of regulation. Inclusionary zoning is being used by other communities, requiring developers to include low income housing in the development. Is there merit or value in having a punitive or incentive strategy for mobile home moving when zoning changes are requested by a developer/owner and what those policy changes would look like. Mr. Bensen will chair the subcommittee meetings, subsequent to Ms. Jenkins' resignation from the planning board.

## **9. Other Business/Old Business**

No old business/other business.

## **10. New Business and Referrals**

### **10.1 Election of Missoula Consolidated Planning Board Vice-Chair**

Election of vice-chair deferred to next MCPB meeting.

## **11. Comments from MCPB Members**

Ms. Jenkins is resigning her seat on the planning board due to upcoming travel demands. Mr. Newman thanked Ms. Jenkins for her contributions to the board and board members wished her well.

**12. Adjournment**

Mr. Newman adjourned the meeting at 8:15 p.m.

## REZONING STAFF REPORT AND REFERRAL

<b>AGENDA ITEM:</b>	Referral - Rezone properties located at 724, 730 and 738 Toole Avenue from RT2.7 Residential (two unit/townhouse) to B2-2 Community Business
<b>CASE PLANNER:</b>	Craig Malin, Planner III
<b>REVIEWED AND APPROVED BY:</b>	Mary McCrea Planning & Land Use Manager
<b>PUBLIC MEETINGS AND HEARINGS:</b>	Planning Board (PB) hearing: 2/18/2020 Land Use and Planning (LUP) pre-public hearing: 3/4/2020 City Council hearing: 3/9/2020
<b>APPLICANT &amp; FEE OWNER:</b>	Kelly Castleberry P.O. Box 726 Missoula, MT 59806
<b>LOCATION OF REQUEST:</b>	The three properties are located at the corner of Toole Avenue and Milton Street, across from Little McCormick Park.
<b>LEGAL DESCRIPTIONS:</b>	724 Toole: School Addition, Block 15, Lots 14 and 15, Section 16, Township 13 North, Range 19 West, P.M.M. 730 Toole: School Addition, Block 15, Lot 13, Section 16, Township 13 North, Range 19 West, P.M.M. 738 Toole: School Addition, Block 15, Lots 11 and 12, Section 16, Township 13 North, Range 19 West, P.M.M.
<b>LEGAL AD:</b>	The legal ad was published in the <i>Missoulian</i> on February 2 and 9, 2020. The site was posted on February 3, 2020. Adjacent property owners within 150 feet of the site were notified by first class mail on January 21, 2020.
<b>ZONING:</b>	Current: RT2.7 Residential (two unit/townhouse) Requested: B2-2 Community Business
<b>GROWTH POLICY:</b>	The applicable regional plan is <i>Our Missoula: City Growth Policy 2035</i> , which recommends a land use designation of "Neighborhood Mixed Use." These areas mix neighborhood-serving commercial uses with high-density residential development of up to 43 dwelling units per acre.

Surrounding Land Uses	Surrounding Zoning
North: Single Dwelling Residential	RT2.7 Residential (two unit/townhouse)
South: Park	M1R-2 Limited Industrial-Residential and B2-2 Community Business
East: Single Dwelling Residential	RT2.7 Residential (two unit/townhouse)
West: Mixed Use Office and Multi-Dwelling Residential	M1R-2 Limited Industrial-Residential

### **STAFF RECOMMENDATION:**

**APPROVE** the adoption of an ordinance to rezone property located at 724, 730 and 738 Toole Avenue from RT2.7 Residential to B2-2 Community Business based on the findings of fact in the staff report.

## **RECOMMENDED MOTIONS:**

<b>PB p/h: 2/18/2020</b>	<b>APPROVE</b> the adoption of an ordinance to rezone 724, 730 and 738 Toole Avenue from RT2.7 Residential (two unit/townhouse) to B2-2 Community Business, based on the findings of fact in the staff report.
<b>CC first reading: 2/24/2020</b>	[First reading and preliminary adoption] Set a public hearing on March 9, 2020 and preliminarily adopt an ordinance rezoning 724, 730 and 738 Toole Avenue from RT2.7 Residential (two unit/townhouse) to B2-2 Community Business and refer this item to the Land Use and Planning Committee for presentation on March 4, 2020.
<b>LUP: 3/4/2020</b>	Discussion only – pre-public hearing
<b>CC p/h: 3/9/2020</b>	[Second and final reading] (Adopt/Deny) an ordinance to rezone 724, 730 and 738 Toole Avenue from RT2.7 Residential (two unit/townhouse) to B2-2 Community Business, based on the findings of fact in the staff report.

## **I. INTRODUCTION**

Development Services has received a request from property owner Kelly Castleberry to rezone five lots (Lots 11-15 of Block 15 in the School Addition) addressed as 724, 730 and 738 Toole Avenue from RT2.7 Residential (two unit/townhouse) to B2-2 Community Business.

The rezone to B2-2 Community Business allows more diverse building types, from detached dwellings to multi-dwelling buildings, and greater density. It also permits a greater variety of neighborhood-serving commercial uses, including offices, restaurants and retail.

Staff has reviewed the applicant's submittal packet and bases the recommendation of approval for the rezone on the following findings of fact:

## **II. REZONING REVIEW CRITERIA**

### **Findings of Fact:**

#### **General**

1. The subject property is comprised of three parcels addressed as 724, 730 and 738 Toole Avenue. There are four (4) residential units in two buildings at 738 Toole, and 724 and 730 Toole each have one detached dwelling unit.
2. The parcels have five (5) lots, each of which is approximately 3,920 square feet. The approximate total area for rezoning is 19,600 square feet.
3. The surrounding area includes residential development, primarily single detached dwellings, as well as one mixed-use building across Milton Street from the subject properties. There is also a small park on the south side of Toole Street.
4. The subject property is inside the Urban Growth Area, the Wastewater Facilities Service Area, the Air Stagnation Zone, and is served by City water and sewer.
5. The subject property is located within an established service area for Missoula hospitals and the City Fire and Police Departments. Existing infrastructure includes:
  - a. The subject property is on Toole Avenue, classified as a Major Collector roadway;
  - b. Public transit is available on Spruce Street one block to the south;
  - c. Within a half mile there are several commercial uses including a grocery store; and
  - d. City parkland is located across Toole Avenue to the south.
6. These properties are part of City Council Ward 1, and the Heart of Missoula Neighborhood Council.

## **Growth Policy**

7. The applicable regional plan is the *Our Missoula: City Growth Policy 2035*, which recommends a land use designation for the subject properties of Neighborhood Mixed Use. These are areas that can contain a mix of neighborhood-serving commercial uses and high residential density development of up to 43 dwelling units per acre.
8. The requested zoning of B2-2 Community Business is one of the zoning districts that corresponds to the Neighborhood Mixed Use land designation. The B2-2 zoning district allows neighborhood-serving commercial uses, including small retail, restaurants and offices, and all residential building types from single detached dwellings to multi-dwelling buildings.
9. For single purpose residential development, the requested zoning of B2-2 Community Business requires a minimum parcel size of 3,000 square feet, and a minimum parcel area per dwelling unit of 1,000 square feet. Thus, the permitted density is up to forty-three (43) dwelling units per acre, which aligns with the Growth Policy's recommended density in areas designated Neighborhood Mixed Use.
10. The City Growth Policy promotes a "Focus Inward" approach to development, with mixed-use, increased density, and enhanced connectivity while limiting sprawl and promoting efficient use of infrastructure. This rezone facilitates all of those objectives.
11. The *Community Design* section of the City Growth Policy encourages building where there is existing infrastructure, as is the case here.
12. Both the *Community Design* and *Economic Health* sections of the City Growth Policy encourage compact development to make the most efficient use of land, and mixed-use developments to reduce costly expansion of infrastructure. The requested zoning aligns with both of those objectives.
13. The *Housing* section of the City Growth Policy outlines a goal to "meet the needs of a growing and diverse population in regard to age, income, physical abilities and household size by having a sufficient supply of housing and developing a variety of housing types." The requested rezone supports that goal by allowing a greater diversity of housing types, which in turn can serve varying household sizes and a more diverse range of incomes.

## **Zoning**

14. The current zoning on the subject properties is RT2.7 Residential (two unit/townhouse), which requires a minimum lot size of 3,000 square feet, and a minimum parcel area per unit of 2,700 square feet. Under the current zoning, the subject properties would allow detached houses or two-unit townhouse building types.
15. The setbacks in the RT2.7 zoning district are: 20 foot front and rear setback, 10 foot street-side setback, and 5 foot interior side setback. The maximum building height permitted in this district is 30 feet, or up to 35 feet with a roof pitch steeper than 8 in 12.
16. The RT2.7 Residential zoning district corresponds to a land use of Residential Medium High, allowing between 12 and 23 dwelling units per acre. This is lower than the up to 43 dwelling units per acre density that the Growth Policy recommends.
17. The RT2.7 Residential zoning district permits up to 16 dwelling units per acre. The subject properties combined area is 19,600 square feet, and permits up to seven (7) dwelling units.
18. The requested zoning of B2-2 permits single purpose residential development on a minimum parcel area of 3,000 square feet, and a minimum parcel area per unit of 1,000 square feet. The B2-2 zoning district permits all residential building types including detached house, two-unit house and multi-dwelling, along with some commercial uses.
19. There are no required setbacks in a B2-2 zoning district unless the site abuts a residential R-zoned district on the same street. In such cases, the B2-2 zoned parcel must match the actual front or street side setback of the building that exists on the abutting R-zoned parcel, up to the maximum distance of the required setback for the abutting R-zoned parcel. These parcels, if rezoned, would need to meet abutting residential side interior setback of five (5) feet to the east. They would not need to meet the setbacks to the north, as an alley right of way separates the property lines.

20. The maximum building height limit permitted by the B2-2 zoning district is 50 feet. For parcels zoned B2-2 abutting R districts that have a maximum allowed building height of 35 feet or less, the maximum building height at the point of the minimum setback line is 35 feet.
21. The subject property abuts an R zone along the eastern property line, which has a required setback of five (5) feet. The maximum building height on the subject property at the setback line is 35 feet. Height may be increased above 35 feet by up to one (1) foot vertical for each six (6) inches of additional building setback or upper floor step-back up to the maximum height of 50 feet.
22. The residential density permitted by the B2-2 zoning district is up to 43 dwelling units per acre. The subject properties combined area is 19,600 square feet, and under B2-2 zoning would allow up to nineteen (19) dwelling units.
23. Any new development on the subject properties will be required to meet all applicable portions of Title 12 & Title 20, as required by the Missoula Municipal Code.

### **Transportation**

24. The subject properties have frontage on three public rights-of-way: Toole Avenue, Milton Street and an alley. Toole Avenue is functionally classified as a Major Collector roadway and Milton Street is classified as a Local Street.
25. These properties are within two blocks of Mountain Line's Routes 2 and 3, which run along Spruce Street.
26. There is an existing sidewalk along the Toole Avenue frontage of these properties. New development involving the westernmost Lot 11 will require a sidewalk to be installed along the Milton Street frontage.
27. There is a bike lane and/or signed shared roadway within two blocks of the subject properties, along Spruce Street.
28. New development on the subject properties will be required to meet all applicable portions of Title 12 & Title 20, as required by the Missoula Municipal Code, including installation of sidewalks and bicycle lanes.

### **Rezoning Conclusions of Law:**

#### **1. Whether the zoning is made in accordance with a growth policy;**

1. The applicable regional plan is the *Our Missoula: City Growth Policy 2035*. This rezoning complies with the Growth Policy's recommended land use designation of Neighborhood Mixed Use, which correlates with zoning districts B1-1, B2-1, and that requested by the applicant, B2-2.
2. The rezoning complies with many of the Growth Policy goals for focusing inward, developing in areas with existing infrastructure, and building more compact densities near the city core.

#### **2a. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;**

#### **2b. Whether the zoning considers the effect on motorized and non-motorized transportation systems;**

1. The rezoning is in an area that is already served by city public services, including water, sewer, streets, schools, parks, and other public requirements. Little McCormick park is across the street from these properties, and the Lowell School is less than half a mile away.
2. The rezoning gives reasonable consideration to the effect on motorized and non-motorized transportation systems. The property is within two blocks of two Mountain Line bus routes and has access to bike lanes nearby.
3. The subject property is located on Toole Avenue, classified as a Major Collector and capable of handling additional traffic generated by any redevelopment of the property as a result of the rezoning.

#### **3. Whether the zoning considers the promotion of compatible urban growth;**

1. The rezoning reflects compatible urban growth because it permits residential and neighborhood commercial development in an area that includes both commercial and residential uses. The site could

be developed with limited commercial activity, such as has been built across the street, allowing residents to access services without the need to rely on automobile travel.

2. The rezoning promotes compatible urban growth by implementing City Growth Policy goals such as increasing density, mixing residential and commercial uses, and promoting efficient land use.

**4a. Whether the zoning is designed to promote public health, public safety, and the general welfare;**

**4b. Whether the zoning is designed to secure safety from fire and other dangers;**

**4c. Whether the zoning considers the reasonable provision of adequate light and air;**

**4d. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area;**

1. City emergency services including police and fire already serve this site, and can address potential problems of noise, property damage, or personal injury. The site is within proximity to Missoula hospitals.
2. This area is already served by City Fire and building code regulations will ensure adequate spacing and fire protection between structures.
3. Zoning setbacks will ensure adequate provision of light and air. In addition, any future development will be required to meet internal and external building separation standards.
4. This rezoning encourages an appropriate use of the land by complying with City Growth Policy goals and objectives, and adopting a zoning designation that aligns with the land use recommendation in the Growth Policy.

**5. Whether the zoning considers the character of the district and its peculiar suitability for particular uses;**

1. The rezoning is suitable for the subject property and gives reasonable consideration to the character of the district, which already has a mix of commercial and residential development in the area, as well as a mix of single and multi-dwelling building types.

**V. AGENCY COMMENT**

MISSOULA VALLEY –  
WATER QUALITY DISTRICT:

No comment received.

HEALTH DEPARTMENT –  
AIR QUALITY DIVISION:

The Air Program at the Missoula City-County Health Department has no concerns with the Toole Street Rezone request. This area is close to services and if necessary upgrades/repairs are done to the sidewalk sections along with any new construction that would benefit the area. - Benjamin Schmidt

HEALTH DEPARTMENT –  
ENVIRONMENTAL HEALTH:

No comment received.

MISSOULA COUNTY –  
EMERGENCY MANAGEMENT:

OEM has no comment. - Adriane Beck

MISSOULA URBAN  
TRANSPORTATION DISTRICT:

This has no operational impact. – Jennifer Sweten

CITY PARKS & RECREATION:

No comment received.

OFFICE OF HOUSING &  
COMMUNITY DEVELOPMENT:

The Office of Housing and Community Development is in support of the requested rezone application for 738, 730, and 724 Toole Avenue from RT2.7 Residential to B2-2 Community Business. The B2-2 zoning designation is in alignment with Our Missoula, the city's adopted growth policy.

Furthermore, B2-2 Community Business is in alignment with the action priorities and goals outlined in the 2000 amendment to the Northside / Westside Neighborhood Plan. The applicant indicates

that the sites will remain residential, but at a higher density than currently allowed. The proposed use following rezone is in alignment with the neighborhood plan by encouraging in-fill and redevelopment of under-utilized sites. Additional commercial uses that could be established in the future under the proposed zoning would also be in alignment with the neighborhood plan by encouraging live/work commercial activities and by supporting land use that provides neighborhood residents with easy access to basic services (i.e. small grocery or coffee shop). – Eran Pehan

CITY ATTORNEY:

No comment received.

MISSOULA REDEVELOPMENT  
AGENCY:

No comment received.

CITY POLICE:

Nothing adverse for police. – Chris Odlin

CITY FIRE:

Established fire apparatus access roads and fire protection water supplies appear to adequately protect public health, safety, and welfare. – Adam Sebastian

STORMWATER:

No comment received.

MISSOULA WATER:

No comment received.



January, 2020

To whom it may concern.

I am requesting to rezone my property located close to downtown Missoula. I would like to upgrade the subject property from it's semi rundown condition to a fresh, modern appearance. It makes sense to increase the density at the same time. This redevelopment project will further enhance the neighborhood, which is already on the upswing. And increased density will help support businesses in the downtown area, as well as be compatible with urban growth Missoula is experiencing.

Sincerely,

Kelly Castleberry



## DEVELOPMENT SERVICES

435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX: (406) 552-6053

### CITY REZONE APPLICATION

#### A. GENERAL INFORMATION

1. One submittal packet is required for Completeness/Sufficiency Review.
2. Once the application is deemed complete by Development Services (DS), the application fee and 27 submittal packets shall be submitted or 15 submittal packets for Planning Board and staff if an electronic submittal packet is also submitted meeting the electronic packet submittal guidelines. The packets submitted for governing body review must be exactly the same as the packet that was deemed complete.
3. Name of proposed Rezone: **Toole Street Rezone - RT2.7 to B2-2**
4. Name(s) of Applicant: **Kelly Castleberry**  
Mailing Address: **P.O. Box 726, Missoula, MT 59806**  
Telephone Number: **406-546-9105**  
Email Address: **montanaimages@yahoo.com**
5. Name(s) of Owner of Record: **738 Toole LLC, 730 Toole LLC, 724 Toole LLC**  
Mailing Address: **P.O. Box 726, Missoula, MT 59806**  
Telephone Number: **406-546-9105**  
Email Address: **montanaimages@yahoo.com**
6. Name and Company of Representative: **Kelly Castleberry**  
Mailing Address: **P.O. Box 726, Missoula, MT 59806**  
Telephone Number: **406-546-9105**  
Email Address: **montanaimages@yahoo.com**
7. Does the applicant(s) whose signature(s) are included below own at least 35% of the area or number of the parcels included within the area proposed to be rezoned? (Requirement of Title 20, 85.050(A)) **Yes**
8. If the applicant is someone other than the property owner, the owner must also sign the application in the space provided below.

Certification: I hereby certify that the foregoing information contained or accompanied in this application is true and correct to the best of my knowledge.

Applicant's Signature

Date

1/6/20

Owner's Signature

Date

1/6/20

Representative's Signature

Date

## B. SUBJECT PROPERTY INFORMATION

General location of subject property and address (if address has been assigned): 724, 730 and 738 Toole Avenue

Legal Description - complete and unabbreviated: 738 Toole: COS 6698, Lot 11; 730 Toole: COS 6698; Lot 13; and 724 Toole: SCHOOL ADDITION, S16, T13 N, R19 W, BLOCK 15, Lot 14 - 15

Township, Range, Section(s): **Township 13 North, Range 19 West, Section 16**

Subdivision, Lot(s), Block(s): **School Addition, Block 15, Lots 11-15**

Tract(s), COS#:

Bearings & Distances Descriptions (if boundaries of proposed rezone are not exactly the same as the boundaries of the property legally described above): **N/A**

Geocode: **724 Toole: 04-2200-16-4-05-03-0000; 730 Toole: 04-2200-16-4-05-02-0000; 738 Toole: 04-2200-16-4-05-01-0000**

## C. ZONING AND GROWTH POLICY INFORMATION

1. Complete the following table (where applicable, indicate Unzoned):

	Zoning	Current Land Use
Adjacent (North)	<b>RT2.7 Residential</b>	<b>Residential</b>
Adjacent (South)	<b>M1R-2 &amp; B2-2 / DE Overlay Typ. Downtown North</b>	<b>Park</b>
Adjacent (East)	<b>RT2.7 Residential</b>	<b>Residential</b>
Adjacent (West)	<b>M1R-2 / DE Overlay Typ. Downtown North</b>	<b>Multi-dwelling residential</b>

2. What is the current zoning of the property (including intensity designator)? **RT2.7 Residential (two-unit/townhouse)**

3. What is the requested zoning for the property (including intensity designator)? **B2-2 Community Business**

4. What is the applicable comprehensive plan and land use designation for the property? **The applicable comprehensive plan is the Our Missoula 2035 City Growth Policy, which classifies these properties as Neighborhood Mixed Use. Neighborhood Mixed Use areas have a mix of neighborhood-serving commercial uses and medium-high residential density. B2-2 is a corresponding zoning district.**

5. What is the intended use for the property? **Residential development**

## D. RESPONSES TO REVIEW CRITERIA REQUIRED BY STATE LAW & THE CITY OF MISSOULA TITLE 20 ZONING ORDINANCE

**Review Criteria.** Provide a response to the following review criteria for rezone requests.

1. Whether the zoning is made in accordance with a growth policy;

**Yes, the B2-2 zoning designation is one of the districts that corresponds to the Neighborhood Mixed Use land use designation in the Growth Policy.**

2a. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements

2b. Whether the zoning considers the effect on motorized and non-motorized transportation systems;

**2a. There's an existing transportation network, including local streets and sidewalks. Any new development on these parcels will be connected to both City Water and City sewer. Little McCormick Park is across Toole Street to the south of these parcels. Lowell Elementary is within 1/3 of a mile of this site.**

**2b. The existing street network can handle the small increase in density that redevelopment of this parcel will add to traffic. Mountain Line bus routes are within one block of the subject property. Routes 2 & 3 run on Spruce St. and cross Toole Ave. at the Scott St roundabout. There is an existing sidewalk network in the area, and redevelopment of the parcel will likely include installation of sidewalk along the Milton Street frontage.**

3. Whether the zoning considers the promotion of compatible urban growth;

**The B2-2 Community Business zoning permits compatible urban growth, similar to what already exists in this area. The reason for this rezoning is to allow slightly higher density on these parcels, but the use will still be residential, as is true for the rest of this block. There are other recent instances of higher density projects in the immediate area, such as the new apartments across Milton at 812 Toole.**

4a. Whether the zoning is designed to promote public health, public safety, and the general welfare;

4b. Whether the zoning is designed to secure safety from fire and other dangers;

4c. Whether the zoning considers the reasonable provision of adequate light and air;

4d. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area;

**4a. Any new development will be built in compliance with all applicable standards and regulations designed to promote and protect public health, safety and welfare.**

**4b. The site is already served by City Police and City Fire.**

**4c. The zoning includes provisions for setbacks and height limits that preserve adequate light and air space between structures.**

**4d. New development will create structures of greater value than existing structures, which will pose no negative impact to neighboring existing residences.**

5. Whether the zoning considers the character of the district and its peculiar suitability for particular uses;

**The neighborhood where the subject properties are located has a residential character, and the intended redevelopment will keep that residential character. This zoning would also allow small neighborhood-serving businesses on this site, but if redeveloped with any commercial uses in the future, the scale and scope of the permitted uses would still be compatible with the development pattern in the area.**

## **E. ATTACHMENTS**

As separate attachments (8.5" x 11" or 11" x 17"), provide the following materials with the site clearly identified. Where appropriate, required information may be combined as long as the information is clearly presented. Please check the box if the material is included in the packet. If the material is not included in the submittal packet, please note "N/A".

- ☒ **A vicinity map** showing the subject property and the area within 300 feet of the subject property.
- ☒ **A Zoning map** of the subject property and vicinity (showing the existing zoning district), extending at least 300 feet from the property boundaries.
- ☒ **An aerial photo** of the subject property and vicinity extending at least 300 feet from the property boundaries.
- ☒ **A Growth Policy/Comprehensive Plan map** of the subject property and vicinity extending at least 300 feet from the property boundaries for the applicable comprehensive plan, clearly showing the land use designation of the subject property and surrounding properties.

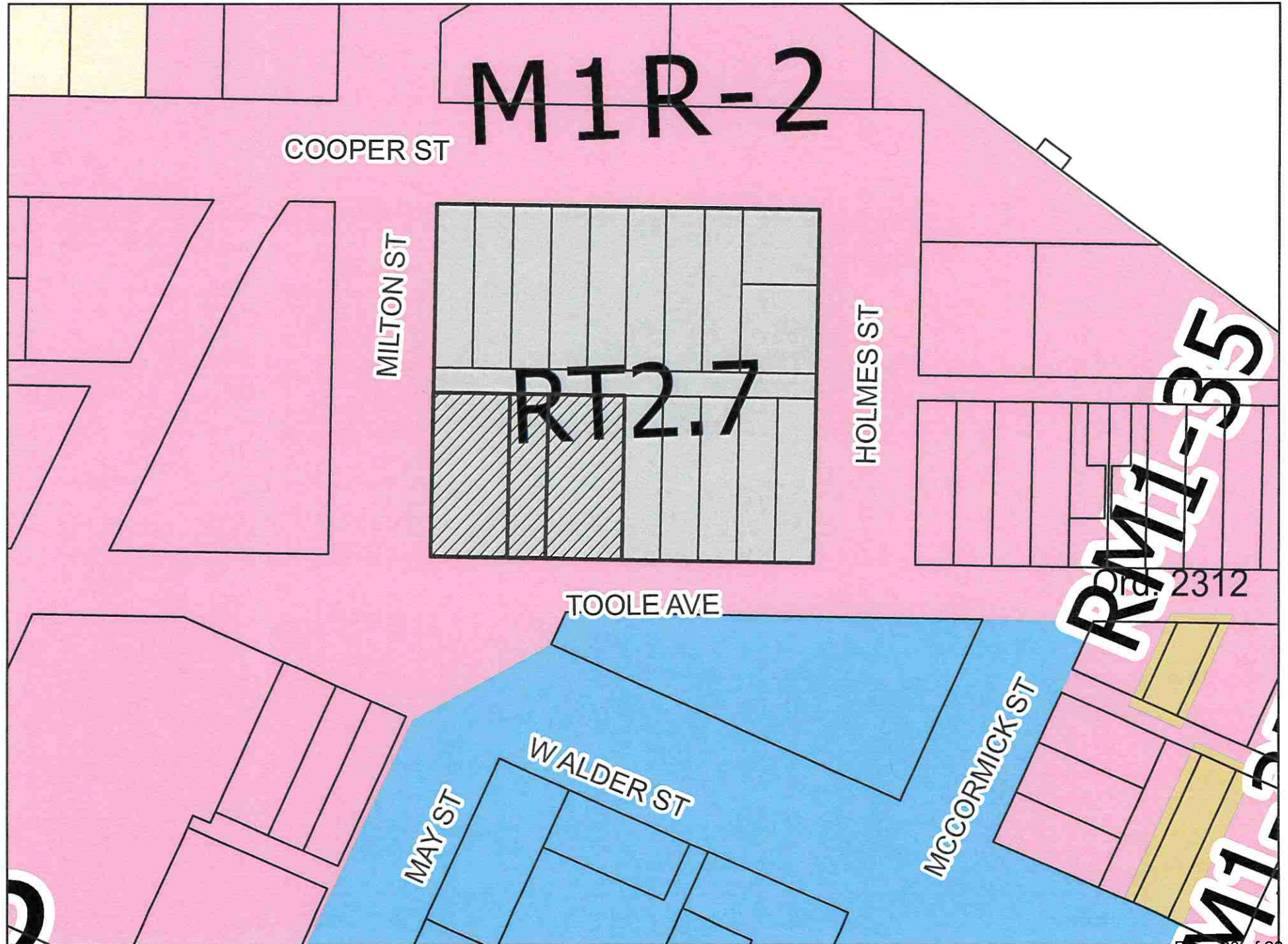


# Toole Street Rezone - Aerial Map



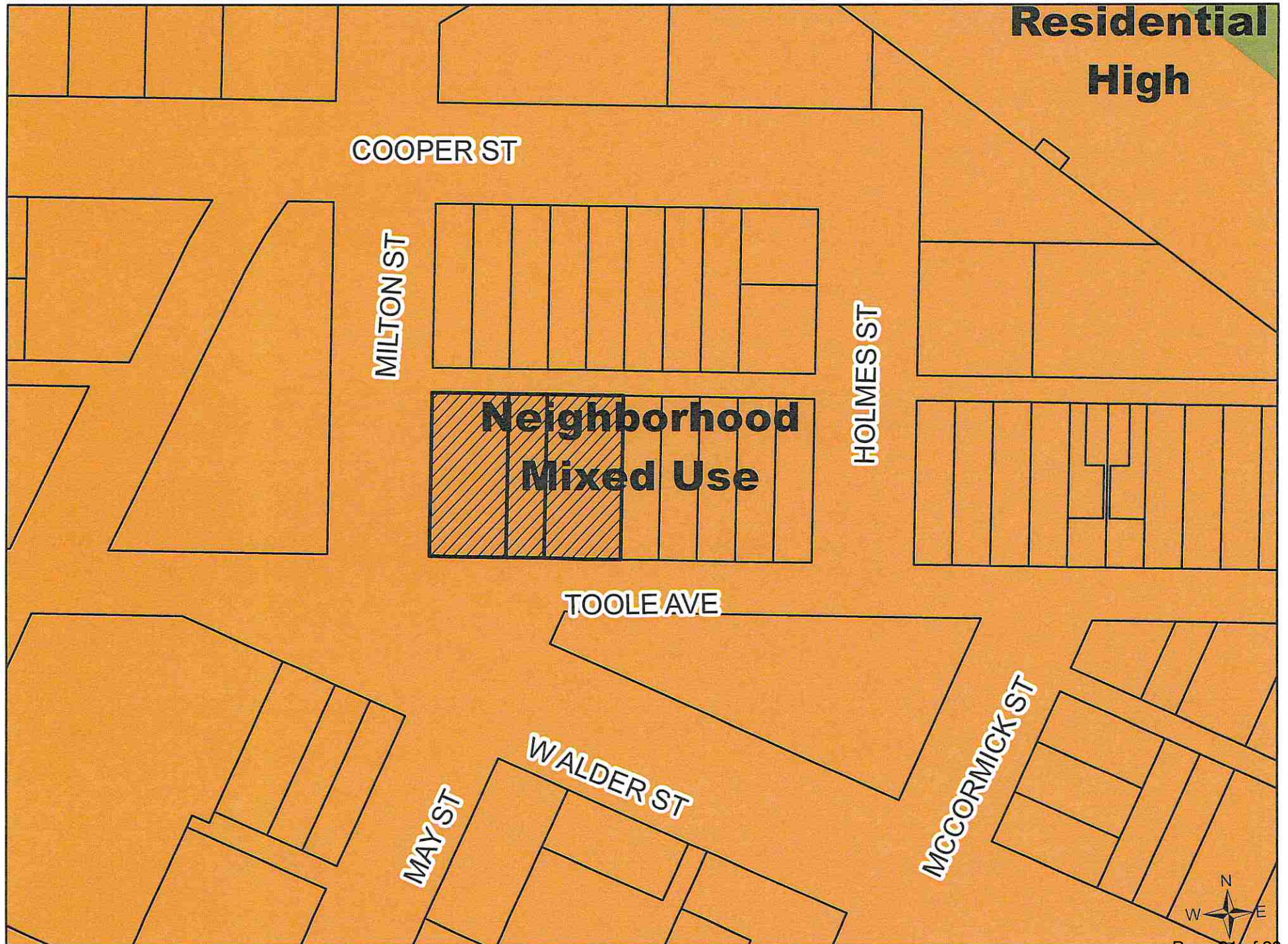


# Toole Street Rezone - Zoning Map



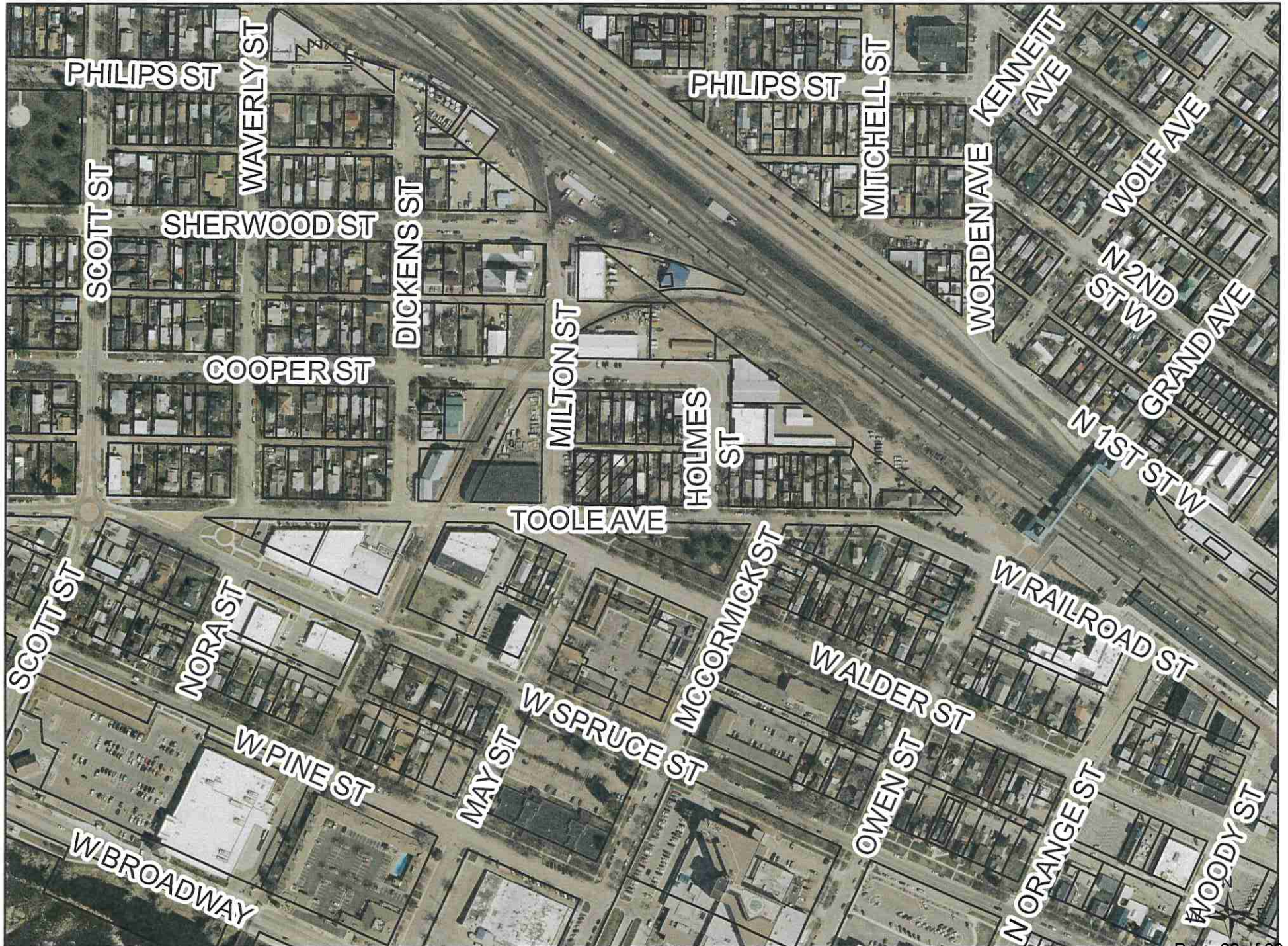


# Toole Street Rezone - Land Use Map





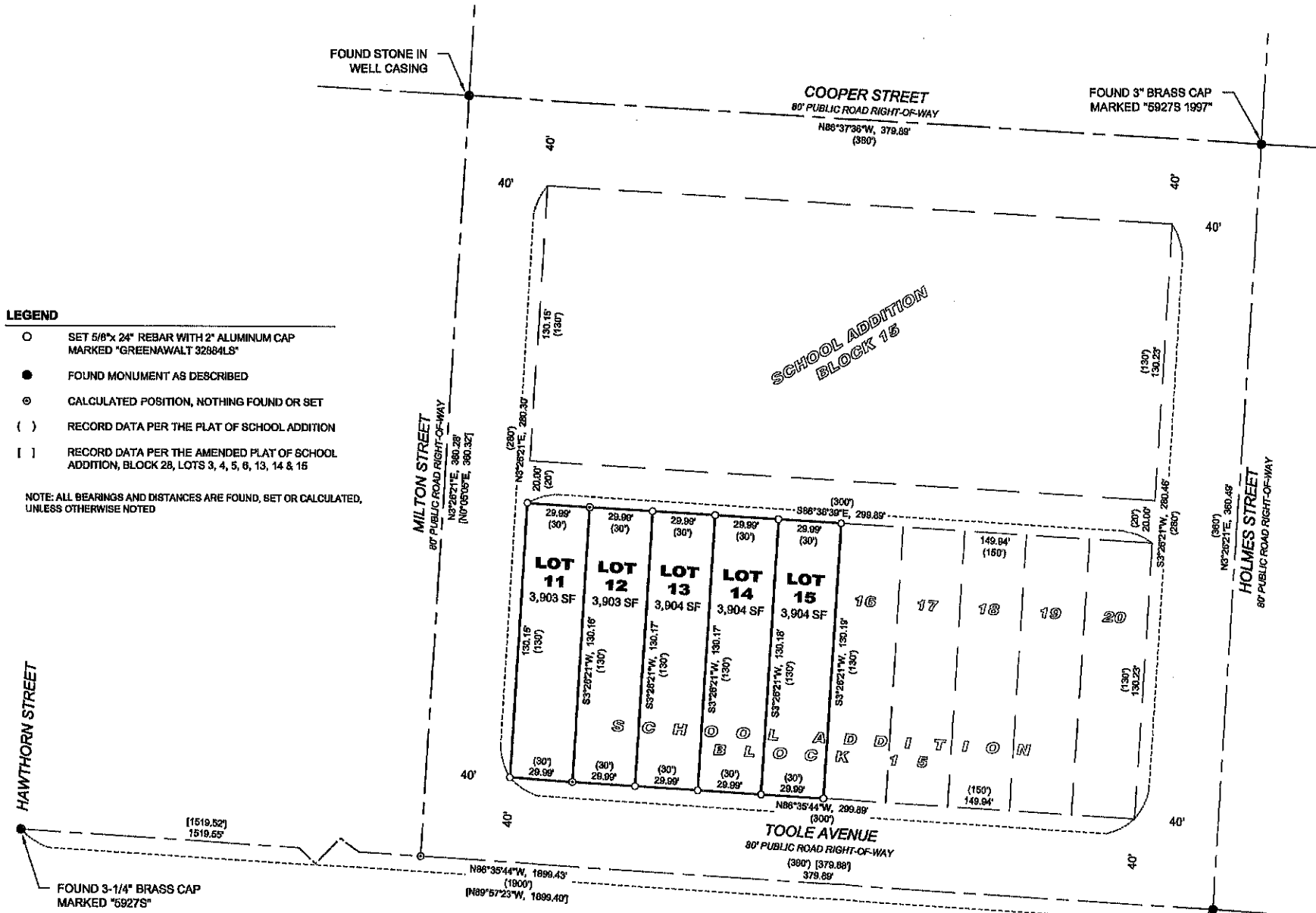
## Toole Street Rezone - Vicinity Map





CERTIFICATE OF SURVEY

LOCATED IN THE SE 1/4, SECTION 16, T. 13 N., R. 19 W., P.M.  
CITY OF MISSOULA  
MISSOULA COUNTY, MONTANA



LEGEND

- SET 5/8"x 24" REBAR WITH 2" ALUMINUM CAP MARKED "GREENAWALT 32884LS"
- FOUND MONUMENT AS DESCRIBED
- ⊙ CALCULATED POSITION, NOTHING FOUND OR SET
- ( ) RECORD DATA PER THE PLAT OF SCHOOL ADDITION
- [ ] RECORD DATA PER THE AMENDED PLAT OF SCHOOL ADDITION, BLOCK 28, LOTS 3, 4, 5, 6, 13, 14 & 15

NOTE: ALL BEARINGS AND DISTANCES ARE FOUND, SET OR CALCULATED, UNLESS OTHERWISE NOTED

PERIMETER LEGAL DESCRIPTION

LOTS 11, 12, 13, 14 AND 15, IN BLOCK 15 OF SCHOOL ADDITION, LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 16, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MISSOULA COUNTY, MONTANA, CONTAINING 19,518 SQUARE FEET, MORE OR LESS, BEING SURVEYED AND MONUMENTED ACCORDING TO THIS CERTIFICATE OF SURVEY, SUBJECT TO ALL EASEMENTS AND/OR RESERVATIONS AND/OR DEDICATIONS EXISTING, SHOWN OR OF RECORD.

SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT THIS CERTIFICATE OF SURVEY REPRESENTS A SURVEY PERFORMED BY ME DURING THE MONTH OF APRIL, 2019.



BY: *Corryn Greenawalt* 4/24/19  
CORYN GREENAWALT, PLS 32884  
FOR DJ&A, P.C. DATE

UNLESS SIGNED, SEALED AND DATED, THIS IS A PRELIMINARY CERTIFICATE OF SURVEY

PURPOSE OF SURVEY

TO DEPICT THE RETRACEMENT OF LOTS 11 THROUGH 15, BLOCK 15 OF SCHOOL ADDITION, PURSUANT TO 78-3-404 M.C.A., AND IS NOT INTENDED TO CREATE NEW TRACTS OR AGGREGATE EXISTING TRACTS OF RECORD.

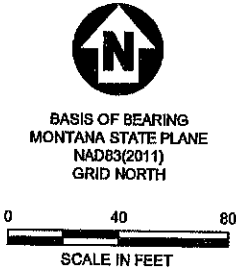
FINAL APPROVAL OF THIS CERTIFICATE OF SURVEY HAS BEEN GRANTED BY:

*Randy Adams, P.E.* 4-29-19  
MISSOULA COUNTY - DEPARTMENT OF PUBLIC WORKS DATE

*D. P. Felt R.S.* 4-30-19  
MISSOULA CITY - COUNTY HEALTH DEPARTMENT DATE

COS006699 Pages:1 Fee:\$27.50  
05/02/2019 08:27:01 AM Certificate of Survey  
Tyler S. Gernant, Missoula County Clerk & Recorder  
SAC B:1011 P:917

DJ & C  
ENGINEERS  
PLANNERS  
SURVEYORS



OWNERS OF RECORD

738 TOOLE, LLC - LOTS 11 & 12  
730 TOOLE, LLC - LOT 13  
724 TOOLE, LLC - LOTS 14 & 15

COMMISSIONED BY  
KELLY CASTLEBERRY

1/4	SEC.	T.	R.
<input checked="" type="checkbox"/>	16	13 N.	19 W.
SHEET 1 OF 1			
COUNTY OF MISSOULA			
PRINCIPAL MERIDIAN, MONTANA			
HD-7536			

CERTIFICATE OF SURVEY NO. 06698 06698