



## Missoula Consolidated Planning Board Minutes

February 18, 2020, 7:00 PM  
City Council Chambers  
140 W. Pine Street, Missoula, MT

Voting members present: Andy Mefford (County), Peter Bensen (County), Sean McCoy (County), Josh Schroeder (Conservation Dist Appt), Vince Caristo (City), Caroline Lauer (City), Shane Morrissey (City-Alternate), Neva Hassanein (Mayoral Appointee)

Regular member(s) absent: Stephanie Potts (County), John Newman (Mayoral Appointee)

### 1. Call to Order

Ms. Hassanein called the meeting to order at 7:00 p.m.

### 2. Roll Call

Donna McCammon called the roll.

### 3. Approval of Minutes

A motion was made by Mr. Bensen, seconded by Mr. McCoy, to approve the January 21, 2020 Missoula Consolidated Planning Board (MCPB) minutes as submitted. With a voice vote of all ayes the minutes were approved.

### 4. Public Comment

No public comment on items not on the agenda.

### 5. Staff Announcements

Christine Dascenzo, Planning Board Coordinator, Missoula County Community and Planning Services (CAPS), will be leaving CAPS at the end of February to pursue another opportunity. A replacement will be named at a later date.

#### 5.1 Introduction of new City Council appointments to MCPB: Ms. Caroline Lauer (City) and Mr. Shane Morrissey (City-Alternate)

MCPB acting chair, Neva Hassanein, welcomed the two newest board members: Ms. Caroline Lauer and Mr. Shane Morrissey.

### 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 and Mary McCrea, City of Missoula Development Services, received a request from property owner Kelly Castleberry to rezone five lots addressed as 724, 730 and 738 Toole Avenue from the existing RT2.7 Residential Zoning (two unit/townhouse) to B2-2 Community Business. Mr. Malin stated that the rezoning would result in a standard zoning district under Title 20, which cannot be conditioned. A vicinity map was provided. The three properties are at the corner of Toole Avenue and Milton Street, across from Little McCormick Park. It is part of City Council Ward 1 and the Heart of Missoula neighborhood. The rezone to B2-2 Community Business would allow 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.

There are 4 residential units in two buildings at 738 Toole, and 724 and 730 Toole each have one detached dwelling unit. The parcels have 5 lots, each of which is approximately 3,920 square feet. The approximate total area for rezoning is 19,600 square feet; somewhat less than half an acre. The combined parcels would allow 7 dwellings under the current zoning, and up to 19 dwelling units under the requested zoning. The surrounding area includes single detached dwellings, as well as one mixed use building across Milton Street, and a variety of commercial development. Little McCormick Park is across Toole Avenue to the south.

The applicable regional plan is *Our Missoula: City Growth Policy 2035* which recommends a land use designation of "Neighborhood Mixed Use." Commercial uses that may be a part of areas designated "Neighborhood Mixed Use" include: retail, offices, entertainment, professional services, eating and drinking establishments. Residential density of up to 43 dwelling units per acre is encouraged. Mr. Malin stated that the zoning districts that most closely align with the "Neighborhood Mixed Use" land use designation are B1, B2-1, B2-2, and M1R-2. The applicant has requested a zoning of B2-2 Community Business, which would allow a density of up to 43 dwelling units per acre. The Current RT2.7 zoning allows a density of up to 16 units per acre. The B2-2 zoning more closely complies with the Growth Policy.

Zoning Amendment review criteria were presented and supported:

1. Growth Policy
2. Public Services/Transportation
3. Compatible Urban Growth
4. Promotes Public Health and Safety
5. District Character & Suitability of Uses

Mr. Malin stated that the rezoning would give reasonable consideration to the character of the district as the surrounding area includes neighborhood commercial, single dwellings, and multi-dwelling residential development.

A current zoning map was provided. The current zoning of the parcel is within a block zoned RT2.7 residential, which is surrounded by M1R-2 on the west, north, and east sides; and B2-2 zoning across the street to the south. Zoning comparisons were made between RT2.7 and B2-2:

- Building Types: RT2.7 allows single dwelling and duplexes; B2-2 allows single dwelling, duplexes, and multi-dwellings.
- Minimum Parcel Area: both RT2.7 and B2-2 have 3,000 square foot minimum parcel sizes.
- Area Per Unit: RT2.7 is 2,700 square feet minimum; B2-2 is 1,000 square feet.
- Setbacks: RT2.7 is 20' front and rear setbacks, and 5' side setbacks. B2-2 has no required setbacks unless the property abuts an R zone, which this property does on both Milton Street and Toole Avenue. These setbacks must match adjacent property setbacks. The setback along the eastern boundary is 5 feet.
- Maximum Height: 30/35' depending on roof pitch for RT2.7 and 50' for B2-2.

Area property photographs were provided. The applicant/developer was unable to attend. No written comments from the public had been received at the time of the meeting.

This rezoning request will be on the February 24, 2020 City Council Agenda for first reading and preliminary adoption, be discussed at the Land Use Planning Committee as an informational item on March 4, 2020, and is scheduled as a public hearing item at the March 9, 2020 City Council meeting.

#### **PUBLIC HEARING OPEN [7:13 p.m.]**

Sheila Devins, 717 Cooper Street, was concerned about parking adjacent to the new development as well as lighting and how it could affect her property. She feels that the proposed density increase would detrimental to the area.

Patrick Colleran, 727 Cooper Street, lives behind the subject properties. He is concerned that while this proposal for increased density is in line with the Growth Policy; the boundaries for the historic district were just redrawn to include this block specifically for its' historical significance. His home was built in the 1900's for railroad workers. Mr. Colleran sited the historic significance of the block as well as the negative ramifications of rezoning a quarter of the block to match the surrounding neighborhood. Many of the Growth Policy goals have already been achieved in the neighborhood; however, he feels the unique character of the neighborhood is given less significance in the decision-making process. He is interested in installing solar power for his home and a 50-foot-tall building to the south would limit that. It would also reduce his ability to have a home garden.

Kristopher Pesci, resident of 738 Toole Avenue, Apartment 3, stated he had not received any communications regarding the pacing of the project. He contacted the landowner, Mr. Castleberry, on numerous occasions and received no response. He is concerned about when he will need to vacate the property. There are many low-income residents currently in the apartments and sited the difficulties in relocation and securing affordable housing.

Allison Riley, 727 Cooper Street, purchased a home directly behind proposed zoning area change about a year and half ago. She stated that for about 120 years this has been a working-class neighborhood defined by its' 30-foot-wide, 130-foot-long, narrow, railroad, working class lots. Within these lots there are 1-, 2-, and 4-unit housing

configurations, all of which together contribute to the historic nature. The downtown historic district was re-boundaried to include the 600 and 700 blocks of Toole Avenue and Cooper Street. Two houses were condemned in the 600 block of Toole Avenue and townhomes were built in their places. The density has increased in that location and that development conforms to the character of the neighborhood by having narrow lots and are not excessively tall. Her concern with the development is the increased density in an already dense population area. She stated that two of the three residences individually contribute historically to the neighborhood. The three residences sit on five parcels. Prior to the rezoning request she had been unaware of the Growth Policy, but as she understands it now, zoning should provide predictability regarding preserving neighborhood character while meeting housing needs. There is a need to identify appropriate areas for different types of housing rather than review these on an ad hoc basis. She feels significant planning went into designating this area as part of the historic downtown district by the Montana State Historic Preservation Office, and this should be taken into consideration. As a newer homeowner, she was excited in investing in a historic property and the prospect of growing a garden, as there is currently enough sunlight on the property. She is concerned about the allowable height of the buildings to the south, an increase of just 10 to 20 feet will significantly change her ability to grow a garden. This area is already a small island of residences surrounded by industrial and business uses. She feels the density could be increased while still preserving the historic character. She stated that these homes were not built by one developer, but by railroad workers coming home from work with less than 6-foot long scrap pieces of wood, pieces of de-commissioned rail cars, and boulders and building foundations and homes from that. She asked the board to not approve the rezoning request.

Rex Bowles, 714 Toole Avenue, is a 40-year resident. He is concerned about increased traffic, streets, alleyways, and three railroad crossings on Toole Avenue and Milton Street. The two railroad crossings are Milton Street are over a one hundred years old. Can infrastructure this old handle the increased usage? Drainage problems need to be addressed. The Warehouse building is 3/4 block away, there are railroad crossings; Mr. Bowles feels the streets cannot handle a significant increase in traffic. Although drainage may not be an issue with this rezoning request, it will add to the overall situation. Mr. Bowles voiced concerns over decreased water pressure and water quality.

John Devins, 717 Cooper Street, noted that the entire area has been designated an historic area; however, the newer condominium project took an entire block and created a parking lot at the back. A 50-foot-tall building has the potential to become a 6-story building, blocking out the sun. Parking will worsen and Little McCormick Park will become inaccessible as a family park. He is also concerned with lighting, trash, and dumpster locations. Mr. and Mrs. Devins currently live in Seeley Lake, and plan on retiring to their home on Cooper Street. Solar power and energy efficiency are important; but a development of this size would block the sun on the south and west portions of his property. This is an historic part of the community, and he appreciates the railroad aspect. His home was built in 1893 and is an amazing structure. He stated that the historic west side would no longer be historic but would become another place where the city grows upward.

**PUBLIC HEARING CLOSED [7:36 pm]**

## PLANNING BOARD COMMENTS

Mr. Bensen asked for information on how the historic district impacts the boards' decision. Ms. McCrea stated that there is nothing in the historic preservation ordinance that would prevent a rezoning. Unless the building is a listed structure on the National Register of Historic Places, and even then, you could apply for a demolition permit from the Historic Preservation Officer and demolish a home or structure in a historic district. Typically, they require that the Historic Preservation Officer be allowed to document the home and historic features; often they recommend de-construction in such a manner that the materials can be preserved.

Mr. Schroeder asked if being part of an Historic District had any influence on future development or if development guidelines exist. Ms. McCrea stated that the current historic preservation ordinance does not protect historic structures unless they are listed structures, and then there are more requirements. Mr. Schroeder asked about future development, would new construction need to adhere to guidelines? Ms. McCrea was not certain.

Ms. Lauer asked if a shadow study was done by either the property owner or the city to see the impacts to adjacent property owners. Ms. McCrea stated that it was not criterion for a rezoning request, any property owner can come forward and request a rezone and the review is done based on the criteria in state law, which is also in the Title 20 zoning ordinance. Ms. Hassanein asked if Ms. McCrea could review the criteria for new members on the board. Ms. McCrea provided list of criteria from the staff report. She stated that the most important criteria were compliance with the Growth Policy and Land Use Designation as most of the criteria are also addressed in the Growth Policy. When Development Services is looking at reasonable provision for adequate light and air, it is provided by the zoning itself, which has setback requirements. Building and fire code also has building separation standards.

Mr. Caristo reminded the board members that lighting, sunlight, parking issues and similar considerations are not what the board is considering at this meeting. The purpose of the planning board is to evaluate the rezoning proposal based on the established criteria and not to deliberate on any potential project(s). They are valid concerns, but they are worked out in other regulations down the line.

Mr. McCoy asked about B1 vs. B2; as the height restriction on B1 is lower. Ms. McCrea stated that the property owner requested B2-2. It is one of the current relatable districts for property with the Neighborhood Mixed Use land use designation and was approvable for this zone. The adjacent M1R-2 and the proposed B2-2 have the same height limit. She reminded the board that all zoning has potential for redevelopment.

Mr. Caristo asked about appropriate zoning; Neighborhood Mixed Use is the same from Orange Street to Russell along the railroad tracks, and a variety of zoning exists in that area. He asked about the Cottage Industry Overlay and asked Ms. McCrea to provide further details. Ms. McCrea stated that it applies primarily in the M1R-2 zone, but an artisan industrial artisan use could be requested as limited residential industrial. These are usually smaller industries in mixed use neighborhoods. Mr. Caristo asked if zoning for 43 dwelling units per acre was the maximum density for Neighborhood Mixed Use. Ms. McCrea stated that 43 dwelling units per acre is the maximum density, so it is

representative of the requirement of 1,000 square feet per dwelling unit; however, property shape, setbacks, and adjacent properties all factor into this number. On this site it would be up to 19 dwelling units, assuming they could meet parking requirements of zoning. If it was a multi-dwelling structure over 10 units an outdoor activity area would need to be provided, and all standards would have to be met, including landscaping, so the maximum number of dwelling units is not always achievable. Mr. Caristo asked for clarification on building height restrictions abutting a residential district. Ms. McCrea provided details abutting properties, and that the width of the alley would not influence that, as it is already setback due to the 20 feet of the alleyway.

Ms. Hassanein stated that one of the goals of the Growth Policy is to increase density, but neighborhood and community character still need to be considered in addition to density. Ms. McCrea stated that when they study a rezoning request "neighborhood character" means what type of uses and zoning already exist in the neighborhood. They are not looking at matching specific materials or building types. The Design Excellence Overlay applies to certain corridors in the city but does not apply to this corridor. There are design standards for multi-dwelling projects; entrances must face the street and parking cannot be put between the building and the street. She stated, that generally, for single family or duplex structures, if adjacent to an alley, parking from the alley must be provided per Title 12 Municipal Code Standards.

Ms. Hassanein asked if this was an appropriate corridor for some commercial development. Ms. McCrea stated that the Growth Policy is a focus inward plan with greater community density and was chosen over greenfield development and continued sprawl. Toole Avenue is a collector roadway, there is a trail, a nearby grocery store, bus line services on Spruce Street; Ms. McCrea stated that she wasn't sure where greater density could be imagined, if not here, based on the criteria. She stated that the regulations are not in place to prevent persons requesting rezoning and redeveloping their property to accommodate growth.

Mr. Schroeder asked if it was common that the property owner/owners' representative not attend to provide context. Ms. McCrea stated that they were unable to attend and did not want to delay the process any longer due to their inability to attend on this date.

**Moved by:** Andy Mefford

**Seconded by:** Peter Bensen

**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.

AYES: (6): Andy Mefford, Peter Bensen, Josh Schroeder, Vince Caristo, Caroline Lauer , and Shane Morrissey (City-Alternate)

NAYS: (2): Sean McCoy, and Neva Hassanein

ABSENT: (2): Stephanie Potts, and John Newman

**Vote results: Approved (6 to 2)**

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

No communications/special presentations.

## **8. Committee Reports**

Ms. Hassanein reported on the January 15, 2020 meeting of the Urban Growth Commission (UGC). She provided background on the Interlocal Agreement that established the UGC. Many reports and updates were provided at the meeting, many of which have been heard by the Planning Board previously (zoning regulation update, BUILD grant project and Mullan area master plan, and draft Climate Ready Missoula Plan).

The Transportation Policy Coordinating Committee (TPCC) met at 1:30 PM on February 18, 2020. Mr. Bensen reported:

1. Update and presentation on the East Missoula/Highway 200 Corridor Study technical analysis
2. Reserve Street Community Input Forum
3. Long range transportation plan update on work plan, advisory committee membership, and first phase public engagement

Mr. Bensen reported that the MCPB affordable housing incentives sub-committee meets the 3rd Tuesday of each month from 5:30 p.m. - 6:30 p.m. at Liquid Planet, 121 W. Broadway. Members are Mr. Caristo, Mr. Mefford, Mr. McCoy and Mr. Bensen. Mr. Bensen will write up and distribute his notes. Relevant issues were identified and subcommittee will be approaching the board in the future for direction on the next steps. Subcommittee members would like to meet with Erin Pehan and other staff at Housing and Community Development. Ms. Lauer and Mr. Schroeder will be joining the subcommittee.

Ms. Hassanein acknowledged and thanked Helen Jenkins, Dudley Improtta, Michael Houlihan, and Jason Rice for their past service to the Planning Board and the Community.

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

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

**Moved by:** Neva Hassanein

**Seconded by:** Peter Bensen

That Vince Caristo be elected as Missoula Consolidated Planning Board Vice-Chair for the 2020 term.

AYES: (7): Andy Mefford, Peter Bensen, Sean McCoy, Josh Schroeder, Caroline Lauer , Shane Morrissey (City-Alternate), and Neva Hassanein

ABSENT: (3): Stephanie Potts, Vince Caristo, and John Newman

**Vote results: Approved (7 to 0)**

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

No new business nor referrals.

**11. Comments from MCPB Members**

Mr. Schroeder stated that there was a good article on housing and policy in *The Economist* magazine.

Mr. Bensen found interesting articles about incentivizing housing, low-income and affordable-housing from the Kresge Foundation. He will send links to the articles to board members.

Ms. Hassanein welcomed new Planning Board Members.

**12. Adjournment**

Ms. Hassanein adjourned the meeting at 8:22 p.m.