

City of Missoula
Land Use and Planning Committee Agenda

Date: September 9, 2020, 9:00 am - 9:45 am

Location: To register to attend and/or comment: <https://ci-missoula-mt.zoom.us/calendar/list>
For agenda and related documents: www.ci.missoula.mt.us/webcasts
Webstream live or on demand at: www.ci.missoula.us/webcasts
Watch live on Spectrum Cable Channel 190

Members: Stacie Anderson, Mirtha Becerra, John P. Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Jesse Ramos, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, Heidi West

For ways to view the virtual meeting and submit public comment see the Citizen Guide for Virtual Public Meetings.

Pages

1. ADMINISTRATIVE BUSINESS

1.1 Roll Call

1.2 Approval of the Minutes

2. PUBLIC COMMENT

3. COMMITTEE BUSINESS

3.1	Rezone property located at 601 W Broadway	Kaitlin McCafferty	1
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Recommended motion:

No Action--Pre-public hearing presentation

3.2	Annexation and Zoning Upon Annexation to RT5.4 (residential two-unit / townhouse). of Tract 9 of COS No. 3176	Dave DeGrandpre	69
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Recommended motion:

suspend the City Council rules to allow for consideration and action on a resolution of intent to annex Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West and to set the public hearing for 10/5

Recommended motion:

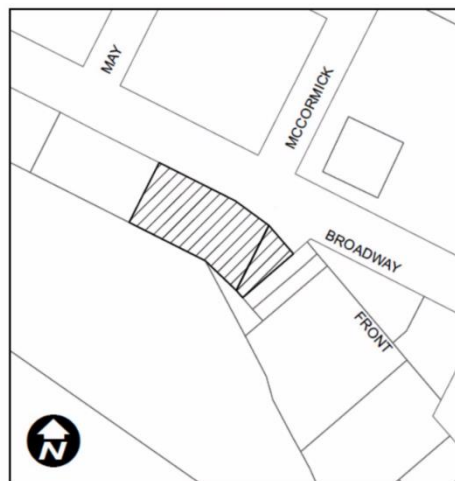
ADOPT a resolution of intention to annex and incorporate within the boundaries of the City of

Missoula, Montana a parcel of land described as Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M.; and zone the property RT5.4 Residential; and set a public hearing for October 5, 2020

4. ADJOURNMENT

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

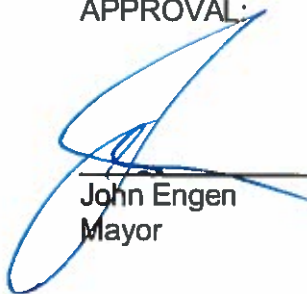
CITY OF MISSOULA

ATTEST:

APPROVAL:



Martha L. Rehbein
City Clerk



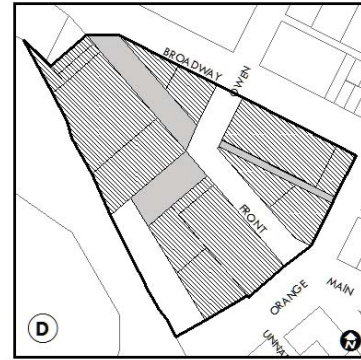
John Engen
Mayor

(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

APPROVED:

/s/ John Engen

John Engen
Mayor

(S E A L)



DEVELOPMENT SERVICES


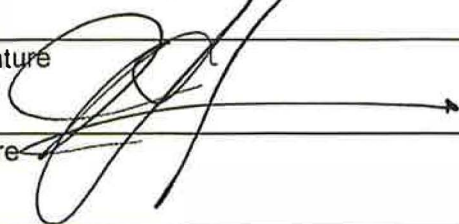

435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX: (406) 552-6053

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

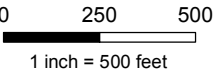
The zoning takes into account adequate provision of transportation and is within the Urban Transportation District and near a Mountain Line bus route. Water is adequate for domestic use and fire protection and is provided by Missoula Water. Sewer is provided by the City of Missoula and has adequate capacity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



VICINITY EXHIBIT
601 W BROADWAY ST
MISSOULA, MONTANA

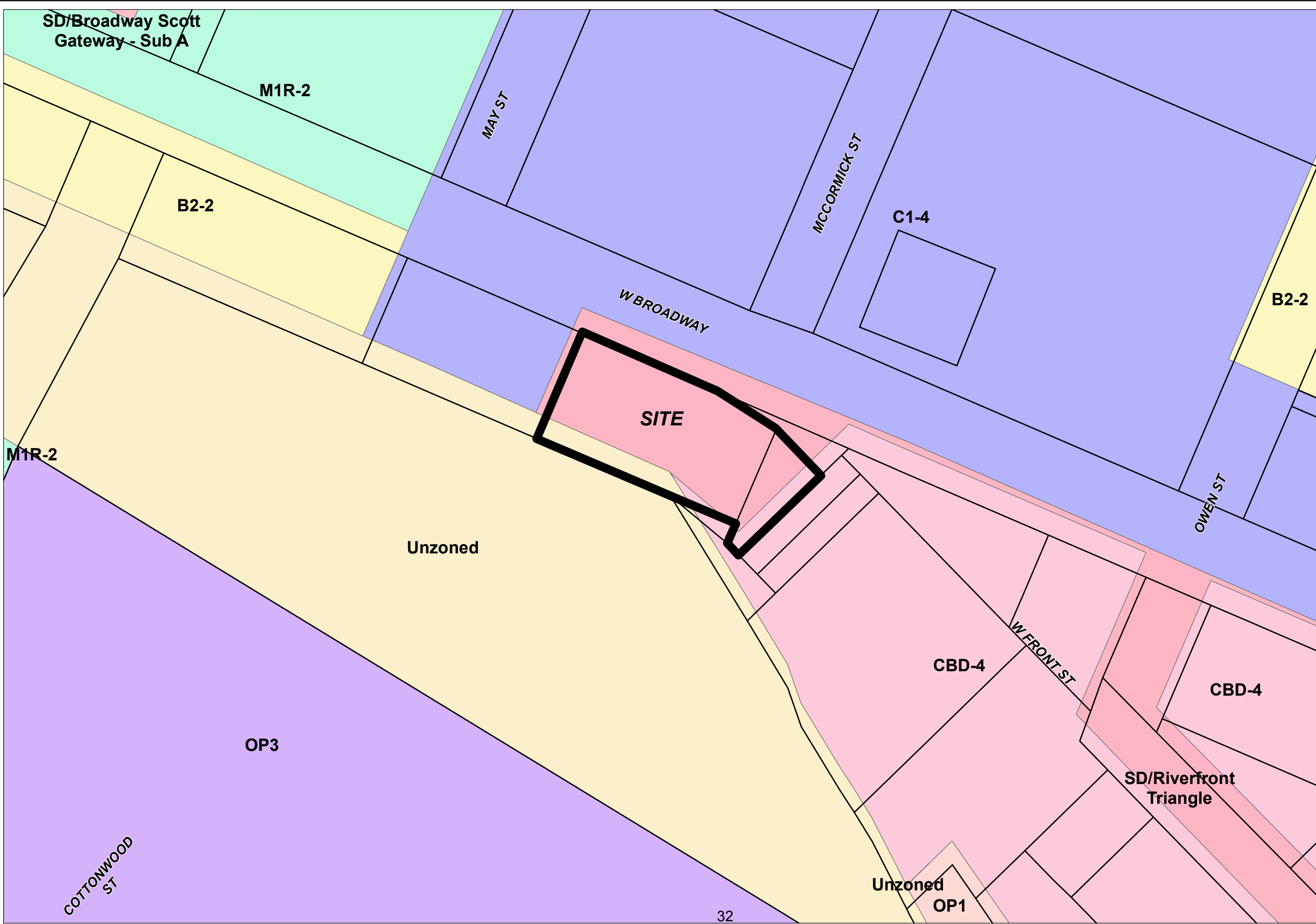
Disclaimer: This map is neither a legally recorded map nor a survey and is not intended to be used as such. WGM Group does not guarantee the accuracy, current status, or completeness of the material contained herein and is not responsible for any misuse or misrepresentation of this information or its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

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

JULY 2019

1 OF 1

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





WGMGROUP
WWW.WGMGROUP.COM



0 50 100
1 inch = 100 feet

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.

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

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 NO: 190407_LAND USE.mxd
FILE PATH:
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DRAFT: SAM
APPROVE: KD
DATE: JULY 2019

JULY 2019

SHEET

1 OF 1

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



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0 50 100
1 inch = 100 feet

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

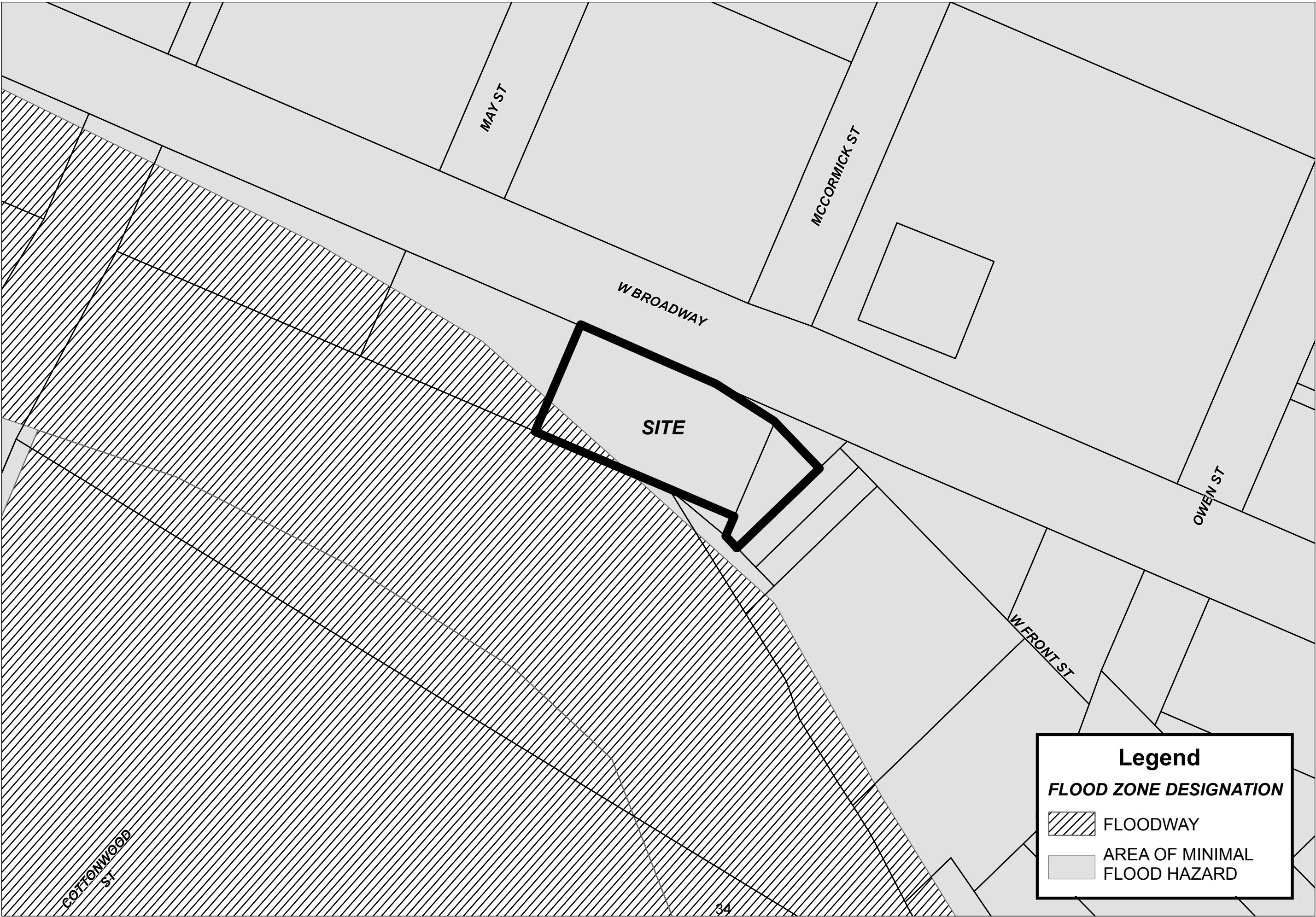
Disclaimer: This map is neither a legally recorded map nor a survey and is not intended to be used as such. WGM Group does not guarantee the accuracy, current status, or completeness of the material contained herein and is not responsible for any misuse or misrepresentation of this information or its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

1 OF **1**



Legend

FLOOD ZONE DESIGNATION

 FLOODWAY

 AREA OF MINIMAL
FLOOD HAZARD



AERIAL PHOTOGRAPH AND TOPOGRAPHY

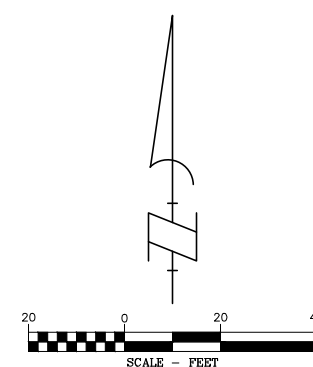
601 WEST BROADWAY

MISSOULA, MONTANA

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

JULY 2019

SHEET 1 OF 1





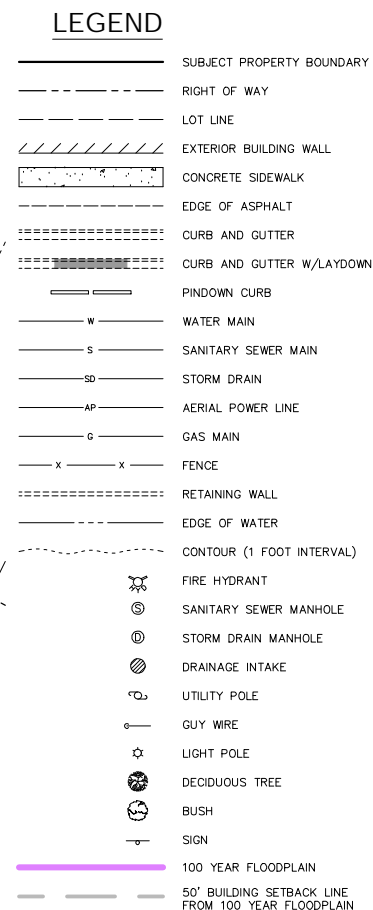
PLOTTED: 6/5/20
SAVED: 6/5/20

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





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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

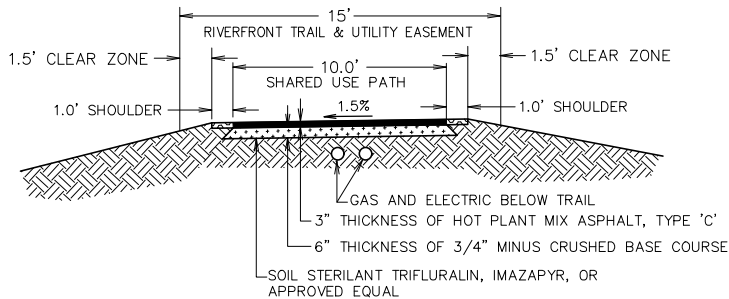
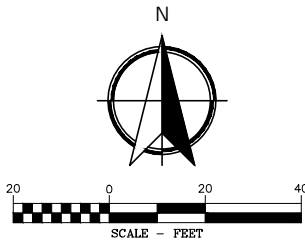
PROJECT: 19-08-11
LAYOUT: EASEMENT EXHIBIT
SURVEYED: JLN
DESIGN: SAM
DRAFT: SAM/EDI
APPROVE: RJS
DATE:

JUNE 2020

SHEET 1 OF 1

LEGEND

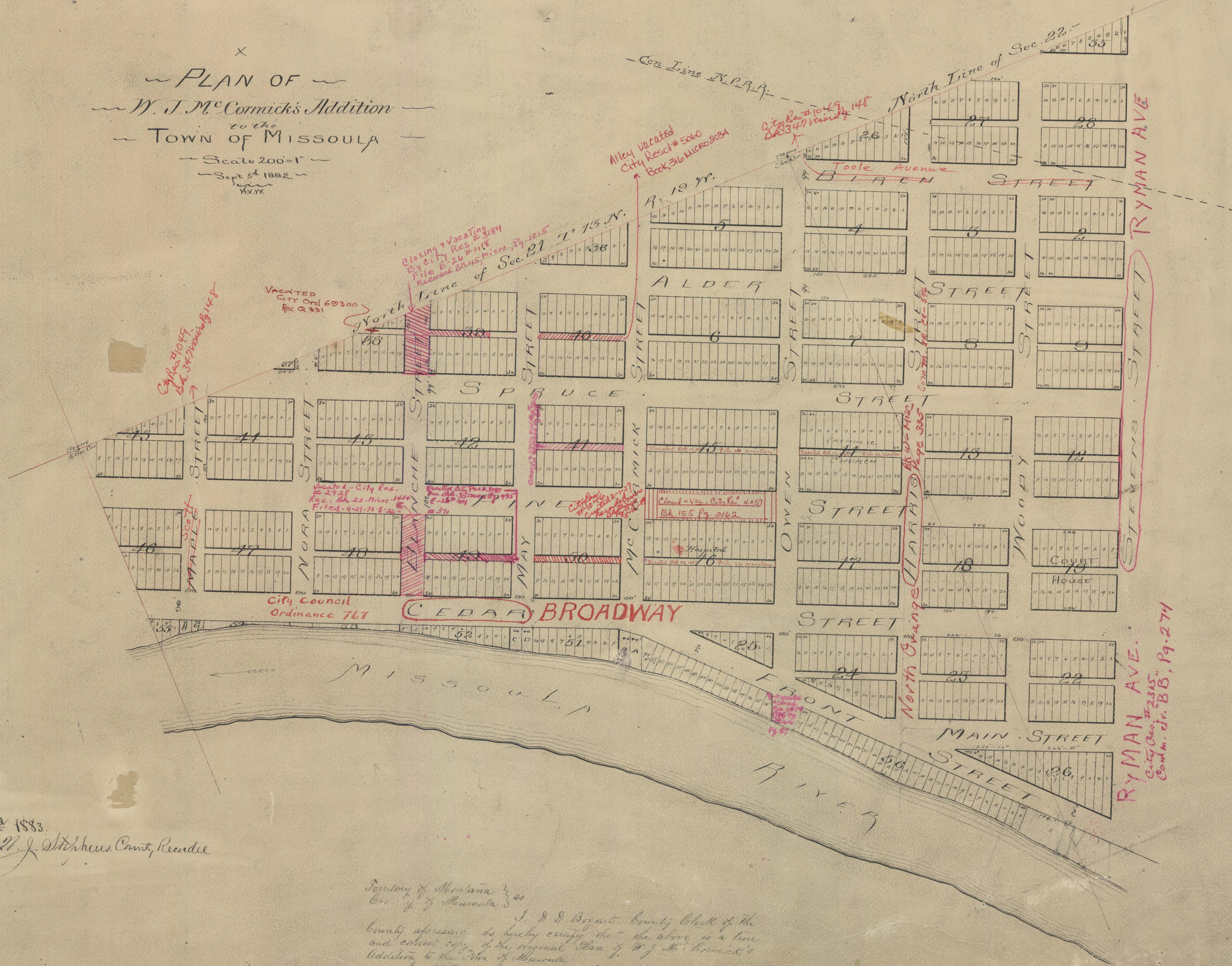
- SUBJECT PROPERTY BOUNDARY
- RIGHT OF WAY
- LOT LINE
- EXTERIOR BUILDING WALL
- CONCRETE SIDEWALK
- EDGE OF ASPHALT
- CURB AND GUTTER
- CURB AND GUTTER W/LAYDOWN
- PINDOWN CURB
- WATER MAIN
- SANITARY SEWER MAIN
- STORM DRAIN
- AERIAL POWER LINE
- GAS MAIN
- FENCE
- RETAINING WALL
- EDGE OF WATER
- 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

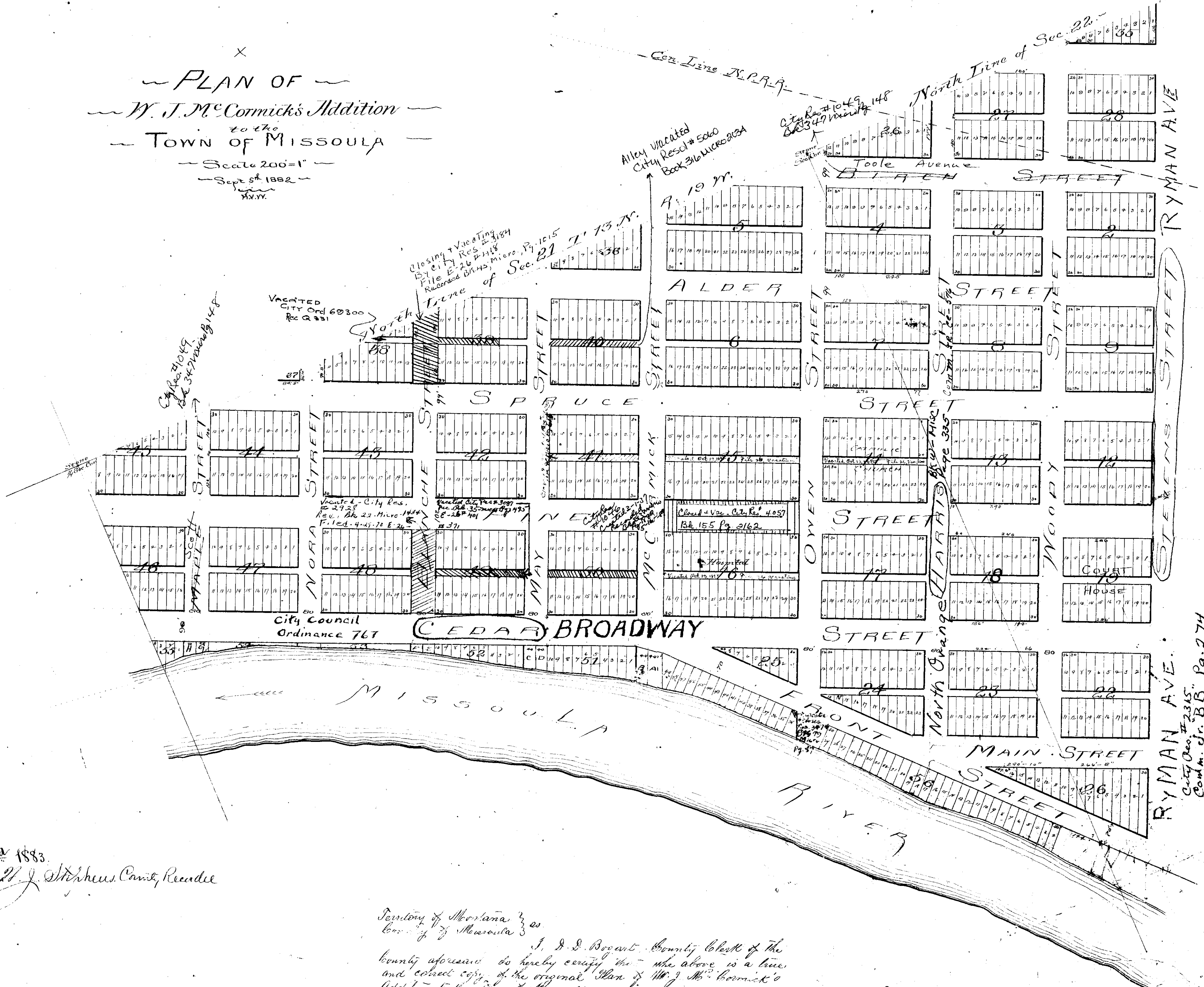
PLAN OF
W. J. McCormick's Addition
to the
TOWN OF MISSOULA
Scale 200'-1"
Sept 5th 1882
M.V.V.



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

County of Missoula 3 ss
Cor. of 3d & 4th
I, J. D. Bryant, 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. 1883.
J. D. Bryant
County Clerk.

PLAN OF
W. J. McCormick's Addition
to the
TOWN OF MISSOULA
Scale 200' = 1"
Sept 6th 1882
M.V.V.



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

I, D. D. Boyant, County Clerk of the
County of Missoula do hereby certify that the above is a true
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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. Boyant
County Clerk



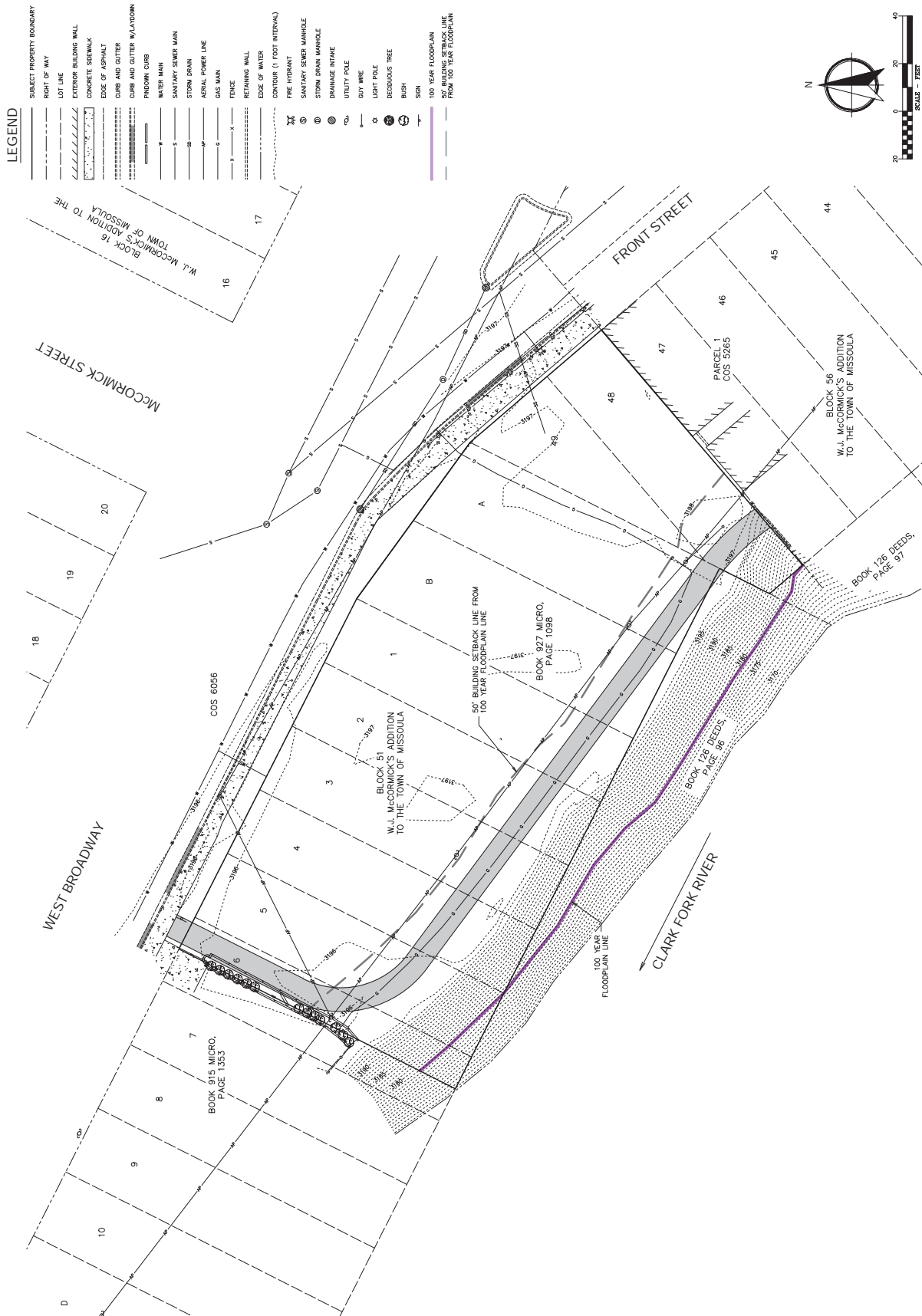
PLOTTED: 6/5/20
SAVED: 6/5/20

REVISIONS:	
NO.	DESCRIPTION DATE

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

JUNE 2020

SHEET 1 OF 1





PRELIMINARY

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

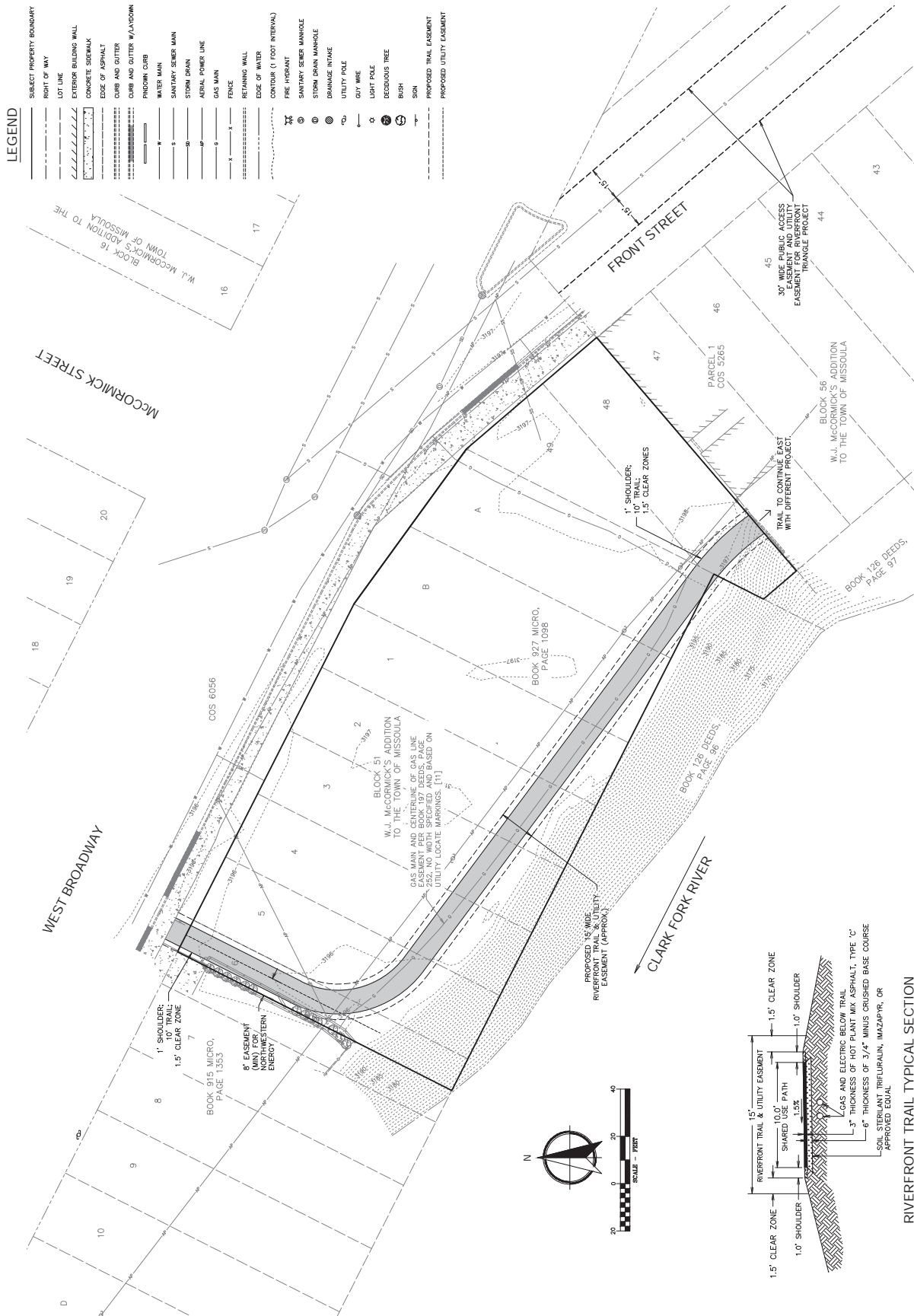
PROPOSED EASEMENT EXHIBIT
601 WEST BROADWAY
MISSOULA, MONTANA

REVISIONS:	
NO.	DESCRIPTION DATE

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

JUNE 2020

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

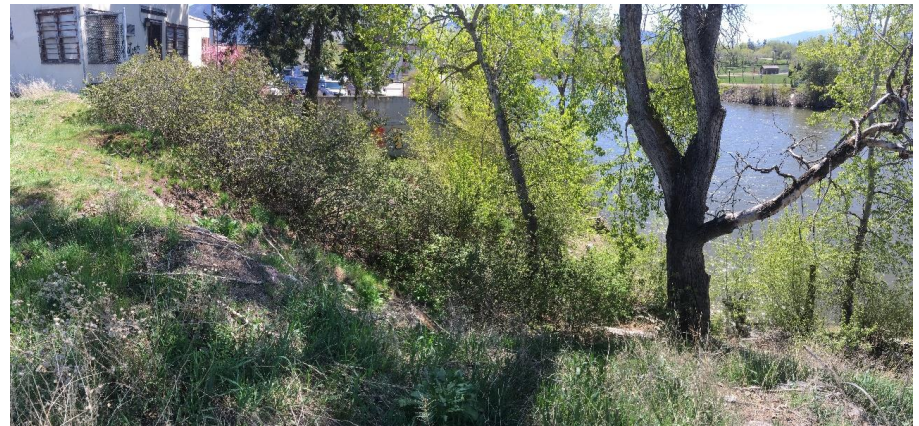


Site Constraints

- 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



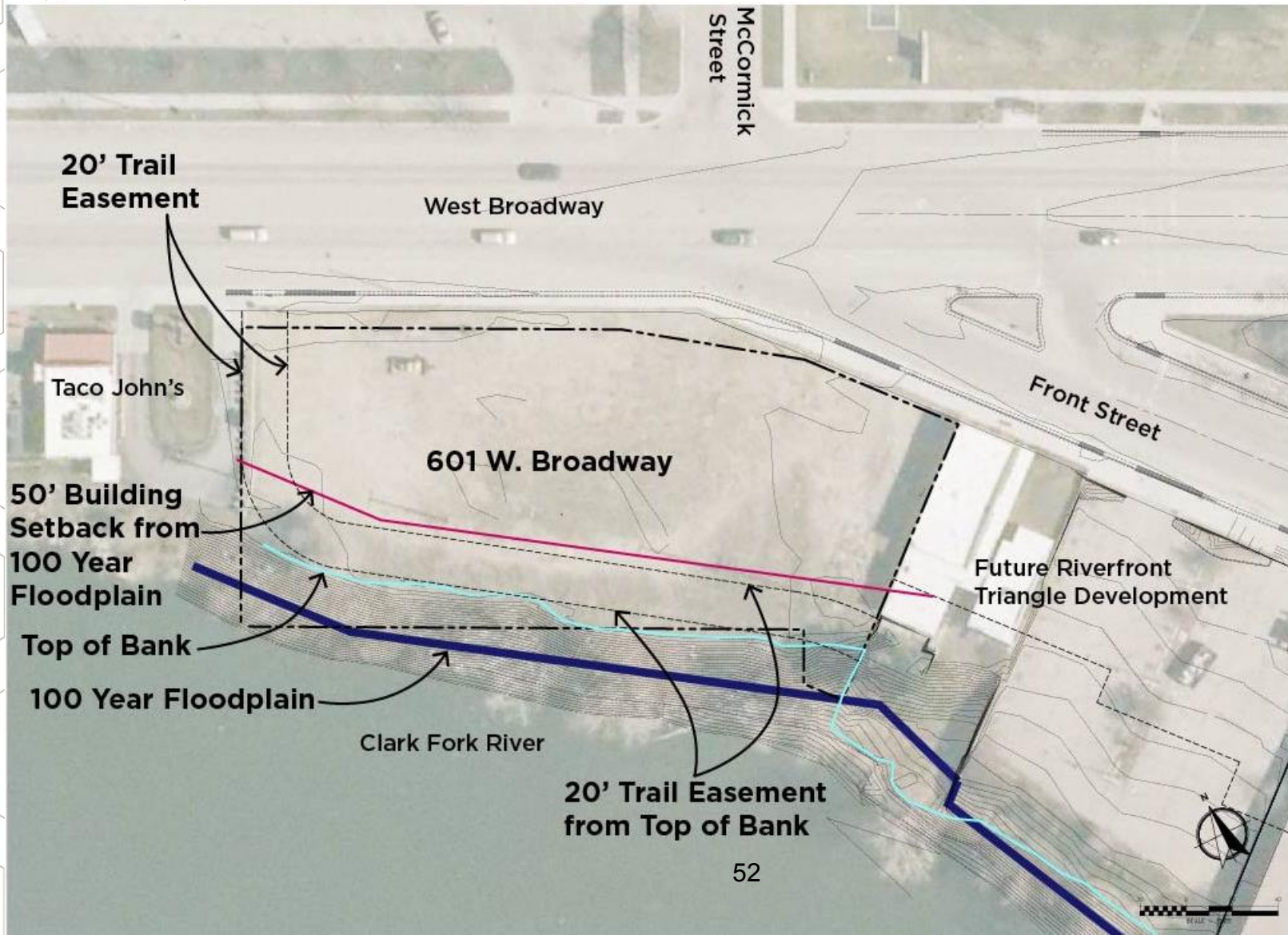
Site Constraints



Photos represent grade difference on and adjacent to the site.



Floodplain and Setbacks



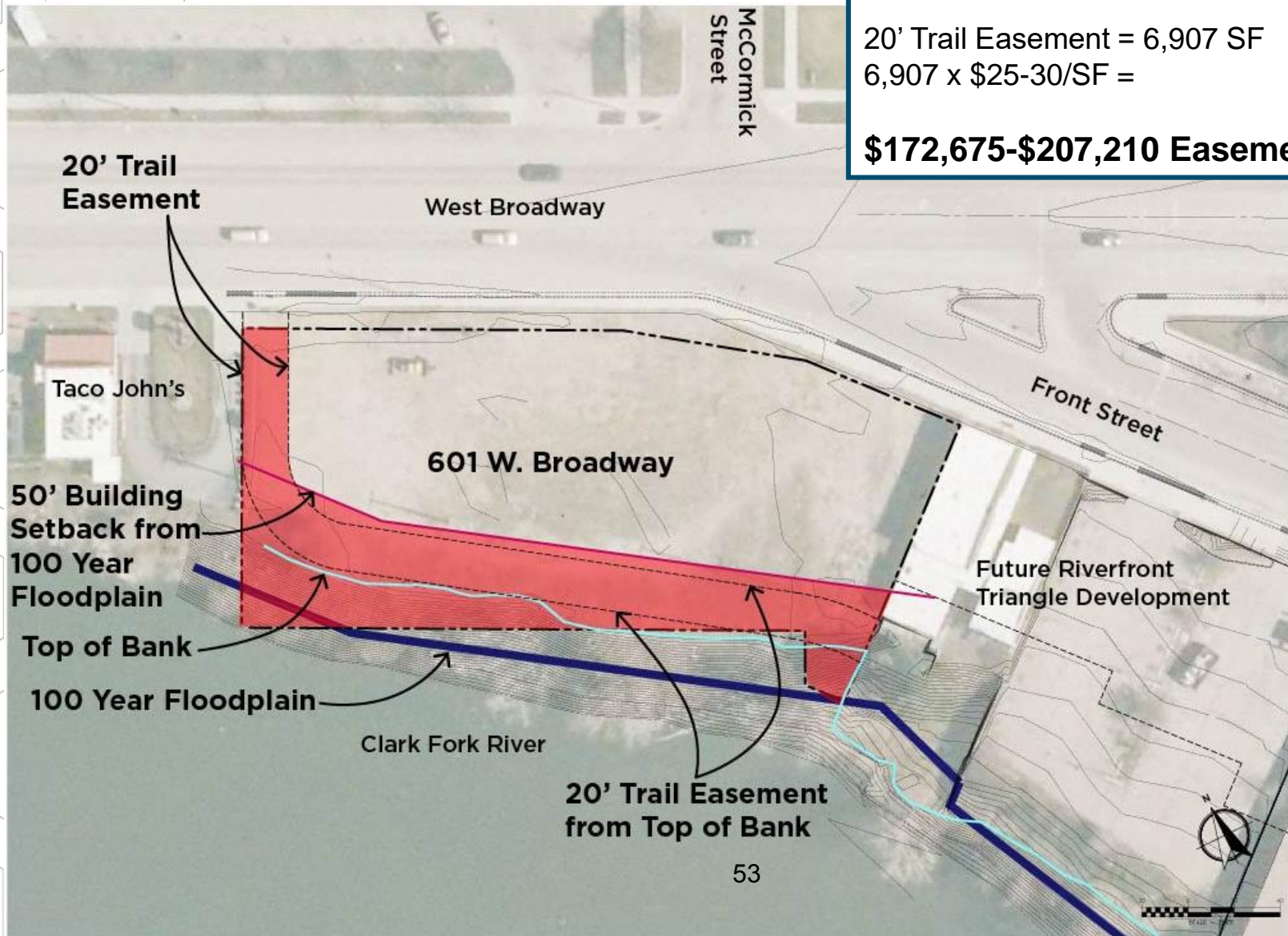
Buildable Area

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

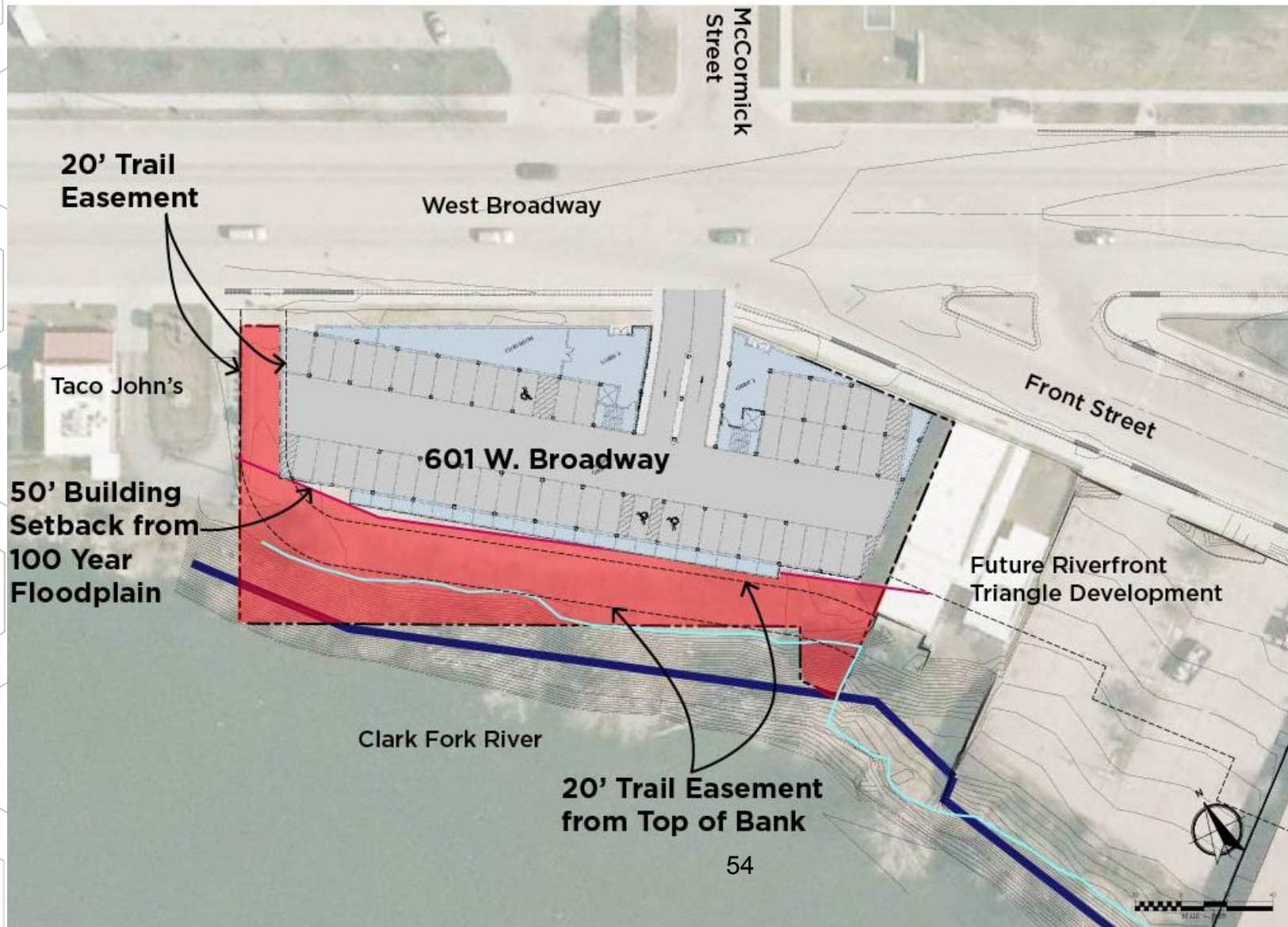
33% of Parcel Encumbered

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

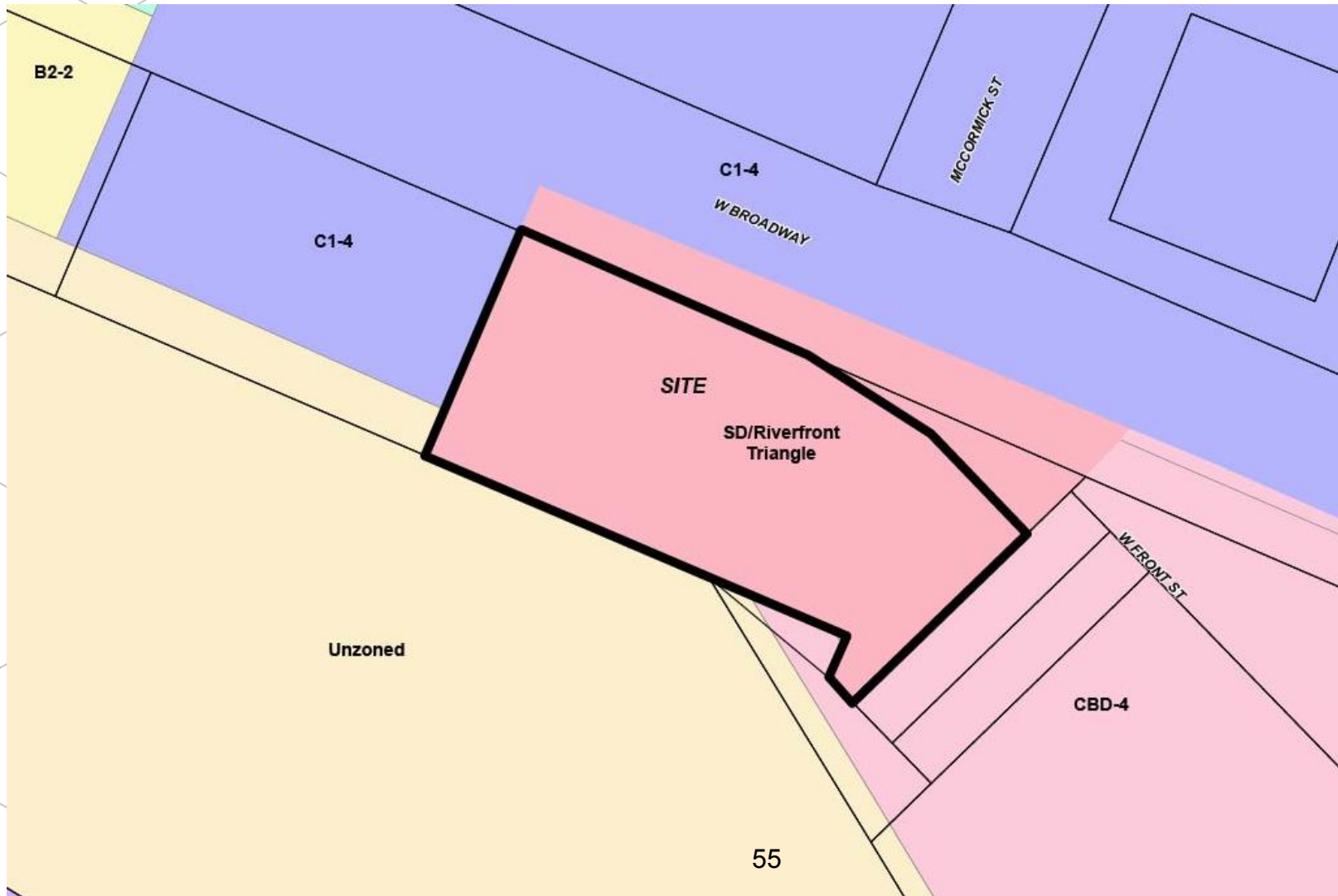
\$172,675-\$207,210 Easement Value



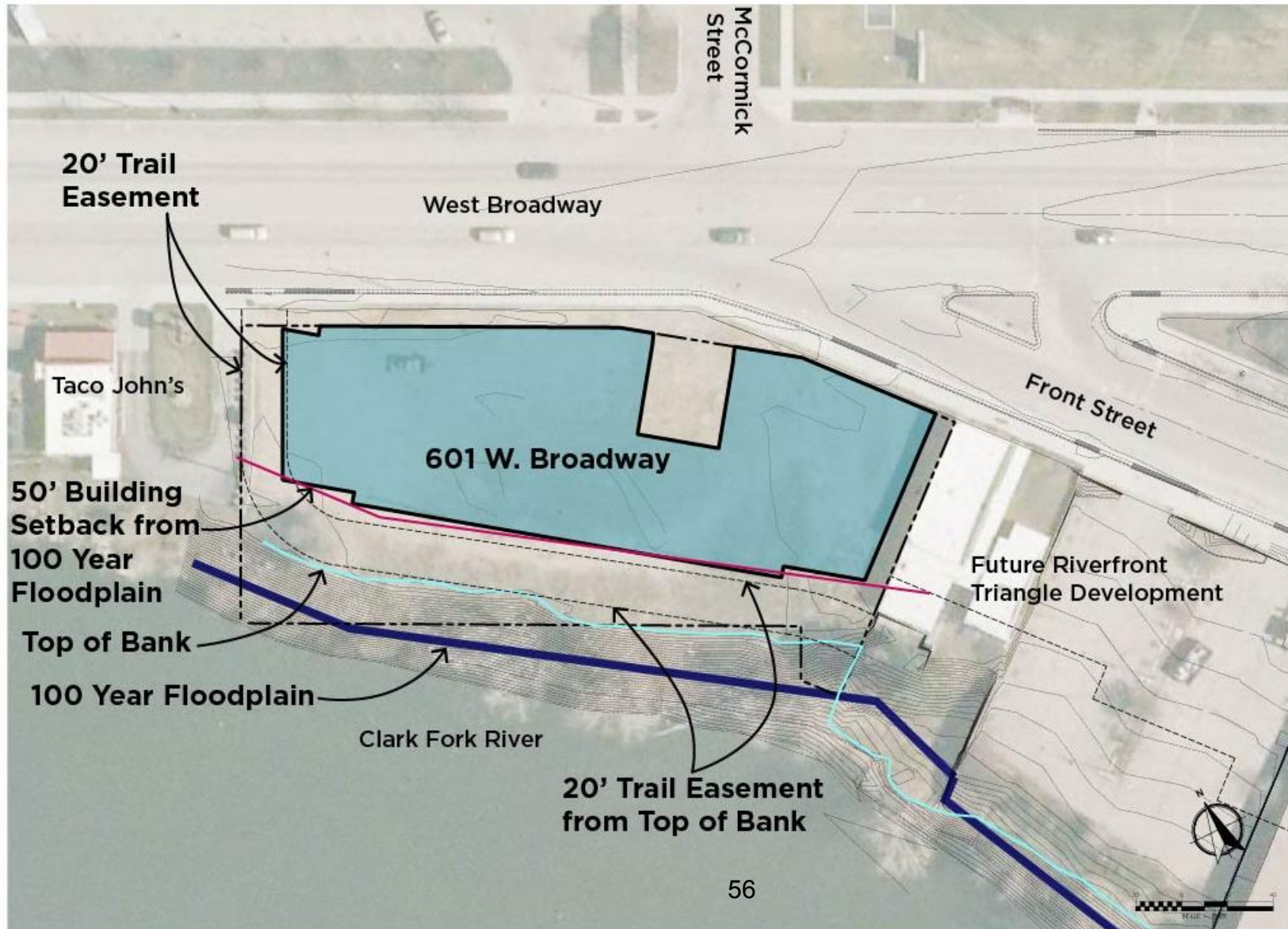
Parking



Zoning



Site Plan



Proposed Building and Uses

601 W. Broadway

Missoula MT.



Proposed Building and Uses

601 W. Broadway

Missoula MT.



Riverfront LLC.

Carl Posewitz-Architects

Proposed Building and Uses

601 W. Broadway

Missoula MT.



Riverfront LLC.

Carl Posewitz-Architects

Proposed Building and Uses

601 W. Broadway

Missoula MT.



Riverfront LLC.

Carl Posewitz-Architects

Proposed Building and Uses

601 W. Broadway

Missoula MT.



Riverfront LLC.

Carl Posewitz-Architects

Proposed Building and Uses

601 W. Broadway

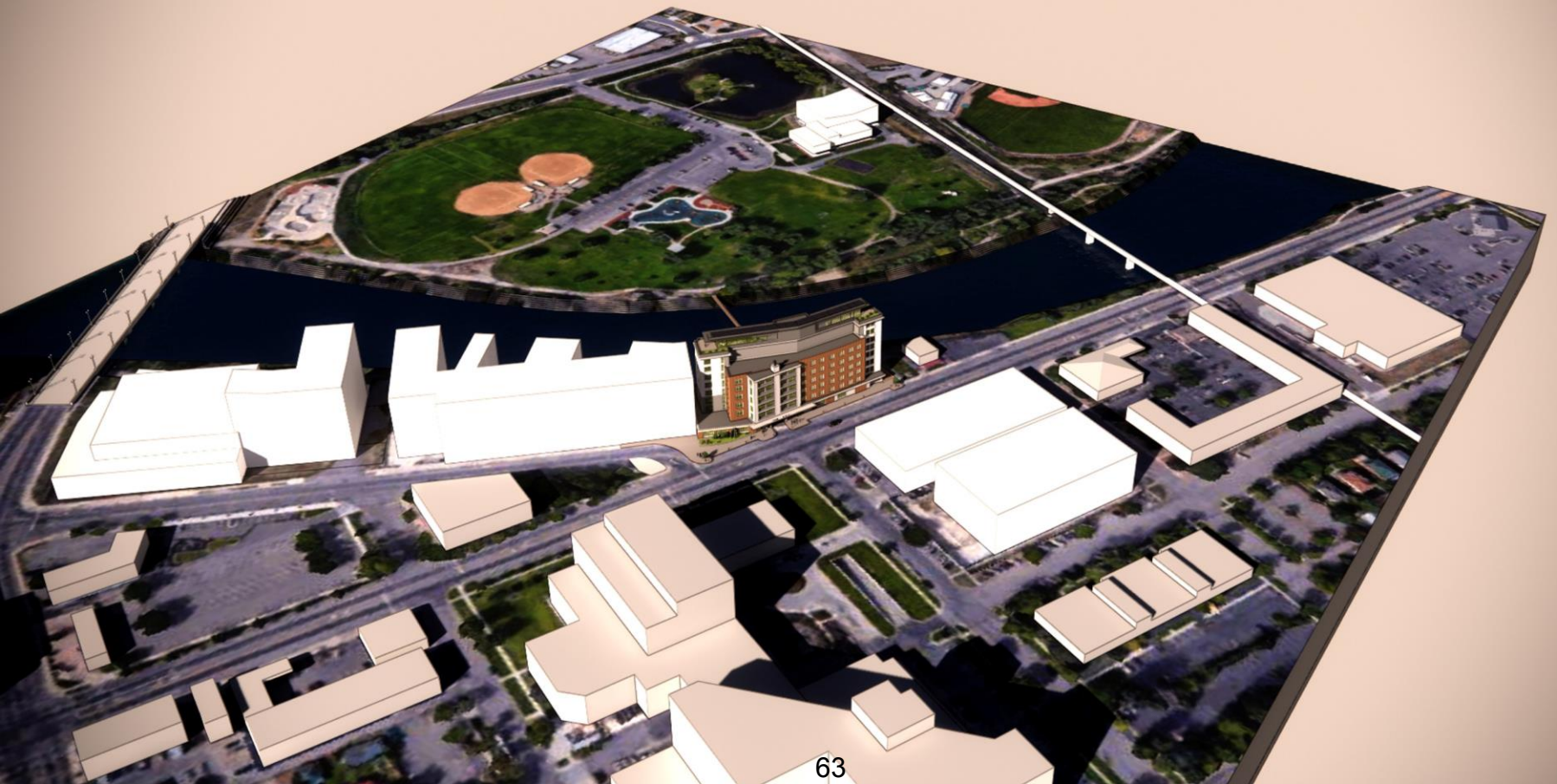
Missoula MT.



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!



Planning Board Summary

Rezone 601 W Broadway from Special District SD/Riverfront Triangle, Sub-district D to CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay

Planning Board Recommendation:

On Tuesday, September 1, 2020, with 9 members present, the Missoula Consolidated Planning Board voted 8 ayes and 1 nay to recommend approval of the adoption of an ordinance to rezone 601 W Broadway from Special District SD/Riverfront Triangle, Sub-district D to CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay.

Planning Board's Recommended Motion:

Planning Board revised the motion to strike the word "concrete" from the description of the Riverfront Trail in order to allow City Parks and Recreation time to review options for a trail surface that may be more environmentally sensitive while providing a long lasting surface that requires less maintenance, and can withstand snow plowing while not being cost prohibitive. Planning Board's revised motion states:

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.

Planning Board's Recommended Conditions of Approval:

None, conditioning of a standard Title 20 zoning district is not permitted by state law. MCA 76-2-302(2) requires that a class of zoning standards, such as the CBD-4 (Central Business District) zoning district standards, be uniform in all locations where the standards apply.

Planning Board Discussion:

Planning Board agreed with the staff recommendation and voted to recommend approval of the rezone. No public comment was submitted prior to the Planning Board public hearing and no member of the public testified at the public hearing for this rezone. Planning Board discussion was focused on the following,

- Concern regarding the 125 foot maximum height in CBD-4 on the riverside of this site;
- Desire for consideration of alternative materials besides asphalt and concrete for the riverfront trail surface;
- Concern regarding the cost to the City on upgrading the material and size of the riverfront trail;

- Concern regarding the approach to bank stabilization and local flood projections along the riverfront side of the property;
- Concern regarding the triangular shapes and depth of the lobby/office spaces fronting West Broadway at the ground floor and whether that would result in pedestrian activation along the W Broadway frontage of the property

See the Planning Board Minutes for further Planning Board discussion.



ANNEXATION AND ZONING STAFF REPORT & REFERRAL

Agenda item:	Annexation and Zoning Upon Annexation to RT5.4 (residential two-unit / townhouse). of Tract 9 of COS No. 3176	
Report Date:	9/4/2020	
Case Planner:	Dave DeGrandpre, Planning Manager	
Report Reviewed & Approved By:	Mary McCrea, Planning Supervisor	
Public Meetings & Hearing Schedule		
City Council referral:	9/9/2020	
LUP recommends resolution of intent:	9/9/2020	
City Council adopts resolution of intent & sets public hearing:	9/14/2020	
City Council public hearing & final resolution to annex:	10/5/2020	
Applicant & Owner:	Zootown Investments, LLC 2336 Aspen Grove Missoula, MT 59801	
Representative:	Brian Throckmorton 406 Engineering 1201 S. 6 th Street W., #102 Missoula, MT 59801	
Location of request:	In the Mullan Master Plan Area west of Reserve Street and immediately north of the 44 Ranch Subdivision	
Legal description:	Tract 9 of COS No. 3176 Tract 9 of COS No 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M.	
Legal ad:	Published 8/3/20 and 9/6/20	
Growth policy:	Residential Medium Density – 3 to 11 units per acre	
Current zoning:	County C-RR1	
Surrounding Land Uses		Surrounding Zoning
North:	Agriculture	C-RR1
South:	Residential subdivision (44 Ranch)	44 Ranch Special Zoning District
East:	Agriculture, pending annexation, zoning and subdivision	C-RR1, possible future B2-2
West:	Missoula Airport Authority	C-RR1
RECOMMENDED MOTIONS		
LUP:	ADOPT a resolution of intention to annex and incorporate within the boundaries of the City of Missoula, Montana a parcel of land described as Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M.; and zone the property RT5.4 Residential; and set a public hearing for October 5, 2020.	
CC p/h:	ADOPT a resolution to annex and incorporate within the boundaries of the City of Missoula, Montana a parcel of land described as Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M.; and zone the property RT5.4 Residential.	

I. RECOMMENDED CONDITIONS	
1.	All street and non-motorized transportation improvements shall be designed and built in accordance with the City of Missoula Public Works Standards and Specifications and City of Missoula Subdivision Regulations (except as modified by variance). All plans must comply with Americans with Disabilities Act requirements. All plans must be reviewed and approved by the City Engineer in accordance with City policies.
2.	The subdivider shall provide a street naming exhibit to be reviewed and approved by Development Services prior to final plat filing of the first phase.
3.	The subdivider shall provide a street signage plan in accordance with the Manual on Uniform Traffic Control Devices to be reviewed and approved by the City Engineer and City Fire Department with installation of approved signs prior to final plat filing of each applicable phase.
4.	The following statement shall appear on the face of each plat, in the covenants, conditions, and restrictions, and on each instrument of conveyance: "Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future SID/RSID, based on benefit, for the upgrading of streets within this subdivision, including but not limited to paving, curbs and gutters, non-motorized facilities, street widening and drainage facilities."
5.	All proposed rights-of-way shall be dedicated to the public on the face of each plat and approved by the City Engineer.
6.	All proposed easements, except as modified by these conditions, shall be shown on the face of each plat and identified for their width and purpose, including easements for vehicular and pedestrian access, utilities, and irrigation facilities.
7.	The subdivider shall design and install street lighting along Chuck Wagon Drive through the subdivision in accordance with the Missoula Public Works Standards and Specifications Manual. The lighting shall be installed prior to final plat approval of Phase 1 for the southernmost section of Chuck Wagon Drive and Phase 7 for the remainder of Chuck Wagon Drive. Prior to final plat filing of the first phase, the subdivider shall petition to create a new streetlight improvement district.
8.	Chuck Wagon Drive through the length of the subdivision shall be improved to Urban Collector half-street standards as proposed including two 10-foot drive lanes, curb and gutter, a 10-foot boulevard, and 5-foot sidewalks within the existing 40-foot wide right-of-way. These improvements shall be completed as shown on the Phasing Plan exhibit and described in the Project Summary.
9.	The subdivider shall contribute a proportionate share for improvements to the Chuck Wagon Drive / Mullan Road intersection made necessary by this subdivision. The total amount of \$83,084 shall be paid to the City of Missoula on a per-lot basis prior to final plat filing of each phase.
10.	The Remington Flats Phased Subdivision is located within the Mullan BUILD project area and George Elmer Drive, which is proposed to provide access to the subdivision, is planned to be improved as part of the Mullan BUILD project. Federal funds are planned to pay for a portion of the Mullan BUILD improvements. Funding mechanisms are currently being explored to pay for the remainder of the improvements. The funding mechanisms may include, but are not limited to, a special improvement district, impact fee, latecomers fee, or cost share agreements that allow the City of Missoula and Missoula County to recover the cost of constructing infrastructure from the properties that benefit from the Mullan BUILD project. The total amount of the cost to be recaptured via the funding mechanism(s) is not expected to exceed 50% of the actual costs expended by the City of Missoula and Missoula County to complete the Mullan BUILD project. To the extent that such funding mechanism(s) is created in accordance with state law and applicable principles of land use law, the subdivider, successors, and assigns shall participate in and be bound by the fees assessed and not oppose the creation of or participation in such a district.
11.	Winchester Drive, Browning Road, Tenderfoot Way, Riata Road, and Remington Drive shall be designed and built to Low Density Urban Local Street standards including two 10-foot drive lanes, 7-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks within 64-foot rights-of-way as proposed.
12.	The subdivider shall submit complete grading and drainage plans prior to final plat approval of each applicable phase showing proposed grades of streets, proposed drainage facilities, and a storm water pollution prevention plan for all lots, blocks, and other areas meeting Montana DEQ standards and subject to approval of the City Engineer. All drainage facilities shall be constructed in accordance with the approved plan and accommodate the planned runoff from all upgradient phases.
13.	The subdivider shall petition for the property to be included in the Missoula Urban Transportation District prior to final plat filing of the first phase.

14. The subdivider shall submit plans for water supply and sewage disposal for review and approval of the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of each applicable phase. Construction of all water supply and sewer systems shall be in accordance with City policies.
15. The subdivider shall submit plans for solid waste disposal for review and approval of the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of each applicable phase.
16. The subdivider shall meet the parkland dedication requirement by providing the monetary value of 1.43 acres of unsubdivided, unimproved, zoned land as required in the City Subdivision Regulations Section 3-080. Prior to final plat filing of each phase, the subdivider shall provide calculations for the total lotted area in that phase, the parkland requirement for that phase, a Summary Appraisal Report establishing the then-current fair market value, and a check for the required amount, to be reviewed and approved by City Council.
17. The subdivider shall submit a boulevard landscaping plan to be reviewed and approved by the City Parks and Recreation Department prior to final plat filing of each applicable phase.
18. Final covenants, conditions, and restrictions meeting the requirements of City Subdivision Regulations Section 5-020-14.K shall be submitted for review and approval prior to final plat filing of the first phase. The covenants shall require boulevard landscaping in accordance with the approved plan, a prohibition on basements within the subdivision, a prohibition on wood burning devices, and a statement informing lot purchasers of the presence of the subdivision within an airport influence area.
19. The subdivider shall provide five-foot sidewalks along all street frontages and at the proposed location between Lots 127 and 128. All sidewalk plans, including specifications for ADA accessibility and safe street crossings, shall be reviewed and approved by the City Engineering and Parks and Recreation departments prior to final plat filing of each applicable phase. Construction of the non-motorized transportation facilities shall occur as proposed in the application submittal and as required to serve each phase.
20. The subdivider shall provide plans for address signage and a fire hydrant plan for review and approval prior to final plat filing of each applicable phase. All approved fire protection improvements shall be installed in accordance with the approved plans.
21. The Weed Management and Revegetation Plan shall be appended to the covenants, conditions and restrictions. The subdivider shall provide evidence of plan implementation and noxious weed control prior to final plat filing of each phase.
22. The subdivider shall grant an avigation easement to the Missoula Airport Authority in compliance with the Airport Influence Area Resolution and present evidence of the easement, subject to review and approval of Development Services, prior to final plat filing of the first phase or within two years of City Council approval of annexation, whichever comes first.
23. The Covenants, Conditions, and Restrictions and each final plat shall include the following statement: This property is in the airport influence area and subject to the requirements of the Airport Influence Area Resolution. The Remington Flats Subdivision may also be within an extended approach and departure zone for a proposed second runway as shown in the Airport Authority's 2004 plan and lot owners should be aware of the resultant safety risk. Lot owners should consult the airport layout plan and any relevant documents to determine the status of the proposed runway location at the time of purchase.
24. The Remington Flats Neighborhood Character Overlay Zoning District shall be adopted concurrent with City Council approval of the subdivision request based on the findings in the rezoning staff report.

II. PROJECT SUMMARY

Property Information

1. The property consists of 20.01 acres legally described as Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M., Missoula County, Montana.
2. The property has historically been used for agricultural production including hay production and cattle grazing. The land is generally flat and undeveloped. The soil is considered prime farmland if irrigated. The property has irrigation water rights, which are planned to be severed prior to final subdivision plat approval.
3. The 44 Ranch residential subdivision is adjacent to the south. To the east is a proposed subdivision intended for multi-family and mixed-use structures. To the west is land owned by the Missoula Airport Authority and to the east is land used for agriculture.
4. The floodplain classification is Zone X, an area of minimal flood hazard. No other natural or human-caused hazards are apparent.
5. City water, sewer, and other services are available to the property.

Annexation Request
6. The property owner, Zootown Investments, LLC, filed Petition No. 10024 requesting annexation of this property.
7. The property is inside the Wastewater Facilities Service Area and the Air Stagnation Zone.
8. The property would be added to the service area for Missoula hospitals and the City Fire and Police Departments.
9. The property would be added to City of Missoula Ward 2 and the Captain John Mullan Neighborhood Council area.
Annexation Policy
10. Under the City of Missoula Annexation Policy, the property is located within Annexation Area 'A,' an area prioritized for annexation because it meets the City's annexation guidelines for efficient provision of services and orderly growth.
Growth Policy & Zoning
11. The <i>Our Missoula: City Growth Policy 2035</i> Future Land Use Map designation is Residential Medium Density – 3 to 11 units per acre. The draft <i>Mullan Area Master Plan</i> also shows this area as being planned for urban scale residential development with varying lot sizes.
12. Areas designated as Residential Medium Density – 3 to 11 units per acre are intended to fit with already established residential neighborhoods and acknowledge the single dwelling residential building type as the primary use with potential for accessory dwellings. Zoning districts related with this land use designation include: RT10 (two unit / townhouse), R8, R5.4, and RT5.4 (two unit / townhouse)
13. The applicant is requesting base zoning of RT5.4 (two unit / townhouse). Concurrently, but not a part of this annexation and initial zoning request, the applicant is also seeking a new Remington Flats Neighborhood Character Overlay District. If approved, the zoning for the property would be known as RT5.4 / NC-RF.
14. The RT5.4 is a residential district that allows detached houses, lot line houses, and two-unit houses and townhouses. The minimum parcel area and minimum area per unit is 5,400 feet. Minimum principal building setbacks are as follows: 20-foot front; 7.5 interior side or at least 33% of the building height; 10-foot street side, and 20-foot rear.
15. The Remington Flats Neighborhood Character Overlay District would allow front setbacks to be reduced to 10 feet and interior side setbacks to be reduced to 5 feet. It would also allow up to three-unit townhouses instead of only two-unit townhouses.
16. The current county zoning on the property is C-RR1, a residential district with a maximum density of one dwelling unit per acre.
Statutory Requirements
17. The City will meet the statutory requirements for a petition method of annexation in regards to MCA 7-2-4601 – 4625 and the MMC 20.85.040(I)(2) by considering the petition, adopting a resolution of intention and scheduling a public hearing regarding the zoning upon annexation; and advertising public notice for at least 15 days prior to the public hearing with the appropriate recommended zoning. The final step for council will be to adopt an annexation resolution or to deny the annexation request.
Zoning Upon Annexation
18. MCA 76-2-303 allows a municipality to conduct a hearing on the annexation in conjunction with a hearing on the zoning of the property proposed for annexation. Title 20 Zoning Ordinance, Section 20.85.040(I)(2) outlines the three review criteria taken from MCA 76-2-303 which may be considered for zoning upon annexation. The following are the three criteria and staff's assessment as to whether the annexation complies with the criteria. An annexation must comply with at least one of the criteria. The zoning district classification assigned at the time of annexation must:
a. Authorize land uses comparable to the land uses authorized under the county zoning classification that applied to the property immediately before it was annexed in the city;
b. Authorize land uses that are consistent with the land uses approved by the Board of County Commissioners or the County Board of Adjustment; or
c. Be consistent with the land use and zoning recommendations for the subject areas, as set forth in the <i>Our Missoula: City Growth Policy 2035</i> .
Staff Assessment:
i. The RT5.4 (two unit / townhouse) zoning would allow residential development comparable with

	the current C-RR1 county zoning classification, which was approved by the Board of County Commissioners.
	ii. The RT5.4 (two unit / townhouse) zoning would provide for medium density residential development in accordance with the Future Land Use Map of the <i>Our Missoula: City Growth Policy 2035</i> .
III. ATTACHMENTS	
Resolution of Intent to Annex with Exhibit A	

Return to: City Clerk
City of Missoula
435 Ryman Street
Missoula MT 59802-4297

RESOLUTION NUMBER _____

A resolution of intention to annex and incorporate within the boundaries of the City of Missoula, Montana a certain parcel of land described as Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, Principal Meridian Montana (PMM), and set a public hearing on October 5, 2020.

LEGAL DESCRIPTION: Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, PMM, Missoula County, Montana as shown on Exhibit A attached hereto and made a part hereof.

WHEREAS, Zootown Investments, LLC, owner of 100% of the property described herein as Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, has filed Petition No. 10024 with the City Clerk requesting annexation and waiving the need to prepare a service plan for the annexation; and

WHEREAS, it is the Missoula City Council's decision to consider this petition for annexation pursuant to the statutory annexation by petition method set forth in Title 7 Chapter 2 Part 46 Section 4601 (3)(a)(ii) Montana Code Annotated (MCA); and

WHEREAS, the herein described property is within the City of Missoula Wastewater Treatment Facility service area boundary, the facility has current and future capacity to serve the property and development; and the owners/developers will pay all costs to extend the municipal sanitary wastewater facility collector service to the property; and

WHEREAS, the municipal sanitary sewer system, water system, police, fire protection, parks and other municipal services are available to the tract described; and

WHEREAS, the City Council desires the annexation and zoning of the herein described property be conditioned upon annexation, subject to the following conditions:

Streets, General

1. All street and non-motorized improvements shall be designed and built in accordance with City of Missoula Public Works Standards and Specifications and City of Missoula Subdivision Regulations (except as modified by variance). All plans must comply with Americans with Disabilities Act requirements. All plans must be reviewed and approved by the City Engineer in accordance with City policies.

2. The subdivider shall provide a street naming exhibit to be reviewed and approved by Development Services prior to final plat filing of the first phase.
3. The subdivider shall provide a street signage plan in accordance with the Manual on Uniform Traffic Control Devices to be reviewed and approved by the City Engineer and City Fire Department with installation of approved signs prior to final plat filing of each applicable phase.
4. The following statement shall appear on the face of each plat, in the covenants, conditions, and restrictions, and on each instrument of conveyance:
 "Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future SID/RSID, based on benefit, for the upgrading of streets within this subdivision, including but not limited to paving, curbs and gutters, non-motorized facilities, street widening and drainage facilities."
5. All proposed rights-of-way shall be dedicated to the public on the face of each plat and approved by the City Engineer.
6. All proposed easements, except as modified by these conditions, shall be shown on the face of each plat and identified for their width and purpose, including easements for vehicular and pedestrian access, utilities, and irrigation facilities.
7. The subdivider shall design and install street lighting along Chuck Wagon Drive through the subdivision in accordance with the Missoula Public Works Standards and Specifications Manual. The lighting shall be installed prior to final plat approval of Phase 1 for the southernmost section of Chuck Wagon Drive and Phase 7 for the remainder of Chuck Wagon Drive. Prior to final plat filing of the first phase, the subdivider shall petition to create a new streetlight improvement district.

Specific Streets

8. Chuck Wagon Drive through the length of the subdivision shall be improved to Urban Collector half-street standards as proposed including two 10-foot drive lanes, curb and gutter, a 10-foot boulevard, and 5-foot sidewalks within the existing 40-foot wide right-of-way. These improvements shall be completed as shown on the Phasing Plan exhibit and described in the Project Summary.
9. The subdivider shall contribute a proportionate share for improvements to the Chuck Wagon Drive / Mullan Road intersection made necessary by this subdivision. The total amount of \$83,084 shall be paid to the City of Missoula on a per-lot basis prior to final plat filing of each phase.
10. The Remington Flats Phased Subdivision is located within the Mullan BUILD project area and George Elmer Drive, which is proposed to provide access to the subdivision, is planned to be improved as part of the Mullan BUILD project. Federal funds are planned to pay for a portion of the Mullan BUILD improvements. Funding mechanisms are currently being explored to pay for the remainder of the improvements. The funding mechanisms may include, but are not limited to, a special improvement district, impact fee, latecomers fee, or cost share agreements that allow the City of Missoula and Missoula County to recover the cost of constructing infrastructure from the properties that benefit from the Mullan BUILD project. The total amount of the cost to be recaptured via the funding mechanism(s) is not expected to exceed 50% of the actual costs expended by the City of Missoula and Missoula County to complete the Mullan BUILD project. To the extent that such funding mechanism(s) is created in accordance with state law and applicable principles of land use law, the subdivider, successors, and assigns shall participate in and be bound by the fees assessed and not oppose the creation of or participation in such a district.

11. Winchester Drive, Browning Road, Tenderfoot Way, Riata Road, and Remington Drive shall be designed and built to Low Density Urban Local Street standards including two 10-foot drive lanes, 7-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks within 64-foot rights-of-way as proposed.

Drainage

12. The subdivider shall submit complete grading and drainage plans prior to final plat approval of each applicable phase showing proposed grades of streets, proposed drainage facilities, and a storm water pollution prevention plan for all lots, blocks, and other areas meeting Montana DEQ standards and subject to approval of the City Engineer. All drainage facilities shall be constructed in accordance with the approved plan and accommodate the planned runoff from all upgradient phases.

Transit

13. The subdivider shall petition for the property to be included in the Missoula Urban Transportation District prior to final plat filing of the first phase.

Water System and Sewer System

14. The subdivider shall submit plans for water supply and sewage disposal for review and approval of the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of each applicable phase. Construction of all water supply and sewer systems shall be in accordance with City policies.

Solid Waste

15. The subdivider shall submit plans for solid waste disposal for review and approval of the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of each applicable phase.

Parkland

16. The subdivider shall meet the parkland dedication requirement by providing the monetary value of 1.43 acres of unsubdivided, unimproved, zoned land as required in the City Subdivision Regulations Section 3-080. Prior to final plat filing of each phase, the subdivider shall provide calculations for the total lotted area in that phase, the parkland requirement for that phase, a Summary Appraisal Report establishing the then-current fair market value, and a check for the required amount, to be reviewed and approved by City Council.
17. The subdivider shall submit a boulevard landscaping plan to be reviewed and approved by the City Parks and Recreation Department prior to final plat filing of each applicable phase.

Covenants, Conditions, and Restrictions

18. Final covenants, conditions, and restrictions meeting the requirements of City Subdivision Regulations Section 5-020-14.K shall be submitted for review and approval prior to final plat filing of the first phase. The covenants shall require boulevard landscaping in accordance with the approved plan, a prohibition on basements within the subdivision, a prohibition on wood burning devices, and a statement informing lot purchasers of the presence of the subdivision within an airport influence area.

Non-Motorized Transportation Facilities

19. The subdivider shall provide five-foot sidewalks along all street frontages and at the proposed location between Lots 127 and 128. All sidewalk plans, including specifications for ADA accessibility and safe street crossings, shall be reviewed and approved by the City Engineering and Parks and Recreation departments prior to final plat filing of each applicable phase. Construction of the non-motorized transportation facilities shall occur as proposed in the application submittal and as required to serve each phase.

Fire Protection

20. The subdivider shall provide plans for address signage and a fire hydrant plan for review and approval prior to final plat filing of each applicable phase. All approved fire protection improvements shall be installed in accordance with the approved plans.

Noxious Weeds

21. The Weed Management and Revegetation Plan shall be appended to the covenants, conditions and restrictions. The subdivider shall provide evidence of plan implementation and noxious weed control prior to final plat filing of each phase.

Airport Influence Area

22. The subdivider shall grant an aviation easement to the Missoula Airport Authority in compliance with the Airport Influence Area Resolution and present evidence of the easement, subject to review and approval of Development Services, prior to final plat filing of the first phase or within two years of City Council approval of annexation, whichever comes first.
23. The Covenants, Conditions, and Restrictions and each final plat shall include the following statement: This property is in the airport influence area and subject to the requirements of the Airport Influence Area Resolution. The Remington Flats Subdivision may also be within an extended approach and departure zone for a proposed second runway as shown in the Airport Authority's 2004 plan and lot owners should be aware of the resultant safety risk. Lot owners should consult the airport layout plan and any relevant documents to determine the status of the proposed runway location at the time of purchase.

Zoning

24. The Remington Flats Neighborhood Character Overlay Zoning District shall be adopted concurrent with City Council approval of the subdivision request based on the findings in the rezoning staff report.

WHEREAS, the tract described herein is currently zoned C-RR1 Residential in the County and the recommended zoning in the City is RT5.4 Residential in accordance with MCA 76-2-303 (3)(a) and Missoula Municipal Code criterion 20.85.040(l)(2c), it is the intention of the City of Missoula to annex this property with the recommended city zoning. **FURTHER**, the parcel is situated adjacent to City Council Ward Area No. 2 and the Captain John Mullan Neighborhood Council District, and it is the intention of the Council to add this parcel to said Ward and Neighborhood Council District; and

WHEREAS, in the judgment of the City Council of the City of Missoula, it is deemed to be in the best interest of the City of Missoula, the inhabitants thereof, and the current and future inhabitants of the tract of land described herein, the owner of which has petitioned for annexation and is within the urban growth

boundary, that the boundaries of the City of Missoula shall be extended to include the same within the corporate limits.

NOW THEREFORE BE IT RESOLVED that it is the intention of the City Council of the City of Missoula to incorporate and annex into the City's jurisdictional boundary the herein described property, apply city zoning as stated within, and assign the property to the said Ward and Neighborhood Council District; and

BE IT FURTHER RESOLVED that the City Clerk shall, pursuant to Section 76-2-303 and 7-1-4127 MCA, publish in the newspaper of general circulation in the City of Missoula, which newspaper is nearest to the said land being considered for annexation, at least once a week for two successive weeks on 9/20/2020 and 9/27/2020, a notice that such resolution has been duly and regularly passed and that for a period of 15-days after the first publication of the notice, the City Clerk will receive expressions of approval or disapproval in writing of this proposed alteration of the boundaries of the city and zoning until 5:00 p.m. on 10/5/2020 and that a City Council public hearing shall be held Monday, 10/5/2020 at 6:00 p.m. at the regularly scheduled City Council meeting; and

BE IT FURTHER RESOLVED that if the city annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the city pursuant to this city annexation resolution or any provision of this resolution is ever held to be invalid or unconstitutional, the City Council hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or the remaining provisions of this resolution. The City Council hereby declares that it would have passed this resolution and annexed each lot(s), parcel(s), block(s) or tracts(s) of land into the city as well as each provision of this resolution irrespective of the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or provision of this resolution may have been declared invalid or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s), block(s), tract(s) of land or any provision of this resolution should be declared invalid or unconstitutional, then the annexation of the remaining lot(s), parcel(s), block(s) or tracts(s) of land and resolution provisions are intended to be and shall be in full force and effect as enacted by the City Council.

PASSED AND ADOPTED this 14TH day of September, 2020.

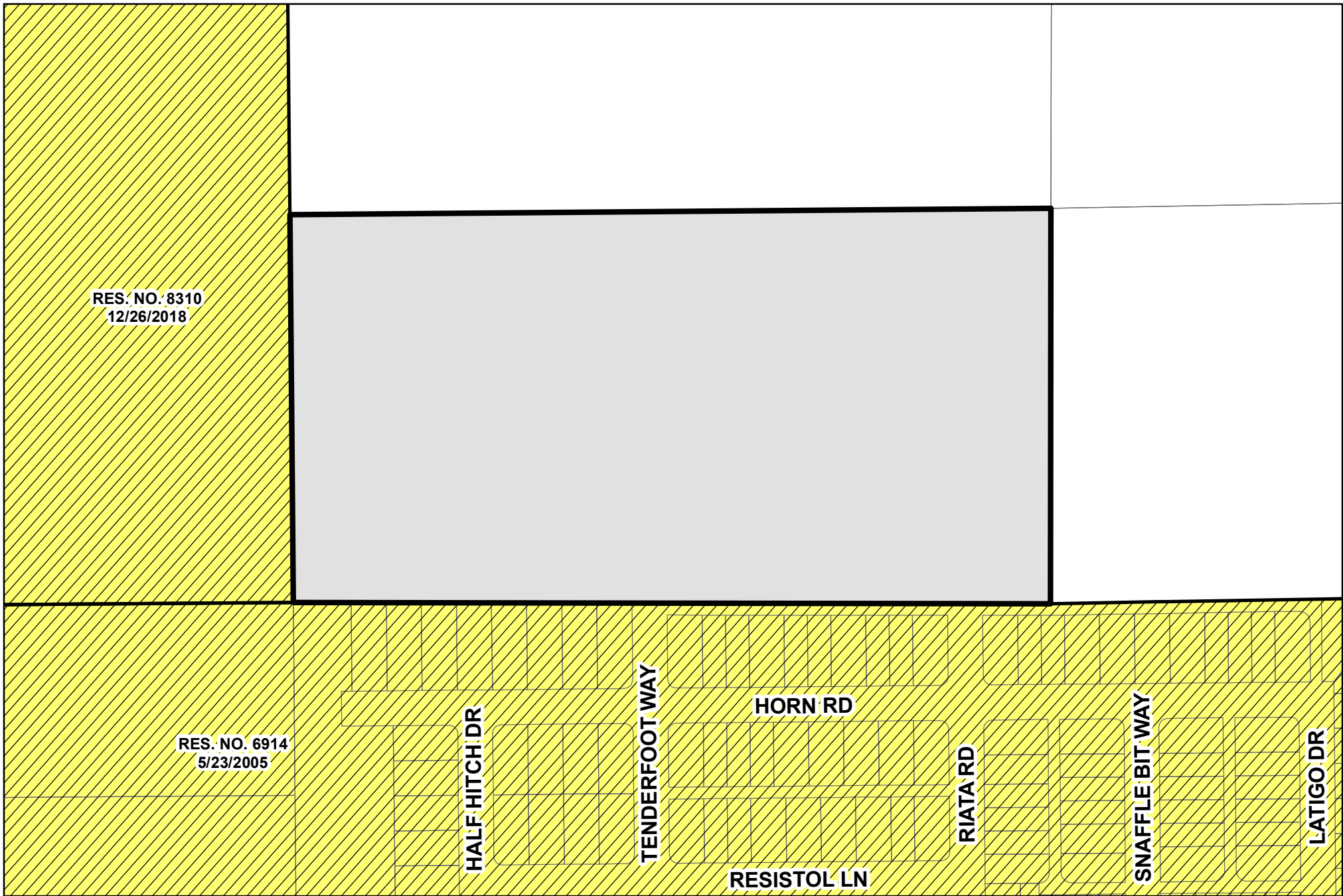
ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

John Engen
Mayor

(SEAL)







Tract 9 Certificate of Survey 3176

All Located in Section 12, T.13 N., R.20 W., P.M.M.

Prepared by: CITY OF MISSOULA GIS SERVICES

Exhibit 'A'

Legend

-  Proposed Annexation
-  Annexation Resolutions
-  Parcel Boundaries
-  City Limits