



Missoula Consolidated Planning Board
Agenda

Date: September 1, 2020, 6:00 PM

Location: Virtual Meeting: Live Stream and On Demand: <http://www.ci.missoula.mt.us/webcasts>
YouTube Live Stream and On Demand:
<https://www.youtube.com/channel/UC5fnfMPFGSk8Gwq6F5UoqGg>
Live call in phone numbers: 1 (253) 215-8782 1 (888) 475-4499 (landlines only) Meeting ID:
960 049 3694

Members: Andy Mefford (County Appt), Peter Bensen (County Appt), Sean McCoy (County Appt),
Stephanie Potts, Vice Chair (County Appt), Dave Loomis (County Alt),
Josh Schroeder (Conservation Dist Appt), Caroline Lauer (City Appt),
Neva Hassanein (Mayor appointee), Shane Morrissey (City Alt), Vince Caristo (City Appt)

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 17
5. Staff Announcements
6. Public Hearings
- 6.1 3705 Hwy 200 E Rezone, East Missoula. Matt Heimel, Community and Planning Services, Missoula County 41

Recommended motion:

THAT the request for zoning the lots zoned C-R3 Residential with the Canyon Gates/Ole's Planned Variation to the C-C1 Neighborhood Commercial Zoning District 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 Lots 5-11 and Lots 16-26, Block 19, East Missoula Addition, Section 24, Township 13 North, Range 19 West, P.M.M., Missoula County, Montana.

Rezone property located at 601 W Broadway and legally described as Lots A, B, 1, 2, 3, 4, 5, and the east half of Lot 6 in Block 51 and Lots 48 and 49 in Block 56 of W.J.

McCormick's Addition in Section 21, Township 13 North, Range 19 West from Special District SD/Riverfront Triangle, Sub-district D to CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay Application can be found at:

https://www.engagemissoula.com/development-applications/news_feed/601-w-broadway-rezoning-request

Recommended motion:

APPROVE the adoption of an ordinance to Rezone property located at 601 W Broadway and legally described as Lots A, B, 1, 2, 3, 4, 5, and the east half of Lot 6 in Block 51 and Lots 48 and 49 in Block 56 of W.J. McCormick's Addition in Section 21, Township 13 North, Range 19 West from Special District SD/Riverfront Triangle, Sub-district D to CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay subject to the applicant and the City executing a Development Agreement and public non-motorized access easement filed with the County Clerk and Recorder prior to the effective date of the ordinance which is 120 days from City Council approval. The Development Agreement and easement documents shall be reviewed by City Parks, Missoula Redevelopment Agency and Development Services and approved by City Council. The Development Agreement shall include construction of the Riverfront Trail along the north shore of the Clark Fork River from east to west, connecting to W Broadway on the west end and to the River Front Trail on property adjacent to the east without interruption or detour; the developer's responsibility for the cost of a minimum 10-foot wide trail with 1 foot shoulders on either side of the path; the City of Missoula's responsibility for the cost of upsizing the trail to a 14-foot wide concrete trail; the City of Missoula's responsibility for repair, maintenance and replacement of the trail once constructed; and a 20-foot wide public non-motorized access easement filed with the Development Agreement. Design of the Riverfront Trail and any variation from the standards, including easement width, surface width of the trail, lighting, provision for trash receptacles and benches, shall be specific to the site and approved by City Parks and Recreation.

7. **Communications and Special Presentations**
 8. **Committee Reports**
 9. **Other Business**
 10. **New Business and Referrals**
 11. **Comments from MCPB Members**
 12. **Adjournment**
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Missoula Consolidated Planning Board Minutes

August 18, 2020, 6:00 PM
City Council Chambers
140 W. Pine Street, Missoula, MT

Voting members present: Peter Bensen (County Appt), Sean McCoy (County Appt), Dave Loomis (County Appt-Alt), Josh Schroeder (Conservation Dist Appt), Caroline Lauer (City Appt), Neva Hassanein (Mayor appointee), Shane Morrissey (County Appt-Alt), Stephanie Potts (County Appt), Vince Caristo (City Appt)

Voting members absent: Andy Mefford (County Appt)

1. Call to Order

Mr. Caristo called the meeting to order at 6:00 p.m.

2. Roll Call

Ms. McCammon called the roll.

3. Approval of Minutes from the August 4, 2020 and August 11, 2020 Missoula Consolidated Planning Board Meetings

A motion was made by Mr. Bensen, seconded by Ms. Potts, to approve the August 4, 2020 and August 11, 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 - Revised Summer/Fall Planning Board Schedule

Revised summer/fall Planning Board schedule was presented.

6. Public Hearings

6.1 Heron's Landing Subdivision and Rezone (City - Dave DeGrandpre)

https://www.youtube.com/watch?v=YXsTbjru6_w or

<https://pub-missoula.escribemeetings.com/Players/ISISStandAlonePlayer.aspx?Id=af1e4f19-2541-459f-8a51-629c1340653e>

Mr. DeGrandpre, City Development Services, stated that Development Services received an application from Ryan Salisbury of WGM Group, Inc. representing Mullan Road Partners, LLC to annex the two parcels of land totaling 72.11 acres into the city limits and apply an initial zoning of RT5.4 Residential with a Heron's Landing Neighborhood

Character Overlay. Property is located north of Mullan Road, south of 44 Ranch Subdivision, and along both sides of Chuck Wagon Drive and George Elmer Drive in the BUILD Grant area. Establishment of this district and rezoning of the property is proposed to happen concurrently with preliminary approval of the Heron's Landing Phased Subdivision Plat and Application. This is a 347-lot major subdivision planned to be constructed in 10 phases, over a period of up to 10 years. The subdivision proposes a 4.07-acre park, as well as numerous common areas interspersed throughout the development, for a total of 7.88 acres of common area. Parks would be owned, managed, and maintained by the homeowner's association. There are "connectors/trails/green spaces" between some of the blocks and common areas at the entrances to the subdivision. Two of these common areas could contain excess runoff. Parkland is proposed to be dedicated with each phase.

A circulation plan was presented; in addition to the extension of two collector roads, Chuck Wagon Drive and George Elmer Drive, the development is proposed with several interconnecting local streets. Five-foot sidewalks are proposed along all street frontages except for those indicated, which are proposed to have a ten-foot-wide concrete commuter trail. The developer is proposing a meandering path with extra easements along George Elmer Drive.

All new homes are planned to connect to city water and sewer. Phases are divided into east and west phases, depending on their location to George Elmer Drive. The Flynn Lowney Irrigation Ditch crosses the property. The property owner has no rights to the irrigation water in the ditch, nor would any future homeowners. Lots indicated as part of phase "W7" on the proposed plat map are encumbered by the irrigation ditch and undevelopable at this time.

The property contains three soil types listed as Desmet loam, Grantsdale loam and Moiese gravelly loam. Part of the property is rated as "Prime Farmland if Irrigated" and a section on the southeast corner is classified as "Farmland of Local Importance" per the Natural Resources Conservation Service (NRCS) Soil Survey. The applicant states the land has been used in the past for raising livestock, although not within the past three years. The existence of County residential zoning on the tracts anticipates their use for residential rather than agricultural purposes, and this is also how the land is designated in the *Our Missoula City Growth Policy*.

Mr. DeGrandpre explained steps and in the review process and the role of the Planning Board. The property is not currently within the city limits and has a county zoning designation of CRR1, which has minimum lot size of one acre. Annexation and initial zoning were requested by the applicant in October 2019. The standard RT5.4 Residential district provides a minimum lot size of 5,400 square feet and limits residential development to single- and two-unit houses and townhouses. The proposed Heron's Landing Neighborhood Character Overlay would allow for lot sizes as small as 1,500 square feet with up to six attached townhouse units in certain areas of the development. The proposed lot sizes range from 1,679 to 16,100 square feet. The *2035 Our Missoula City Growth Policy Future Land Use Map* provides a land use designation in this area of Residential Medium – 3 to 11 dwelling units per acre. The proposed density of the subdivision is 4.8 dwelling units per acre.

The Heron's Landing Neighborhood Character Overlay to Title 20 was detailed:

- Smaller lot sizes and set backs
- Lots fronting on a common area and have alley access to be oriented toward the common area
- Main entry of a home must face a street
- Up to six-unit townhomes in certain locations
- Attached garages that are accessed from an alley as close as six feet from the alley instead of 20 feet

A map detailed three different areas in the zoning proposal:

1. Area D: Minimum lot size of 8,500 square feet
2. Area E: 3-6-unit townhomes allowed and minimum lot size 1,500 square feet
3. Area F: Minimum lot size of 2,000 square feet

Zoning review criteria presented and explained:

1. Characteristics that would create an identifiable setting, character, and association
2. At least five acres
3. Growth policy compliance
4. Secure safety from fire and other dangers
5. Promote public health, safety, and welfare
6. Provide adequate infrastructure & public requirements
7. Adequate light and air
8. Impact on motorized and non-motorized transportation
9. Promote compatible urban growth
10. Character and suitability of the district
11. Conserve value of buildings and promote most appropriate use of the land
12. Correct an inconsistency or address a changing condition
13. In the best interest of the city as whole

The fire department has reviewed the proposal and fire hydrants are planned at 250' radii. Twenty hydrants are indicated, which the fire marshal approved.

Mr. DeGrandpre presented statutory criteria: 1) impacts to agriculture and agriculture user facilities, 2) natural environment, wildlife, and wildlife habitats, and 3) public health and safety. He stated that the developer hired a hydrologic consultant to evaluate stormwater impacts and containment. Much of Missoula has sumps, and the bottom of the sumps and where ground water might be was evaluated and the conclusion of the analysis was that surface water and storm water from the development would not impact groundwater to a measurable degree. This area is within the airport influence area, and this disclaimer will appear on the plat and in the covenants.

Local services were explained. Streets and alleys provide legal and physical access from George Elmer Drive, Chuck Wagon Drive and a new internal street network built by the subdivider and dedicated to the public. Sidewalks detail was given earlier in the presentation. All lots will be served by city water and sewer, solid waste disposal will be provided by Republic Services, City Police and Fire will provide emergency services, park

land was discussed previously, and the application states an anticipated 65-174 students will attend school.

The applicant requests eight variances. Three of the variances are for reduced right-of-way widths for roads in the subdivision. Four of the variances deals with block lengths that are greater than 480 feet and, in each instance, a different mitigation is proposed, which is why the variances are listed separately. There is a variance request to allow the multi-user trail where sidewalks would normally be. Finally, there is a roadway variance for low density urban residential local streets to be built within 60-foot rights-of-way instead of 70, so long as an additional one-foot access and utility easement is provided along the outer edge of each right-of-way to allow for maintenance. Staff recommends approval of all eight variances and preliminary approval of the phased subdivision subject to conditions. Mr. DeGrandpre presented the recommended conditions of subdivision approval subject to 24 conditions, as outlined in the staff report.

Mr. Nick Kaufman, Senior Land Use Planner, WGM Group, described the two-year planning process for this project, which started in November 2018. He thanked project staff contributors: Dustin Hover, Ryan Salisbury, and Kate Dinsmore of WGM Group

The developer is Teton Land Development, which now has a Montana office, as well as their Wyoming base. They have done development in Idaho, created master planned communities and residential housing in the mountain states. MMW Architects assisted with the subdivision design, housing types, and placement of those housing types within the development.

He explained the purposeful and thoughtful planning process, sensitive to the adjoining property owners and the growth policies. In advance of annexation comes capital facilities planning; over the last 20 years, water and sewer have been extended to the Mullan Road area and a transportation grid has been developed. Mr. Kaufman recounted past WGM projects: Prospect, Hellgate Meadows, 44 Ranch, North Reserve Scott Street Master Plan, BUILD grant application, and Hellgate Village.

Mr. Kaufman presented the vision for the project:

- 72 acres
- 347 homes
- 4.8 dwelling units/acre. The Growth Policy adopted in 2015 calls for up to 11 dwelling units per acre. Mr. Kaufman feels the neighborhood will support approximately five dwelling units per acre, with a mix and variety of housing types.
- Owner occupied. This is not planned as a rental project.
- Create an identifiable place
- Curvilinear layout - modified grid system
- Connectivity and integration with the surroundings
- Park and trail network

Vicinity and site layout maps were provided. The largest lots in the subdivision are to the west; they are approximately 8,500 square feet and create a buffer between the larger one-acre tracts and this subdivision. These homes front a road called Roundup Drive. Mr. Kaufman explained that Roundup Drive would have been a collector street,

serving 44 Ranch Estates, which has one-acre tracts, but in deference to those properties, the collector street was moved from Roundup Drive to Chuck Wagon Drive. Roundup Drive will become a local street. He stated that the collector streets of George Elmer Drive and Chuck Wagon Drive run north-south are much like Russell Street. Although these are not great places for residences, this is neither a great place for commercial applications. Large multi-family structures would be appropriate for this area, but they are instead proposing owner-occupied townhomes and single-family dwellings, and 2-unit townhomes, and townhomes with up to six dwelling units along both sides of George Elmer Drive and on only one side of Chuck Wagon Drive, to provide a buffer between existing homes to the west. George Elmer Drive will be designed as a boulevard tree-lined collector street, with wider boulevards, and meandering trails on both sides. Parking is planned for both sides George Elmer Drive.

Mr. Kaufman explained that the subdivision design considers the purpose while maintaining the viability of the north-south collector streets, while providing buffers for people to live with a little higher density. It takes into consideration a buffer for the neighbors to the north of the subdivision by the placement of large single-family lots. Housing types were described:

1. Single Family
 - single family with detached alley - loaded garage approx. 160' x 55'
 - patio home with front-loaded garage approx. 70' x 90'
 - single family alley loaded with attached garage approx. 38' x 90'
 - single family with detached alley-loaded garage approx. 50' x 130'
2. Cottage Court - single family courtyard housing with alley-loaded garage approx. 36' x 100'
3. Duplex - with alley-loaded garage approx. 32' x 70'
4. Row House - with alley-loaded garage approx. 24' x 90'

Common areas will provide large park, community garden, outdoor activity, trail connectivity, entry statement, small common areas, and variances, which Mr. DeGrandpre discussed previously. In closing, Mr. Kaufman presented slides of the area from 2002, 2007 and 2016. He provided information on grid system roads in the 2018 BUILD grant, the extension plans for George Elmer Drive, and upcoming signalization projects. The Mullan Area Master Plan conceives of approximately 6,000 planned residential units. Mr. Kaufman identified neighborhood concerns and provided responses:

- Traffic. Mr. Kaufman stated that traffic had been exacerbated by the 33% of the workforce that comes to Missoula from the Bitterroot Valley. Instead of coming from US-93 to Reserve Street, travelers are turning off at Blue Mountain Road, traveling to Kona Bridge Road, making right hand turns down Mullan Road; adding to the congestion on Mullan Road, and the inability of residents to get onto Mullan Road. Not being able to supply affordable housing to the workforce in Missoula manifests itself in many ways expensive to the community.
- Lot size. Mr. Kaufman replied that housing is moving away from lawns and landscaping and towards quality, well-designed neighborhoods with trail systems and

common areas. He agreed that lot sizes would be smaller due to infrastructure costs, but good design is key. Common areas and trail systems allow interaction between neighbors.

- Snow plowing.
- Parking. Parking on George Elmer is a concern, and how it will affect the carrying capacity of that street. Mr. Kaufman stated that there would not be an impact and provided a cross section of the design.
- Irrigation ditch. Irrigation ditches flow from the bases of Mt. Sentinel and Mt. Jumbo, up the Rattlesnake Valley, down through the valleys, up into Grant Creek and out into the Mullan Road Area. They have designed around the irrigation ditch system to ensure a viable agriculture entity thriving. They planned for higher banks on the irrigation ditch and taking care of run-off should the ditch overflow. They have also planned for homes to take the location of the ditch, should it no longer be needed in the future.
- Bus stops. In consultation with Mountain Line, once the project is annexed into the urban transportation district bus stops will be provided.
- Roundabout. A roundabout is planned for Cattle Drive, part of 44 Ranch and George Elmer Drive. It will likely happen in the future with BUILD grant funding, and George Elmer Drive will connect with a controlled intersection at Broadway.
- Home Owners' Association (HOA) coordination. 44 Ranch has a single HOA. 44 Ranch Estates has a single HOA. This development will have a single HOA. Flynn Ranch, to the northeast, has multiple HOAs, which has caused confusion. The HOA will be responsible for the common areas.
- Recreation equipment. The developer will do the initial improvement to those common areas and dedicate that property as common area. It will then be turned over to the Home Owners' Association at the appropriate time and they will decide what appropriate playground/park equipment they need to serve their population.
- Large multi-family buildings. Mr. Kaufman emphasized that NO large multi-family buildings are being proposed in this subdivision, and they are not allowed by the RT5.4 Residential, nor by the current CRR1, nor are they allowed by the Heron's Landing Neighborhood Character Overlay.

Diverse dwelling types were displayed. Alleys will not be brought onto George Elmer Drive nor Chuck Wagon Drive to preserve the function of the collector streets. Mr. Kaufman provided an illustration of the intersection of Heron's Landing Drive and George Elmer Drive demonstrating parking, traffic flow, and the trail system. A cross section of George Elmer Drive provided the viewer with the following information:

- Two 10' driving lanes
- Two 6' bike lanes
- Two 8' parking lanes
- At least two 7' or wider landscape boulevards for trees
- 5' sidewalks on both sides, which could also be widened

- An additional 20' of easement to accommodate the meandering walkway

All these factors contribute to integrating a collector street into the character of the neighborhood. Mr. Kaufman thanked the Planning Board Members and the public for their time and would be available throughout the meeting to answer questions.

PUBLIC COMMENT [7:10 p.m.]

Mary Maynard, homeowner in 44 Ranch Estates, west of the proposed Heron's Landing Subdivision. She noted that City Development staff failed to note 44 Ranch Estates in the presentation, and the differences between 44 Ranch and 44 Ranch Estates. Ms. Maynard stated that there was lack of notice by the developer and WGM Group. Two small signs were posted on Chuck Wagon Drive; but both had fallen over, and although she attempted to right them on numerous occasions, they were smaller than the typical political sign. Ms. Maynard feels that the lack of notice was the reason there were only a limited number of callers/participants at this meeting and only 15 submitted written comments prior to the meeting. She personally visited with her neighbors in 44 Ranch Estates to inform them of this meeting; and only one neighbor was aware of the meeting and request for public comment. Ms. Maynard stated that 44 Ranch Estates has one acre lots; and for over a decade Mr. Kaufman promised that all land surrounding 44 Ranch Estates would be half-acre lots. 44 Ranch, which is behind 44 Ranch Estates, is not half-acre lots. Mr. Kaufman's word, and the City's guarantee that they would be half-acre lots was a lie. She stated that this is happening again on the Roundup Drive portion of Heron's Landing; these are grossly under half-acre lots. She would like Mr. Kaufman to address this. What is going to happen with the entrance to 44 Ranch Estates? As a subdivision, they have electricity and upgraded their sign. How are people going to know their subdivision exists? The character between 44 Ranch Estates and Heron's Landing is quite different. She does not believe the estimate on the impacts to Hellgate Elementary School is appropriate with this number of proposed dwelling units. She asked planning board members to not approve the rezoning request. She takes issue with the name "Heron's Landing" as there are no longer herons at this location due to development.

Suzanne Elfstrom, lives in 44 Ranch and agrees with Ms. Maynard. As a runner, she runs thru Flynn, 44 Ranch, and 44 Ranch Estates and noted that only two signs had been posted. She stated that Mr. Kaufman had mentioned that the lots along the irrigation ditch south of 44 Ranch would have larger lots sizes. Ms. Elfstrom said that this was not completely accurate; there are approximately seven to eight houses on George Elmer proper that would abut the row houses. She would like this addressed as she does see that it is an accurate statement, nor fair to the homeowners on George Elmer Drive. She has lived at her 44 Ranch home for 12 years and there has been talk about traffic lights and/or roundabouts "in the future". Ms. Elfstrom asked if there was an actual date or time frame in which to anticipate this, and if it would be a roundabout or a signal. Robust wildlife habitat exists in the area; she noted a fox den 18 months ago, good bird numbers, although the herons have been gone for several months, and she feels there has been a negative impact to wildlife habitat already. A lot of raptors reside in the area, and their habitat will be destroyed by the development.

Richard Dombrowski, homeowner in 44 Ranch Estates, after hearing the presentation he would like to make a condition of approval contingent upon the Planning Board adhering to the agreement with his subdivision that was undertaken at the time of the approval of the 44 Ranch subdivision, which was 1/2 acre lots surrounding his subdivision, to fulfill the character and nature of the open tracts as well as to maintain the property values. Specifically, he asked for consideration that the minimum lot size be increased to 17,000 square feet, which is contiguous with similar lot size to the north and west of 44 Ranch, where homes are being built at this point on those lots.

Jared and Jennifer Barnard, Lariat Loop, 44 Ranch Estates, voiced concerns about the amount of trash and refuse transported by the ditch, which has notably increased over the 8-9 years, which coincides with the increase in density. Refuse includes alcohol bottles, garbage, and hypodermic needles. She is concerned about the ditch being an avenue for trash, and the potential for ever increasing hazards. They agree with the previous comments about impacts to wildlife and have witnessed it first hand for the past 18-24 months. There were multiple fox dens site in the proposed Heron's Landing development area, but they have not seen activity for the last two seasons. They have also lost the heron habitat. Owl and raptor numbers have decreased with development and density changes. She noted that she had difficulty seeing the meeting ID number on her device when viewing the meeting in eScribe, as a Banner with "Planning Board" and the date was covering that information. This made it difficult to phone into the meeting and participate. She has huge concerns about traffic flow and that the number of estimated children is not accurate and there will be impacts to the school.

Michelle Field, lives in the Cottonwood Condos at Grant Creek and is concerned about traffic in this area. She states that traffic is already backed up, all the time, at the traffic light all the way up to the entrance of the Cottonwood Condos. More development means more traffic impacts. She stated she is concerned for wildlife habitat and agrees with the comments made by residents in 44 Ranch and 44 Ranch Estates about the poor meeting noticing. She would like to see more notice and another meeting to be scheduled.

Alan Maynard, resident and property owner in 44 Ranch Estates, asked if WGM Group had submitted the final plans for the access to Mullan Road from Chuck Wagon Drive to the State of Montana. Mr. Maynard stated that as of last week the State of Montana had not received any plans. He has been asking for this for the last two years because it is a safety issue if the subdivision plans continue. There must be an access to Mullan Road that is not consistent with what is currently there.

PUBLIC COMMENTS [ended 7:36 PM]

PLANNING BOARD QUESTIONS/COMMENTS

Mr. Morrissey recused himself from voting as he is employed by a firm involved with early planning on this project.

Mr. Bensen noted that the Mullan Area Master Plan and Zoning regulations was on the Planning Board schedule for September 29, 2020. He asked if this hearing was "jumping the gun" and if there were matters that should be considered regarding the master plan before the continuation of this hearing. Mr. DeGrandpre stated that the city granted a letter back in June 2019 that city water and sewer services would be provided; this

project has been in the works for some time. The city and the county did not put a moratorium on development when they started work on the Mullan Area Master Plan. Under Montana law a subdivider can apply, and once the application has been deemed sufficient, they are vested and operating under the rules in place at the time of the application. This project was deemed sufficient a few months ago. Ms. Hughes, Missoula County Community and Planning Services, added that Mr. DeGrandpre was correct. It has been known throughout the Mullan Area Master Planning process that applications were in the works. The team working on the master plan have been meeting with those with subdivisions in the works and with those earlier in the development process.

Mr. McCoy asked Mr. Kaufman and city planning staff if the owners at 44 Ranch Estates were told that they would be surrounded by 1/2 acre lots. Was that an accurate statement? Mr. DeGrandpre could not verify what those residents were told in the past. Mr. DeGrandpre wished to clarify the public notice issues that were brought up multiple times. Several signs were placed on the property, in accordance with the rules. Legal notices were published for two weeks and landowners within 150 feet of the subdivision property were notified. The level of notice was appropriate, and it is the city's responsibility to provide notice. Mr. DeGrandpre stated that the developer had to hold a neighborhood meeting, which they did, and they provided notice. Mr. Caristo asked about the issue of an agreement between the landowners and the city at the time of the approval of 44 Ranch. Mr. DeGrandpre stated that the growth policy indicates that this area is poised for residential development, he asked Mr. Kaufman to elaborate about the 1/2-acre lot issue. Mr. Kaufman stated that WGM Group represented the developer for 44 Ranch. 44 Ranch and 44 Ranch Estates were done by the Mytty family. When 44 Ranch was proposed, the neighbors wanted larger buffer lots adjacent to them, and in consideration of that the developer put some larger lots in that area. The final plat was filed at 17,000 square feet, which Mr. Kaufman stated, is evidence that conditions of subdivision approval, and what was represented in the preliminary plat, were manifested by the filing of that final plat. Relative to 44 Ranch, that was the concession that was made, and that sized lot was provided along two sides of 44 Ranch. Mr. Kaufman reminded board members that the growth policy for the city of Missoula was adopted and updated in 2015; there were several growth policies in advance of that. Mr. Kaufman disavowed the comments that allege he told owners that all land around 44 Estates would forever be 1/2-acre tracts. That was not the case, the records do not show it, and the evidence does not show it. Mr. McCoy asked Mr. Kaufman why he thought the residents would feel they were entitled to a 1/2-acre lot buffer area. Mr. Kaufman stated that there is a verbatim record of every meeting with 44 Ranch residents; this record is clear that larger tracts were offered along the west and north side of 44 Ranch as part of the design and development of 44 Ranch Estates. Mr. Kaufman was not representing his current client, Mr. Flynn or Teton Land Development, on this property at that time.

Mr. Loomis asked about city streets, sewer, and water, yet the parkland would not be a city park. He asked why the homeowners would be exclusively responsible for provisioning the park. Mr. DeGrandpre stated that this was the preference of the city parks department. There is a city regional park in 44 Ranch Estates, north of this development. Mr. Kaufman stated that Mr. DeGrandpre was correct; there is a large regional park in 44 Ranch. Because Parks and Recreation have the regional park in 44 Ranch and maintain it; this new park is a design feature for the new subdivision but is not

for exclusive use of the homeowners. Mr. DeGrandpre reported that an email from Parks and Rec dated February 11, 2020 to Ann Vickers, WGM Group: ".... this subdivision is in the service area (1/2 mile) of 44 Ranch Park, which is maintained by the City. As this park is duplicative in this service area, the maintenance responsibility will be the developer or HOA..."

Ms. Potts asked Mr. DeGrandpre asked about wildlife and wildlife habitat in the subdivision application and staff report. It appeared to her that the city staff report is a summary of what WGM had used, which appears based off reporting from the Montana Natural Heritage Program. She asked what sources the city uses to assess impacts to wildlife. Mr. DeGrandpre stated that it depends on the project location, ecosystems therein and available environmental research on the area. A field evaluation is done first and from there Fish Wildlife and Parks could be contacted. Other than in irrigation ditch, this site does not demonstrate high groundwater nor significant vegetation. Historically this area has provided wildlife habitat, but currently it does not have the necessary support features as it is surrounded by developments. Ms. Potts asked Mr. Kaufman if WGM Group has someone on their environmental staff capable of interpreting the reports from Montana Natural Heritage. Mr. Kaufman stated that they always consult with Montana Fish Wildlife and Parks (FWP) - mostly Sharon Rose and Mike Thompson; then Emily Clark, one of five environmental scientists at WGM Group. FWP has never hesitated to support critical wildlife habitat, migratory corridors, or other associated wildlife aspects. Ms. Potts asked about specifics contained in the application; she has experience with this land area and has observed owls, raptors, including the ferruginous hawk, and myotis. She states that for these species fields are used for foraging. Although this is not riparian area nor nesting area, was the need for foraging and food spaces considered in this report or was the focus on living and nesting spots. Mr. Kaufman stated he lives near this area and has for 30 years. He bikes near the area and has seen the airport acquire additional property and is pleased that the Mullan Area Master Plan there are large areas along Grant Creek proposed for reclamation and re-vegetation. Mr. Kaufman stated that the community need for housing needed to also be considered. Also, even when highways get widened it is a significant impact to wildlife.

Ms. Hassanein asked how much the developers have engaged with the Mullan Area Plan to what extent does this proposal overlap with the Mullan Area Plan. Mr. Kaufman reminded the board the Mullan Area Master Plan is an illustrative plan, which follows very closely, but varies in two ways: 1) the proposed subdivision has a large central park where the Mullan Area Master Plan does not, and 2) Mullan Area Master Plan has a trail system along the irrigation ditch. He does not feel that trails along irrigation ditches is ideal due to water level and safety concerns. Mr. Kaufman has been in communication with city and county staff and Dover Kohl regarding the Master Plan process. Ms. Hassanein voiced her appreciation of the Mullan Area Master Plan and what she anticipates it will be. She understands that this project started before that; however, she asked if possibly the value of this project could be enhanced if it fully complied with that plan. To what extent does the proposed subdivision realize the potential density proposed in the Mullan Area Master Plan? Ms. Hassanein stated that she feels conflicted and would like a clear explanation regarding proposed density of this plan and how it is mitigating for agricultural impacts. Mr. Kaufman stated for WGM's part, he does not think a neighborhood plan can be isolated from the larger community plan. The 3-11

residential category land use designations of "Our Missoula Growth Policy" that this land falls under matches identically with the RT5.4, discussed earlier by Mr. DeGrandpre. The added neighborhood character overlay will increase density in appropriate locations along the collector roads. The collector roads will be re-designed to integrate into the system. He noted that the same comment arose a year ago when they were doing Hellgate Village; they will be lucky to have homes ready in that project in the Spring of 2021; and that project began in 2018. Multifamily projects are springing up throughout the community with no review relative to the review provided by Mr. DeGrandpre on this project. Mr. DeGrandpre stated he had not studied the Draft Mullan Area Master Plan in detail, and he appreciates it as a point of discussion. He advised the board to not use the draft master plan in making the decision regarding this project. The Planning Board is to decide if the proposal does or does not meet the criteria. Ms. Hassanein noted that the Planning Board is being asked to review many criteria, including loss of agricultural land, and much of this is prime agricultural soil. She is willing to embrace the idea of developing this area and losing the prime agricultural soil in exchange for a greater density than what is being proposed. She felt that it was unfortunate that this proposal would not mesh fully with the plan that will be coming forward soon.

Mr. Bensen asked if this was a case of trying to get an exception approved prior to adoption of the Mullan Area Master Plan. Conversely, he feels that the proposal is good, and the BUILD grant will help address transportation issues; however, he is also concerned about the loss of agricultural lands to neighborhoods of lesser density. Mr. Bensen stated that he will support the proposal but felt strongly that the Mullan Area Master Plan hearing should have preceded this hearing.

Ms. Potts stated that one of the subdivision review criteria was impact to agricultural land. This has been historically used as a farm field, although it has not been grazed for the last three years. She asked why nothing in the proposal mitigated the loss of agriculture. There is no promise that the 5-acre Community Supported Agriculture (CSA) farm in the proposal will come to fruition. Mr. DeGrandpre appreciated her concern; however, Missoula does not have a mitigation program. There had been a discussion of a "land bank", impact fee, and/or mitigation fee at some level in the past; however, the city does not have that. On a regional scale there are important soils at this location, but this is also an area most efficient in terms of growth compared to communities like Ronan or Hamilton, MT. This is also an improvement over having commuters, and 5-acre housing lots. He stated that impacts to agriculture and agriculture water usage are criteria, and in this case, there are impacts, but ultimately there are trade-offs. This is an area planned for growth and offers a much more efficient growth pattern than if 2-acre lots were developed in Frenchtown. There are many scenarios, and Mr. DeGrandpre stated although he appreciated looking at it at a fine-grained scale, the entire region must also be considered. There is a significant demand for housing, and the community has stated that some of it should occur here; there are trade-offs as well as impacts.

Mr. Caristo asked for further details on variance No. 8; the one-foot sidewalk maintenance request. Mr. DeGrandpre stated that in some cases only 1/2 foot is available on the outside edge of the sidewalk. This is not enough for maintenance; however, the city engineer felt that one foot would be sufficient.

Mr. Schroeder asked for clarification of the variance explanation for longer lots. Mr. Kaufman directed the board to the east property line, which is line of 1/2 - 1-acre

tracts. No roads penetrate that line of lots, so if a street were installed, it would dead-end right at the back of the lot line, behind the houses. Instead they created open space for possible connection through the neighborhood in the future, should they want that. Trail systems from the common areas break up other long blocks.

PLANNING BOARD COMMENTS/DISCUSSIONS ON THE MOTIONS

Motion 2: Mr. Bensen thought the commuter trail system was well thought out and appreciated the effort. Mr. Caristo concurred and will support it as well.

Motion 3: Ms. Potts stated that the responsibility of the board is to look at this piece of land and the subdivision review criteria. Specifically, she was concerned that she did not feel the subdivision application did not adequately address the impacts to wildlife and wildlife habitat, as well as the impacts to agricultural land. There is a limited amount of agricultural land in Missoula County; over 80% has been lost to development since the 1970s. She did not feel it was acceptable to take a regional view of things while those resources are lost. Ms. Potts stated that she lives on an irrigation ditch and has personally seen mink, beaver, water thrush, and Cooper's hawk all in her back yard. She stressed that small and unseen places like fields and irrigation ditches are critical habitat. New nesting areas do not need to be created if the hunting spaces are preserved for the animals that are already there. Mr. Schroeder sympathized with losing good agricultural soils and farmland to development. He stated that in the United States three acres of farmland is lost every minute to development. However, he stated that this is within an area designated for urban scale residential development. Mr. Schroeder will not be supporting the motion to not recommend approval. Mr. Caristo asked about implications and creative development. Ms. Potts did not feel it was sufficiently addressed in the application. Mr. Loomis was disappointed about the findings regarding agriculture, but felt that overall, the staff report was well balanced in design given the location and existing zoning. He feels that residential development at this location would be appropriate and the addition of the overlay district, when approved, has specific beneficial standards. He will not be supporting the motion to deny. Ms. Hassanein stated that this decision was difficult because this development has been in the works for a long time and predates the Mullan Area Master Plan. She would like to see it offer greater density and was greatly disappointed by that. There are also no assurances that by allowing development and losing agricultural land at this location, development will not occur further out in the valley. Ms. Lauer agreed with much of the previous comments. She felt conflicted with wanting housing to be as dense as possible, while reckoning that how this property has been zoned and identified on the land use map has been the result of a very robust planning process. This is how the community decided what was appropriate, not the Planning Board alone. Ms. Lauer agreed that while agricultural land and wildlife are vital, there most certainly would always be trade-offs. Due to the scale of the housing crisis and knowing how hard it is to find housing in Missoula, she felt that this responds to that need in an appropriate way. Ms. Lauer stated she would vote against the motion to deny approval.

Motion 4: Ms. Hassanein wished that this project did not predate the Mullan Area Master Plan. She would support it although overall she was disappointed in the proposed density. Mr. Bensen stated that the board should consider this subdivision request as a gentler increase/transition to high density housing, yet to come to the Mullan Area. Ms. Hassanein would like to see the community move forward with the Mullan Area Plan and

was disappointed that the developer was not seizing the density potential. Mr. Schroeder stated that two major differences between this proposal and the overall draft Mullan Area Master Plan is that the Mullan Area Master Plan has a trail along the irrigation ditch and not as much parkland in the center of the development. He felt that both were improvements in the plan versus what was conceptualized at the June presentation of the draft Mullan Area Master Plan. Mr. Caristo felt the curvilinear streets were also beneficial. Mr. McCoy is a farmer and found this to be an extremely difficult decision. An acre or 1.5-acre farm within the 4-acre park would make an incredible amount of sense and would like to see at least a little of this prime agricultural soil kept in production for the local community. Parkland is essentially a waste of water; Mr. McCoy would have preferred to see a designated farm as part of the proposal. He encouraged the developers to not get rid of the ditch and the benefits of maintaining that. He will vote for the motion, as the community needs the housing. Ms. Potts added that as thousands more people will be moving to Missoula, they need place to live, but they also need to eat. Local food and local food producers are becoming more critical. Mr. Loomis suggested that when the city works on the Home Owners Association (HOA) and eventually approves the covenants that they determine a good location for a CSA type arrangement, plots for residents to farm. He stated that there is a limited opportunity for the city and the developer to take this forward. Ms. Hassanein stated that these features will be incorporated in the Mullan Area Master Plan as a whole.

Motion 5 (Rezoning): Mr. Loomis will support the motion because the neighborhood character overlay gives him more comfort than the general RT5.4 zoning. Mr. Schroeder appreciated the diversity of product type in this plan and will support the motion. Mr. Caristo will support the motion; he would have liked to have seen commercial zoning within the plan.

Mr. Kaufman thanked the staff and Planning Board members for their careful deliberation, and the members of the public for participating in the meeting.

MOTION 1:

Moved by: Peter Bensen (County Appt)

Seconded by: Caroline Lauer

APPROVAL of the variance request from Section 3-020 Table .2A, allowing George Elmer Drive improvements to be made within the existing 80-foot right-of-way instead of a 90-foot right-of-way.

APPROVAL of the variance request from Section 3-020 Table .2A, allowing Chuck Wagon Drive improvements to be made within the existing 80-foot right-of-way instead of a 90-foot right-of-way.

APPROVAL of the variance request from Section 3-030.2.A.(2), allowing Blocks A, B, C, D, E, F, G, H, I and J to be longer than 480 feet.

AYES: (8): Peter Bensen (County Appt), Sean McCoy, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Stephanie Potts (County Appt), and Vince Caristo

ABSTAIN: (1): Shane Morrissey

ABSENT: (1): Andy Mefford (County Appt)

Vote results: Approved (8 to 0)

MOTION 2:

Moved by: Peter Bensen (County Appt)

Seconded by: Caroline Lauer

APPROVAL of the variance request from Section 3-020.15.D.1, allowing a 10-foot wide Secondary Commuter Trail along street rights-of-way within an additional 6 ½-24-foot easement.

APPROVAL of the variance request from Section 3-020 Table .2A allowing Heron's Landing Drive, Nesting Lane, and Audubon Trail (Loop) to be built within 60-foot rights-of-way instead of 70, so long as an additional one-foot access and utility easement is provided along the outer edge of each right-of-way to allow for maintenance.

AYES: (8): Peter Bensen (County Appt), Sean McCoy, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Stephanie Potts (County Appt), and Vince Caristo

ABSTAIN: (1): Shane Morrissey

ABSENT: (1): Andy Mefford (County Appt)

Vote results: Approved (8 to 0)

MOTION 3:

Moved by: Stephanie Potts (County Appt)

Seconded by: Neva Hassanein

Deny the Heron's Landing Phased Subdivision Plat and Application, based on the findings of fact and subject to the recommended conditions of approval in the staff report.

AYES: (1): Stephanie Potts (County Appt)

NAYS: (7): Peter Bensen (County Appt), Sean McCoy, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, and Vince Caristo

ABSTAIN: (1): Shane Morrissey

ABSENT: (1): Andy Mefford (County Appt)

Vote results: Failed (1 to 7)

MOTION 4:

Moved by: Peter Bensen (County Appt)

Seconded by: Josh Schroeder

Approve the Heron's Landing Phased Subdivision Plat and Application, based on the findings of fact and subject to the recommended conditions of approval in the staff report.

AYES: (7): Peter Bensen (County Appt), Sean McCoy, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, and Vince Caristo

NAYS: (1): Stephanie Potts (County Appt)

ABSTAIN: (1): Shane Morrissey

ABSENT: (1): Andy Mefford (County Appt)

Vote results: Approved (7 to 1)

MOTION 5:

Moved by: Peter Bensen (County Appt)

Seconded by: Sean McCoy

APPROVE the adoption of an ordinance to establish the Heron's Landing Neighborhood Character Overlay District and to rezone Tracts 1 and 2 of COS No. 5963 in the SE ¼ of Section 12 and the N ½ of Section 13, Township 13 North, Range 20 West from RT5.4 Residential to RT5.4 Residential 2 with a Heron's Landing Neighborhood Character Overlay District based on the findings of fact in the staff report.

AYES: (8): Peter Bensen (County Appt), Sean McCoy, Dave Loomis, Josh Schroeder, Caroline Lauer, Neva Hassanein, Stephanie Potts (County Appt), and Vince Caristo

ABSTAIN: (1): Shane Morrissey

ABSENT: (1): Andy Mefford (County Appt)

Vote results: Approved (8 to 0)

7. Communications and Special Presentations

No communications nor special presentations.

8. Committee Reports

Mr. Bensen reported that Jennifer Wieland, of Nelson Nygaard, presented the Transportation Policy Coordinating Committee (TPCC) with a look at the process behind long range transportation planning. Commissioner Strohmaier advised the group that on September 17, 2020 there will be the Montana Passenger Rail Organization summit. Info at <https://www.railpassengers.org/happening-now/events/montana-passenger-rail-summit/#:~:text=Montana%20Passenger%20Rail%20Virtual%20Summit,-Date&text=On%20Thursday%2C%20September%2017%2C%20virtually,the%20Montana%20Passenger%20Rail%20Summit>.

The Urban Growth Commission (UGC) has not met.

9. Old Business

No old business.

10. New Business and Referrals

No new business nor referrals.

11. Comments from MCPB Members

Mr. Caristo appreciated the level of discussion the board has been having. Ms. Hassanein recalled that when the Planning Board passed the county's land use element map for the peri-urban area one of the major comments was from FWP about how wildlife moves from the North Hills to the Clark Fork River and Bitterroot region, and western Missoula is a major area in this movement. As she looked at this in relation to the Mullan Area Master Plan and the recent Grant Creek neighborhood discussion and feels there is an opportunity to think strategically about wildlife movement. A graduate student in her program at the University is interested in studying this further. Mr. Caristo agreed. Ms. Potts noted that many scientific surveys are already available and reminded the board that migration corridors are even more important, as noted in Missoula's climate change resiliency plan.

12. Adjournment

Mr. Caristo adjourned the meeting at 9:41 p.m.

From: Mary Maynard <bukomaynard@gmail.com>

Sent: Wednesday, August 26, 2020 4:07 PM

To: caps <caps@missoulacounty.us>; millerj <millerj@ci.missoula.mt.us>; 44 Ranch Estates Neighbors, <jjbarnjen@gmail.com>; rsalisbury@wgmggroup.com; Mike Haynes <HaynesM@ci.missoula.mt.us>; Mayor Staff <StaffM@ci.missoula.mt.us>; Kevin Slovarp <kslovarp@ci.missoula.mt.us>; council@ci.missoula.mt.us

Cc: Alan Maynard <amaynard@summitbeverage.com>; Lisa Helean <lisahelean1@gmail.com>; RICHARD DOMBROUSKI <rdombrou@msn.com>; Steven & Rebekah Bleecker <srbleecker@gmail.com>

Subject: Heron's Landing

Please forward this email to all planning board members. Thank you.

On August 18, 2020 a planning board meeting was held regarding Heron's Landing. During the meeting and public comment there were comments concerning 1/2 acre lots surrounding 44 Ranch Estates (which are all 1 acre lots). A few board members asked Nick Kaufman why the residence of 44 Ranch Estate thought 1/2 acre lots were a condition for the surrounding subdivisions. Mr. Kaufman was dishonest and stated he would **never** tell the residents of 44 Ranch Estates that they would be surrounded by 1/2 acre lots. The board approved the subdivision under misinformation.

Please see attached Meeting Record from June 12, 2019, page 5. Nick states "half acre tracts up against 44 Ranch Estates."

There are a number of meeting minutes and letters from WGM that state 1/2 acre lots will surround 44 Ranch Estates. At every meeting that Nick Kaufman and WGM attended with the residents of 44 Ranch Estate it was stated that 1/2 lots would surround 44 Ranch Estates.

If you would like me to locate other meeting minutes where it was a condition to approve the subdivisions, that 44 Ranch Estate would be surrounded by 1/2 acre lots, I can obtain them. Or, maybe Mr. Kaufman can provide them to you as he stated he could during the board meeting.

Therefore, the planning board approved this subdivision with misinformation provided by Mr. Kaufman, and the lots next to 44 Ranch Estates are not 1/2 acres.

Can you please let me know what can be done at this point?

Thank you. I appreciate your willingness to address this issue.

Mary Maynard
44 Ranch Estates

MEETING RECORD

DATE/TIME: Wednesday, June 12, 2019

PROJECT NAME/NO: Heron's Landing Subdivision/18-11-01

SUBJECT: Public Neighborhood Meeting

ATTENDEES: WGM: Ryan Salisbury, Kate Dinsmore, Dustin Hover, Nick Kaufman, Andy Schultz; Teton Land Development: Gary Schnell, Tom Garlock; City Development Services: Jenny Baker

The meeting opens at 7:03 PM

Kate presents introduction and starts meeting; grid road plan overview

Aerial overview 2002, 2005, 2007, 2009, 2016

Teton Development introduction

Teton vision for project

Growth Policy overview
Residential medium 3 to 11 dwellings per acre

Zoning overview

Site layout overview
All single family
Diversity of lot sizes

Detached house with alley road detached garage
Highlighted orange on site layout

Question: Are there lines on the map that represent existing road so can orient:
Kate: George Elmer and Chuck Wagon with laser

Detached patio home
Question: single level or double level
Kate: Could be either

Detached Patio Home with alley load attached garage and apartment

Cottage Court with attached garage
Face inward toward green space
Tight community and know neighbors
One story maybe second story loft

Question: About how many square feet

Kate: Size up to builder but lot size about 4,000 square feet

Row house smallest lot size tuck under parking

Along George Elmer and Chuck Wagon where there is more traffic

Question: Where do they park and how do they get to their garage

Kate: Alley on the back with garage on the back at ground level and house above

Question: so they could park on George Elmer

Question: 1640 sf size of lot or house

Kate: Size of lot

Question: Putting three on one lot

Each has its own lot

Other lot types

Duplex options

Little bigger than row house

Large detached front or alley load

George Elmer Drive

Decision to face all home to George Elmer to incorporate into neighborhood

Extra 20 feet of buffer along street

Meandering sidewalk with extra landscaping

Going to be traffic but don't want to turn back to it

On street parking with bike lanes

Actively trying to add traffic control to slow down traffic

Question: England same thing with buffer and mitigation but people speed through there. Live on England

Kate: Talked about decreasing speed limit

Curb bulb out to tighten up street

Double row of trees

Tighten up street

Question: tightening street up are we still going to have enough room to pass two cars

Kate: Typical street with 11 foot wide lanes both directions

Question: any kind of roundabout onto Mullan right now hard to get onto Mullan

We will talk about traffic at end

Question: tightening going to shrink street that is there now

Kate: Make it feel narrower and not actually decreasing asphalt width or taking out pavement

Question: I don't understand where speed mitigation is England doesn't work

Ryan: Don't turn back to street face street

Question: Are you a city commissioner

Ryan: No

Question: people coming out of 44 fly and don't stop coming out

Nick: We are all neighbors and let's be civil and get through presentation and then take questions and discuss traffic

Another view of meandering sidewalk

The process annexation and zoning

Question: how many houses total

Kate: about 320 houses

In county now zoning and annexation

Then subdivision process

2019 sub review

Spring 2020 construction start with 20-year build out for project

Ryan presenting

Discuss Chuck Wagon construction and temporary connection to Roundup drive

Blow up of George Elmer drive with Mullan Road proposed improvements

Linework is preliminary but traffic signal planned for George Elmer

Add lane to north

Dedicated right turn lane

East bound dedicated left turn lane into George Elmer and Chuck Wagon

Intersection is funded, city looking to design in 2019, warrant study currently for traffic signal underway

Traffic signal can happen but cannot tell you when

Proposed Chuck Wagon Drive road

Mullan Road improvements designed in 2019 constructed 2020

Explanation of intersection

Question: getting rid of roundup road access

Ryan: does go away when the widening of Mullan happens, and Hiawatha goes away

Question: for now will be the temporary connection they put in today

Ryan: yes, interim solution until city could pull funding and determine fair share for other development in area

BUILD Grant

Federal grant program, city and county joined forces to go after
Submitted in 2018 and made it to Interior secretary's desk and highly considered
City and county trying to plan for growth in this area to improve connectivity
Incentivizes private investment
Provides access to industrial lands in airport

Water and Sewer mains

16" main at south end of 44 Ranch
Dahse extend into Heron's Landing
Sewer in Mullan Road

Irrigation Ditch

We have met with irrigation ditch
No basements proposed along irrigation ditch
Monitoring groundwater now
Finish floor elevations along ditch will be above surface water of irrigation ditch
Question: how close will houses be to ditch
Ryan: Similar to 44 Ranch along Filly Lane

Question: non-connector street width

Ryan: 35' back to back

Question: bike path

Ryan: shift to north along Mullan Road

Question: doing in phases or all at once

Ryan: in phases but somewhat dependent on economy. 10 to 20 years

Question: Going to be a walking path for kids to go to Hellgate Elementary

Ryan: passionate goal of developer, Doug Resig phone today said gate is locked
private property

Question: phases start

Ryan: Cannon answer, coming into play water and sewer costs, conversations with
parks department, few options where we can start

Question: talked about connecting from herons to 44 at tenderfoot and riata over ditch, what will structure be

Ryan: culvert similar to what is under George Elmer, ditch company does not want
trash racks, 44 ranch roads designed to go over ditch

Question: intersection of Mullan and chuck wagon, proposed improvements, are those improvements fully funded,

Ryan: Yes Kevin Slovarp, 44 Ranch, this development, and impact fees

Question: costs for extra lanes not part of HOA fees or SID

Ryan: no MOU state and MDT, another with 44 ranch developer

Question: homeowners in areas not expect to see increased costs or taxes

Ryan: no conversations have been had

Question: some hope for George Elmer to Broadway bus service will exist at that point, central point on George Elmer for bus pickup Mountain Line

Ryan: agency comment and no conversations have been had for pickup

Question: Dirt road behind Flynn ranch, lawyer of owner told her to lock gate because of liability, if injury,

Question: who will manage acreage now, grass on 50 plus acres becomes fire hazard, Mike Flynn managed by dragging and cows,

Very big fire hazard concern,

Question: pathway to school you talked to Doug, do you know when there might be something,

Ryan: discussed in 2005 before 44 Ranch

Question: plans for Flynn road because with school a lot of congestion,

Ryan: goal of road grid master plan relieves

QUESTION: I'd like to know what Resig said about where all these kids will go to school, just approved bond students not in it now with a lot of development, where are all these kids going to go to school,

Ryan: 1500 students, new building up to 1800-2000 kids capacity, 300-500 additional capacity according to Resig

QUESTION: Chuck wagon comes down and 44 ranch estates now will stop sign onto Roundup.

Ryan: barricades on roundup drive



QUESTION: quite a few years ago planning promised houses surrounding 44 Ranch estates promised half acre lots against 44 ranch estates

Nick, half acre tracts up against 44 ranch estates,

Largest lots up against roundup, over ¼ acre

QUESTION: 9000 sf not ¼ acre

N correct good job

QUESTION: sign 44 ranch estates what happens

N talked to western hasn't been taken down yet

QUESTION: Improvements for left turn on to Mullan at Chuck wagon and George Elmer,

Ryan: left turn and right turn with traffic signal,

QUESTION: Chuck wagon come to Mullan with left and right, what slows traffic on Mullan to get onto Mullan

Ryan: no mitigation planned for that, build grant important to help alleviate congestion

QUESTION: Along same lines, with traffic light on GE and Mullan, flow of homes on west side to get to that point, consideration of traffic flow from west side to GE

Ryan: tough one slows down traffic, 44 wants traffic slow

QUESTION: about getting out of GE onto Mullan

QUESTION: light will be done when

Ryan: light is funded, warrant study being done now, results of warrant study unknown, it is a real possibility, Chuck wagon changes how much traffic uses George Elmer

QUESTION: so when you do that development they look like townhomes, 320 homes that will happen fast, with families and two cars, signal needs to happen before

Ryan: this subdivision cannot make a traffic signal happen but warrant determines when signal will happen

QUESTION: when looking at width study are they looking at traffic impacts of subdividing

Ryan: Herons doing its own study that will identify any mitigation necessary to contribute to impact fees

QUESTION: how will lots be sold, land home packages, or bought by builders

Ryan: individual builders, similar to 44 Ranch

QUESTION: you show a park and garden, is this the garden where people can buy a plot

Ryan: intent plot or garden

QUESTION: Park is there any seed money to give HOA to put in a swing

Ryan: no there is not will meet minimum for park area, building permits have park impact fee, developer does grass and irrigation, 44 ranch did hybrid with grass and some improvements, parks continues to look at playground equipment, no slosh fund for park improvements

QUESTION: for development and growth, irresponsible with 320 more homes hard enough now to get onto Mullan, how can city sit there and say we don't need a traffic signal.

Ryan: I appreciate input and hear traffic concerns, subdivision will be analyzed for mitigation

Nick, a lot of frustration getting out onto Mullan, lived on Mullan since 1984

Grid system road adopted prior to 44 Ranch

MDT will not allow

City and county have applied twice for build grant

That build grant will provide two more connections to Broadway

State of Montana, subject to state of Montana will not approve chuck wagon connection to Mullan road but MDT will not approve connection. Within skin of teeth of meeting warrant study, if you want that signal use George Elmer

QUESTION: light

N we cannot put in the light if we wanted to because state will not let us

QUESTION: my concern is safety, EMS, emergency we are trapped,

Nick: one reason for chuck wagon gives second way out, as 44 builds out west comes down shindig and back onto Mullan road with grid system two onto Broadway

QUESTION: you need more than Mullan road, 7:30-8 in the morning traffic is solid coming down Mullan Road, you need another outlet in another direction

Nick: that is a great comment thank you

QUESTION: Who can we CONTACT to express concerns?

Nick: England boulevard concern at start reserve to roundabout, traffic is not policed and

QUESTION: is it set in stone going to add parking on George Elmer?

Nick: parking creates a buffer between people on sidewalk and cars driving, in urban design keep lane widths but design with parking to buffer with parking

QUESTION: now you have like 500 cars going slower

Nick: I didn't say slower you make that decision, Hellgate Meadows slow because of street design

QUESTION: had ¾ of a road this winter

Nick: takes maintenance

QUESTION: going to add width to road

QUESTION: is this a done deal

Nick: no you have the opportunity to make feelings known at upcoming city council meetings

QUESTION: can we block this and we need to go to city council and block

Nick: that is your right and you should go

QUESTION: speed on George Elmer will it decrease from 45 to 35

Nick: we cannot say what city will want for speed

QUESTION: do you know when public meetings with city will be, Jenny Baker

Nick: meetings will be noticed and several months out

QUESTION: 4-5 home per acre how does that work with row houses

Nick: overall density makes up for row houses

QUESTION: you don't have any control over George Elmer connection to Broadway

Nick: we have as much control as anyone at local level

QUESTION: so England pushed through to connect to George Elmer, a lot of traffic

Nick: Here is another thing happening, City of Missoula meeting with people proposing development along Mary Jane to help bring street, traffic impact fee fund signal help

QUESTION: I don't understand math in 4-5 lots per acre when larger lots are under ¼ acre,

Nick: streets and parks make up for that

QUESTION: last map wrong on Tipperary, how address property line to west of west estates

Nick: will be surveyed to set line

QUESTION: England do you have an idea where will connect on GE

Nick: straight north on GE with a little curve

QUESTION: When is England connection happening

Nick: hoping July with build grant submittal, state of MT needs warrant levels to meet signal

QUESTION: parking along GE, does 44 ranch and Flynn ranch have control over existing neighborhoods

Nick: city engineer

QUESTION: know projected numbers of George Elmer, is it similar to Flynn or Mullan

Ryan: I envision like 39th with connection to Broadway

QUESTION: any idea when extension on England to 44 ranch

Nick: no idea when, if build grant happens yes soon, if not successful then there is not enough money

Heron's Landing Subdivision
June 12, 2019 - 7:00 - 8:30pm

SIGN-IN SHEET

NAME	EMAIL ADDRESS (Phone Optional)
Jennifer + Jared Barnard	ic3j@hotmail + jjbarnjenn@gmail
Heather Togni	htogni@yahoo.com
Geri Pursley	geri.pursley@yahoo.com
Kevin Brown	ruby7185@outlook.com
Will + Darwin Hingon	
Al Whippman	ahwipp34@gmail.com
Brittany Pullin	brittanymgreen@AOL.Com
Jenny Baker	jbaker@ci.missoula.mt.us
Kathia Becerra	mbecerra@ci-missoula.mt.us.

Heron's Landing Subdivision
June 12, 2019 - 7:00 - 8:30pm

SIGN-IN SHEET

NAME	EMAIL ADDRESS (Phone Optional)
Breanan Gale	bng54@hotmail.com
Joe & Barbara Thelen	406-370-0641
Joanne Marceau	jmarceau@mt.gov ⁴⁰⁶⁻⁵⁴⁶⁻³⁴⁶⁰
Denise Sandoz	SANDSF2012@gmail.com
Barb & Pat Mahoney	ipatmahoney@gmail.com
John & Art Timmerhoff	arthur.timmerhoff@gmail.com
Mike Britz	woodbritz@hotmail.com
Deb Ricco	rdricco1@aol.com
Bob & JoAnne Church	jobobchurch@gmail.com
Mike & Tina Nelson	4tina.nelson@gmail.com
Ed Johnson	406-396-9297
Lori Grimsley	Tori.grimsley@gmail.com
Eric & Lacey Miesen	meg1472@charlcr.net

Heron's Landing Subdivision
June 12, 2019 - 7:00 - 8:30pm

SIGN-IN SHEET

NAME	EMAIL ADDRESS (Phone Optional)
DAVE + JENNIFER ^{Hurley}	FROZETUNDRA@msn.com
Debby Winholm	dewi@montana.com
Tera Tackett	
Pat & Arlene Conway	arleneconway8@gmail.com
Steve Blecker	44REHOA@gmail.com
CHRIS RICHARD	chris@communicationses.com
Jessica Stonefield	jstonefield@hotmail.com
Rich Dombrowski	rdombrow@usa.com
JAMEY MAXWELL	JAMEY.MAXWELL@gmail.com
MEGAN MAXWELL	MEGANJMAX@yahoo.com
JACK & LOREE DARK	darksathome@msn.com
David & Tack	dtacke@gmail.com

Heron's Landing Subdivision
June 12, 2019 - 7:00 - 8:30pm

SIGN-IN SHEET

NAME	EMAIL ADDRESS (Phone Optional)
John + Susan Hancock	jhmslmt@yahoo.com
Patsy Hodges KARLEEN BOKIAN JOAN + ASTOR	patsyhodges4@gmail.com NONE
S H Pomeroy Esq.	spomeroymt3@gmail.com
Lisa HELEAN	5890 LARIAT Loop
John & Fran McDermott	5381 FILLIN LN N150 59808
Colleen Marks	coed1971@gmail.com
Mary Devlin	2584 Freedom Loop
Geraldine Curry	2504 Old Ranch Rd
BARB SIMONSEN	bunmr@msn.com
Marie Nyquist	2529 406-926-2358
Mavis Nyquist	Freedom Loop
Stephanie Neumayer	dszmjaka@gmail.com
Mike Wolf	mywolfap@aol.com

Join Us for a Neighborhood Meeting

Wednesday, June 12, 2019
7:00 - 8:30pm

Old Sanctuary of Crosspoint Community Church
7500 Mullan Road, Missoula, MT 59808

We are holding a neighborhood meeting to discuss plans for a new neighborhood at the property located south of the 44 Ranch and the Flynn Ranch subdivisions. The proposed development is on the east and west sides of George Elmer Drive.

Presentation by WGM Group followed by question/answer session.

*Questions or need accommodations?
Contact Ryan Salisbury
rsalisbury@wgmgroupp.com/406-728-4611*

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*Questions or need accommodations?
Contact Ryan Salisbury
rsalisbury@wgmgroupp.com/406-728-4611*

CARE OF

<u>GEOCODE</u>	<u>PROPERTY ADDRESS</u>	<u>PROPERTY OWNER</u>
04219912204550000	2428 LATIGO DR	MERIFIELD JAMES W TRUSTEE
04219912204310000	2428 SNAFFLE BIT WAY	POWERS LAURA
04219913103050000	2063 BELLEAUWOOD RD	CRAGO IVAN
04219912204330000	2420 SNAFFLE BIT WAY	BROWN GREGORY LEE JR
04219912208100000	2419 RIATA RD	SHERMAN BARRETT ALLYN
04219913201070000		SHELTER WEST INC
04219912208270000	5381 FILLY LN	MCDERMOTT JOHN K
04219913103060000	2021 BELLEAUWOOD RD	FISCHER JOSEPH L & LYNN H
04219912206190000	5241 FILLY LN	PASSUCCIO ROBERT B
04219912206070000	5119 FILLY LN	EDINGTON ROBYN A
04219912208170000	5382 FILLY LN	KING SAULOMON
04219912208120000	5330 FILLY LN	LOFTHOUSE TAMI LEE
04219912208180000	2420 TENDERFOOT WAY	ALONAS CHARLOTTE J
04219912206170000	5223 FILLY LN	MILLER JOHN JAY
04219912208250000	5357 FILLY LN	TRUMBLEY PAUL
04219912204110000	5242 FILLY LN	STETZNER TY
04219912206130000	5147 FILLY LN	SCOTT JAMES D
04219913103070000	1995 BELLEAUWOOD RD	EVANS ROBERT D JR
04219912206090000	5125 FILLY LN	NELSON MICHAEL G
04219913202020000	2095 ROUNDUP DR	BROWN KEVIN D
04219913102140000	4900 MULLAN RD	CHILCOTE DANIEL D TRUSTEE
04219913202010000	2055 ROUNDUP DR	FOSSEN BARBARA M
04219913103030000	2189 TIPPERARY WAY	VOSKOBOINIKOV ANATOLI N
04219913102160000	2215 TIPPERARY WAY	WOLF MICHAEL J
04219912208220000	5321 FILLY LN	CARNES JOHN V
04219913202030000	5795 LARIAT LOOP	DOMBROUSKI RICHARD P JR
04219912208150000	5360 FILLY LN	EDGEHILL BUILDING INC
04219912206050000	5111 FILLY LN	TIMMERHOFF ARTHUR
04219912208140000	5352 FILLY LN	GEIGER MATHEW N
04219912204410000	2427 LATIGO DR	THISTLE JENNIFER
04219912206150000	5203 FILLY LN	FRITZ BRAD A
04219912208260000	5369 FILLY LN	STRATFORD ENTERPRISES LLC
04219912204530000	2436 LATIGO DR	PORTER LEANN
04219912208110000	5320 FILLY LN	LABAR DON
04219912204070000	2426 RIATA RD	WILTFONG DAVID E
04219912208240000	5345 FILLY LN	HALE PATRICK D
04219912204370000	2411 LATIGO DR	JEC FAMILY LIMITED PARTNERSHIP
04219912204390000	2419 LATIGO DR	OZUNA JULENE M
04219913204150000	2417 SNAFFLE BIT WAY	MADONANI ALEC ANI J

04219912204170000	2425 SNAFFLE BIT WAY	MISSOULA, MT 59808	KALLAS MICHAEL D
04219912208480000	5432 FILLY LN	MISSOULA, MT 59808	HALE CHRIS E
04219912208380000	2413 HALF HITCH DR	MISSOULA, MT 59808	MCKEAMAN COLIN JOHN
04219912208370000	2405 HALF HITCH DR	MISSOULA, MT 59808	LARSON DAVID
04219912102655021	2450 OLD GLORY WAY	MISSOULA, MT 59808	MARKS EDWARD R
04219912208330000	5449 FILLY LN	MISSOULA, MT 59808	RITTER RUSSELL E
04219912208470000	5418 FILLY LN	MISSOULA, MT 59808	WIDHALM KEITH M
04219912208340000	5461 FILLY LN	MISSOULA, MT 59808	CALDWELL SCOTT
04219912208540000	2417 CHUCK WAGON DR	MISSOULA, MT 59808	GRASS VALLEY PROJECT LLC
04219912102655018	2434 OLD GLORY WAY	MISSOULA, MT 59808	RUNDLE TOBIAS P
04219912102655008	2433 OLD GLORY WAY	MISSOULA, MT 59808	LOUSEN ROBERT E
04219912102655016	2421 Old Ranch RD	Missoula, MT 59808	MCMILLAN JEREMY M
04219913203450000	5534 BRUMBY LN	MISSOULA, MT 59808	BOB MARTZ HOMES INC
04219912102655020	2447 Old Ranch RD	Missoula, MT 59808	HOWARD TIM SR
04219913203330000	5533 HEREFORD PL	MISSOULA, MT 59808	GRASS VALLEY PROJECT LLC
04219913203470000	5510 BRUMBY LN	MISSOULA, MT 59808	DENNY MARTZ HOMES INC
04219912208350000	5473 FILLY LN	MISSOULA, MT 59808	HURLEY DAVID L
04219913202050000	5790 LARIAT LOOP	MISSOULA, MT 59802	BOOTH RICHARD A TRUSTEE
04219913202040000	2185 ROUNDUP DR	MISSOULA, MT 59808	BLEECKER STEVEN M
04219912208310000	5429 FILLY LN	MISSOULA, MT 59808	DENTON JUSTIN C
04219912208360000	5485 FILLY LN	MISSOULA, MT 59808	DEPUYDT LINDSAY T
04219913203510000	5551 BRUMBY LN	MISSOULA, MT 59808	MARSHALL BRANDY
04219912102655015	2407 OLD GLORY WAY	MISSOULA, MT 59808	CONWAY PATRICK D
04219912102655009	2425 OLD GLORY WAY	MISSOULA, MT 59808	BARKER CARTER
04219912102655011	2409 OLD GLORY WAY	MISSOULA, MT 59808	MINEKE WENDY A
04219912102655019	2435 OLD GLORY WAY	MISSOULA, MT 59808	BROWN DEBORAH M
04219912102655010	2417 OLD GLORY WAY	MISSOULA, MT 59808	MARCEAU JOANNE
04219912102655014	2408 OLD GLORY WAY	MISSOULA, MT 59808	SEVERSON RONALD BRUCE
04219913204160000	2242 CHUCK WAGON DR	MISSOULA, MT 59808	GRASS VALLEY PROJECT LLC
04219913204170000	2414 CHUCK WAGON DR	MISSOULA, MT 59808	GRASS VALLEY PROJECT LLC
04219912206010000	2404 LATIGO DR	MISSOULA, MT 59808	MILES JOHN C
04219912208280000	2322 TENDERFOOT WAY	MISSOULA, MT 59808	IOANNIDES ARCHIE
04219913103020000	2193 TIPPERARY WAY	MISSOULA, MT 59808	STANDISH JENNIFER E
04219912208210000	5309 FILLY LN	MISSOULA, MT 59808	BURGAD TOMI
04219912206990000			GRASS VALLEY PROJECT LLC
04219913201020000	1775 COUNTRYSIDE CT	MISSOULA, MT 59802	FLYNN KATHRYN R FAMILY LTD PARTNERSHIP
04219913103010000	2201 TIPPERARY WAY	MISSOULA, MT 59802	JOHNSON EDWARD L
04219912206030000	5103 FILLY LN	MISSOULA, MT 59808	FOOTE ROBERT JR
04219912204130000	2409 SNAFFLE BIT WAY	MISSOULA, MT 59808	THOMAS MARK D
04219913208370000	5333 FULFILL LN	MISSOULA, MT 59808	MCDONALD CRYSTIANNE

Jordan Hess, Council M
ADEA Property Manage
Company
Attn: Gem Toussaint
Mike and Sue Flynn
Attn: Rollett Pruyn
Attn: Kory Mytty
Mary McCrea
Jenny Baker
captmullan@ci.missoula
mbecerra@ci.missoula
jhess@ci.missoula.mt.us
gem@adeapm.com

44 Ranch Homeowners Association

Hellgate Valley Irrigation Company
Windermere Real Estate
City of Missoula Development Services
City of Missoula Development Services
Captain John Mullan Neighborhood Council
Mirtha Becerra
Jordan Hess
Adea Property Mangement

Begin forwarded message:

From: Mary Maynard <bukomaynard@gmail.com>
Date: August 27, 2020 at 9:24:42 AM MDT
To: Steven & Rebekah Bleecker <srbleecker@gmail.com>
Cc: caps <caps@missoulacounty.us>, millerj <millerj@ci.missoula.mt.us>, "council@ci.missoula.mt.us" <council@ci.missoula.mt.us>, Mayor Staff <StaffM@ci.missoula.mt.us>, Kevin Slovarp <kslovarp@ci.missoula.mt.us>, Mike Haynes <HaynesM@ci.missoula.mt.us>, "degrandpred@ci.missoula.mt.us" <degrandpred@ci.missoula.mt.us>, "44 Ranch Estates Neighbors," <jjbarnjen@gmail.com>, "rsalisbury@wgmggroup.com" <rsalisbury@wgmggroup.com>, Alan Maynard <amaynard@summitbeverage.com>, Lisa Helean <lisahelean1@gmail.com>, RICHARD DOMBROUSKI <rdombrou@msn.com>, "engen@montana.com" <engen@montana.com>
Subject: Re: Heron's Landing

Please see attached email from Nick Kaufman dated May 11, 2005. This is the same information that Mr. Bleecker addressed. I wanted to lay the foundation for the statement which is in the form of Mr. Kaufman's email.

Mr. Kaufman was not forthcoming with the correct facts when he explained to the planning board that Mike Flynn would never allow him to agree to 1/2 acre lots (or two dwellings units per acre). The lots between Roundup and Chuck Wagon, which is on the west side of Heron's Landing, must be 1/2 acre lots.

Please provide this information to the planning board and the city council. What needs to be done to correct this wrong?

Thank you,

Mary Maynard

RICHARD DOMBROUSKI

From: "Rich Dombrowski" <rdombrou@maximusa.com>
To: <rdombrou@msn.com>
Sent: Wednesday, May 11, 2005 9:03 AM
Subject: FW: 44 Ranch

-----Original Message-----

From: Nick Kaufman [mailto:NKaufman@wgmgroup.com]
 Sent: Wednesday, May 11, 2005 8:55 AM
 To: sking@ci.missoula.mt.us; dmccormi@co.missoula.mt.us; engen@montana.com
 Cc: rick@ricksautobodymissoula.com; rdombrou@maximusa.com; kwmytty@shelter-west.com
 Subject: 44 Ranch

John Engan, Chairman, PAZ, Steve King, Dale McCormick, Rick and Richard,

Since the hearing Monday evening, we have been working hard to accommodate some of the concerns raised. Here are our thoughts:

Mike Flynn, and his sisters have agreed to provide right-of-way for a new collector road east of and parallel to Roundup Drive. The land is in the sole ownership of the K. R. Flynn Family Limited Partnership. This concession is made on the condition that the proposed subdivision is approved and Shelter West constructs the new road. The new road would have a bit of a curvilinear alignment to allow two rows of lots between Roundup Drive and the new collector. Lots adjacent to Roundup Drive, on the west would, of course, meet the density requirement of two dwelling units per acre. This new alignment would have to receive approval from the appropriate reviewing agencies.

In addition, we will be increasing the minimum lot size in the zoning, and on the plat, to a minimum lot size of 4,400 square feet. This is an

increase in the minimum lot size of 10%.

The suggestion was to make the lots 5,400 square feet. There are 75.38 acres of lotted area. There are 545 lots. Thus, the average lot size just over 6,000 square feet as the plat is currently proposed.

We will still phase the project from the east to the west so that the existing homes in 44 Ranch Estates will not have any development adjacent to them until the latest phases on the project, if the entire project can be approved.

Thank you for your consideration.

Kevin and Nick

5/11/2005

Page 36 of 131

From: Steven & Rebekah Bleecker <srbleecker@gmail.com>
Sent: Wednesday, August 26, 2020 9:51 PM
To: caps <caps@missoulacounty.us>; millerj <millerj@ci.missoula.mt.us>; council@ci.missoula.mt.us; Mayor Staff <StaffM@ci.missoula.mt.us>; Kevin Slovarp <kslovarp@ci.missoula.mt.us>; Mike Haynes <HaynesM@ci.missoula.mt.us>; degrandpred@ci.missoula.mt.us
Cc: Mary Maynard <bukomaynard@gmail.com>; 44 Ranch Estates Neighbors, <jjbarnjen@gmail.com>; rsalisbury@wgmggroup.com; Alan Maynard <amaynard@summitbeverage.com>; Lisa Helean <lisahelean1@gmail.com>; RICHARD DOMBROUSKI <RDOMBROU@msn.com>
Subject: Re: Heron's Landing

City/County Officials,

I too question points of information presented however think it's important to clarify, we recognize that WGM is a private company acting as planner and owners representative, not in a governing capacity.

It is the responsibility of our local planners and governing bodies to review previous conditions of approval and commitments made by them, not only by WGM.

I echo and have reattached the comment made on the engagemissoula page by our neighbor Rich recounting the 2005 legal protest. Rather than paraphrasing, I encourage you to review and vet the information presented.

I'm sure everyone on this thread prefers to avoid legal action. We ask that our claim is reviewed and if sound, responded to in kind.

Q

In 2005 the existing neighborhood of 44 Ranch Estates filed a legal protest with The Missoula County Office of planning and grants with respect to the planned development of the Ranch development surrounding our neighborhood. After many hours and meetings with the County planning and zoning concessions were agreed to limit density around our existing development to two houses per acre and establishing Chuck Wagon Drive as a collector street to carry traffic in the future. With these agreed changes the protest was lifted and approval granted for the subdivision to move forward. A letter signed by WGM, M Nick Kaufman dated May 11, 2005 summarized these points and again stated that only 2 dwelling units per acre will be built adjacent Roundup Drive. In review of the Herons Lane plat map the lots adjacent to Roundup Drive on the east side of roadway are only 8900 square feet or less than the half acre size stipulated in the past agreement with the County planning



I appreciate your thoughtful consideration.

Thank you in advance,

Steve Bleecker
2185 Roundup Dr
406-360-3862

Sent from my iPhone

On Aug 26, 2020, at 4:24 PM, Mary Maynard <bukomaynard@gmail.com> wrote:

Please forward this email to all planning board members. Thank you.

On August 18, 2020 a planning board meeting was held regarding Heron's Landing. During the meeting and public comment there were comments concerning 1/2 acre lots surrounding 44 Ranch Estates (which are all 1 acre lots). A few board members asked Nick Kaufman why the residence of 44 Ranch Estate thought 1/2 acre lots were a condition for the surrounding subdivisions. Mr. Kaufman was dishonest and stated he would **never** tell the residents of 44 Ranch Estates that they would be surrounded by 1/2 acre lots. The board approved the subdivision under misinformation.

Please see attached Meeting Record from June 12, 2019, page 5. Nick states "half acre tracts up against 44 Ranch Estates."

There are a number of meeting minutes and letters from WGM that state 1/2 acre lots will surround 44 Ranch Estates. At every meeting that Nick Kaufman and WGM attended with the residents of 44 Ranch Estate it was stated that 1/2 lots would surround 44 Ranch Estates.

If you would like me to locate other meeting minutes where it was a condition to approve the subdivisions, that 44 Ranch Estate would be surrounded by 1/2 acre lots, I can obtain them. Or, maybe Mr. Kaufman can provide them to you as he stated he could during the board meeting.

Therefore, the planning board approved this subdivision with misinformation provided by Mr. Kaufman, and the lots next to 44 Ranch Estates are not 1/2 acres.

Can you please let me know what can be done at this point?

Thank you. I appreciate your willingness to address this issue.

Mary Maynard
44 Ranch Estates

On Wed, Aug 26, 2020 at 4:06 PM Mary Maynard <bukomaynard@gmail.com> wrote:

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Mary Maynard
44 Ranch Estates

<Meeting Minutes June 12, 2019.pdf>

E X E C U T I V E S U M M A R Y

CASE PLANNER: Matt Heimel, AICP

REVIEWED AND APPROVED BY: Tim Worley

PUBLIC HEARING DATES: PB: September 1, 2020
BCC: September 24, 2020

AGENDA ITEM: **3705 Highway 200 E Rezoning**

APPLICANT / FEE OWNER: Tri East, Inc.
P.O. Box 2758
Missoula, MT 59806

REPRESENTATIVE: Paul Forsting, IMEG Corp.

LOCATION: 3705 Highway 200 E, East Missoula

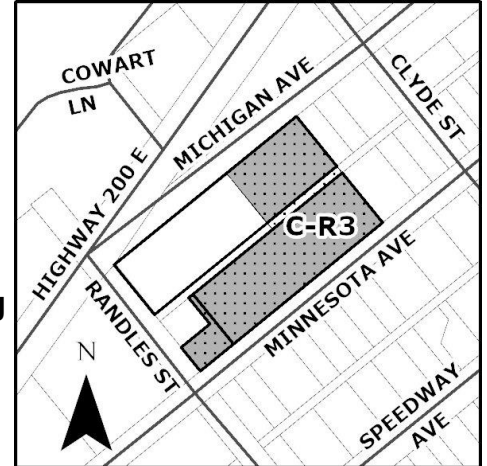
LEGAL DESCRIPTION: Lots 5-11 and Lots 16-26, Block 19, East Missoula Addition, Section 24, Township 13 North, Range 19 West, P.M.M., Missoula County, Montana

LEGAL NOTICE: The legal ad was published in the *Missoulian* on August 16 and 23, 2020. Six posters were placed along an alley adjacent to the property on August 10, 2020. Adjacent property owners within 300 feet of the site were notified by mail on August 12, 2020.

ZONING DESIGNATION: Current: C-R3 (Residential) & Canyon Gates/Ole's Planned Variation
Proposed: C-C1 (Neighborhood Commercial)

GROWTH POLICY: Neighborhood Center, Missoula Area Land Use Element (2019)

RECOMMENDATION: **THAT** the zoning request be **approved**.



Surrounding Land Uses

North: Highway / Commercial

South: Residential

East: Residential

West: Commercial

Surrounding Zoning

C-C2 General Commercial

Unzoned

C-C2 General Commercial

C-C2 General Commercial

MISSOULA CONSOLIDATED PLANNING BOARD
3705 Highway 200 E
C-R3 & Canyon Gate/Ole's Planned Variation to C-C1 Neighborhood Commercial
September 1, 2020

I. RECOMMENDED MOTIONS

THAT the request for zoning the lots zoned C-R3 Residential with the Canyon Gates/Ole's Planned Variation to the C-C1 Neighborhood Commercial Zoning District 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 Lots 5-11 and Lots 16-26, Block 19, East Missoula Addition, Section 24, Township 13 North, Range 19 West, P.M.M., Missoula County, Montana.

II. INTRODUCTION

Tri-East, Inc., represented by Paul Forsting with IMEG, proposes to rezone the properties addressed as 3705 Highway 200 E, legally described Lots 5-11 and Lots 16-26 of Block 19 in the East Missoula Addition, in Section 24, Township 13 North, Range 19 West. The approximately 2.3 acres are currently zoned C-R3 Residential with the Canyon Gates/Ole's Planned Variation.

The applicant is proposing to zone the property C-C1, Neighborhood Commercial. The intent of the C-C1 Zoning District is to provide convenience shopping for a limited neighborhood market which involves retail enterprises dispensing commodities and providing personal or professional services to the individual.

The applicant intends to utilize the property for commercial use, and the anticipated commercial use is storage. The applicant is proposing a commercial zoning designation to allow for this use and to also comply with the Neighborhood Center land use designation of the Growth Policy.

III. REZONING REVIEW CRITERIA

Findings of Fact:

General Site Geography and Characteristics

1. The subject property is surrounded by uses that include residential and commercial. Michigan Avenue borders the property to the northwest, Randle Street borders the property to the west, and Minnesota Avenue borders the property along the southeast boundary.
2. The surrounding properties have been developed with a mix of uses from commercial to residential and paved parking areas.
3. The proposed rezoning would apply to property that fronts roads classified as local streets.
4. There are no pedestrian paths adjacent to the property.
5. The site is currently developed with a paved parking area associated with an adjacent service station and casino owned by the applicant.
6. On August 27, 2011, the Board of County Commissioners approved a proposal to rezone the subject properties from C-C2 General Commercial to C-R3 Residential with the Canyon Gate Planned Variation. The intent of the Canyon Gate Planned Variation is to provide attached housing units, with standards intended to provide adequate yard and building areas and promote an aesthetic neighborhood quality, while allowing attached housing units.
7. The site is located within the Air Stagnation Zone.
8. The site is located within the East Missoula Rural Fire District. The closest East Missoula Rural Fire Station is located approximately 0.3 miles away from the property.
9. The property is within the boundaries for East Missoula Sewer. Sewer is provided by the City of Missoula with delayed annexation for the area.
10. Zoning compliance review has requirements for safety, visibility, off-street parking, loading, driveways and access requirements, pedestrian movement, sidewalks and safety, lighting, landscaping, and grading and drainage plans. Any structure built on the property will be subject to zoning compliance review.
11. As a component of zoning compliance review, grading, drainage, and erosion control shall be reviewed by County Public Works. The purpose of this review is to ensure that site grading and the control of storm water runoff, both quantity and quality, comply with Missoula County Standards.
12. The site is outside of any FEMA mapped floodplain and is not within a 1-mile buffer area from a Zone-A designated floodplain area.
13. The Missoula County Sheriff's Department responds to calls in this area from the West Broadway location approximately 3.6 road miles away.

Growth Policy

14. The applicable land use plan is the Missoula Area Land Use Element (2019), an amendment to the Missoula County Growth Policy (2016).
15. The Land Use Element designates this property as Neighborhood Center and recommends land uses with a mix of residential, neighborhood services, offices, retail, and institutional uses.

16. The Land Use Element recommends a range of building sizes from small (1,000 square feet) to anchor size (45,000 square feet).
17. A maximum of eight residential dwelling units per acre is recommended per the Land Use Element, requiring connections to public sewer and water. The ability to achieve higher densities may be limited by site considerations, such as lot size, setbacks, floodplain, and slope.
18. The Growth Policy states that “zoning should reflect the pattern of development set forth on the Land Use Designation Map.” It further notes that zoning need not be a replica of the plan, however it should assist in carrying out the goals of the plan.

Missoula County Zoning District C-C1 Neighborhood Commercial

19. The Missoula County Zoning Regulations were adopted by the Board of County Commissioners on July 13, 1976 and most recently amended on April 11, 2017.
20. The purposes identified in the general provisions of the Zoning Regulations identify key issues such as health, safety, infrastructure, consistency and innovation through land development.
21. The intent of the C-C1 Zoning District is provide convenience shopping for a limited neighborhood market which involves retail enterprises dispensing commodities and providing personal or professional services to the individual. The uses should be both at the same intensity level and in the architectural scale of the neighborhood which they serve. Such developments should be clustered to provide centers of commercial activity which will effectively serve adjacent neighborhoods.
22. The site is currently zoned C-R3 with the Canyon Gates/Ole’s Planned Variation.
23. The proposal would zone the site to C-C1 from its current zoning designation.
24. Permitted uses in the C-C1 Zoning District include Retail trade and service, with a maximum floor area of 3,500 square feet and no outdoor storage or display; personal services; single-family dwellings (mobile homes constructed prior to June 15, 1976, must be placed on a minimum of 5 acres with 50’ front, rear, and side setbacks; two family dwellings; Commercial and residential facilities serving 8 or fewer persons; Day care centers; Boarding houses; Private lodges or fraternal organizations; Agricultural, including any and all structures or buildings needed to pursue such activities; Open space land; Accessory buildings and uses.
25. Conditional uses in the C-C1 Zoning District include Residential and commercial mini-warehouses; Professional, business, and government offices; Repair services, except automotive repair; Eating establishments, except drive-in and drive-through restaurant establishments; Home occupations; Day care centers; Community residential facilities serving 9 or more persons; long-term care facilities; Multiple-family dwellings; and Seasonal commercial and temporary uses.
26. Special Exception uses identified in the C-C1 Zoning District include Service Stations; Retail trades and services, with outdoor display or storage; Public and quasi-public buildings and uses; and Public utilities.
27. The proposed zoning will change development standards for setbacks, building height, and lot area and width
28. Development standards for parking, signage, landscaping, and other design aspects relative to the development proposal will remain unchanged.
29. The zoning regulations establish procedures for addressing future modification and development.

Agency and Neighborhood Comments

30. The Montana Department of Transportation, Missoula County Clerk and Recorder Office, and Floodplain Administrator stated they had no comments or concerns with the request.
31. The Water Quality District commented that they have no objection to the proposal, and that drainage should be managed by infiltration. Storm Water Injection Wells should work in the type of geology though shallow infiltration.
32. CAPS staff contacted the Water Quality District and confirmed that no special conditions or stipulations need to be added to the proposed rezoning to ensure adequate drainage for future development. The standard Missoula County building permitting process will route any development proposal for the appropriate drainage review.
33. The Missoula City-County Health Department commented that they had no concerns with the proposal and that the project is served by contract sewer and will continue to be.
34. As of August 21, 2020, Community and Planning Services had received one comment letter of support from a neighboring property owner. No other public comments have been received as of distribution of this staff report to the Planning Board.

Conclusions of Law:

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

1b. Whether the use sought would enhance and promote the development of the immediate neighborhood as outlined in the comprehensive plan;

1c. Whether the use conforms generally to the objectives of the adopted comprehensive plan and to the purpose of this Resolution;

1d. Whether the zoning is compatible with the zoning ordinances of nearby municipalities;

- 1a. The proposed rezoning is compatible with the Missoula Area Land Use Element (2019) and the Missoula County Growth Policy (2016), which designate this property as Neighborhood Center.
- 1b. The uses and density permitted in the C-C1 Zoning District lay the framework for development and allow for opportunities identified in the comprehensive plan.
- 1c. The intended use and potential permitted uses in the C-C1 Zoning District conform to the objectives of the Land Use Element and intent of the zoning regulations.
- 1d. The proposed rezoning takes into consideration the context of the area, the adjacent land uses, and has standards that are compatible with Missoula County Zoning Regulations. City of Missoula zoning districts B3, C1, and C2 are comparable districts in term of use and density to the C-C1 County Zoning proposed.

2a. Whether the zoning is designed to secure safety from fire and other dangers;

2b. Whether the zoning is designed to promote public health, public safety and the general welfare;

2c. Whether the zoning provides adequate light and air;

2d. Whether the use will not adversely affect nearby properties or their occupants;

- 2a. The zoning will secure safety from fire and other dangers based on emergency response, zoning restrictions, and site infrastructure.
- 2b. The zoning is designed to promote the public health, public safety, and the general welfare of the neighborhood based on the ability to provide a level of predictability to the site and development standards based on the proposed zoning.
- 2c. The proposed rezoning will provide density, lot area, building height and setback restrictions that allow adequate light and air between buildings.
- 2d. The potential uses that are allowed in the C-C1 Zoning District will not adversely affect nearby properties or their occupants in a more intense manner than what could be developed on unzoned property.

3a. Whether the zoning considers the promotion of compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

3b. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

3c. Whether the zoning considers the effect on motorized and non-motorized transportation systems;

3d. Whether the zoning considers the availability of public utilities and services;

- 3a. The zoning considers and promotes compatible growth in East Missoula that has a concentration of commercial and higher density residential development.
- 3b. The proposed zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- 3c. The proposed zoning will have no adverse effect on the motorized or non-motorized transportation system.
- 3d. Public utilities and services are not anticipated to be negatively affected by the proposal.

4a. Whether the zoning considers the character of the district and its peculiar suitability for particular uses;

4b. Whether the zoning considers the location, character and natural features of the property and surrounding properties;

4c. Whether the zoning considers vegetation, topography, and natural drainage;

4d. Whether the use meets overall density, yard, height, and other requirements of the zone in which it is located;

- 4a. The proposed zoning matches the character of the district and its peculiar suitability for particular uses.
- 4b. The proposed zoning considers the location, character, and natural features of this and surrounding properties by maintaining a development character with commercial use appropriate for the East Missoula area and adjacent to transportation thoroughfares.
- 4c. Neighborhood commercial zoning is well suited for the current topography.
- 4d. Any new use proposed will be required to meet the overall density, yard, height, and other requirements of the zoning district at time of Zoning Compliance Permit submittal.

5a. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area;

5b. Whether the zoning considers non-economic situations which prevent the utilization of the property for the full range of uses allowed in that zone;

5c. Whether the zoning considers site plan design amenities intended to promote the appearance of the proposed use and mitigate adverse neighborhood impacts, including but not limited to landscaping, fencing, screening, access, parking, pedestrian circulation, signs and lighting;

- 5a. The proposed zoning is expected to maintain the existing value of buildings and the surrounding area. The zoning proposes uses that are consistent with the lot size and location. The zoning promotes development as outlined in the Growth Policy and the Land Use Element.
- 5b. The proposed zoning will allow predictable development of the approximately 2.3-acre combined lots.
- 5c. Required landscaping, lighting, screening, parking review, and pedestrian circulation will be addressed with Zoning Compliance Permit review. Mitigation of impacts will exceed what was required prior to the zoning.

6a. Whether the zoning considers expressed public opinion on the above consideration;

6b. Whether the zoning considers recommendations of the Zoning Officer.

- 6a. Noticing was sent to all property owners within 300 feet of the property and agencies potentially affected by the rezoning. The property was posted in six locations 45 days prior to the Planning Board hearing. No objections to the proposal have been received.
- 6b. The Zoning Officer recommends approval of the rezoning request.

IV. AGENCY COMMENT

COUNTY PUBLIC WORKS DEPARTMENT:	No comments received
EAST MISSOULA RURAL FIRE DISTRICT:	No comments received
HEALTH DEPARTMENT:	"No comment from Health on this one. Looks like the property is served by contract sewer and would continue to be."
WATER QUALITY DISTRICT:	"The District has no objection to the proposal. Drainage should be managed by infiltration. Storm Water Injection Wells should work in this type of geology though shallow infiltration"
SHERIFF'S DEPARTMENT:	No comments received
COUNTY WEED DISTRICT:	No comments received
BOARD OF COUNTY COMMISSIONERS:	No comments received
MONTANA DEPARTMENT OF TRANSPORTATION:	"No comments or concerns with the proposal"
MONTANA FISH, WILDLIFE AND PARKS:	No comments received
MISSOULA COUNTY PARKS:	No comments received
MISSOULA COUNTY FLOODPLAIN:	No comments on this zoning request
CLERK AND RECORDER:	"No concerns about the proposed request."

V. ATTACHMENTS:

- A. C-C1 Zoning Regulations
- B. Zoning Application
- C. Public Comments

July 20, 2020

Community and Planning Services
Attn: Matt Heimel, AICP
127 E. Main, Suite #2
Missoula, MT 59802

RE: East Missoula Rezone Application – Updated Application

Dear Matt,

Please find attached rezone application prepared on behalf of Tri-East, LLC. The applicant is requesting to revise the zoning of the property from C-R3 to C-C1. The proposed zoning designation is consistent with the comprehensive plan and they are similar in use to properties located in the immediate neighborhood. This consistency will enhance and promote the development of the neighborhood.

The following items have been included as a part of our submittal:

1. *Zoning Map*
2. *Rezone Application*
3. *Vicinity Map*
4. *Zoning Map*
5. *Aerial Photo*
6. *Comprehensive Plan Map*
7. *Certificate of Survey 5877*

If you have any questions, please feel free to contact me at (406) 721-0142 or paul.T.Forsting@IMEGCORP.com.

Sincerely,
Territorial-Landworks, Inc.

Paul Forsting, AICP

Enclosures: As note in the above Text

C. File & Scan (with attachments)

O:\Missoula\TLI\Projects\1_ACTIVE FILES\2019 Projects\5547 - Brian Walker East Missoula Ole's Mini Storage\4_PLANNING\Updated Rezone Application\ltr.2020-07-20.Rezone Submittal Update.docx



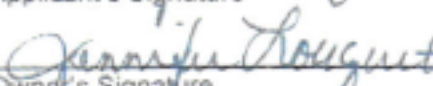



COUNTY REZONE APPLICATION



A. GENERAL INFORMATION

1. One submittal packet is required for Completeness/Sufficiency Review.
2. Once the application is deemed complete by CAPS, 18 submittal packets and the application fee shall be submitted. The packets submitted for governing body review must be exactly the same as the packet that was deemed complete.
3. Name of proposed Rezone: **East Missoula Rezone**
4. Name(s) of Applicant: **Tri-East, Inc.**
Mailing Address: **Send to Representative**
Telephone Number: **Contact Representative**
Email Address: **Forward to Representative**
5. Name(s) of Owner of Record: **Tri-East, Inc.**
Mailing Address: **P.O. Box 2758 Missoula MT 59806-2758**
Telephone Number: **Contact Representative**
Email Address: **Forward to Representative**
6. Name and Company of Representative: **IMEG Corp. c/o Paul Forsting**
Mailing Address: **1817 South Ave West, Suite A, Missoula, MT 59801**
Telephone Number: **406-721-0142**
Email Address: **paul.t.forsting@IMEGcorp.com**
7. If the applicant is someone other than the property owner, the owner must also sign the application in the space provided below. **The property owner and applicant have both signed this application.**

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
 Owner's Signature	 Date
 Representative's Signature	 Date

B. SUBJECT PROPERTY INFORMATION

General location of subject property and address (if address has been assigned): **Located directly adjacent to the north of Randle Street, southeast of Michigan Avenue, and to the northwest of Minnesota Avenue in East Missoula, Montana. The subject property has a physical property address of 3705 Highway 200 E., East Missoula, MT 59802.**

Legal Description - complete and unabbreviated: **Lots 5-11 and Lots 16-26, Block 19, in the East Missoula Addition, Located in Section 24, Township 13North, Range 19 West, Principal Meridian Montana, Missoula County, Montana**

Township, Range, Section(s): **Township 13 North, Range 19 West, Section 24**

Subdivision, Lot(s), Block(s): **East Missoula Addition, Lots 5-11 and Lots 16-26, Block 19**

Tract(s), COS#: **Not Applicable**

Bearings & Distances Descriptions (if boundaries of proposed rezone are not exactly the same as the boundaries of the property legally described above): **Not applicable (see legal description).**

Geocode: **04-2200-24-1-28-01-0000 and 04-2200-24-1-28-17-0000**

C. ZONING AND GROWTH POLICY INFORMATION

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

	Zoning	Current Land Use
Adjacent (North)	C-C2	Undeveloped Parking Area
Adjacent (South)	C-C2 & Unzoned	Residential
Adjacent (East)	C-C2 & Unzoned	Residential
Adjacent (West)	C-C2	Commercial Uses

2. What is the current zoning of the property? **The current zoning of the property is zoned C-R3 with the Canyon Gates/Oles Planned Variation zoning overlay.**

3. What is the requested zoning for the property? **The applicant is requesting the C-C1 designation for the property.**

4. What is the applicable comprehensive plan and land use designation for the property? **The 2019 Missoula Area Land Use Element land use designations for this property is Neighborhood Center.**

5. What is the intended use for the property? **The applicant intends to utilize the property for commercial use. The anticipated commercial use is storage.**

D. RESPONSES TO REVIEW CRITERIA REQUIRED BY STATE LAW & THE MISSOULA COUNTY ZONING RESOLUTION

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

1a. Whether the zoning is made in accordance with a growth policy; **The proposed zoning designations are made in accordance with the growth policy. The 2019 Missoula Area Land Use Element land use description for neighborhood centers states one of the goals is for "...providing opportunities for retail, service, and employment." This rezone will permit the applicant to develop a use that will provide an important service to the area. This use will also create employment opportunities. In addition, the rezone will provide the applicant with a uniform zoning for his properties. These properties can then be developed for storage facilities.**

This is consistent with the following neighborhood commercial growth policy goal to “Accommodate higher intensity residential choices that contribute to countywide housing diversity.” Storage facilities are being constructed to compliment Missoula’s influx of high density development. These developments are typically in the form of apartments with limited garage and/or storage spaces. The success of Missoula’s apartments can be linked to the availability of storage.

1b. Whether the use sought would enhance and promote the development of the immediate neighborhood as outlined in the comprehensive plan; **The proposed commercial zoning designation will be directly adjacent to existing commercial properties. These properties share the same neighborhood center recommended land use designation assigned in the 2019 Missoula Area Land Use Element map.**

The proposed zoning designations are consistent with the comprehensive plan and they are similar in use to properties located in the immediate neighborhood. This consistency will enhance and promote the development of the neighborhood.

1c. Whether the use conforms generally to the objectives of the adopted comprehensive plan and to the purpose of this Resolution; **The 2016 Missoula County Growth Policy includes a statement to “Promote economic development that creates opportunities throughout Missoula County including people living and working in rural communities and across wage levels”. The policy lists supporting local businesses and facilitating well-designed commercial and industrial development as objectives that will support this goal. Rezoning this property to permit commercial use will provide economic development for the county’s workforce. It will increase the commercial land base which can be utilized by local businesses and it will facilitate well-designed commercial development in a location that is recommended as a neighborhood center by the 2019 Missoula Area Land Use Element map.**

1d. Whether the zoning is compatible with the zoning ordinances of nearby municipalities; **The proposed zoning appears to be compatible with the zoning ordinances of nearby municipalities. It is worth noting that the City of Missoula and Missoula County have distinctly different zoning documents. We understand the county has a goal of adjusting their zoning to be more compatible with the city’s zoning. During this adjustment/revision phase, the county will revise its zoning districts to be closer aligned with the city’s zoning districts. If this property is rezoned, it will be within a zoning district that is likely to change during this transition.**

2a. Whether the zoning is designed to secure safety from fire and other dangers; **The proposed rezone is designed to secure safety from fire and other dangers. The Missoula County Sheriff’s Office includes this area and the Missoula Rural Fire District provides services to this area. To secure safety from fire, the proposed buildings on these lots will comply with the fire specific safety standards that will be imposed at the building permit review phase. This will ensure ingress and egress to the site conforms to the Missoula Rural Fire District requirements. It will also guarantee that site/building specific fire suppression methods are incorporated into all applicable building designs. The properties are also located close to Highway 200 so quick response time for emergency personnel to arrive at the property will also secure safety from fire and other dangers. The future development on the property will be designed in a way to secure safety from fire and other dangers.**

2b. Whether the zoning is designed to promote public health, public safety and the general welfare; **The proposed rezone is designed to promote public health, safety, and the general welfare on the properties to be rezoned. The property is located near the City of Missoula limits, which provides multiple commercial services and conveniences that promote the general welfare of members of the community. The property is also located near emergency services that provide quick emergency response times as well as quick access and transportation to the hospitals in**

Missoula. This convenient access promotes public health and public safety for future members of the community.

2c. Whether the zoning provides adequate light and air; **The proposed zoning provides adequate light and air. The proposed zoning is consistent with the existing zoning of the surrounding properties. The zoning of the surrounding area has provided sufficient provisions for adequate light and air.**

2d. Whether the use will not adversely affect nearby properties or their occupants; **The proposed rezone will not adversely affect nearby properties or their occupants. The requested C-C1 zoning is a less intense designation than the adjacent C-C2 designation. The C-C2 designation is the zoning that the county established for the East Missoula Highway 200 commercial properties. These C-C2 zoned commercial properties are adjacent to the residential areas throughout this area. This is a common zoning transition that the county has implement for its mixed commercial and residential areas.**

3a. Whether the zoning considers the promotion of compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities; **The proposed rezone request will continue the promotion of compatible urban growth in the Missoula community. The subject property is located adjacent to existing commercial properties, and within walking distance of several additional commercial businesses. The proposed rezone of the property is compatible with this character of the area. The close proximity of the adjacent commercial services makes this property an ideal location for development.**

3b. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; **The zoning is designed to facilitate the adequate provision of transportation, water, sewerage, and other public requirements. This project is non-residential so provisions for parks and schools have limited applicability. Highway 200 is a main transportation corridor that will facilitate efficient and adequate travel opportunities for future users of the commercial property.**

To facilitate the adequate provision of other public requirements, the property is also located within close proximity to commercial services that will serve this property. The close proximity to these services will be a benefit to the development.

3c. Whether the zoning considers the effect on motorized and non-motorized transportation systems; **The proposed zoning for this property considers the effect on both motorized and non-motorized transportation systems. The project site is located directly adjacent to Highway 200. This highway is a main transportation corridor that will facilitate efficient and adequate travel opportunities for future users of the commercial property. There are no adjacent trail or sidewalk networks for this project to connect with.**

3d. Whether the zoning considers the availability of public utilities and services; **The property is served by several of Missoula's community services and public utilities. These include fire protection, emergency services, water, sewer financial services, garbage, internet, power, gas, cable, and phone services.**

4a. Whether the zoning considers the character of the district and its peculiar suitability for particular uses; **The proposed zoning is suitable for commercial uses and the rezone is in accordance with the character of the district. There are commercial properties located within the zoning district. The proposed commercial use of the properties is not peculiar. The project is in close proximity to similar uses and the character is consistent with the district.**

4b. Whether the zoning considers the location, character and natural features of the property and

surrounding properties; **The proposed zoning considers the location, character and natural features on the property and surrounding properties. As described in detail above, the location for commercial has been proposed as the properties are near multiple commercial services.**

4c. Whether the zoning considers vegetation, topography, and natural drainage; **The proposed zoning considers vegetation, topography, and natural drainage. The development of the property aims to take advantage of the existing topography while improving the site's drainage conditions. The site has very limited vegetation. There appear to be a couple trees and grasses along the properties northeast boundary. This appears to be vegetation from the adjacent residential properties.**

4d. Whether the use meets overall density, yard, height, and other requirements of the zone in which it is located; **The proposed zoning meets the overall density, yard, height, and other requirements of the zone in which it is located. The property is currently zoned with a designation that would allow multifamily housing a "permitted use" whereas commercial uses are listed as "conditional uses." The applicant would like to develop the site with a commercial use so the C-C1 zoning is a better fit for the property.**

5a. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area; **The proposed zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area. The rezone of this property will encourage development and will promote community growth while utilizing the multiple existing services already provided in the area. The adjacent highway network will be utilized and the proposed use will provide high quality, new commercial construction. The proposed commercial use will fit with the existing commercial uses in the area, accommodating the most appropriate use of the land. The close proximity of the existing adjacent commercial services to this proposed rezone also encourages the most appropriate use of this land.**

5b. Whether the zoning considers non-economic situations which prevent the utilization of the property for the full range of uses allowed in that zone; **The proposed zoning considers non-economic situations which prevent utilization of the property for the full range of uses allowed in that zone. The proposed rezone will modify the permitted uses for the property which are consist with existing use of the adjacent properties.**

5c. Whether the zoning considers site plan design amenities intended to promote the appearance of the proposed use and mitigate adverse neighborhood impacts, including but not limited to: landscaping, fencing, screening, access, parking, pedestrian circulation, signs and lighting; **This area has not been developed with traditional neighborhood amenities as it is non-residential. Design amenities intended to promote the appearance of the proposed use and mitigate any adverse neighborhood impacts will be developed if this rezone is approved.**

6a. Whether the zoning considers expressed public opinion on the above consideration; **At the time this application is being prepared, public comments have not yet been solicited. We will be mindful of public opinion and are interested in reviewing and addressing comments as they are received.**

6b. Whether the zoning considers recommendations of the Zoning Officer. **We have endeavored to put together a thorough application so as to address recommendations from the Zoning Officer.**

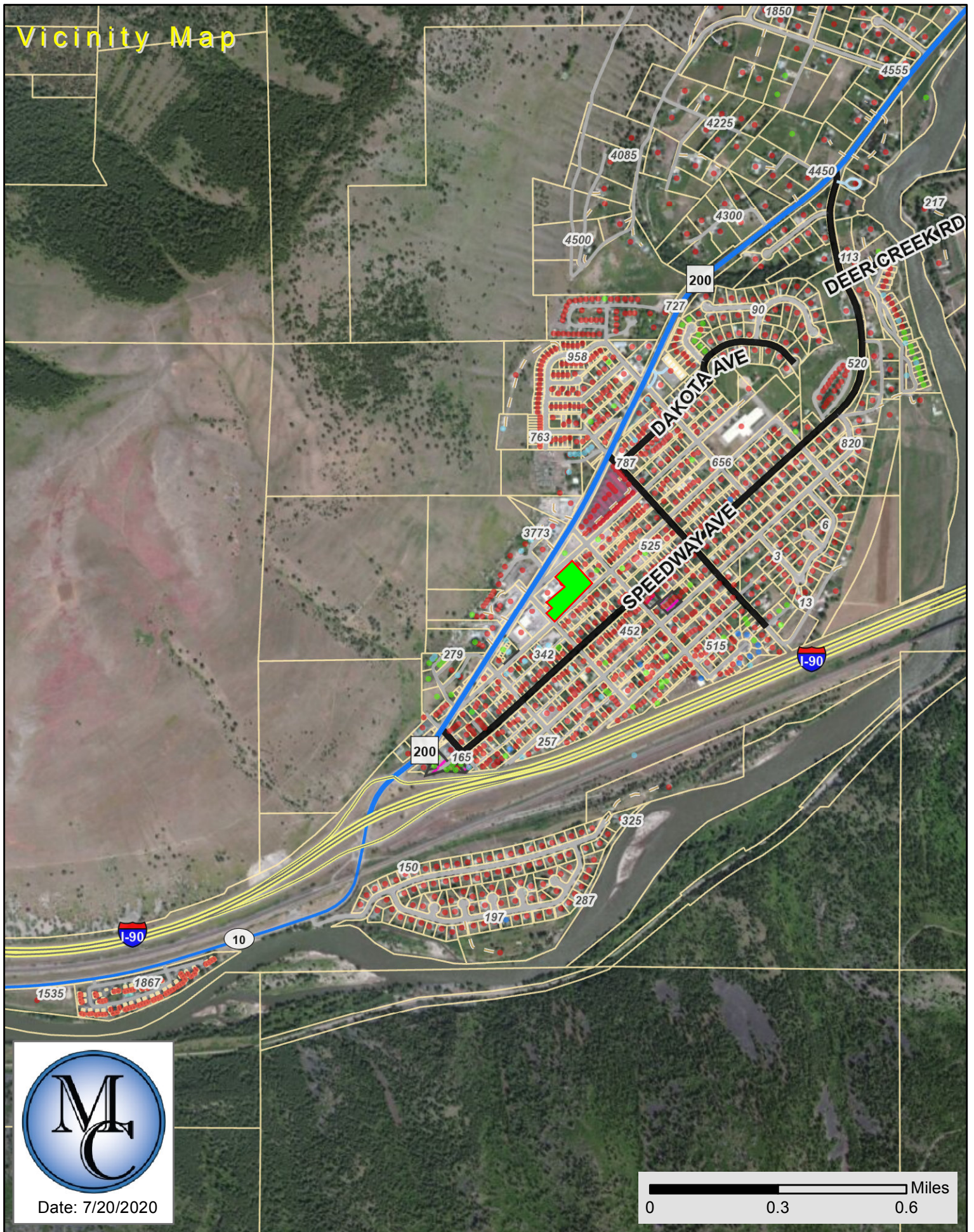
Public opinion and recommendations of the zoning officer are requested and evaluated during the staff and governing body review portions of the rezone process.

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 vicinity map is attached.**
- ☒ **A zoning map** of the subject property and vicinity (showing the existing zoning district), extending at least 300 feet from the property boundaries. **A zoning map is attached.**
- ☒ **An aerial photo** of the subject property and vicinity extending at least 300 feet from the property boundaries. **An aerial photo is attached.**
- ☒ **A 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. **A growth policy / comprehensive plan map is attached.**
- ☒ **The current plat** of the subject property. **A copy of COS 5877 has been included with this submittal.**

Vicinity Map



Map Center: X: -113.94736 - Y: 46.87142

Existing Zoning



Aerial

200

MICHIGAN AVE

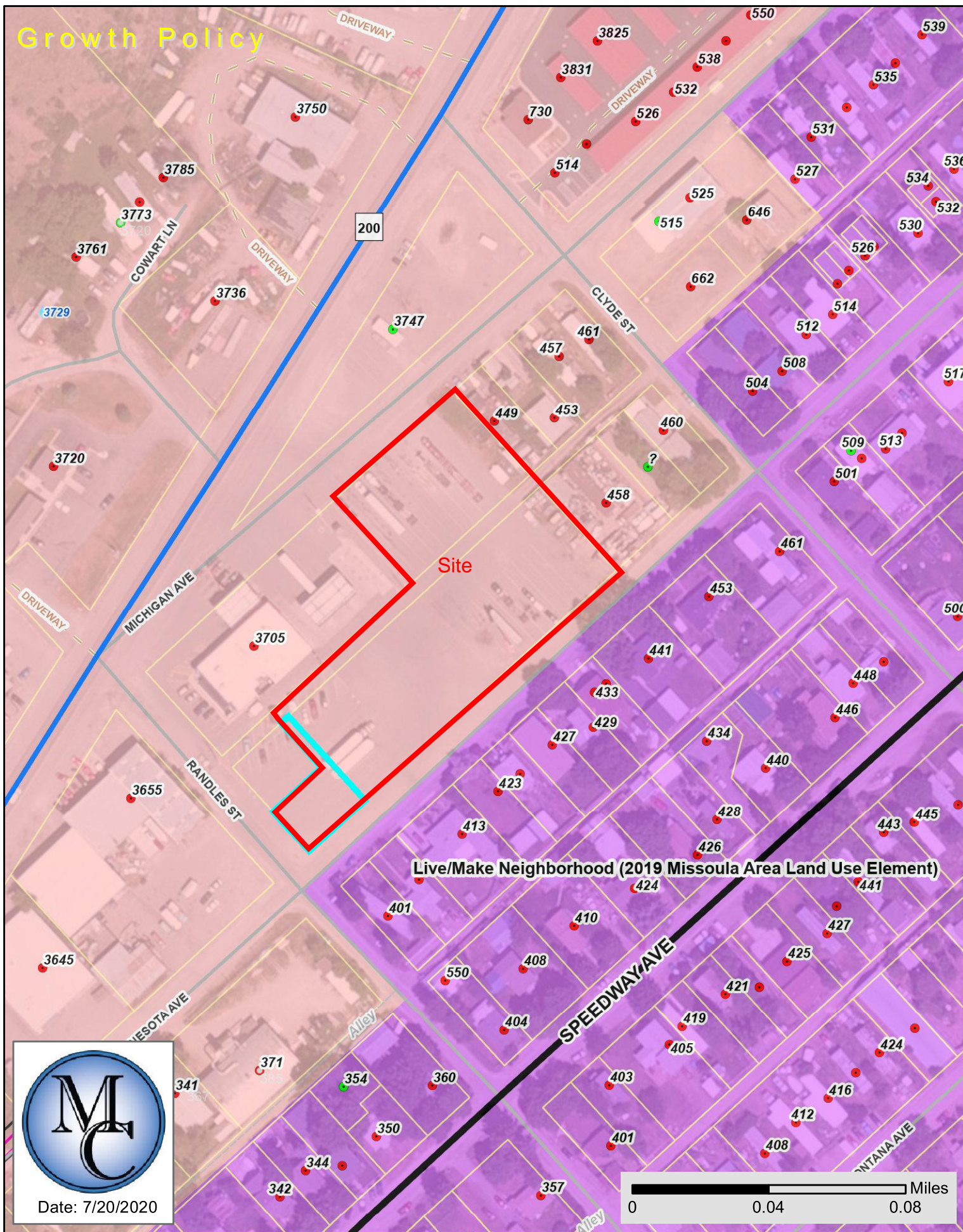
Site

MINNESOTA AVE

RANDLES ST

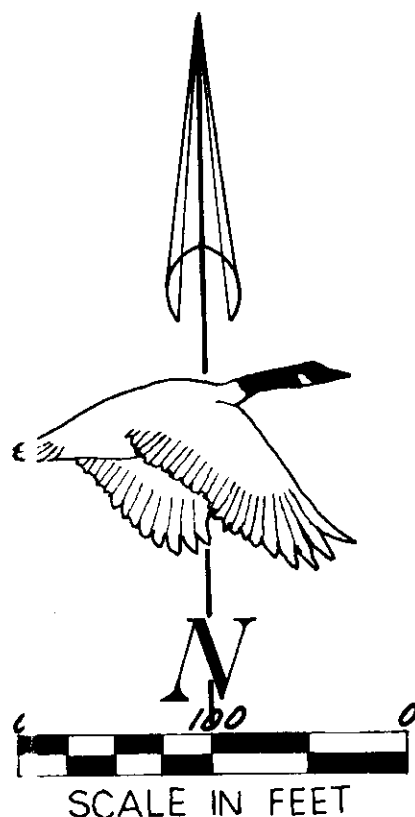
Page 59 of 1

Growth Policy

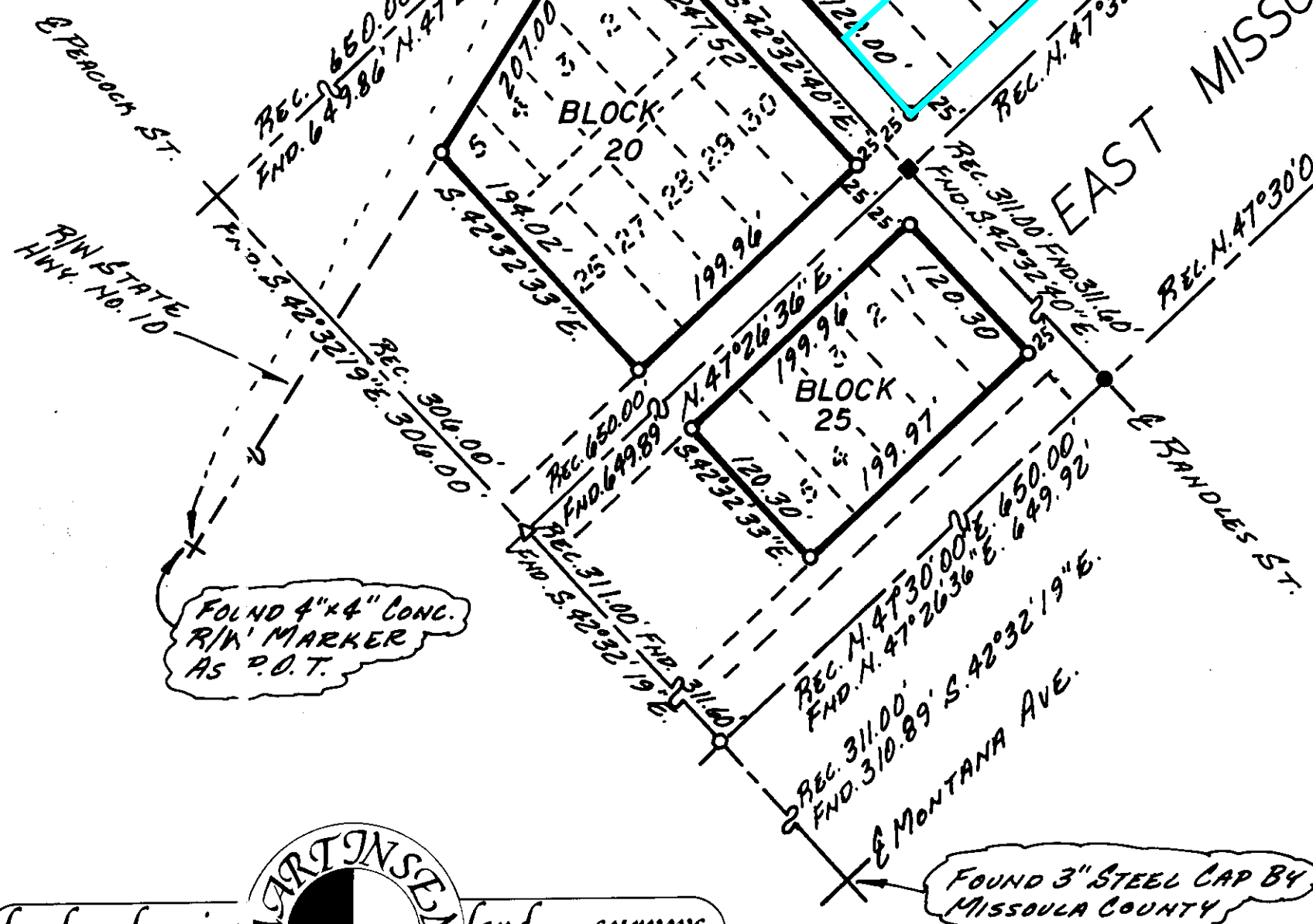


Map Center: X: -113.94428 - Y: 46.87212

certificate of survey



3170



LEGEND:

- ~ FOUND 1 1/2" AL. CAP No I.D.
- ~ FOUND 1" X 1" BOLT
- ▲ ~ FOUND P.K. NAIL
- ~ FOUND 3/4" AL. CAP No I.D.
- △ ~ FOUND RAILROAD SPIKE WITH "X"
- ~ FOUND 5/8" REBAR WITH 1 1/4" Y.P.C. BY UNDER WOOD
- ~ SET 5/8" X 24" REBAR WITH 1 1/4" Y.P.C. BY MARTINSEN
- ~ SET 5/8" X 24" REBAR WITH 1 1/2" AL. CAP BY MARTINSEN

VACATED ALLEY IN BLOCK 20:
COMMISSIONER'S JOURNAL GG, PAGE 508

FOUND 3" STEEL CAP BY
MISSOULA COUNTY

OWNER: MIKE OESTREICH

LEGAL DESCRIPTIONS

BOOK 220 PAGE 0644

Those portions of lots 20 through 30, block 11, East Missoula Addition, lying southeasterly of the right-of-way of State Highway No. 10, containing 0.579 acres; lot 5, block 19, East Missoula Addition, containing 0.110 acres; lots 7 through 15, block 19, East Missoula Addition, containing 0.992 acres; lots 16 through 26, block 19, East Missoula Addition, containing 1.212 acres; lots 27 through 29, block 19, East Missoula Addition, containing 0.331 acres; lots 1 through 5, and 25 through 30, Addition, containing 0.331 acres; block 20, East Missoula Addition, containing 1.013 acres; and lots 1 through 5, block 25, East Missoula Addition, containing 0.552 acres; all being portions of East Missoula Addition located in the Southwest one-quarter of the Northeast one-quarter, and the Southeast one-quarter of the Northwest one-quarter, and the Northeast one-quarter of the Southwest one-quarter, of Section 24, Township 13 North, Range 19 West, Principal Meridian, Montana, Missoula County, Montana.

SURVEYOR'S CERTIFICATION

I hereby certify that the attached plat is a true and correct representation of a survey done by me and under my supervision during the month of March, 1985.

GREGORY S. MARTINSEN
4124 S
REGISTERED
LAND SURVEYOR
Gregory S. Martensen PLS
Montana Registration No. 4124S

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

Richard H. Colvill by *[Signature]*
MISSOULA COUNTY SURVEYOR date 3-26-85

[Signature]
MISSOULA CITY-COUNTY HEALTH DEPT. date 3/26/85

PURPOSE OF SURVEY

RETRACEMENT SURVEY
OF THE FOLLOWING LOTS AND BLOCKS OF EAST MISSOULA ADDITION
BLOCK 11, PORTIONS OF LOTS 20-30 ~ 0.579 AC. 25,218 #
BLOCK 19, LOT 5 ~ 0.110 AC. 4800 #
BLOCK 19, LOTS 7-15 ~ 0.992 AC. 43,195 #
BLOCK 19, LOTS 16-26 ~ 1.212 AC. 52,794 #
BLOCK 19, LOTS 27-29 ~ 0.331 AC. 14,398 #
BLOCK 20, LOTS 1-5 & 25-30 & VACATED ALLEY ~ 1.013 AC. 44,145 #
BLOCK 25, LOTS 1-5 ~ 0.552 AC. 24,054 #

3170

8504667

I received and used this instrument for record on the 22 day of March 1985 at 2:22 o'clock P.M., permanent files of Missoula County, State of Montana. Witness my hand: Fern Hart County Recorder By *[Signature]* Deputy Paid

1/4	SEC.	T.	R.	p.m.m., MISSOULA county, montana sheet 1 of 1 certificate of survey no. 3170
+	24	13N	19N	
+				

h.d no proj. no. 466-85 file no. F-A-222

34-90

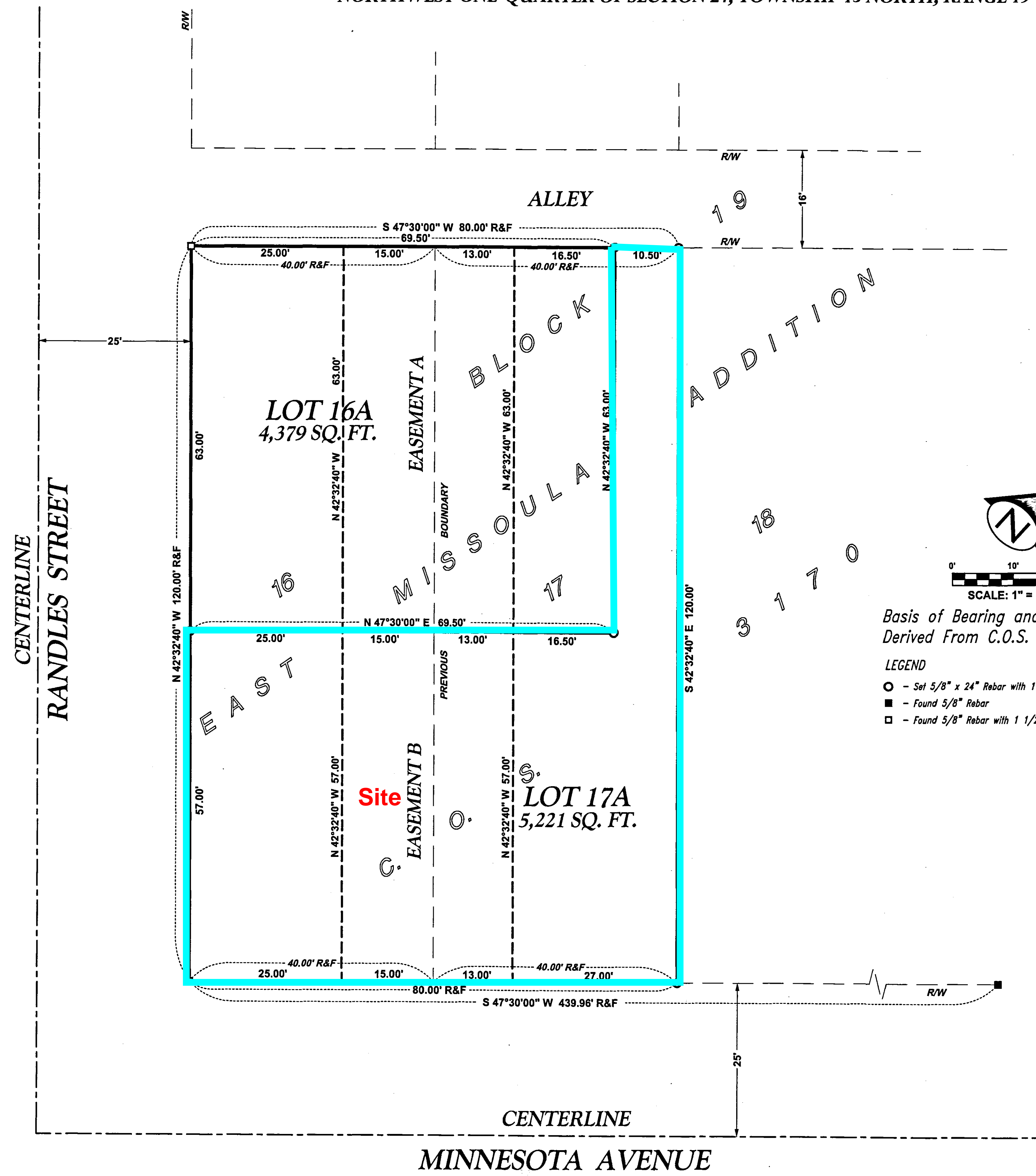
34-90

34-90

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EAST MISSOULA ADDITION, BLOCK 19, LOTS 16 AND 17

AN AMENDED PLAT OF LOTS 16 AND 17 OF BLOCK 19 OF EAST MISSOULA ADDITION, LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MISSOULA COUNTY, MONTANA



Basis of Bearing and Record Information
Derived From C.O.S. No. 3170

LEGEND

- - Set 5/8" x 24" Rebar with 1 1/4" Y.P.C. By Martinsen, 4124S
- - Found 5/8" Rebar
- - Found 5/8" Rebar with 1 1/2" Al. Cap By Martinsen, 4124S

LEGAL DESCRIPTIONS

PERIMETER LEGAL DESCRIPTION
LOTS 16 AND 17 OF BLOCK 19 OF EAST MISSOULA ADDITION.

EASEMENT A - PRIVATE ACCESS EASEMENT
EASEMENT A OF EAST MISSOULA ADDITION, BLOCK 19, LOTS 16 AND 17, CONTAINING 1,784 SQUARE FEET AND LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MISSOULA COUNTY, MONTANA

EASEMENT B - PRIVATE ACCESS EASEMENT
EASEMENT B OF EAST MISSOULA ADDITION, BLOCK 19, LOTS 16 AND 17, CONTAINING 1,596 SQUARE FEET AND LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MISSOULA COUNTY, MONTANA

OWNER'S CERTIFICATION
I, MARK R. OLSON AS PRESIDENT OF TRI-EAST, INC., HEREBY CERTIFY THAT THE PURPOSE OF THIS DIVISION OF LAND IS TO RELOCATE COMMON BOUNDARY LINES BETWEEN ADJOINING PROPERTIES IN PLATTED SUBDIVISIONS, FEWER THAN SIX LOTS ARE AFFECTED, AND NO ADDITIONAL LOTS ARE HEREBY CREATED; THEREFORE, THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(1)(d) M.C.A. I FURTHER CERTIFY THAT THIS SURVEY IS EXEMPT FROM SANITARY REVIEW PURSUANT TO SECTION 76-4-125(2)(d) M.C.A., TO WIT: "DIVISIONS LOCATED WITHIN JURISDICTIONAL AREAS THAT HAVE ADOPTED GROWTH POLICIES PURSUANT TO CHAPTER 1 OR WITHIN FIRST-CLASS OR SECOND-CLASS MUNICIPALITIES FOR WHICH THE GOVERNING BODY CERTIFIES, PURSUANT TO 76-4-127, THAT ADEQUATE STORM WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED."

NOTARY PUBLIC
GREGORY S. MARTINSEN
NOTARY PUBLIC for the State of Montana
Residing at
Missoula, Montana
My Commission Expires
February 13, 2014

STATE OF MONTANA
COUNTY OF MISSOULA
THIS INSTRUMENT WAS SIGNED AND ACKNOWLEDGED BEFORE ME ON August 22, 2011
BY MARK R. OLSON AS PRESIDENT OF TRI-EAST, INC.

CERTIFICATION OF PROFESSIONAL LAND SURVEYOR
I HEREBY CERTIFY THAT THE ATTACHED PLAT IS A TRUE REPRESENTATION OF A SURVEY DONE BY ME AND UNDER MY SUPERVISION DURING THE MONTH OF JULY, 2011.

FINAL APPROVAL OF THIS AMENDED PLAT HAS BEEN GRANTED BY:

MISSOULA COUNTY DEPARTMENT OF PUBLIC WORKS
MISSOULA CITY COUNTY HEALTH DEPARTMENT

THIS AMENDING PLAT WAS NOT REVIEWED FOR ADEQUATE ACCESS, INSTALLATION OF UTILITIES, FLOODPLAIN OR AVAILABILITY OF PUBLIC SERVICES; NOR DOES THIS APPROVAL OBLIGATE MISSOULA COUNTY TO PROVIDE ROAD MAINTENANCE, DUST ABATEMENT OR OTHER SERVICES.

PURPOSE OF SURVEY
THIS SURVEY IS FILED WITH THE INTENT TO QUALIFY FOR THE EXEMPTION AS FOUND IN SECTION 76-3-207(1)(d) M.C.A. TO WIT: "FOR FIVE OR FEWER LOTS WITHIN A PLATTED SUBDIVISION, THE RELOCATION OF COMMON BOUNDARIES" AND THE EXEMPTION AS FOUND IN SECTION 76-4-125(2)(d) M.C.A. TO WIT: "DIVISIONS LOCATED WITHIN JURISDICTIONAL AREAS THAT HAVE ADOPTED GROWTH POLICIES PURSUANT TO CHAPTER 1 OR WITHIN FIRST-CLASS OR SECOND-CLASS MUNICIPALITIES FOR WHICH THE GOVERNING BODY CERTIFIES, PURSUANT TO 76-4-127, THAT ADEQUATE STORM WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED."

P.O. Box 2542
land planning
Voice 1-406-549-1481

MISSOULA, MT 59806
land surveys
Fax 1-406-549-1481

OWNER: TRI-EAST, INC.
SURVEY COMMISSIONED BY: MARK R. OLSON - PRESIDENT OF TRI-EAST, INC.

PLAT084090	B: 34 P: 90	Pages: 1
08/22/2011 02:45:50 PM	Plat	
Vickie R Zeller, Missoula County Clerk & Recorder		
FILED THE _____ OF _____, 2011, AT BOOK _____ OF PLATS, PAGE _____		
SAC Book 881 Page 1337	1/4	SEC. TWP. RNG.
SPA Book 881 Page 1338	24	13N. 19W
OR Book 881 Page 1339		
CTP Book 881 Page 1340		
PRINCIPAL MERIDIAN, MISSOULA COUNTY, MONTANA		SHEET 1 OF 1 SHEETS
file no. F-B-315		Revised: 07/14/11
W.O. 11-5683		proj. no. 1307-10

Matt HeimeI

From: carl king <cwmking057@gmail.com>
Sent: Thursday, August 20, 2020 2:06 PM
To: Matt HeimeI
Subject: 3705 Highway 200 E

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Matt,
My name is Carl King, I own 409 Minnesota ave in East Missoula. It is a Rental property.
I think that the rezoning request should be granted for 3705 Highway200 E east Missoula MT.
Granting the request would be good for the community of East Missoula.
Thank you
Carl W King
406-550-3984
59-014-C Kam.Hwy
Haleiwa HI 96712

A. Intent

B. Space and Bulk Requirements

See Section 3.06 C. for Accessory Structure setbacks

Maximum building height.....Thirty (30) feet

C. General Standards

See Supplementary Regulations - Chapter 3

D. Permitted Uses

- ## E. Conditional Uses

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- ⁴³

4. Eating establishments, except drive-in and drive-through restaurants establishments
5. Home occupation
6. Day care center
7. Community residential facility serving nine (9) or more persons
8. Long-term care facility
9. Multiple-family dwellings
10. Seasonal commercial and temporary uses

F. Special Exceptions

1. Service station
2. Retail trades and services, with outdoor display or storage
3. Public and quasi-public buildings and uses
4. Public utility

STAFF REPORT & REFERRAL

Agenda item:	Rezone property located at 601 W Broadway and legally described as Lots A, B, 1, 2, 3, 4, 5, and the east half of Lot 6 in Block 51 and Lots 48 and 49 in Block 56 of W.J. McCormick's Addition in Section 21, Township 13 North, Range 19 West from Special Di
Report Date(s):	8/11/2020
Case Planner:	Kaitlin McCafferty, Associate Planner
Report Reviewed & Approved By:	Mary McCrea, Permits and Land Use Manager
Public Meetings & Hearings:	<p>Planning Board (PB) hearing: 9/1/2020</p> <p>City Council (CC) 1st reading: 8/24/2020</p> <p>Land Use & Planning (LUP) pre-hearing: 9/9/2020</p> <p>City Council hearing: 9/14/2020</p>
Applicant & Fee Owner:	<p>Dennis B. Wise, Trustee, Mary Conway Wise, Trustee, Wise Family Trust c/o Jim Lentine 7652 East Acoma Drive Scottsdale AZ 85260</p>
Location of request:	The subject property is located at 601 W Broadway Street and the parcel directly east of 601 W Broadway in Heart of Missoula Neighborhood Council and Ward 1.
Legal description:	Lots A, B, 1, 2, 3, 4, 5, and the east half of Lot 6 in Block 51 and Lots 48 and 49 in Block 56 of W.J. McCormick's Addition in Section 21, Township 13 North, Range 19 West, P.M.M.
Legal ad:	The legal ad was published in the <i>Missoulian</i> on August 16 & 23, 2020. The site was posted on August 14, 2020. Adjacent property owners and the physical addresses within 150 feet of the site were notified by first class mail on August 10, 2020.
Zoning:	Special District SD/Riverfront Triangle, Sub-district D
Growth Policy:	The applicable regional plan is Our Missoula: City Growth Policy 2035 which recommends a land use designation of Urban Center, intended to address the concentration of downtown uses including commercial office, retail, arts and entertainment, eating and drinking establishments, and residential. The applicable vicinity plans include the 2019 Missoula Downtown Master Plan, the 2019 North Riverside Parks and Trails Plan and the 2000 / 2006 Joint Northside / Westside Neighborhood plan.



STAFF RECOMMENDATION

Approve the adoption of an ordinance to Rezone property located at 601 W Broadway and legally described as Lots A, B, 1, 2, 3, 4, 5, and the east half of Lot 6 in Block 51 and Lots 48 and 49 in Block 56 of W.J. McCormick's Addition in Section 21, Township 13 North, Range 19 West from Special Di, subject to the applicant and the City executing a Development Agreement and public non-motorized access easement filed with the County Clerk and Recorder prior to the effective date of the ordinance which is 120 days from City Council approval. The Development Agreement and easement documents shall be reviewed by City Parks, Missoula Redevelopment Agency and Development Services and

approved by City Council. The Development Agreement shall include construction of the Riverfront Trail along the north shore of the Clark Fork River from east to west, connecting to W Broadway on the west end and to the River Front Trail on property adjacent to the east without interruption or detour; the developer's responsibility for the cost of a minimum 10-foot wide trail with 1 foot shoulders on either side of the path; the City of Missoula's responsibility for the cost of upsizing the trail to a 14-foot wide concrete trail; the City of Missoula's responsibility for repair, maintenance and replacement of the trail once constructed; and a 20-foot wide public non-motorized access easement filed with the Development Agreement. Design of the Riverfront Trail and any variation from the standards, including easement width, surface width of the trail, lighting, provision for trash receptacles and benches, shall be specific to the site and approved by City Parks and Recreation.

RECOMMENDED MOTIONS

PB p/h: 9/1/20	APPROVE the adoption of an ordinance to Rezone property located at 601 W Broadway and legally described as Lots A, B, 1, 2, 3, 4, 5, and the east half of Lot 6 in Block 51 and Lots 48 and 49 in Block 56 of W.J. McCormick's Addition in Section 21, Township 13 North, Range 19 West from Special Di subject to the applicant and the City executing a Development Agreement and public non-motorized access easement filed with the County Clerk and Recorder prior to the effective date of the ordinance which is 120 days from City Council approval. The Development Agreement and easement documents shall be reviewed by City Parks, Missoula Redevelopment Agency and Development Services and approved by City Council. The Development Agreement shall include construction of the Riverfront Trail along the north shore of the Clark Fork River from east to west, connecting to W Broadway on the west end and to the River Front Trail on property adjacent to the east without interruption or detour; the developer's responsibility for the cost of a minimum 10-foot wide trail with 1 foot shoulders on either side of the path; the City of Missoula's responsibility for the cost of upsizing the trail to a 14-foot wide concrete trail; the City of Missoula's responsibility for repair, maintenance and replacement of the trail once constructed; and a 20-foot wide public non-motorized access easement filed with the Development Agreement. Design of the Riverfront Trail and any variation from the standards, including easement width, surface width of the trail, lighting, provision for trash receptacles and benches, shall be specific to the site and approved by City Parks and Recreation.
CC first reading: 8/24/20	[First reading and preliminary adoption] Set a public hearing on September 14, 2020 and preliminarily adopt an ordinance rezoning the subject property located at 601 W Broadway and legally described as Lots A, B, 1, 2, 3, 4, 5, and the east half of Lot 6 in Block 51 and Lots 48 and 49 in Block 56 of W.J. McCormick's Addition in Section 21, Township 13 North, Range 19 West from Special District SD/Riverfront Triangle, Sub-district D to CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay, subject to the applicant and the City executing a Development Agreement and public non-motorized access easement filed with the County Clerk and Recorder prior to the effective date of the ordinance which is 120 days from City Council approval. The Development Agreement and easement documents shall be reviewed by City Parks, Missoula Redevelopment Agency and Development Services and approved by City Council. The Development Agreement shall include construction of the Riverfront Trail along the north shore of the Clark Fork River from east to west, connecting to W Broadway on the west end and to the River Front Trail on property adjacent to the east without interruption or detour; the developer's responsibility for the cost of a minimum 10-foot wide trail with 1 foot shoulders on either side of the path; the City of Missoula's responsibility for the cost of upsizing the trail to a 14-foot wide concrete trail; the City of Missoula's responsibility for repair, maintenance and replacement of the trail once constructed; and a 20-foot wide public non-motorized access easement filed with the Development Agreement. Design of the Riverfront Trail and any variation from the standards, including easement width, surface width of the trail, lighting, provision for trash receptacles and benches, shall be specific to the site and approved by City Parks and Recreation and refer this item to the Land Use and Planning Committee for presentation on September 9, 2020.
LUP: 9/9/20	Discussion only – pre-public hearing
CC p/h: 9/14/20	[Second and final reading] (Adopt/Deny) an ordinance rezoning the subject property located at 601 W Broadway and legally described as Lots A, B, 1, 2, 3, 4, 5, and the east half of Lot 6 in Block 51 and Lots 48 and 49 in Block 56 of W.J. McCormick's Addition in Section 21, Township 13 North, Range 19 West from Special District SD/Riverfront Triangle, Sub-district D to CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay, subject to the applicant

and the City executing a Development Agreement and public non-motorized access easement filed with the County Clerk and Recorder prior to the effective date of the ordinance which is 120 days from City Council approval. The Development Agreement and easement documents shall be reviewed by City Parks, Missoula Redevelopment Agency and Development Services and approved by City Council. The Development Agreement shall include construction of the Riverfront Trail along the north shore of the Clark Fork River from east to west, connecting to W Broadway on the west end and to the River Front Trail on property adjacent to the east without interruption or detour; the developer's responsibility for the cost of a minimum 10-foot wide trail with 1 foot shoulders on either side of the path; the City of Missoula's responsibility for the cost of upsizing the trail to a 14-foot wide concrete trail; the City of Missoula's responsibility for repair, maintenance and replacement of the trail once constructed; and a 20-foot wide public non-motorized access easement filed with the Development Agreement. Design of the Riverfront Trail and any variation from the standards, including easement width, surface width of the trail, lighting, provision for trash receptacles and benches, shall be specific to the site and approved by City Parks and Recreation.

I. INTRODUCTION

Development Services has received a request from Nick Kaufman of WGM Group representing Dennis B. Wise, Mary Conway Wise and the Wise Family Trust to rezone the subject property located at 601 W Broadway and legally described as Lots A, B, 1, 2, 3, 4, 5, and the east half of Lot 6 in Block 51 and Lots 48 and 49 in Block 56 of W.J. McCormick's Addition in Section 21, Township 13 North, Range 19 West, P.M.M. from Special District SD/Riverfront Triangle, Sub-district D to CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay. This rezone would result in a standard zoning district in Title 20 and may not be conditioned.

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

II. Rezoning review criteria

Findings of fact:

General

1. The subject property has frontage on West Broadway Street, classified as a Principal Arterial and W Front Street, classified as a Major Collector.
2. The subject property is approximately 33,250 SF and is vacant.
3. The site was formally used as a site for the Limited Motor Vehicle Repair business, Tire-Rama. The building was demolished in 2008.
4. The subject property is inside the Urban Growth Area, the Wastewater Facilities Service Area, the Air Stagnation Zone, and can be 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.

Growth Policy:

6. The applicable regional plan is the Our Missoula: City Growth Policy 2035, which recommends a land use designation of Urban Center intended to address the concentration of downtown uses including office, retail, arts and entertainment, eating and drinking establishments, and residential.
7. Areas designated Urban Center are identified as areas of high intensity commercial, retail, arts and entertainment, and high density residential. The City Growth Policy indicates that the following districts are most closely aligned with this residential density: C1-4 Neighborhood Commercial, C2-4 Community Commercial, and CBD Central Business District. The C1-4, C2-4 and CBD zoning districts permit residential density up to 43 dwelling units per acre.
8. The applicant is requesting to rezone the subject property to CBD-4 Central Business District, which is consistent with the Growth Policy land use recommendation for the Urban Center Land Use designation.
9. On January 16, 2019, the City Council adopted the Design Excellence Overlay and applied the /DE-D Outer Core Design Excellence Downtown Overlay zoning to property surrounding the subject property. The Design Excellence Review includes a set of site and building design guidelines that are intended to shape development that is consistent with community character. The overlay was not applied to property with Special District zoning designations, such as the current subject property zoning of Special District SD/Riverfront Triangle, Sub-district D. Staff recommends that with the request to rezone to CBD-4, the /DE-D Outer Core Design Excellence Downtown Overlay zoning be applied to the subject property, consistent with adjacent property zoning.
10. The 2019 Missoula Downtown Master Plan is the applicable vicinity plan. The subject property is within the Riverfront Triangle & Medical District highlighted in the plan, described as an area to include retail, conference center, office, and family and professional housing. The housing is intended to serve the workforce, market-rate and senior rental housing as well as for sale condominiums.
11. The 2019 Missoula Downtown Master Plan describes the Clark Fork River in Missoula as a defining feature, and recommends that the river's edge be treated with care. The Plan states that where

development approaches the riverbank, it should be designed to limit negative impacts to the river and to provide public access between the river and buildings. The Plan recommends an extension of the river front trail along the north bank of the Clark Fork River and open space along the river.

12. The southeast edge of the 2000 Joint Northside/Westside Neighborhood Plan and the 2006 Update plan area covers the portion of the subject property between W Broadway Street and W Front Street. The 2000/2006 Northside/Westside Plan recommends a City Center land use designation for the portion of the subject property within the plan area.
13. The 2000/2006 Northside/Westside Plan encourages mixed use development on land designated as City Center, and supports extending the riverfront trail from N Orange Street to the California pedestrian bridge.
14. The North Riverside Parks and Trails Master Plan (pending adoption) shows an extension of the river front trail along the north bank of the Clark Fork River across the subject property with the trail connecting to W Broadway at the western edge of the subject property.

Zoning

Adjacent Zoning and Land Uses

15. The property to the north and west is zoned C1-4 Neighborhood Business / DE-D Outer Core Design Excellence Downtown Overlay and to the south and east the property is zoned CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay. Adjacent to the south is the Clark Fork River and property south of the river is zoned OP3 Public Lands and Institutional.
16. The subject parcel is the last remaining parcel in the SD/River Front Triangle zoning district. All other parcels in this district were rezoned to CBD-4 Central Business District in 2008 and the Design Excellence Overlay was applied in 2019.
17. Surrounding uses include medical office, hospital, retail, hotel/motel, restaurants, office, financial services, communication service establishment, sports and recreation participants and residential.

Surrounding Land Uses	Surrounding Zoning
North: Hospital	C1-4 Neighborhood Commercial / DE-D Outer Core Design Excellence Downtown Overlay
South: Clark Fork River, Parks and Open Lands	Unzoned, OP3 Public Lands and Institutional and CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay
East: Commercial	CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay
West: Commercial	C1-4 Neighborhood Commercial / DE-D Outer Core Design Excellence Downtown Overlay

Current Riverfront Triangle Special Zoning District (RTSZD)

18. On April 19, 2004 the City Council approved Ordinance #3245 establishing the Riverfront Triangle Special Zoning District (RTSZD). The RTSZD was applied to the Riverfront Triangle Area as a way to implement the Riverfront Triangle Redevelopment Master Plan (RTRMP).
19. The RTSZD was created to establish a mixed use area that functions as an introduction to the downtown area with a variety of uses, such as offices, residential, commercial and retail to serve the neighborhoods as well as the larger community.
20. In addition the RTSZD included building design standards intended to reinforce a pedestrian friendly experience on the streets; encourage development with primary entrances facing the street and public

areas; establish views from and through the site to the vistas both north and south; and expand the options for pedestrian movement throughout the site, including expansion of the Riverfront Trail corridor through the property.

21. The RTSZD includes General Development Standards related to parking, building design standards, riverfront and public access, riparian resources and street trees. The zoning district refers to the former Title 19 zoning ordinance for standards not specifically addressed in the RTSZD such as off-street parking requirements, signage standards, and Riparian Resource provisions.
22. The General Development Standards for parking refer to Title 19 for calculating the number of required parking spaces, which is considered both a minimum and a maximum requirement. Off-street parking spaces are not required to be located on the same parcel as the use they serve, and may be shared or in a communal parking garage as long as agreements are in place verifying the number of reserved spaces per use and details of the shared spaces. Parking structures and parking lots are not allowed to be located in areas with frontage on a right-of-way or public space except for entrances, exits and driveways.
23. The General Development Standards include building design standards requiring building entrances facing public streets, modulation of building facades, inclusion of building elements to reduce the bulk of buildings, and sixty percent (60%) glazing at street level with frontage and fifteen percent (15%) glazing at all other levels.
24. The General Development Standards include Riverfront and Public Access standards which include extension of the riverfront trail through the property across the entire riverfront frontage with accesses from W Broadway Street and W Front Street leading to the riverfront trail spaced every 200 feet. In addition the standards require open space in the form of ADA accessible public parks and/or plazas with several specific locations specified.
25. The RTSZD is divided into five sub-districts: A, B, C-north, C-south and D. Each sub-district includes standards for permitted uses, setbacks/build-to lines, maximum building height and supplemental regulations.
26. The RTSZD is very prescriptive in terms of the type of uses permitted on each street frontage throughout the zoning district. For each street and sub-district the RTSZD prescribes specific uses permitted at street level with frontage, street level without frontage, on the second level and on levels above the second level.
27. For example, within Sub-district D the only permitted uses on W Broadway Street and W Front Street or from a plaza or open area within the sub-district are as follows:
 - a. Street level with frontage on West Broadway or West Front Street: Retail and Service Businesses, Professional Office, or Residential
 - b. Street level without frontage on West Broadway or West Front Street: Residential, Professional Office, Retail and Service Businesses
 - c. Second level: Retail and Service Businesses, Professional Office, Residential
 - d. Other levels: Professional Office or Residential

Permitted uses facing the Clark Fork River are as follows:

- e. Ground level with frontage: Retail and Service Businesses, Residential
 - f. Ground level without frontage: Retail and Service Businesses, Residential
 - g. Second level: Professional Office Residential
 - h. Other levels: Professional Office, Residential
28. Setbacks vary in the RTSZD by sub-district and by street frontage. Sub-district D requires street facades to be built parallel to the principal frontage line along a minimum of 70% of its length with a setback of 0 feet. In the absence of a building along the remainder of the frontage line, a street wall shall be built coplanar with the façade. Also, minimum sidewalk width on West Broadway is ten (10) feet. Minimum sidewalk width on West Front Street is fifteen (15) feet. Also, no building shall be built within twenty (20) feet of the north bank of the Clark Fork River.

29. Maximum building height standards vary in the RTSZD by sub-district and by street frontage. Generally taller buildings are allowed along the north side of the site with a decrease in height for structures closer to the Clark Fork River. The maximum building height of this parcel under SD/Riverfront Triangle sub-district D is 52 feet along W Front Street and West Broadway. Buildings within 50 feet of the top of the Clark Fork River's north bank are restricted to two (2) stories and a maximum height of 30 feet from the top of the river bank.

Proposed Zoning: CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay

30. One of five commercial zoning districts in Title 20, the CBD-4 Central Business District permits commercial uses that are moderate to high in intensity. In addition, all the residential building types from detached house (single dwelling) through multi-dwelling residential are permitted in the CBD-4 zoning district.
31. The applicant states in the submittal packet that they propose a mixed use building that will include multi-dwelling residential housing, parking and office space.
32. In CBD-4 there are no minimum parcel area standards or parcel area per unit standards. Also, because the area is not adjacent to any residential zoning districts, the only zoning setback in CBD-4 prohibits the location of buildings within 50 feet of the 100 year floodplain boundary along the Clark Fork. Walkways, plazas, pedestrian-oriented facilities, and bike trails are permitted within the 50-foot setback area.
33. Maximum building height in CBD-4 is 125 feet.
34. Uses listed as permitted in the CBD-4 zoning district are approved in an administrative process through zoning compliance review as part of a building permit application or zoning compliance permit. Uses listed as conditional in the CBD-4 zoning district require a public hearing and approval by City Council. Conditional uses must comply with all applicable standards of the zoning ordinance and meet the review criteria listed in Section 20.85.070.H of Title 20.
35. Two of the common general standards of the Title 20 zoning ordinance, landscaping and off-street parking, do not apply in the CBD-4.
36. The Title 20, multi-dwelling building standards do not apply in the CBD district, to mixed use buildings or to vertical mixed use buildings.
37. The Design Excellence Overlay includes a set of site and building design standards and guidelines that are intended to shape development that is consistent with community character. The Design Excellence Downtown Outer Core design standards regulate site design, vertical scale, façade design - including glazing, entrance locations and materials - such that buildings contribute to the urban experience with facades located at the street edge and activated storefronts to ensure an engaging street experience.
38. In the Design Excellence Overlay, the Title 20, Commercial Building Design standards do not apply.
39. In the Design Excellence Overlay, the Title 20, Enterprise Commercial Uses are exempt from conditional use review and exempt from all the Enterprise Commercial Use standards except for the requirement for a Traffic Impact Analysis.
40. Full Design Excellence Review is required for all properties located within the Downtown Outer Core which requires compliance with the Design Excellence standards and compliance with the applicable standards in the Design Excellence Guidelines.

Comparison of RTSZD and CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay

41. The RTSZD lists uses as permitted and prohibited. Permitted uses are approved administratively by Development Services permit staff with application for a building permit or Zoning Compliance permit. Permitted uses in Sub-district D include:
- a. Retail Trade which includes restaurants in addition to retail sales;
 - b. Service Businesses which includes banks, health clubs, businesses for personal grooming, tailors and instructional businesses;

- c. Professional Office use which includes medical and general office uses, medical laboratory, Out-Patient Surgical Center and Research Laboratories; and
 - d. Residential use includes detached house, two-unit house, multi-dwelling, senior housing, skilled nursing facilities, residential hospice facilities and assisted living facilities.
- 42. In CBD-4 permitted uses are approved administratively by Development Services permit staff. Conditional uses require a public hearing and approval by City Council. The CBD-4 includes a wider variety of permitted uses than the RTSZD.
- 43. RTSZD prohibits any use not specifically listed as permitted in addition to the following: adult bookstore/theater type uses, auto-related uses such as vehicle repair, sales and service, welding or metal shops and any business that is noxious or offensive, or imposes extraordinary hazard to life or property.
- 44. CBD-4 prohibits construction sales and service, check cashing/loan service, funeral and interment service uses, truck stop and travel plaza service use, recreational vehicle park, recycling service uses, general warehousing/wholesaling/freight movement, residential storage warehouse use, and most vehicle related uses. All of these uses are not listed as permitted in the RTSZD, therefore they would also be prohibited.
- 45. In the CBD-4 and RTSZD there are no minimum parcel area or minimum parcel area per unit standards. Density is limited in the RTSZD by the maximum height allowed in each sub-district and by the amount of land occupied by parking to meet the minimum parking required for all the uses. In the CBD-4 off-street parking requirements do not apply. Density is limited in the CBD-4 by the maximum building height and unit size.
- 46. Except for a floodplain setback, there are no setbacks required in the CBD-4 zoning district unless the property abuts an R-zoned district. The subject property does not abut an R-zone. The floodplain setback in the CBD-4 prohibits buildings within fifty (50) feet of the 100 year floodplain.
- 47. In the RTSZD along all street frontages, buildings are required to be built at the property line, with zero (0) setback, for at least 70% of the frontage length. The /DE-D Outer Core Design Excellence Downtown Overlay requires structures to be built between 0 – 5 feet from W Broadway for at least 80% of the street frontage.
- 48. In CBD-4 the maximum structure height is 125 feet. The /DE-D Outer Core Design Excellence Downtown Overlay restricts the street wall height to 85 feet (6 stories) and then the street wall must step back 10 feet above 85 feet to the maximum height of 125 feet in CBD-4.
- 49. The maximum building height of this parcel under RTSZD, Sub-district D is 52 feet along W Front Street and West Broadway. Buildings within 50 feet of the top of the Clark Fork River's north bank are restricted to two (2) stories and a maximum height of 30 feet from the top of the river bank.
- 50. For Special Districts created under the Title 19 zoning ordinance, any standards not addressed in the Special District would refer back to the Title 19 standards. The RTSZD refers to Title 19 for calculating the number of required parking spaces, which is considered both a minimum and a maximum requirement. The RTSZD anticipates that off-street parking will be shared between uses and at least a portion will be provided in one or more communal parking garages, with parking agreements in place. In CBD-4 the general parking and landscaping standards in Title 20 do not apply. No off-street parking is required for uses in the CBD-4 zoning district.
- 51. Both the RTSZD General Standards and the /DE-D Outer Core Design Excellence Downtown Overlay include building design standards such as location for entrances, façade modulation, façade articulation to create visual variety and reduce the apparent bulk of buildings, a minimum amount of glazing (glass doors and windows) and restrict the location of parking areas related to street frontage. Design Excellence review also regulates the use of certain materials in order to ensure that a building's façade design reflects Missoula's location and character.
- 52. The RTSZD includes Riverfront and Public Access standards, with a primary requirement to extend the riverfront trail along the entire riverfront frontage of the subject property. In addition the RTSZD requires

accesses from W Front Street and W Broadway leading to the riverfront trail spaced every 200 feet. Several locations are listed as preferred for ADA accessible public parks and plazas.

53. The CBD-4 zoning district does not require extension of the Riverfront Trail and does not include requirements for public plazas. The Title 20 landscaping standards do not apply in the CBD-4 zoning district.
54. The Design Excellence Downtown Guidelines include standards for landscape design. Standard SD29 requires a landscape buffer between the building and the Clark Fork River to maintain the natural aesthetic of the river edge.
55. In general the CBD-4 Central Business District /DE-D Outer Core Design Excellence Downtown Overlay zoning offers the following compared to the RTSZD:
 - a. A wider variety of commercial uses without the prescriptive requirements of the RTSZD;
 - b. A mix of permitted residential and non-residential uses similar to the RTSZD
 - c. An increase in height to 125 feet, with a step back of 10 feet above 85 feet at the street edge compared to a maximum building height of 52 feet in RTSZD;
 - d. A 50 foot setback from the 100 year floodplain in the CBD-4, however no requirement to extend the Riverfront Trail within this setback area, whereas the RTSZD requires a 50 foot setback from the top of the river bank and extension of the Riverfront Trail within this setback area; and
 - e. No off-street parking in the CBD-4 compared to the RTSZD requirements for parking per Title 19.
56. Any new development on the subject property will be required to meet all applicable portions of Title 12 & Title 20, as required by the Missoula Municipal Code.

Riverfront Trail

57. The rezone application includes a proposal by the developer to grant a 15-foot wide riverfront trail and utility easement, east to west across the subject property and extending north along the west property boundary. From the easement exhibit in the rezone application it is not clear where the top of bank for the north bank of the Clark Fork River is located. The easement appears to extend into areas of increased slope along the riverbank at the eastern property boundary and extend away from areas of increased slope along the riverbank toward the western property boundary.
58. City Parks commented that they could support the rezoning, but the riverfront trail would require a minimum 20-foot wide non-motorized access easement, east to west across the subject property and along the western boundary of the property to connect the trail to W Broadway. The 20-foot easement width is required in order to ensure the easement will accommodate public safety for the volume of users of the shared use path, accommodate trail lighting and seating, and provide sufficient width for short / long term maintenance of the trail.
59. City Parks noted that the Missoula Downtown Master Plan recommends extension of the riverfront trail along the north bank of the Clark Fork River. The Plan proposes a design for the Ron's River Trail (located east of Orange Street along the river) as a Promenade that includes a 14-foot wide trail with 2-foot shoulders each side with seating and lighting located along the trail.
60. City Parks noted that the North Riverside Parks and Trails Master Plan (pending adoption) recommends a 16 – 20-foot width for a Promenade and that the proposed 2020 AASHTO Guide for the Development of Bicycle Facilities also calls for wider minimum widths for shared-use paths due to the volume of use.
61. With the rezone of the Sub-districts A, B and C of RTSZD to CBD-4 Central Business District in 2017, the City applied standards with a Land Use and Development Agreement that required a minimum 20-foot wide riverfront trail easement measured from the top of bank of the north bank of the Clark Fork River. In addition, the Land Use and Development Agreement required buildings to be setback 25 feet from the top of the north bank of the Clark Fork River.
62. In addition, completion of the north bank riverfront trail is identified as a project in Activate Missoula 2045, Missoula's Long Range Transportation Plan.

63. The recommended motion includes approval of the rezone subject to the applicant and the City executing a Development Agreement and public non-motorized access easement filed with the County Clerk and Recorder prior to the effective date of the ordinance, which is 120 days from City Council approval. The Development Agreement and easement documents shall be reviewed by City Parks, Missoula Redevelopment Agency and Development Services and approved by City Council.

Transportation

64. Per the Road Functional Classification Map from the MPO 2012 Transportation Plan, roads adjacent to or within the subject property have the following classifications:
 - a. W Broadway Street is classified as Principal Arterial
 - b. W Front Street is classified as a Major Collector
65. The W Broadway Street frontage of the subject property includes curbside sidewalks south of the Owen Street intersection.
66. The W Front Street frontage of the subject property includes curbside sidewalks on the north side of the street.
67. The Riverfront Trail extends along the Clark Fork River from under the N Orange Street bridge to the Owen Street right-of-way.
68. The subject property is within the Missoula Urban Transportation District. The subject property is within a quarter mile of the Downtown Transfer Station providing access to all the bus routes. Bus stops for Routes 11 and 14 are adjacent on W Broadway Street. Bus routes 7 and 9 run on N Orange Street adjacent to the subject property.

Conclusions of Law:

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

1. The 2035 Our Missoula City Growth Policy incorporates previously approved regional, vicinity and issue plans. The 2035 Our Missoula City Growth Policy is the applicable regional plan and recommends an Urban Center land use designation for the subject property. The Urban Center land use designation is recommended for areas where there is a concentration of downtown uses including high intensity commercial, office, retail, arts and entertainment, eating and drinking establishments and high density residential.
2. The rezoning of the subject property to CBD-4 Central Business District /DE-D Outer Core Design Excellence Downtown Overlay complies with the Urban Center land use designation because the 2035 Growth Policy recommends CBD-4, C1-4 and C2-4 as the relatable zoning districts for lands with the Urban Center land use designation.
3. The 2019 Missoula Downtown Master Plan is the applicable vicinity plan. The subject property is within the Riverfront Triangle & Medical District highlighted in the plan, described as an area to include retail, conference center, office, and family and professional housing. The housing is intended to serve the workforce, market-rate and senior rental housing as well as for sale condominiums.
4. The rezoning of the subject property to CBD-4 Central Business District /DE-D Outer Core Design Excellence Downtown Overlay complies with the 2019 Missoula Downtown Master Plan because the CBD-4 zoning permits all the uses recommended in the Plan.
5. The 2019 Missoula Downtown Master Plan describes the Clark Fork River in Missoula as a defining feature, and recommends that the river's edge be treated with care. The Plan states that where development approaches the riverbank, it should be designed to limit negative impacts to the river and to provide public access between the river and buildings. The Plan recommends an extension of the river front trail along the north bank of the Clark Fork River and open space along the river.

6. The rezone to CBD-4 Central Business District /DE-D Outer Core Design Excellence Downtown Overlay does not implement the 2019 Missoula Downtown Master Plan recommendation for extension of the river front trail along the north bank of the Clark Fork River.
7. The applicant has included a document illustrating a 15-foot wide easement proposal extending east to west along subject property, however the easement has not been filed with the County Clerk and Recorder.
8. The Downtown Master Plan recommends the trail east of Orange Street be designated a Promenade trail that includes a 14-foot wide trail with 2-foot shoulders each side with seating and lighting located along the trail. A minimum 20-foot wide easement is required for a Promenade trail.
9. In order for the rezoning to comply with and implement the recommendations of the 2019 Missoula Downtown Master Plan, the applicable vicinity plan for the subject property, staff recommends the motion for approval be subject to the applicant and the City executing a Development Agreement and public non-motorized access easement filed with the County Clerk and Recorder prior to the effective date of the ordinance which is 120 days from City Council approval. The Development Agreement and easement documents shall be reviewed by City Parks, Missoula Redevelopment Agency and Development Services and approved by City Council.

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 facilitates the adequate provision of public services, including transportation, water, sewerage, schools, parks, and other public requirements, because the area is inside the Waste Water Service Area, and is served by public infrastructure.
2. The current Riverfront Triangle Special Zoning District, Sub-district D zoning provides for an extension of the riverfront trail. The rezone to CBD-4 Central Business District /DE-D Outer Core Design Excellence Downtown Overlay does not require an extension of the riverfront trail.
3. The applicant has included a document illustrating a 15-foot wide easement proposal extending east to west along subject property, however the easement has not been filed with the County Clerk and Recorder.
4. The Downtown Master Plan recommends the trail east of Orange Street be designated a Promenade trail that includes a 14-foot wide trail with 2-foot shoulders each side with seating and lighting located along the trail. A minimum 20-foot wide easement is required for a Promenade trail.
5. In order for the rezoning to comply with and implement the recommendations of the 2019 Missoula Downtown Master Plan, the applicable vicinity plan for the subject property, staff recommends the motion for approval be subject to the applicant and the City executing a Development Agreement and public non-motorized access easement filed with the County Clerk and Recorder prior to the effective date of the ordinance which is 120 days from City Council approval. The Development Agreement and easement documents shall be reviewed by City Parks, Missoula Redevelopment Agency and Development Services and approved by City Council.
6. The rezoning gives reasonable consideration to the effect on motorized and non-motorized transportation systems because the property is within the Missoula Urban Transportation District and the property is served by existing public sidewalks, public transit facilities, and bicycle lanes.
7. The rezoning will benefit the City as a whole if City Council approves the recommended motion providing for extension of the Riverfront Trail across the property connecting to W Broadway and by providing the appropriate width of trail and amenities that provide safe and effective non-motorized facilities while implementing key goals and objectives from the 2019 Missoula Downtown Master Plan.

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

1. The rezoning promotes compatible urban growth because it is inside the Waste Water Service Area and served by public infrastructure and services, including motorized and non-motorized transportation, water, sewer, schools, parks, and public utilities and services.

2. The rezone promotes compatible urban growth because it will facilitate mixed-use development on a site served by a Principal Arterial roadway and a Major Collector road.
3. In order for the rezoning to comply with and implement the recommendations of the 2019 Missoula Downtown Master Plan, the applicable vicinity plan for the subject property, staff recommends the motion for approval be subject to the applicant and the City executing a Development Agreement and public non-motorized access easement filed with the County Clerk and Recorder prior to the effective date of the ordinance which is 120 days from City Council approval. The Development Agreement and easement documents shall be reviewed by City Parks, Missoula Redevelopment Agency and Development Services and approved by City Council.
4. The rezoning of the subject property to CBD-4 Central Business District /DE-D Outer Core Design Excellence Downtown Overlay complies with the Urban Center land use designation because the 2035 Growth Policy recommends CBD-4, C1-4 and C2-4 as the relatable zoning districts for lands with the Urban Center land use designation.

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. The rezoning of the subject property to CBD-4 Central Business District /DE-D Outer Core Design Excellence Downtown Overlay will promote public health, public safety, and the general welfare by accommodating mixed-use development that is also supported in the 2019 Missoula Downtown Master Plan.
2. The rezoning will promote public health, public safety, and the general welfare and secure safety from dangers such flooding because the CBD-4 zoning district requires a 50 foot setback for all structures from the 100 year floodplain.
3. Emergency services are available to the site. Law enforcement personnel and procedures are available to address potential problems of noise, property damage, or personal injury. Fire protection is also available to the site.
4. This rezoning encourages an appropriate use of the land because it is located in an area the 2035 Growth Policy recommends that CBD-4 Central Business District /DE-D Outer Core Design Excellence Downtown Overlay zoning be applied due to the Urban Center land use design.
5. In addition the rezone to CBD-4 Central Business District /DE-D Outer Core Design Excellence Downtown Overlay is appropriate because the area has access to sewer, public water, emergency services, streets, and other urban services. The recommended motion to require dedication of an easement to support extension of the riverfront trail will enhance non-motorized facilities.

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

1. The rezoning to CBD-4 Central Business District /DE-D Outer Core Design Excellence Downtown Overlay is suitable for the subject property and gives reasonable consideration to the character of the district by providing a mix of residential and commercial uses at an intensity that is context-appropriate.
2. The rezoning considers the location and character of the property, which has easy access to urban infrastructure and services in Missoula.

6a. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition; 6b. Whether the proposed zoning amendment is in the best interests of the city as a whole.

1. The zoning amendment is a map amendment and not a text amendment, therefore there is no change to the Title 20 zoning ordinance with the map amendment to rezone the subject property from Riverfront Triangle Special Zoning District, Sub-district D to CBD-4 Central Business District /DE-D Outer Core Design Excellence Downtown Overlay.

2. The rezoning is in the best interest of the city as a whole because the rezoning implements the recommendations of the 2035 Our Missoula City Growth Policy for areas designated Urban Center. The CBD-4 zoning designation is listed in the Growth Policy as currently relatable to lands with the Urban Center land use designation.
3. Application of the /DE-D Outer Core Design Excellence Downtown Overlay with this zoning map amendment is consistent with the zoning applied to adjacent properties. The rezoning will provide a mix of residential and commercial at an intensity that is context appropriate.
4. The rezoning promotes compatible urban growth because it is inside the Waste Water Service Area and served by public infrastructure and services, including motorized and non-motorized transportation, water, sewer, schools, parks, and public utilities and services.
5. The rezoning will benefit the City as a whole if City Council approves the recommended motion providing for extension of the Riverfront Trail across the property connecting to W Broadway and by providing the appropriate width of trail and amenities that provide safe and effective non-motorized facilities while implementing key goals and objectives from the 2019 Missoula Downtown Master Plan.

III. AGENCY COMMENT

Missoula Valley Water Quality District: No comment provided

Health Department - Air Quality Division: The Air Program at the Missoula City-County Health Department has no comments on the proposed rezone request for 601 W Broadway – Ben Schmidt

Health Department – Environmental Health: The District supports the trail easement and 50 ft buffer that's proposed. It would be nice to see some of the concrete debris removed on the bank. Also, not sure that zoning is a tool to memorialize the riparian buffer and trail easement but the District would be supportive of this. Thanks. Travis Ross

Missoula County – Emergency Management: Emergency Management has no Comment- Adriane Beck

Missoula Urban Transportation District: Missoula Urban Transportation District does not have any concerns about the rezoning of 601 W Broadway to CBD-4/DE-D Outer Core. – Dan Stone

City Parks & Recreation: Thank you for allowing the Parks Department the opportunity to review this rezone.

The existing SD/Riverfront Triangle zoning for this parcel has a number of requirements in regards to:

- expanding the non-motorized system,
- continuing the Riverfront Trail corridor, which is the primary east/west commuter on the north side of the riverfront,
- considering views from and through the site,
- preservation and enhancement of open space area, and
- encourage land uses which will promote the natural, recreational, and historical character, as well as land uses that will allow public enjoyment of the area.

Specific to this parcel, the SD/Riverfront Triangle Subdistrict 4 requires:

- a public riverfront trail that will connect to the Ron's River Trail to the east
- building setbacks of 20' from top of bank, with buildings within 50' of top of bank to be no higher than 30', with either retail, service business or residential on the ground level.
- Minimum sidewalk widths of 10' on West Broadway and 15' on West Front Street

The recent update of Missoula's Downtown Master Plan proposed to design Ron's River trail as a Promenade with a 14' minimum width (w/2'shoulders), with lighting and seating. Completing the north bank riverfront trail is also an identified project in Activate Missoula 2045, Missoula's Long Range Transportation plan. The North Riverside Parks and Trails

Masterplan (pending adoption) recommends for a 16-20' width promenade, and the proposed 2020 AASHTO Guide for the Development of Bicycle Facilities also calls for wider minimum shared-use path widths due to volume of use.

The Parks Department could support this rezoning, but we would need a minimum of a 20' wide non-motorized access easement (25' width preferred) through this parcel to ensure we can accommodate trail lighting, provide both short/long term maintenance, future trail expansion, seating, and public safety. The current application only provides for a 15' easement.

The Parks department acknowledges that this is a narrow parcel with many constraints. We are willing to work with the applicant on meeting the intent of the original zoning, as well as implementing the City's adopted plans. - Neil Miner

Office Of Housing & Community Development: No comment provided

City Attorney: No comment provided

Missoula Redevelopment Agency: Thanks for the opportunity to comment.

This parcel currently carries the remnant of a special zoning district created in the mid-2000s that once extended eastward to Orange Street south of West Broadway. 601 West Broadway is now an isolated zoning island and should be considered part of the overall developable area in the Riverfront Triangle along the River it coincides and can be developed in concert with parcels to the east of it. The CBD-4 designation was applied to the parcels between the subject lot and Orange Street in 2019. At that time, the then owner of 601 West Broadway was not interested in changing to CBD-4.

The old special zoning for the property speaks specifically to height and setback restrictions and may include allowance for a public riverfront trail along the south and west sides of the property, which are important to the best development of that part of downtown Missoula. The CBD-4 zoning to the east was adopted pursuant to a Land Use Agreement (attached) which speaks to trail easements and design requirements that are very important to future development of the City's riverfront trail system, views from West Broadway, and promotion of proper urban form and architectural design. (The design requirements are superseded by the Design Excellence Standards). MRA supports the rezoning to CBD-4 pursuant to the owner providing written assurances that the riverfront trail on the south and west sides of the parcel remains viable though easements or allowance of the trail to be placed in south and west building setbacks. – Chris Behan

City Police: No issues from Police Department – Chris Odlin

City Fire: Thank you for the opportunity to comment. Specific requirements for providing the necessary tools for community fire protection, i.e., fire department access roads and fire protection water supplies, shall be reviewed at the time of construction permit submittal by the fire code official. Fire has no present concerns/comments with the proposed rezone request. – Adam Sebastian

Montana Department of Transportation: I do not have any concerns or comments with the proposed Rezone Request. – Glen Cameron

City Stormwater Division: No comment provided

City Wastewater Division: No comment provided

City Water Division: No comment provided

Neighborhood Council (NC): No comment provided

V. EXHIBITS:

Return to: Missoula City Clerk
435 Ryman
Missoula, MT 59802

FOX TRIANGLE LAND USE AND DEVELOPMENT REQUIREMENTS AGREEMENT
May 8, 2017

This Land Use and Development Requirements Agreement, hereinafter referred to as "Agreement" is made this 7 day of June, 2017 between the Developer, which includes Hotel Fox Partners, LLC, and Riverfront Triangle Partners, LLC, a Montana Limited Liability Corporations, hereinafter referred to as the "Developer" and the City of Missoula, 435 Ryman Street, Missoula, MT 59802, hereinafter referred to as "City".

The Developer states that they are obligated and have the right to obligate any associated entity purchasing parcels of the Real Property described in Exhibit #1, hereinafter referred to as "Real Property", to the requirements, standards, and restrictions in this Agreement.

The Developer owns or proposes to own all the Real Property. The Developer and the City agree and declare that all the Real Property shall be subject to the following standards and restrictions and this Agreement shall be binding upon all parties having or acquiring any right, title or interest in the Real Property and shall be binding upon each successor in interest of all portions of the Real Property.

STANDARDS AND RESTRICTIONS

1. **Permitted Uses:** The Real Property may be developed with uses listed as permitted and conditional in the CBD-4 Central Business District per Title 20, City Zoning Ordinance, however development must include the following uses: Residential, Conference Center (Entertainment and Spectator Sport – Large Venue), Hotel, Office, Retail, and Restaurant.
 - a. A separate agreement shall be required addressing the appropriate mix of multi-income housing, including low to moderate income housing, that will be provided in the residential portion of the development. This agreement shall be approved by the Developer and City Council prior to the residential design phase of the Fox Triangle development. The purpose

FOX TRIANGLE LAND USE AND DEVELOPMENT REQUIREMENTS AGREEMENT
Approved at City Council May 8, 2017 Page 1 of 9

of this agreement is to describe what component of the housing will serve households meeting the HUD definition of affordable housing and the timeframe or duration that these housing units will be priced to serve households meeting the HUD definition. Further the intent of this agreement is to involve the City of Missoula, Developer, a non-profit housing developer, and any other possible entities that can constructively and financially participate in creating this affordable housing component of the Fox Triangle Development, to have input into and participate in creating a development formula that will effectuate the purpose of the agreement, as listed above.

2. **Setbacks:** Title 20, Section 20.10.040B "Floodplain Setbacks for CBD District" applies to the Fox Site Development. If a variance to this setback standard is approved, buildings shall be setback a minimum of 25 feet from the top of the north bank of the Clark Fork River. The setback area may not contain parking areas, driveways or other vehicular uses. The setback area may contain active transportation facilities such as the Riverfront Trail.
3. **Building Design Standards:** Title 20, Section 20.40.170 of the Missoula Municipal Code, providing Use and Building Specific Design Standards for Commercial Buildings, shall apply to all mixed-use and non-residential use buildings constructed within the Real Property, regardless of size. A primary façade shall include sides of a building that face a public or private street and any public space, such as the Riverfront Trail, a public park, a plaza or public access easement. Any future amendments to the design standards in Title 20 approved by City Council shall apply to the Real Property.
 - a. **Single Purpose Residential Buildings:** All single-purpose residential use buildings shall meet the Multi-dwelling standards in Title 20 of the Missoula Municipal Code, except for Section 20.40.090F Landscaping. Multi-dwelling units in single purpose residential buildings shall be provided storage rooms meeting Section 20.40.090E3 Storage except that the storage room may be located attached to or within an individual dwelling unit, or in another location within the building.
 - b. **Mixed Use buildings:** In addition to meeting the Commercial Building Design Standards in Title 20, multi-dwelling units in Mixed Use buildings shall be provided storage rooms meeting Section 20.40.090E3 Storage except that the storage room may be located attached to or within an individual dwelling unit, or in another location within the building.
4. **Building Design Standards – Glazing:** In addition to the standards required in Title 20, Section 20.40.170 of the Missoula Municipal Code, development of the Real Property shall include the following glazing requirements for facades of buildings facing a primary façade as defined in #3 above:
 - a. Incorporate windows, doors and other transparencies to encompass at least 25% of the first story of the building façade between finished grade and 12 feet above grade.
 - b. Incorporate windows, doors and other transparencies to encompass at least 15% for the portion of a building façade above the first story.
 - c. Darkly tinted, mirrored or highly reflective glazing or doors with less than 50% glass may not be counted toward minimum glazed area requirements.

5. **Views:** Development of the Real Property shall maintain unobstructed views through the site along the Riverfront Trail, along W Front Street and Owen Street including the full width of the public access easements located within the vacated portions of the right-of-way.
6. **Parking:** Development of the Real Property shall include the requirement for off-street parking meeting Title 20, Chapter 20.60 of the Missoula Municipal Code, except as follows:
 - a. The amount of off-street parking required shall be equal to 0.75 times the amount of parking required in Title 20, Section 20.60.020(C) Off-street Parking Schedule of the Missoula Municipal Code;
 - b. Off-street parking shall be provided in structured parking garages, either above or below grade. Structured parking garages shall not be located at street level fronting W Broadway, N Orange Street or along the south side of W Front Street. Where allowed at street level with frontage on a public or private street, Riverfront Trail, or public access easement, structured parking garages shall be screened from view by a solid wall, landscaping, green wall or any combination of the three.
 - c. Surface parking lots may be utilized to provide off-street parking, temporarily, prior to build-out of the real property. However as development occurs temporary surface parking lots shall be replaced with development meeting Title 20, Section 20.40.170 Use and Building Specific Design Standards for Commercial Buildings of the Missoula Municipal Code. Permanent surface parking lots are prohibited;
 - d. Off-street parking spaces, except required ADA spaces, may be provided off site subject to parking agreements filed prior to building permit approval; and
 - e. Short Term and Long Term bicycle parking spaces shall meet standards in Title 20, Section 20.60.090 of the Missoula Municipal Code.
7. **Public Parking:** The Developer will schedule a meeting with Parks and Recreation, MRA and the Parking Commission to brief Parks and Recreation on the plan for public parking on the site.
8. **Riverfront Trail:** Development of the Real Property shall include construction of the Riverfront Trail along the north shore of the Clark Fork River beginning at the existing Riverfront Trail under the Orange Street Bridge and extending to the western edge of the Real Property connecting to W Broadway without interruption or detour. The minimum trail width shall be 10 feet with 1 foot shoulders on either side of the path, ideally within a 20 foot wide easement measured from the top of the riverbank. Design of the Riverfront Trail and any variation from the standards, including easement width, surface width of the trail, lighting, provision for trash receptacles and benches, shall be specific to the site and approved by City Parks and Recreation. Development shall include a bicycle commuter connection from the Riverfront Trail to W Broadway or W Front Street either through the site in the general area of the vacated Owen Street right-of-way or through a north/south public access easement on the western edge of the Real Property.
9. **Greenway – W Front Street vacated ROW:** Development of the Real Property shall include construction of active transportation facilities within the 30 foot wide public access easement

located within the general area of the vacated portion of W Front Street connecting active transportation facilities on W Broadway at the western edge of the Real Property to active transportation facilities at the proposed round-about at the intersection of W Front Street and Owen Street. The design of the active transportation facilities shall accommodate all modes of active transportation and shall be approved by the City Engineer and City Parks.

10. **Plaza – Owen Street vacated ROW:** Development of the Real Property shall include construction of a Plaza and active transportation facilities within a public access easement that is no less than 60 feet in width and up to 90 feet in width as necessary to contain the "Plaza" and active transportation facilities, to be located within the general area of the vacated portion of Owen Street connecting the Riverfront Trail to the active transportation facilities at the proposed round-about at the intersection of W Front Street and Owen Street. Unobstructed views from properties north of W Broadway to the River shall be maintained for the full width of the Plaza. The design of the Plaza shall accommodate all modes of active transportation.
11. **Greenway and Plaza Design:** The Developer will meet with Missoula Redevelopment Agency (MRA) and with Parks and Recreation to review the design for the Greenway within the West Front Street vacated right-of-way and Plaza within the Owen Street vacated right-of-way at the pre-design phase, and at 30% and 100% Schematic Design, and at 30% and 60% Design Development points.
12. **Design Standards:** Development of the Real Property shall meet all applicable Missoula Parks and Recreation standards including, but not limited to, Public Landscape and Recreation Facilities Design Manual, Urban Forest Management Plan, and shall comply with AASHTO and NACTO standards and standards for Crime Prevention through Environmental Design (CPTED).
13. **Access Easements:** The Developer will grant to the City administrative access easements to allow the City motorized, administrative access to any publically-managed portion of the site for maintenance and repairs. The motorized, administrative access easements will include a temporary construction easement, which is a minimum of 20' and allows for heavy equipment access to the Riverfront Trail and a perpetual non-motorized access easement, with motorized access for administrative and maintenance purposes, for any non-motorized trails managed by the City, including but not limited to the Riverfront Trail. The specific width and location of the easement will be mutually agreed-upon by the Developer and the City, and any such easement may be relocated to a different location or amended to alter the width or other specifications upon mutual written agreement by both the City and the Developer.
14. **Construction Closures and Detours:** The Developer will submit a plan to the Missoula Parks & Recreation and City's Bicycle and Pedestrian Office for approval addressing detours and advanced notification signage for bicyclists and pedestrians for any public pedestrian trail through the Real Property at least 30 days in advance of any closures, temporary or otherwise occurring on the site.
15. **Riverfront Park:** The Developer will engage Parks and Recreation in the design of the remainder of the City-owned parcel of land that will be a riverfront park. The Developer will

schedule design review meetings with Parks and Recreation at the following points in the design process: Pre-design, 30% Schematic Design, 100% Schematic Design (approval by Department of Parks and Recreation required,) 30% Design Development, 60% Design Development, 100% Design Development (approval by Department of Parks and Recreation required,) 75% Construction Documents (final redline by City). Storm drainage structures are acceptable in the City Riverfront Park land but must be sub-surface infrastructure that does not limit the park, trail or green space values. Storm water drainage plans shall be reviewed and approved by Missoula City Public Works and Department of Environmental Health.

16. **Maintenance and Management Agreements:** The Developer and the City shall enter into maintenance agreements to delineate each party's obligations for maintenance and management of the various public spaces on the site, including but not limited to the Greenway within the West Front Street vacated right-of-way, the Plaza within the Owen Street vacated right-of-way, the Riverfront Park, and the Riverfront Trail.
17. **Street Tree Design:** Prior to beginning development of the Real Property, the Developer will meet with Parks and Recreation to review and approve the design and selection of street trees.
18. **Future Pedestrian Bridge:** The Developer shall meet with Parks and Recreation to determine the best location for a potential future pedestrian bridge across the Clark Fork River from City-owned park land at McCormick Park on the south side of the river to the Real Property on the north side of the River. The Developer will document and define this location in its plans and will facilitate future design and construction of this bridge by placing any necessary infrastructure within the Real Property to accommodate a future bridge and that could not be placed after development of the Real Property.
19. **River Access:** The Developer will include the conceptual design, or at least note on plans, the potential for a hardened river access under the Orange Street Bridge in Developer's design of the Riverfront Trail and Park.
20. **Riverbank Stabilization and Vegetation:**
 - a. **For Areas Disturbed by Developer Activities:** In any area where the riverbank is disturbed by the Developer's activities, the Developer will repair and stabilize any damage and will plant native riparian shrubs along the riverbank in the disturbed area to stabilize against erosion and enhance the natural environment along the river. The Developer will work with Parks and Recreation to select the specific type of vegetation, but will select drought tolerant plants with characteristics that discourage people from accessing the bank in locations other than the hardened river access point described in #18 above. Additionally, along the riverbank and Riverfront Trail, the Developer shall work with Parks and Recreation to determine if physical barriers (eg. fencing, boulders, signage etc.) along the edge of the stream bank is required to prevent erosion, to direct users to sustainable river access points and/or prevent undesired access to the river, and shall install such physical barriers if deemed necessary.

- b. **For Existing Areas Not Disturbed by Developer Activities:** The Developer will pay an allowance of \$2,500.00 to City Parks and Recreation to cover the cost of purchasing and installing native plants and restoration/stabilization materials to repair existing erosion and stabilize the riverbank in the area between the river and the top of bank. City Parks and Recreation is responsible for procuring plant materials and carrying out or supervising planting in this area.

21. **Amendments:** No part of this Agreement may be amended or deleted without prior written consent of the Missoula City Council and the Developer, or their successors and assigns.


IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 7 day of June, 2017.

By (signature): James P. Corrick
Name (printed): JAMES P. CORRICK
Title: AUTHORIZED REPRESENTATIVE

On this 7th day of June, 2017, before me the undersigned,
a Notary Public for the State of Montana, personally appeared
James P. Cornick, known to me personally (or proved to me on
the basis of satisfactory evidence) to be the person whose name is subscribed to the within
instrument and acknowledged to me that he/she executed the same, as the authorized
representative for Hotel Fox Partners, LLC.

Seal, the day and year first above written.

(Signature)

 JILAYNE R DUNN
NOTARY PUBLIC for the
State of Montana
Residing at Missoula, MT
My Commission Expires
September 08, 2017.

Notary Public for the State of Montana
Residing at Missoula, Montana
My commission expires Sept 8, 2017

By (signature): James P. Corrick
Name (printed): JAMES P. CORRICK
Title: MANAGING MEMBER

Page 88 of 131

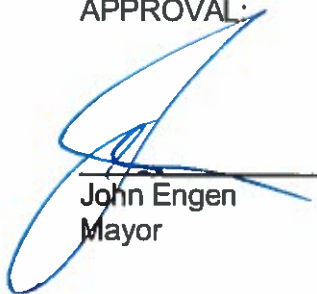
CITY OF MISSOULA

ATTEST:



Martha L. Rehbein
City Clerk

APPROVAL:



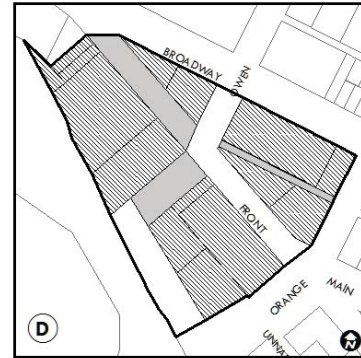
John Engen
Mayor

(SEAL)



ORDINANCE NUMBER 3590

AN ORDINANCE TO REZONE PROPERTY LEGALLY DESCRIBED AS PORTIONS OF LOTS 19 & 20, ALL OF LOTS 1 THROUGH 18 AND 21 THROUGH 23 IN BLOCK 24; FRACTION OF LOTS 1 THROUGH 8 IN BLOCK 25; LOTS 23 THROUGH 29 & CERTIFICATE OF SURVEY #4171 TRACT A & AREA SOUTH OF LOTS 46 THROUGH 48 IN BLOCK 56; PARCEL 1 (19,895 SQUARE FEET) IN BLOCK 56; PARCEL 2 (14,580 SQUARE FEET) IN BLOCK 56; LOT 30, LOTS 34 THROUGH 37 & ADJACENT PORTION SOUTH TO HIGH WATER LINE OF RIVER, LOTS 38 THROUGH 45 & ADJACENT PORTION SOUTH TO HIGH WATER LINE OF RIVER, AND LOTS 46 & 47 IN BLOCK 56; ALL WITHIN WJ MCCORMICK ADDITION, A PLATTED SUBDIVISION IN THE CITY OF MISSOULA, MISSOULA COUNTY, MONTANA, LOCATED IN SECTION 21 OF TOWNSHIP 13 NORTH, RANGE 19 WEST, P.M.M.; OWEN STREET RIGHT-OF-WAY SOUTH OF THE INTERSECTION WITH W FRONT STREET; W FRONT STREET RIGHT-OF-WAY FROM WEST OF THE INTERSECTION WITH OWEN STREET THROUGH LOT 47 IN BLOCK 56; AND THE ALLEY RIGHT-OF-WAY EXTENDING FROM N ORANGE STREET TO OWEN STREET IN BLOCK 24 FROM RIVERFRONT TRIANGLE SPECIAL ZONING DISTRICT TO CBD-4 CENTRAL BUSINESS DISTRICT.



BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOULA:

THAT THE ABOVE DESCRIBED PROPERTY IS HEREBY WITHDRAWN FROM THE ZONE CLASSIFICATION OF RIVERFRONT TRIANGLE SPECIAL ZONING DISTRICT AND REPLACED WITH THE CLASSIFICATION OF CBD-4 CENTRAL BUSINESS DISTRICT.

Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

PASSED by a vote of:

First reading and preliminary adoption: 10 ayes, Emily Bentley, Michelle Cares, John DiBari, Annelise Hedahl, Jordan Hess, Gwen Jones, Marilyn Marler, Bryan von Lossberg, Heidi West, Jon Wilkins; 0 nays; 0 abstain; and 2 absent, Julie Armstrong, Ruth Ann Swaney.

Second and final reading: 10 ayes, Julie Armstrong, Emily Bentley, Michelle Cares, John DiBari, Annelise Hedahl, Gwen Jones, Marilyn Marler, Ruth Ann Swaney, Bryan von Lossberg, Jon Wilkins; 0 nays; 0 abstain; 2 absent, Jordan Hess, Heidi West.

APPROVED by the Mayor this 8th of May, 2017.

ATTEST:

/s/ Martha Rehbein

Martha Rehbein
Legislative Services Director/City Clerk

(S E A L)

APPROVED:

/s/ John Engen

John Engen
Mayor



DEVELOPMENT SERVICES


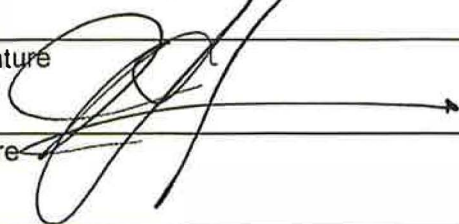

435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX: (406) 552-6053

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: **Rezone site from SD/Riverfront Triangle to CBD-4**
4. Name(s) of Applicant: **Nick Kaufman - WGM Group, Inc.**
Mailing Address: **1111 E Broadway Missoula MT 59802**
Telephone Number: **406-728-4611**
Email Address: **nkaufman@wgmggroup.com**
5. Name(s) of Owner of Record: **Wise Dennis B Trustee, Wise Mary Conway Trustee, Wise Family Trust**
Mailing Address: **Jim Lentine 7652 East Acoma Drive Scottsdale AZ 85260**
Telephone Number: **602-625-5000**
Email Address: **jim@wiseenterprisegroup.com**
6. Name and Company of Representative: **WGM Group, Inc. - Nick Kaufman**
Mailing Address: **1111 E Broadway Missoula MT 59802**
Telephone Number: **406-728-4611**
Email Address: **nkaufman@wgmggroup.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.

	9/20/2019
Applicant's Signature	Date
	9/13/19
Owner's Signature	Date
	9/20/2019
Representative's Signature	Date

B. SUBJECT PROPERTY INFORMATION

General location of subject property and address (if address has been assigned): **601 W Broadway Missoula MT 59802; 541 W Front St. Missoula MT 59802**

Legal Description - complete and unabbreviated:

Lots A, B, 1, 2, 3, 4, 5, and the east half of Lot 6 in Block 51 and Lots 48 and 49 in Block 56 of W.J. McCormick's Addition to the town of Missoula, a recorded subdivision in Missoula County, Montana.

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: **04-2200-21-1-13-11-0000; 04-2200-21-1-13-10-0000**

C. ZONING AND GROWTH POLICY INFORMATION

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

	Zoning	Current Land Use
Adjacent (North)	C1-4 (Neighborhood Commercial)	Street (W. Broadway)
Adjacent (South)	Unzoned/CBD-4 (Central Business District)	Parks and Open Lands
Adjacent (East)	CBD-4 (Central Business District)	Commercial
Adjacent (West)	C1-4 (Neighborhood Commercial)/Unzoned	Commercial

2. What is the current zoning of the property (including intensity designator)? **SD/Riverfront Triangle (Special Zoning District)**

3. What is the requested zoning for the property (including intensity designator)? **CBD-4 (Central Business District)**

4. What is the applicable comprehensive plan and land use designation for the property? **Urban Center**

5. What is the intended use for the property? **The tentative intended use is for workforce housing, parking, and office space.**

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, according to Our Missoula Growth Policy 2035 CBD-4 (Central Business District) is within the growth policy for Urban Center.

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

The zoning takes into account adequate provision of transportation and is within the Urban Transportation District and near a Mountain Line bus route. Water is adequate for domestic use and fire protection and is provided by Missoula Water. Sewer is provided by the City of Missoula and has adequate capacity to serve the development

- 2b. Whether the zoning considers the effect on motorized and non-motorized transportation systems;
The zoning will allow for higher density in the area which supports non-motorized transportation systems and better utilizes motorized transportation systems.
- 3. Whether the zoning considers the promotion of compatible urban growth;
The zoning supports compatible urban growth because it conforms to the Missoula 2035 Growth Policy.
- 4a. Whether the zoning is designed to promote public health, public safety, and the general welfare;
The zoning conforms to the Missoula 2035 Growth Policy and is congruent with city capital facilities planning.
- 4b. Whether the zoning is designed to secure safety from fire and other dangers;
The zoning is in conformance with the Missoula 2035 Growth Policy and all buildings will be built in compliance with the City of Missoula Building Codes for fire safety and other dangers.
- 4c. Whether the zoning considers the reasonable provision of adequate light and air;
The zoning provides for reasonable provision of light and air through setback requirements.
- 4d. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area;
The zoning encourages the most appropriate use and is congruent with the land designation of Urban Center in the Growth Policy.
- 5. Whether the zoning considers the character of the district and its peculiar suitability for particular uses;
The site is proximate to other commercial sites such as Taco Johns and Providence St. Patrick's Hospital. The site borders downtown and considers the character and zoning of the district.

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.
- ☒ **The current plat** of the subject property.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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0 250 500
1 inch = 500 feet

VICINITY EXHIBIT 601 W BROADWAY ST MISSOULA, MONTANA

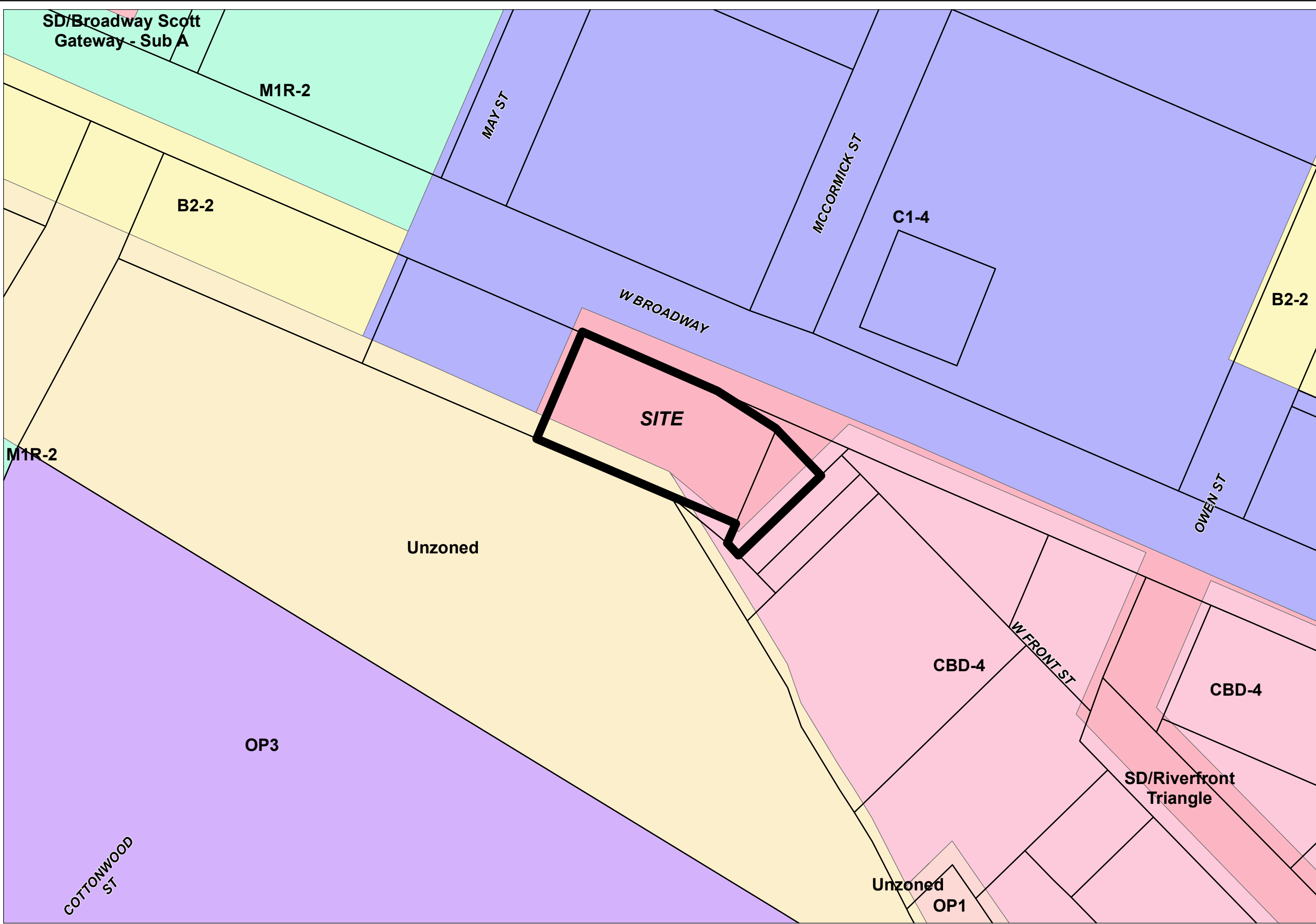
Disclaimer: This map is neither a legally recorded map nor a survey and is not intended to be used as such. WGM Group does not guarantee the accuracy, current status, or completeness of the material contained herein and is not responsible for any misuse or misrepresentation of this information or its derivatives. This map is a graphic representation and is to be used for general planning purposes only.

PROJECT: 19-04-07
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FILE PATH: W:\PROJECTS\190407\GIS\MXD
DRAFT: SAM
APPROVE: KD
DATE: JULY 2019

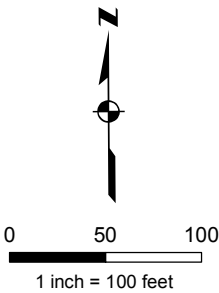
JULY 2019

SHEET

1 of 1
Page 96 of 131



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ZONING EXHIBIT
601 W BROADWAY ST
MISSOULA, MONTANA

Disclaimer: This map is neither a legally recorded map nor a survey and is not intended to be used as such. WGM Group does not guarantee the accuracy, current status, or completeness of the material contained herein and is not responsible for any misuse or misrepresentation of this information or its derivatives. This map is a graphic representation and is to be used for general planning purposes only.

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FILE PATH: W:\PROJECTS\190407\GIS\MXD
DRAFT: SAM
APPROVE: KD
DATE: JULY 2019

JULY 2019

SHEET

1 of **1**
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0 50 100
1 inch = 100 feet

**2015 MISSOULA URBAN AREA
FUTURE LAND USE DESIGNATION EXHIBIT
601 W BROADWAY ST
MISSOULA, MONTANA**

Disclaimer: This map is neither a legally recorded map nor a survey and is not intended to be used as such. WGM Group does not guarantee the accuracy, current status, or completeness of the material contained herein and is not responsible for any misuse or misrepresentation of this information or its derivatives. This map is a graphic representation and is to be used for general planning purposes only.

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FILE PATH:
W:\PROJECTS\190407\GIS\MXD
DRAFT: SAM
APPROVE: KD
DATE: JULY 2019

JULY 2019

SHEET

1 of 1
Page 98 of 131



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0 50 100
1 inch = 100 feet

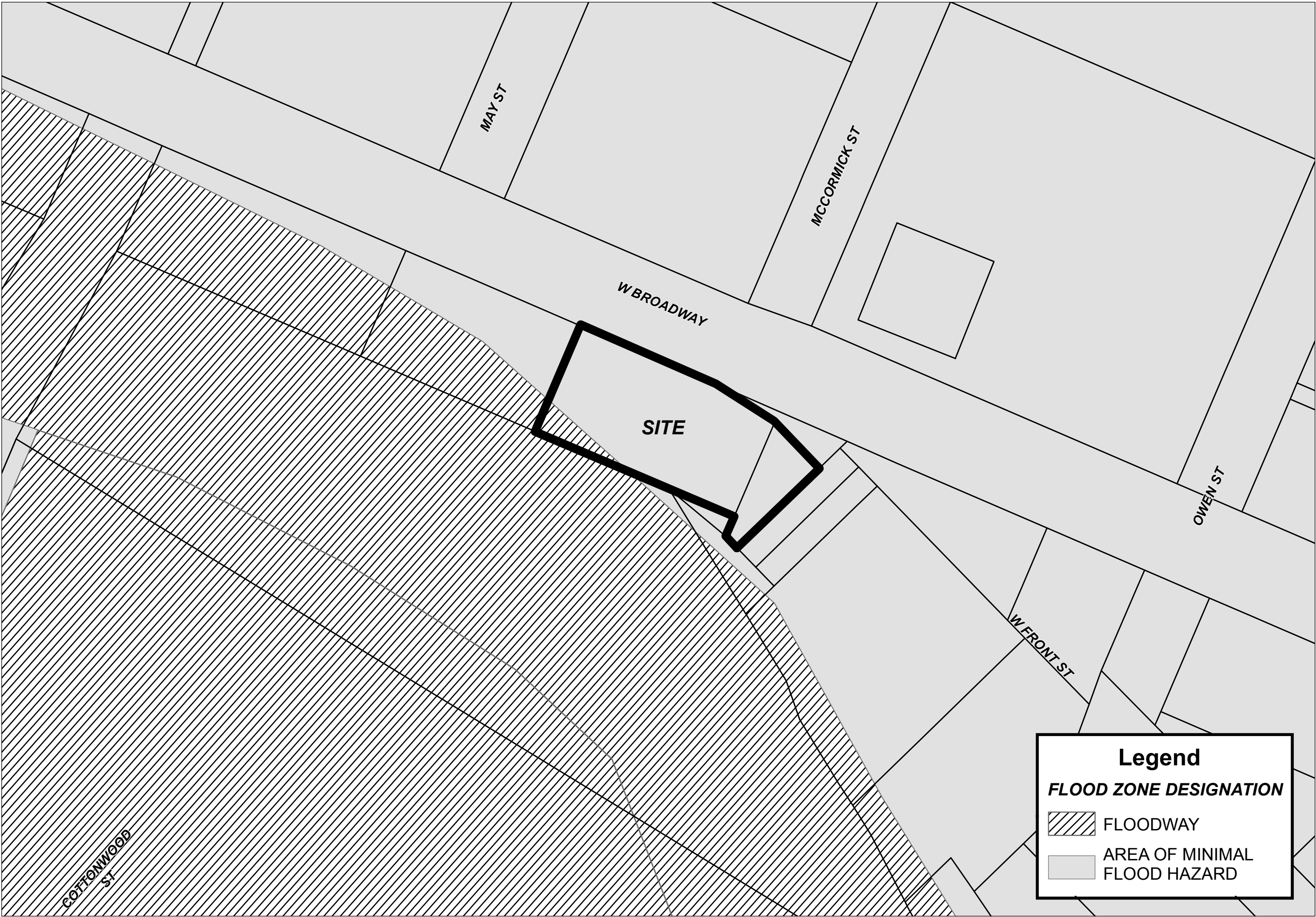
**FLOODPLAIN EXHIBIT
601 W BROADWAY ST
MISSOULA, MONTANA**

Disclaimer: This map is neither a legally recorded map nor a survey and is not intended to be used as such. WGM Group does not guarantee the accuracy, current status, or completeness of the material contained herein and is not responsible for any misuse or misrepresentation of this information or its derivatives. This map is a graphic representation and is to be used for general planning purposes only.

PROJECT: 19-04-07
FILE NO: 190407_ZONING.mxd
FILE PATH: W:\PROJECTS\190407\GIS\MXD
DRAFT: SAM
APPROVE: KD
DATE: JULY 2019

JULY 2019

SHEET



Legend

FLOOD ZONE DESIGNATION

 FLOODWAY

 AREA OF MINIMAL
FLOOD HAZARD



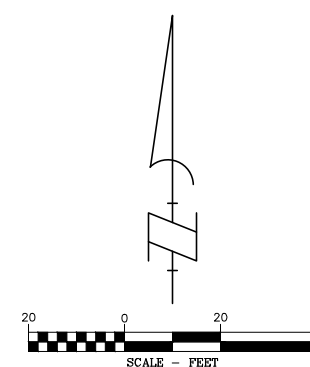
601 WEST BROADWAY

MISSOULA, MONTANA

PROJECT: 18-08-15
LAYOUT: EXHIBIT
SURVEYED: JLN
DESIGN: ---
DRAFT: SAM
APPROVE: KD
DATE:

JULY 2019

SHEET 1 OF 1
Page 100 of 1





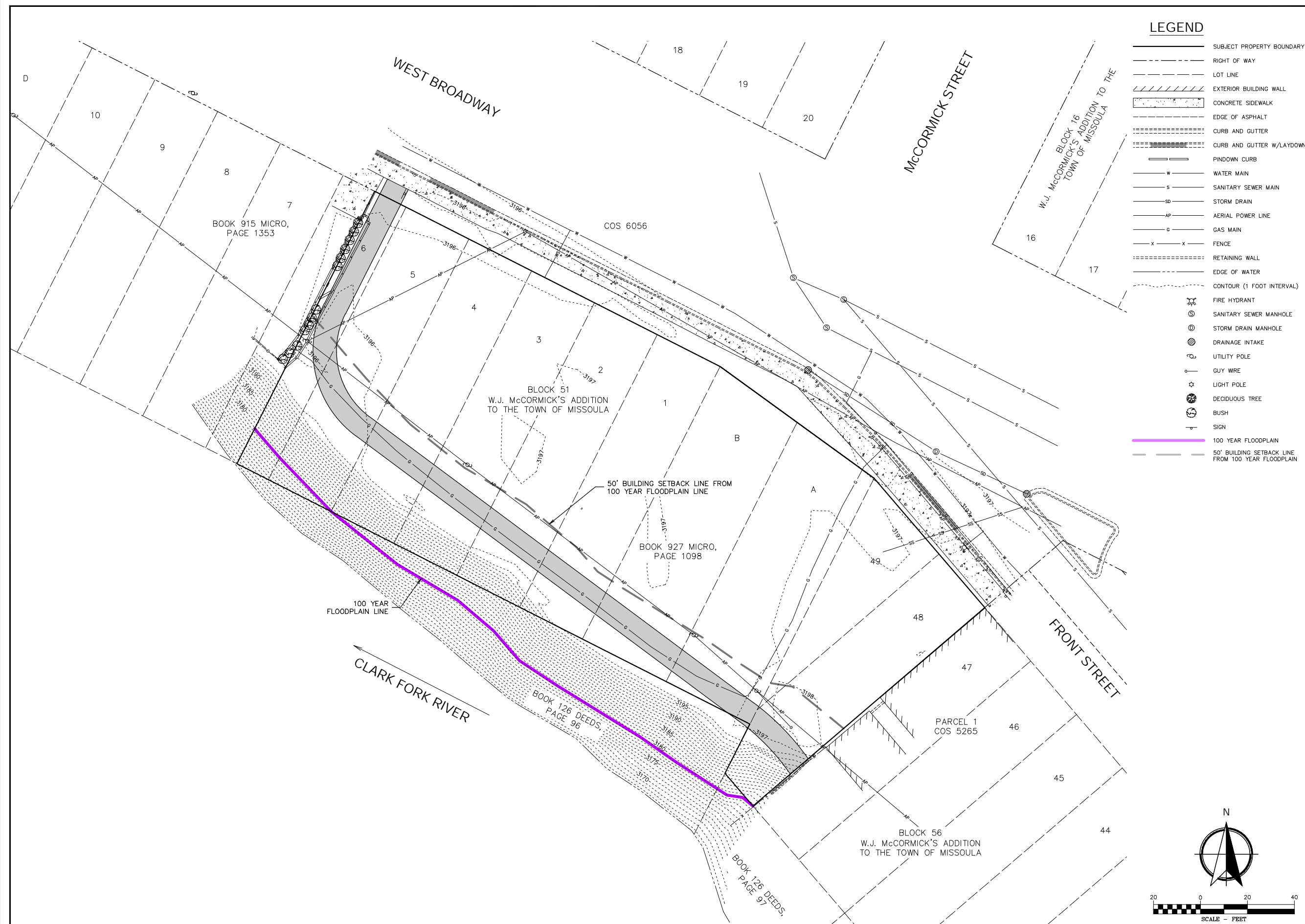
PLOTTED: 6/5/20
SAVED: 6/5/20

BUILDING SETBACK EXHIBIT
601 WEST BROADWAY
MISSOULA, MONTANA

PROJECT: 19-08-11
LAYOUT: BUILDING SETBACKS
SURVEYED: JLN
DESIGN: RJS
DRAFT: EDI
APPROVE: RJS
DATE:

JUNE 2020

SHEET 1 OF 1
Page 101 of 12

[illegible]



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PRELIMINARY

PLOTTED: 6/5/20
SAVED: 6/5/20

PROPOSED EASEMENT EXHIBIT
601 WEST BROADWAY
MISSOULA, MONTANA

REVISIONS:
NO. DESCRIPTION DATE

NO.	DESCRIPTION	DATE

PROJECT: 19-08-11
LAYOUT: EASEMENT EXHIBIT
SURVEYED: JLN
DESIGN: SAM
DRAFT: SAM/EDI
APPROVE: RJS
DATE:

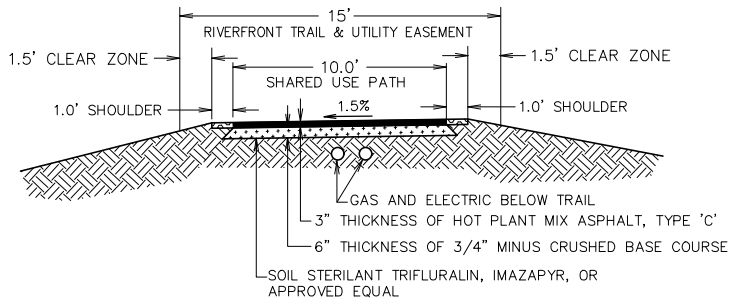
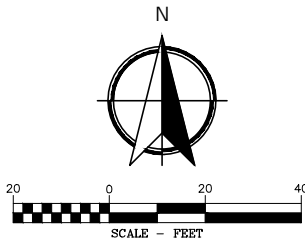
JUNE 2020

SHEET

1 OF 1
Page 102 of 13

LEGEND

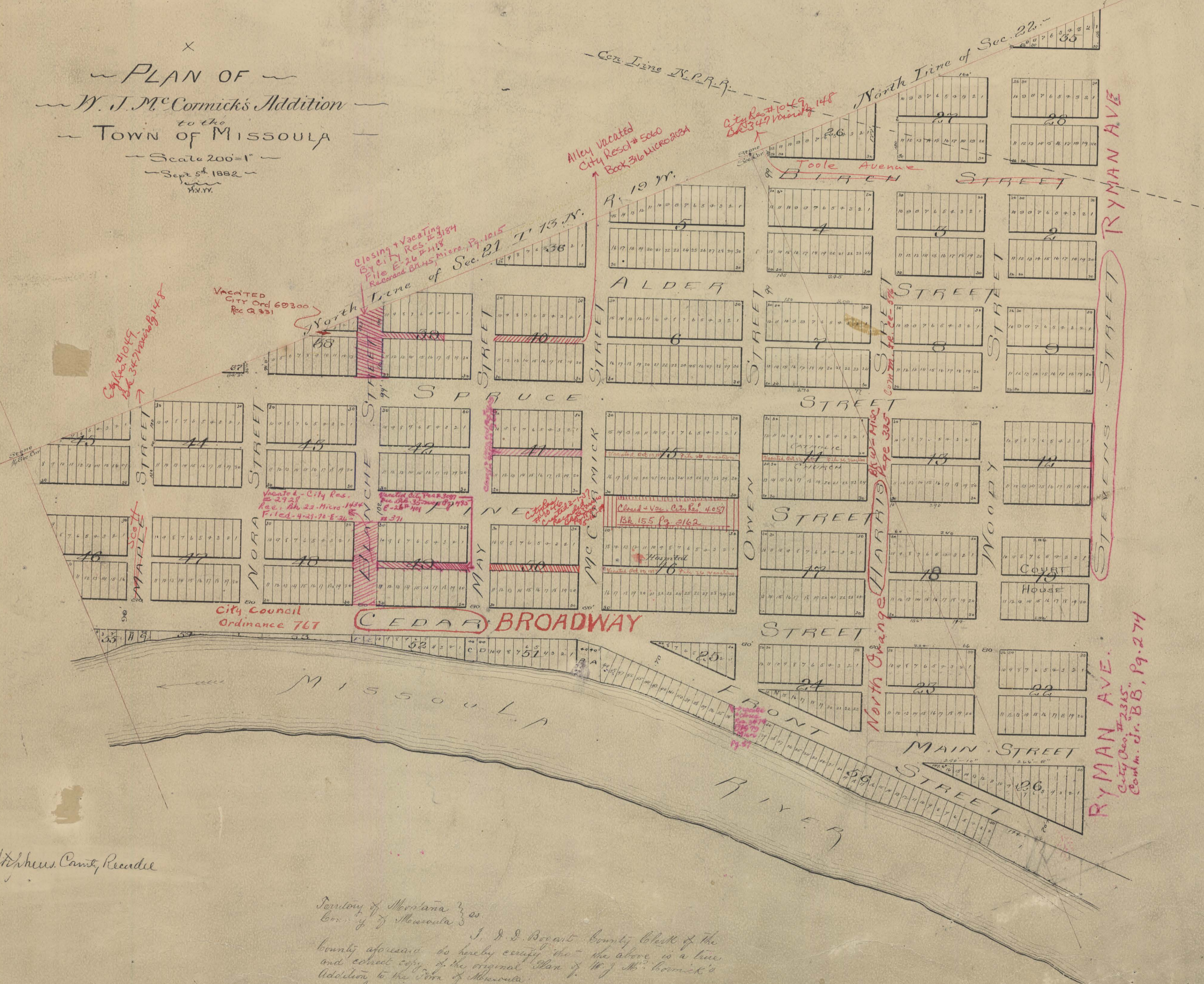
- SUBJECT PROPERTY BOUNDARY
- RIGHT OF WAY
- LOT LINE
- EXTERIOR BUILDING WALL
- CONCRETE SIDEWALK
- EDGE OF ASPHALT
- CURB AND GUTTER
- CURB AND GUTTER W/LAYDOWN
- PINDOWN CURB
- WATER MAIN
- SANITARY SEWER MAIN
- STORM DRAIN
- AERIAL POWER LINE
- GAS MAIN
- FENCE
- RETAINING WALL
- EDGE OF WATER
- CONTOUR (1 FOOT INTERVAL)
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- DRAINAGE INTAKE
- UTILITY POLE
- GUY WIRE
- LIGHT POLE
- DECIDUOUS TREE
- BUSH
- SIGN
- PROPOSED TRAIL EASEMENT
- PROPOSED UTILITY EASEMENT



RIVERFRONT TRAIL TYPICAL SECTION
(LOOKING WEST & NORTH)

NO SCALE

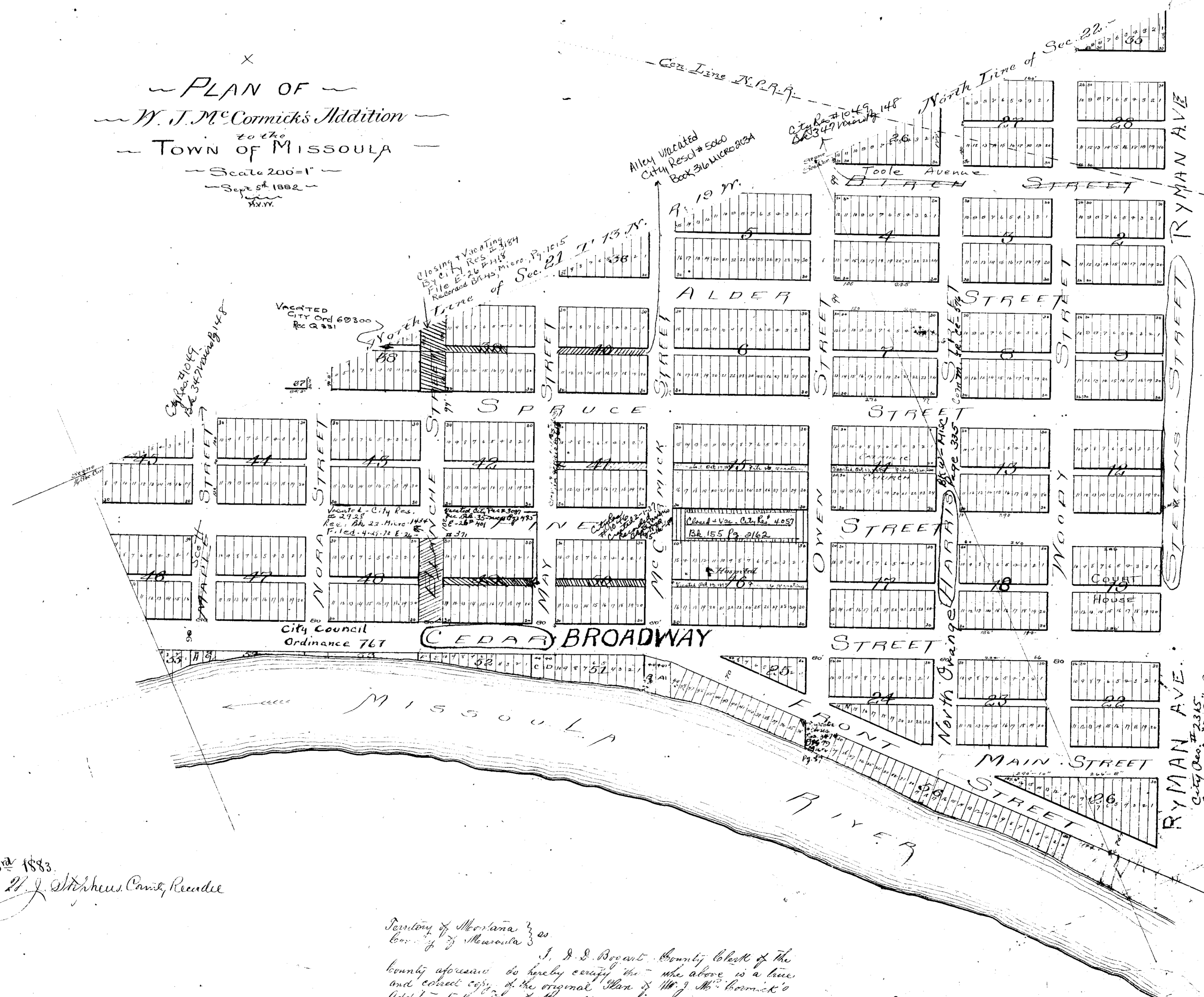
PLAN OF
W. J. McCormick's Addition
to the
TOWN OF MISSOULA
Scale 200'-1"
Sept 5th 1882
M.V.V.



Filed for Record
January 3rd 1883.
(Signed) J. J. Stevens Comr, Recorder

County of Missoula 3 ss
I, J. J. Stevens, County Clerk of the
County of Missoula, do hereby certify that the above is a true
and correct copy of the original Plan of W. J. McCormick's
Addition to the Town of Missoula.
In Witness whereof, I have hereunto set my hand and
the Seal of Missoula County this 6th day of September A.D. 1889
J. J. Stevens
County Clerk.

PLAN OF
W. J. McCormick's Addition
to the
TOWN OF MISSOULA
Scale 200' = 1"
Sept 5th 1882
W. J. M.



Filed for Record
January 3rd 1883.
(Signed) *J. J. Matthews* County Recorder

Territory of Montana }
County of } ss.
I, D. D. Bogart, County Clerk of the
County aforesaid do hereby certify that
the above is a true
and correct copy of the original Plan of
Addition to the Town of Missoula.

In Witness whereof I have hereunto set my hand and
the Seal of Missoula County this 6th day of September A.D. 1889

D. D. Bogart
County Clerk

(Seal.)



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PRELIMINARY

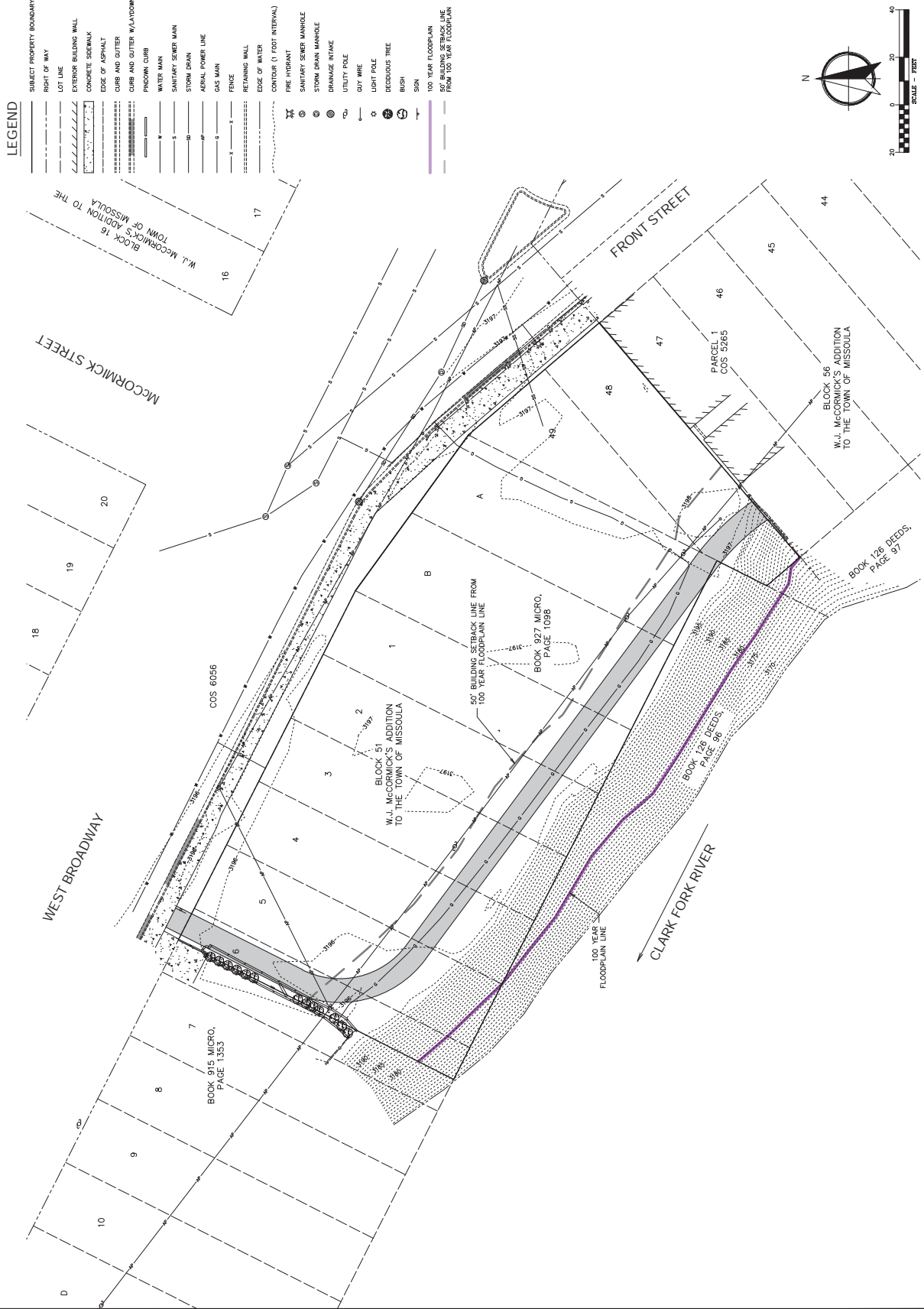
PLOTTED: 6/5/20
SAVED: 6/5/20

BUILDING SETBACK EXHIBIT 601 WEST BROADWAY MISSOULA, MONTANA

REVISIONS	NO.	DESCRIPTION	DATE

PROJECT: 15-05-11
SUBMITTED: J.A.N
DRAFT: J.A.N
DATE: JUNE 2020

1 OF 1
SHEET





PRELIMINARY

PLOTTED: 6/5/20
SAVED: 6/5/20

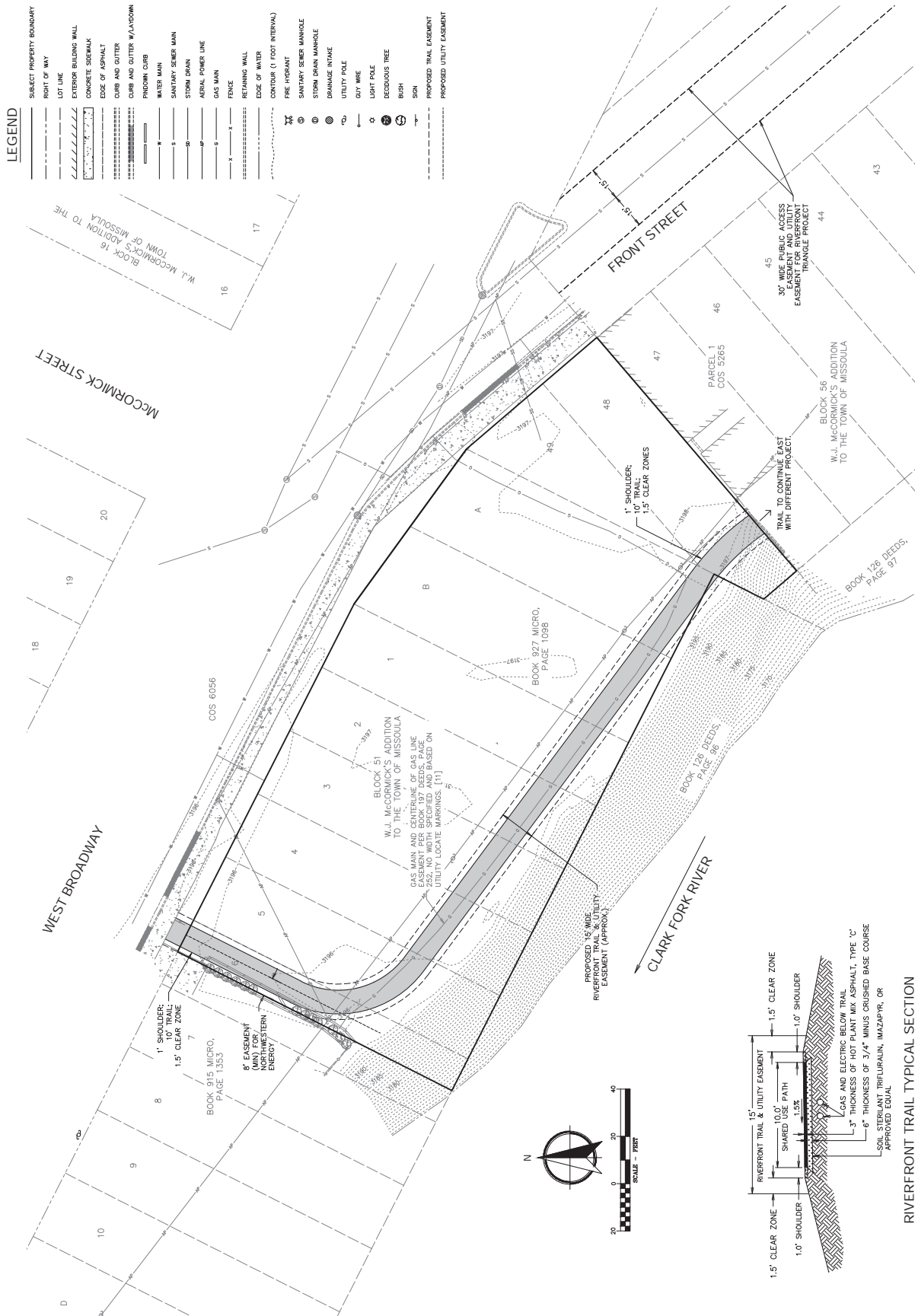
PROPOSED EASEMENT EXHIBIT
601 WEST BROADWAY
MISSOULA, MONTANA

REVISIONS:	
NO.	DESCRIPTION DATE

PROJECT: 19-08-11
LAYOUT: EASEMENT EXHIBIT
SURVEYED: JLN
DESIGN: SAM
DRAFT: SAM/EDI
APPROVE: RJS
DATE:

JUNE 2020

SHEET 1 OF 1



601 West Broadway Re-Zoning Request

APPLICANT

Wise Enterprise Group

CONSULTANTS

Nick Kaufman, Senior Planner

Kate Dinsmore, Landscape Architect



Proposal

- The site was historically used for a tire sales and service – carry over from Hwy 10
- The site has been vacant for years
- The area is in transition with development plans for the Riverfront Triangle and the expansion of Providence
- The existing zoning is outdated for the community vision for the area
- Rezoning the site to allow for mixed use office, residential, parking structure and riverfront trail requires a rezoning to CBD-4



Why the Rezoning?

- The current zoning is Special Zoning District Riverfront Triangle
- CBD-4 is Central Business District that matches the Riverfront Triangle
- CBD-4 allows for the appropriate use of the parcel allowing increased building height, higher density while allowing flexibility for design on this constrained parcel



We've Worked in the Area

- We worked on the Zoning to allow the relocation of Safeway, keeping a major grocery store in the neighborhood
- The site is now the home of locally owned Fresh Market
- We have worked with Providence on previous expansions and updates
- We have worked on the Riverfront Triangle



The Site



Growth Policy



Site Opportunities

- River Frontage
- Riverfront Trail System
- Adjacent to the Riverfront Triangle
- Views to McCormick Park and Lolo Peak
- Across the street from Providence
- Part of the vision for the Downtown Master Plan

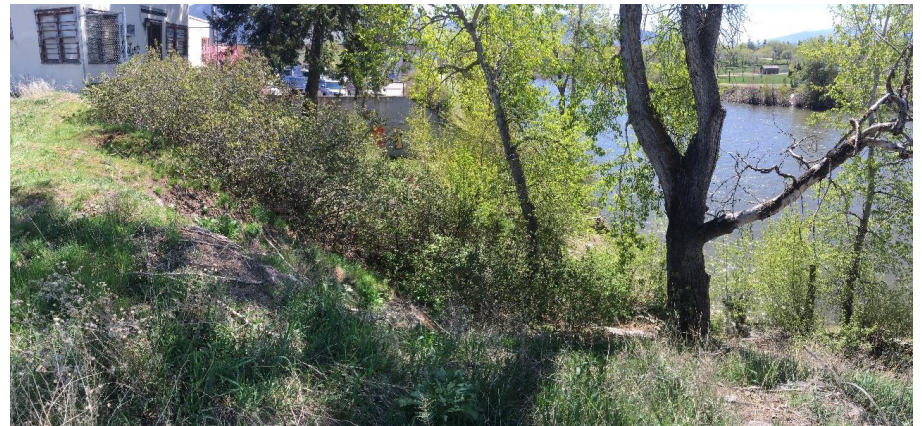


Site Constraints

- Floodplain
- Constrained parcel size
- Riverfront Trail System
- Adjacent to the Riverfront Triangle and future entertainment venue
- The current zoning is Special Zoning District Riverfront Triangle
- Parking Requirements
- Location of Structures on Adjoining Parcels

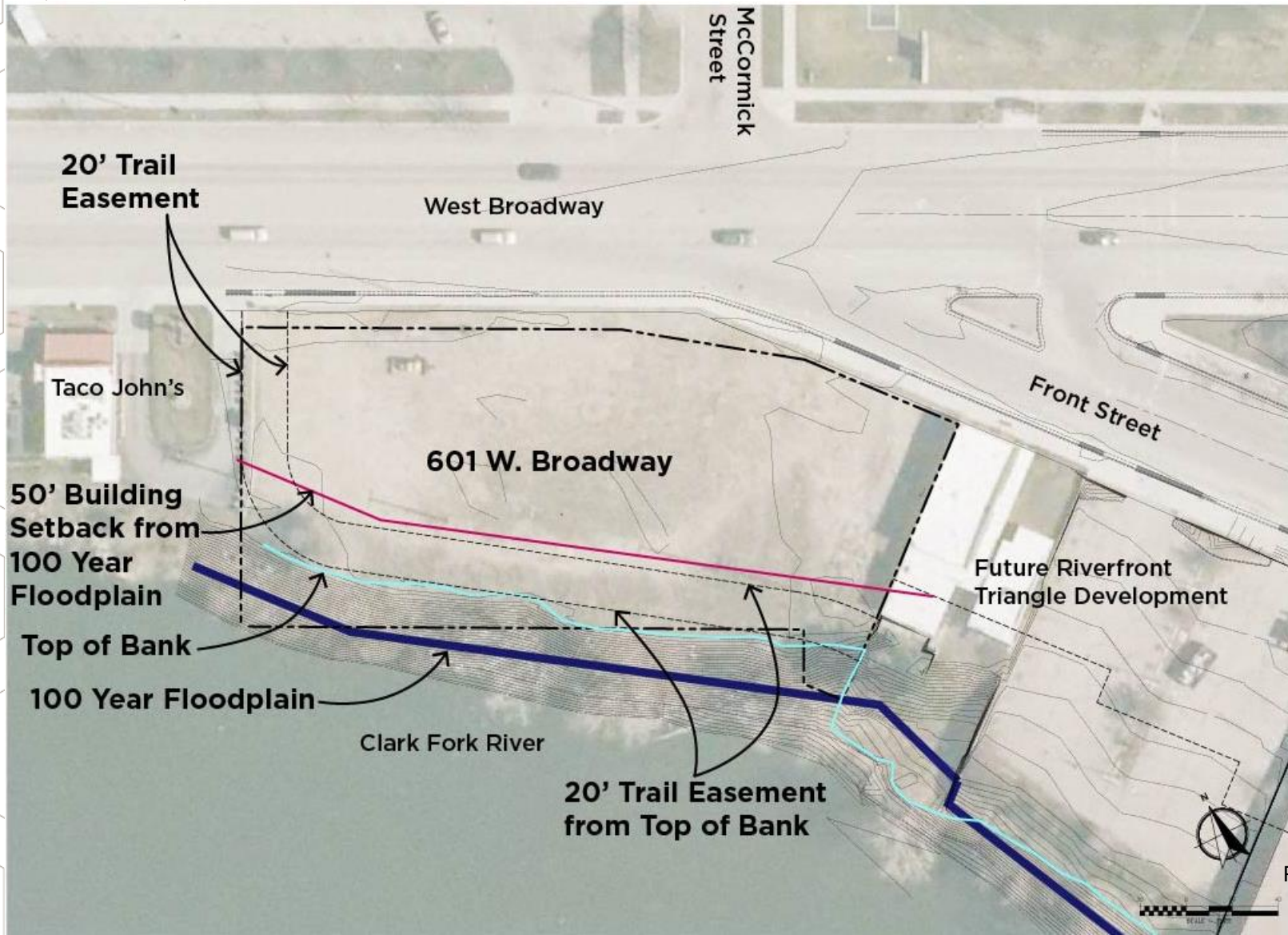


Site Constraints



Photos represent grade difference on and adjacent to the site.

Floodplain and Setbacks



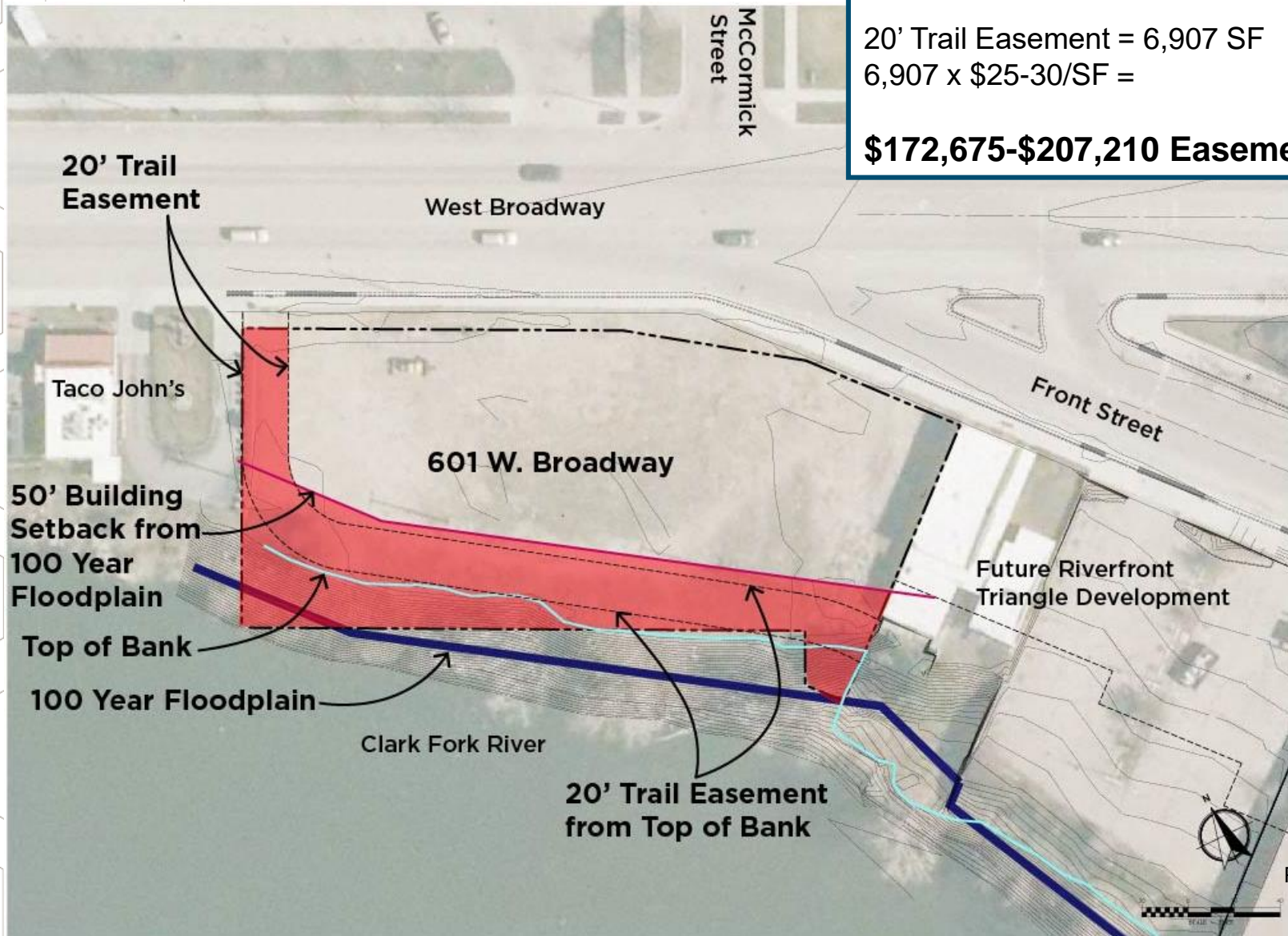
Buildable Area

Parcel Area = 37,246 SF
100 Year Floodplain = 375 SF
Trail Easement & 50' Setback = 12,145 SF

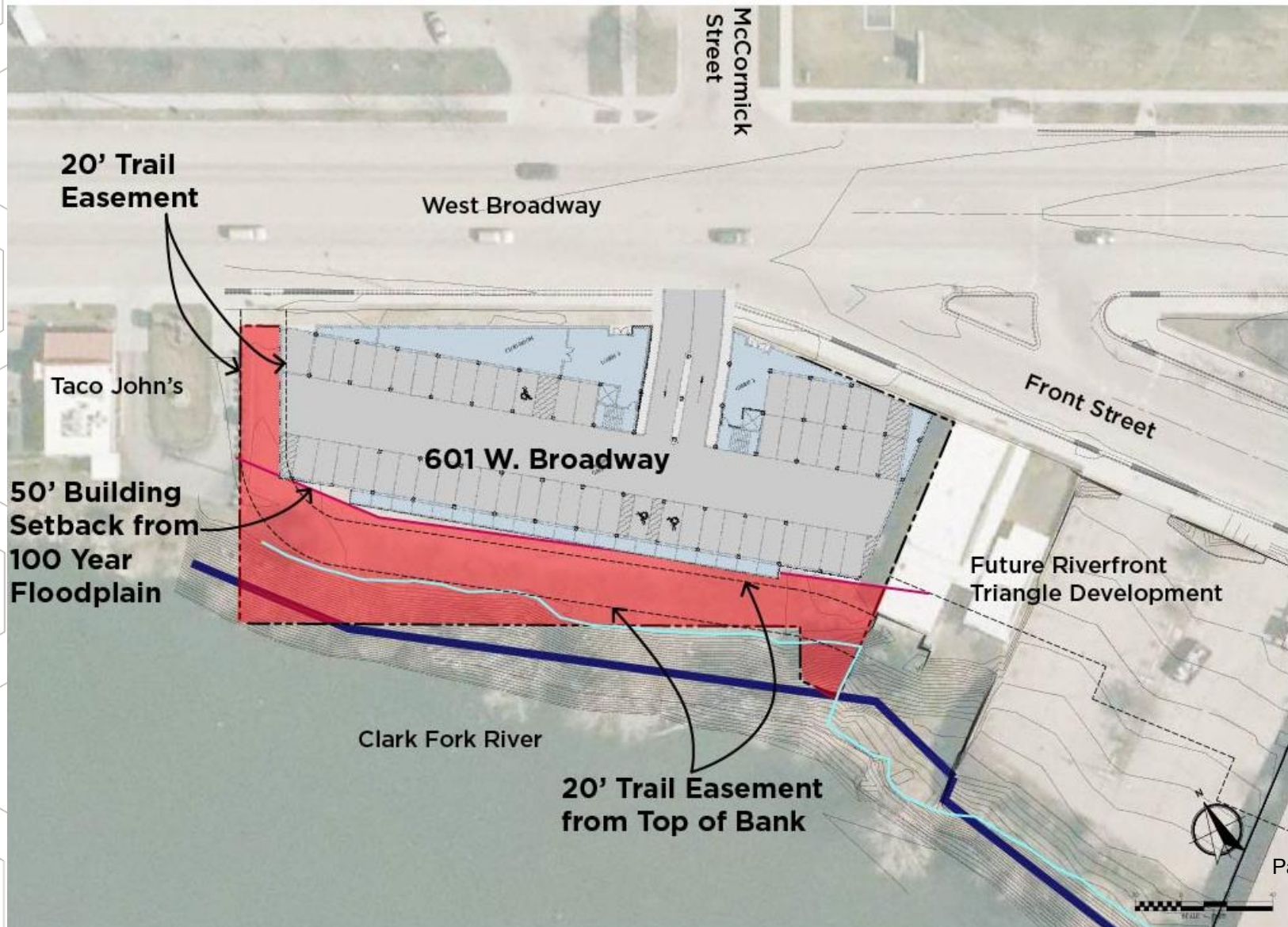
33% of Parcel Encumbered

20' Trail Easement = 6,907 SF
 $6,907 \times \$25\text{-}30/\text{SF} =$

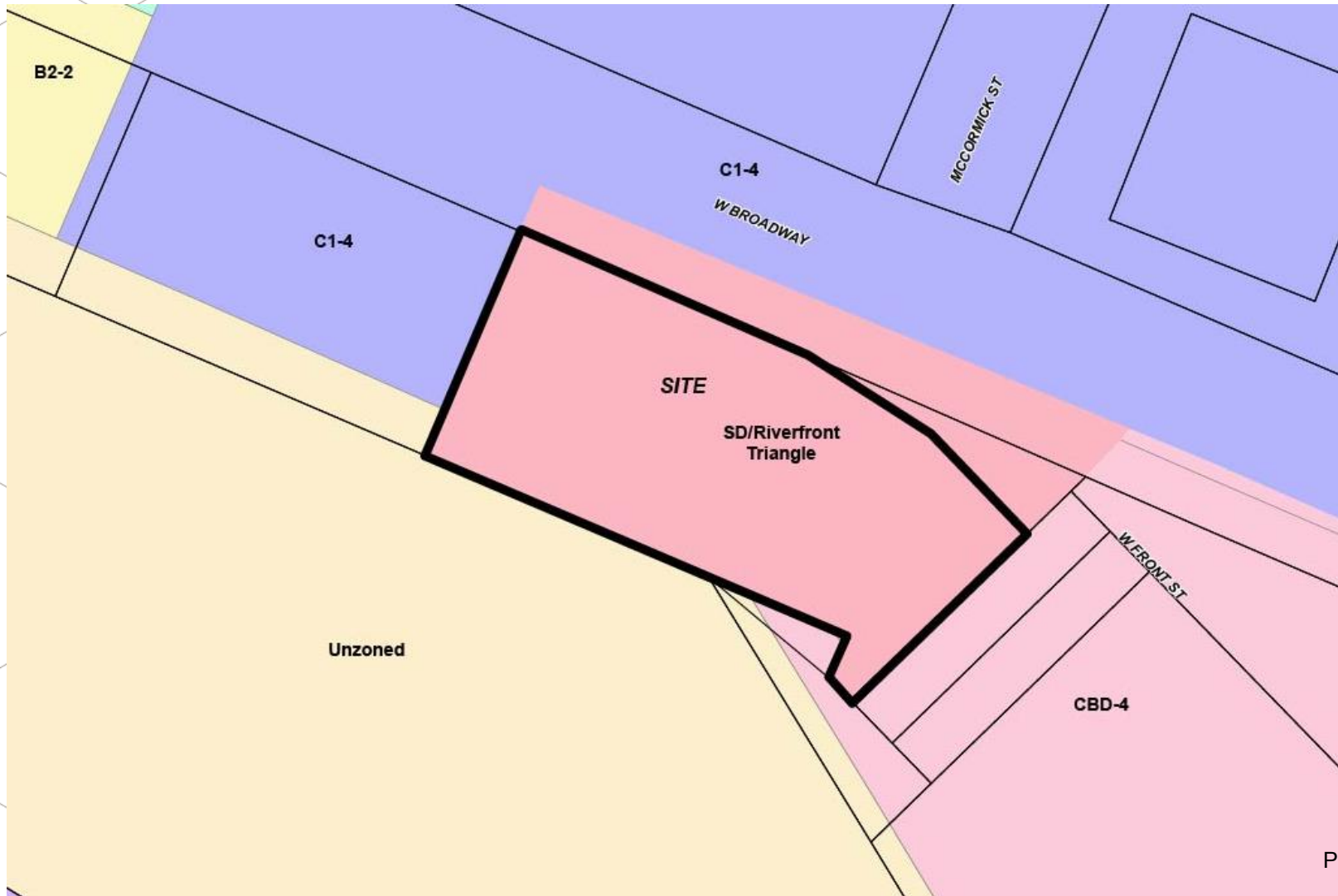
\$172,675-\$207,210 Easement Value



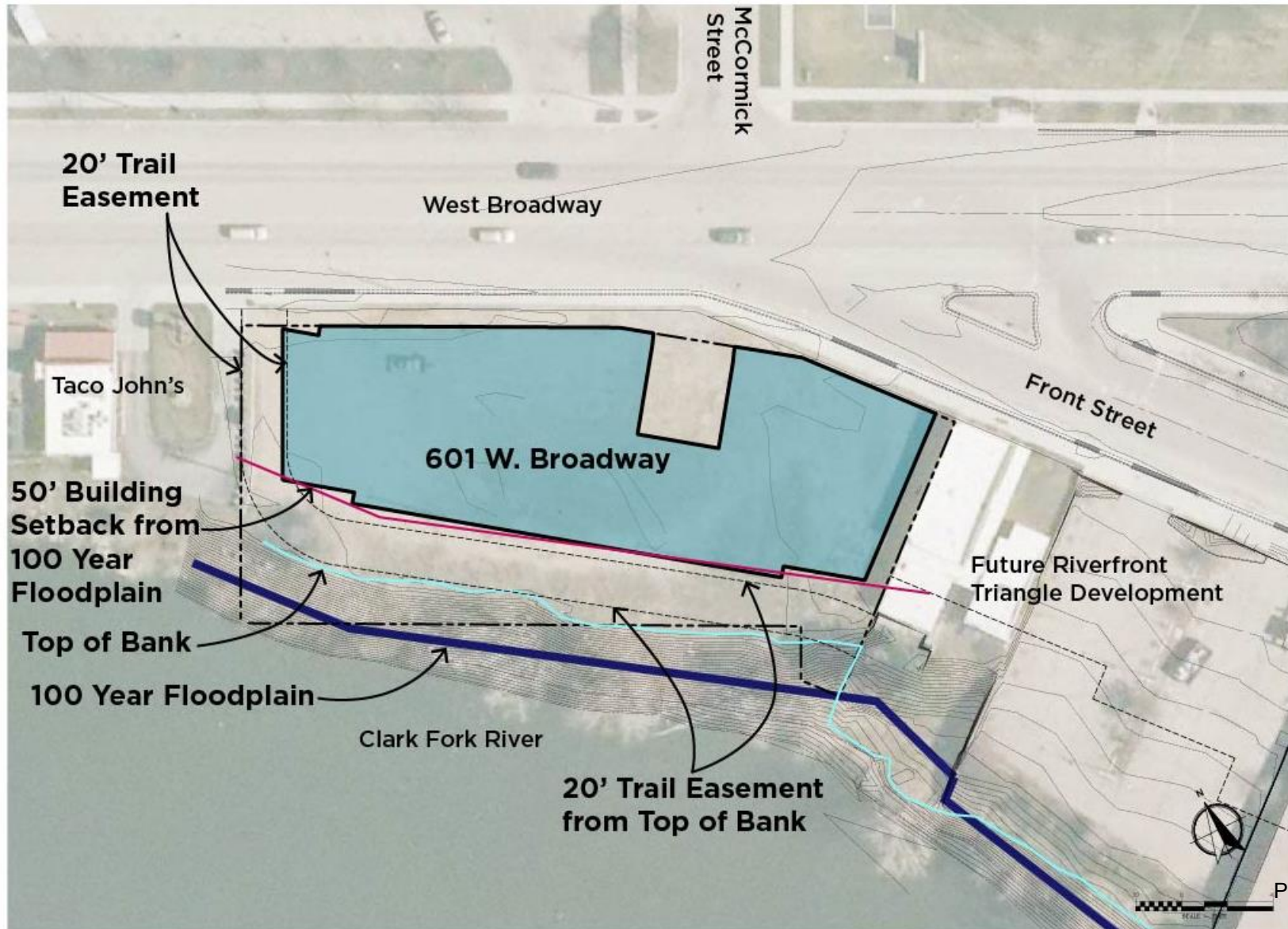
Parking



Zoning



Site Plan



Proposed Building and Uses

601 W. Broadway

Missoula MT.



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Proposed Building and Uses

601 W. Broadway

Missoula MT.



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Proposed Building and Uses

601 W. Broadway

Missoula MT.



Proposed Building and Uses

601 W. Broadway

Missoula MT.



Proposed Building and Uses

601 W. Broadway

Missoula MT.



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Proposed Building and Uses

601 W. Broadway

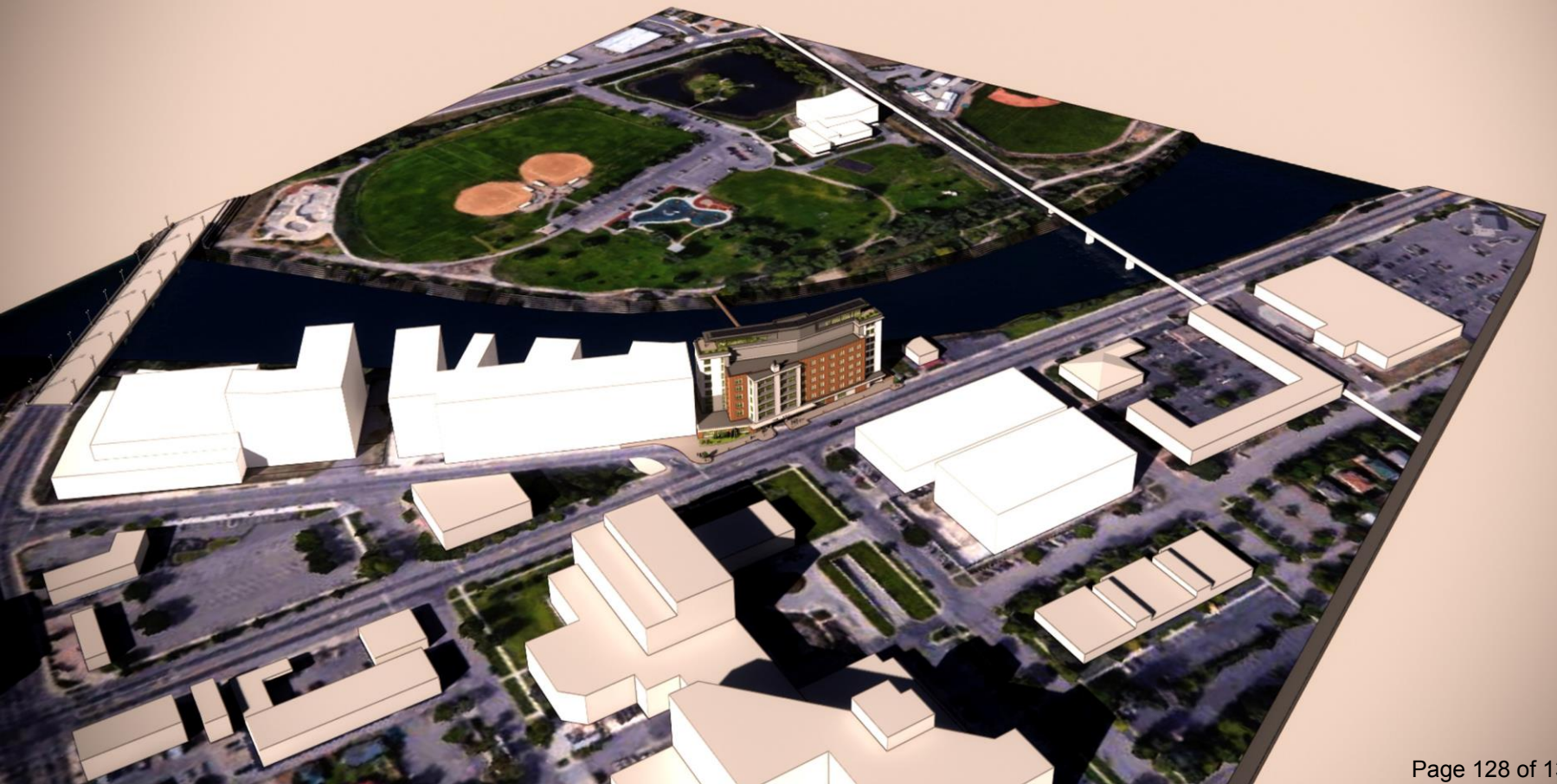
Missoula MT.



Proposed Building and Uses

601 W. Broadway

Missoula MT.



Public Involvement

- WGM Sent Mailings to Neighbors on December 6, 2019
- Planning Board Notification and Hearing
- City Council Notification and Public Hearing



Project Steps

Two Years from Inception to Construction

- **Summer 2019:** Began planning & alternative analysis
- **Summer 2019:** Began discussions with the City
- **September 2019:** Re-zoning application
- **November 2019:** Floodplain assessment
- **September 2020:** Planning Board and Council hearings
- **Spring 2021:** Permits and Construction



A decorative pattern of light gray hexagons is located on the left side of the slide, arranged in a staggered grid.

THANK YOU!

