



Missoula Consolidated Planning Board  
Agenda

**Date:** September 15, 2020, 6:00 PM

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

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

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

Pages

1. Call to Order
2. Roll Call
3. Approval of Minutes 1
4. Public Comment
5. Staff Announcements
- 5.1 Written followup of rezone of property located at 508 S 3rd St. West to apply the /AR Adaptive Reuse Overlay. 16  
On September 2nd, 2020, Missoula City Council approved the request to rezone the property located at 508 S. 3rd St W. to apply the /AR Adaptive Reuse Overlay. The attached document includes a letter of approval, the findings of fact, and the draft ordinance approved by City Council. (Planning Board hearing of August 4, 2020).
- 5.2 Mullan Area Master Plan and Zoning Code available for review  
The newest draft documents for the Mullan Area Master Plan and Zoning Code are available for review. These documents can be found at the [Engage Missoula website](#) .
6. Public Hearings

## 6.1 Remington Flats Subdivision and Rezoning (City - Dave DeGrandpre)

23

Application can be found at <https://www.ci.missoula.mt.us/2654/Remington-Flats-Subdivision>

### **Recommended motion:**

APPROVE the adoption of an ordinance to establish the Remington Flats Neighborhood Character Overlay District and to rezone Tract 9 of COS No. 3176 in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West from RT5.4 Residential to RT5.4 Residential with a Remington Flats Neighborhood Character Overlay District based on the findings of fact in the staff report.

### **Recommended motion:**

Approval of the variance request to allow the block for Lots 1–9 and Lots 122-135 to be longer than 480 feet.

### **Recommended motion:**

Approval of the variance request to allow Winchester Drive, Browning Road, Tenderfoot Way, Ruger Road, and Riata Road to be built within 64-foot rights-of-way instead of 70.

### **Recommended motion:**

Approval of the variance request to allow Chuck Wagon Drive to be built as a half-street Urban Collector (with parking) within a 40-foot right-of-way width instead a full street section built within a 90-foot right-of-way.

### **Recommended motion:**

Preliminary Approval of the Remington Flats Phased Subdivision plat and application.

7. Communications and Special Presentations
  8. Committee Reports
  9. Old Business
  10. New Business and Referrals
  11. Comments from MCPB Members
  12. Adjournment
-



## Missoula Consolidated Planning Board Minutes

September 1, 2020, 6:00 PM

Virtual Meeting: Live Stream and On Demand: <http://www.ci.missoula.mt.us/webcasts>

YouTube Live Stream and On Demand:

<https://www.youtube.com/channel/UC5fnfMPFGSk8Gwq6F5UoqGg>

Live call in phone numbers: 1 (253) 215-8782 1 (888) 475-4499 (landlines only) Meeting ID: 960 049 3694

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

Regular member(s) absent: Andy Mefford (County Appt)

### 1. Call to Order

<https://www.youtube.com/watch?v=GIY1dBLTVbQ>

Mr. Caristo called the meeting to order at 6:02 p.m.

### 2. Roll Call

Ms. McCammon called the roll.

### 3. Approval of Minutes

Mr. Morrissey moved, and Mr. Schroeder seconded the approval of the August 18, 2020 Missoula Consolidated Planning Board minutes as submitted. With a voice vote of all ayes the minutes were approved.

### 4. Public Comment

Public comments addressed to the Missoula Consolidated Planning Board (MCPB) received after the August 18, 2020 Planning Board meeting are attached to the agenda.

### 5. Staff Announcements

Karen Hughes, Assistant Director, Missoula County Community and Planning Services (CAPS), reviewed open meeting laws, right to know, and right to participate. She advised board members advised to bring their comments to the next meeting, agenda item eleven the best way to participate. The process is the same for committees and sub-committees. Board members cannot represent their perspective on behalf of the board without board approval. Any public comments received on a development proposal after a Planning Board hearing are funneled to the next hearing.

Mr. Bensen cited the difficulty and challenges boards experience in the decision-making process on short timelines.

Mr. McCoy shared Mr. Bensen's concerns and asked if city councils' first and second readings of public hearings could be utilized for Planning Board hearings. Ms. Hughes stated that Planning Board does not have the same procedural requirements as City Council, which adopt rules vs. recommendations; occasionally MCPB hearings will be held open, usually due to Planning Board requests to staff for changes. She stated that many subdivisions are under legally mandated timelines, so those time frames must be adhered to. The jurisdictions have to abide by those timelines or can be penalized.

Ms. Hassanein noted the fullness of the recent agendas, and the upcoming hearings for Remington Flats Subdivision and the Mullan Area Master Plan in October 2020, and the order in which those were originally scheduled. Ms. McCrea explained that the Remington Flats Subdivision was deemed sufficient under the current regulations of annexation and zoning. Per state law, those of the rules that will apply through the approval and phases being filed regardless of the timing of the approval of the Mullan Area Master Plan. Ms. McCrea added that, in the big picture, it is always better to have the planning and zoning done ahead of when the development occurs in certain areas. She reminded board members that the developers were working on these projects, sometimes for two years, prior to them being brought forward for hearings.

Mr. Morrissey asked about appropriate time for recusal from an agenda item. Ms. McCrea stated that it is okay to contribute to the discussion, even if you needed to recuse yourself from the vote. Ms. Hughes indicated that recusal should occur as early as possible; when a perceived, possible, or real conflict of interest exists.

Ms. McCrea urged board members to not provide an opinion to members of the public seeking one but give them information meetings and on how to participate in the process.

## **6. Public Hearings**

### **6.1 3705 Hwy 200 E Rezone, East Missoula. Matt Heimel, Community and Planning Services, Missoula County**

Matt Heimel, AICP, Planner II, Missoula County Community and Planning Services (CAPS), stated that Tri-East, Inc., represented by Paul Forsting with IMEG, proposes to rezone the properties addressed as 3705 Highway 200 E, legally described Lots 5-11 and Lots 16-26 of Block 19 in the East Missoula Addition. The approximately 2.3 acres, bordered by Michigan Avenue, Minnesota Avenue, Randles Street, and Clyde Street, are currently zoned C-R3 Residential with the Canyon Gates/Ole's Planned Variation. The planned variation was enacted to allow for reduced setbacks on a housing development that never came to fruition. Mr. Heimel explained that surrounding zoning is C-C2 General Commercial to the north, east, and west, and residential unzoned to the south.

The applicant is proposing to zone the property C-C1, Neighborhood Commercial. The intent of the C-C1 Zoning District is to provide convenience shopping for a limited neighborhood market which involves retail enterprises dispensing commodities and providing personal or professional services to the individual. The 2019 Missoula Area Land Use Element, which is an amendment to the 2016 Missoula County Growth Policy, designates this property as Neighborhood Center. The Neighborhood Center land use designation recommends a mix of residential, neighborhood services, offices, retail, and institutional uses. The applicant intends to utilize the property for commercial use, and

the anticipated commercial use is storage. Mr. Heimel stated that the uses and densities permitted in C-C1 lay the framework for development to allow for opportunities that are identified in the comprehensive plan and detailed in the Neighborhood Center land use designation. The uses listed in C-C1 conform to the objectives of the land use element and the intent of the zoning regulations. Agency comments regarding future use were received; and those will be addressed in building permitting. i.e. drainage. There was one public comment of support, which was in the board member packets. Staff recommends approval of the rezoning request. Mr. Heimel invited board and public comments, and stated that Mr. Forsting, IMEG, the clients' representative, would also comments and/or questions. If approved by the Planning Board, this request would advance to a hearing before the county commissioners on September 24, 2020.

#### PUBLIC COMMENT [6:44 p.m.]

No public comments received during the hearing.

#### PUBLIC COMMENTS CLOSED [6:48 p.m.]

#### PLANNING BOARD COMMENTS

Mr. Caristo asked if this was an area that was planned for annexation to the city in the near- or long-term future; and if so, what would be the comparable city zoning. Mr. Heimel was not aware of any current annexation plans; however, this site is on city sewer with deferred annexation in place. Comparable districts are in the range of B and C districts in Title 20. Mr. Caristo asked if the requested zoning would require sidewalks along Michigan or Minnesota Avenues. Mr. Heimel stated that Missoula County commercial zoning districts do not have requirements for sidewalks; there may be requirements in subdivision review for pedestrian facilities. The installation of sidewalks is not a requirement for zoning compliance review.

Mr. Paul Forsting, IMEG, thanked Mr. Heimel for his professional assistance and concise presentation. He advised board members that both he and Mr. Heimel would be available for comments.

Ms. Hassanein mentioned the number of storage facilities already available and asked if that would be the primary use for this site. Mr. Forsting stated that storage is listed on the application, but there are suites of options available with the commercial zoning, and the business climate has changed due to COVID-19.

Mr. Schroeder asked about permitted and conditional uses for this zoning district, and residential and commercial mini warehouse would be a conditional use. Mr. Heimel stated that it was correct and provided a distinction; in the current Missoula County zoning regulations a conditional use only implies that there are particular standards within the zoning regulations; which would be an administrative review at the staff level for certain requirements within zoning. Mr. Schroeder asked if that with the zoning change, if the intended use is for storage, is this the correct zoning district. Mr. Heimel answered that if the intended use is storage, then this is the correct zoning district; C-C1 is most compatible with the neighborhood center land use designation.

Mr. Loomis felt that this would be a key component on future commercial uses. He feels that mini storage would be a misuse for the entirety of the property and recommended other opportunities for mixed use.

Ms. Hassanein stated that storage units was not what she would think of when defining a neighborhood center. She would like more robust development in this strategic location. Mr. Bensen asked how ephemeral storage units are; how long would they exist on the site? Mr. Forsting felt that storage units could be a temporary use, but they could also be for 50-100 years. Only two zoning options were available with the growth policy, and both guide them into the channel that allows storage units.

Mr. Morrissey asked Mr. Heibel to explain the conditional use process compared to a special exception. Mr. Heibel stated that a special exception is what most people would think of as a "conditional use permit", but it is a "special exception use permit". The special exception use permit goes before the Missoula County Board of Adjustment for a public hearing. Compatibility is checked, along with other review criteria.

Mr. McCoy asked about other possible zoning options and the approval processes. Mr. Heibel explained that uses listed under the current regulations as permitted or conditional would be reviewed administratively through zoning compliance and building permit review. A special exception goes to a public hearing. All of these undergo review and checks for compliance and any use would need a permit. Besides C-C1, the other possible option was C-C2, general commercial, which is more intensive zoning district regarding the scale of use. Although C-C2 is adjacent to this property; C-C1 is the most compatible with the current land use designation.

Mr. Morrissey stated that he will be voting no on the proposed rezoning as the current zoning of C-R3 Residential has a special exception for any of the permitted uses as C-C1; and he feels that C-R3 is more appropriate. The special exception clause in C-R3 would require public input at the time of submission. Mr. Heibel stated that although the commercial uses are available in the C-R3 residential zoning district by special exception; the rezoning and was supportable given the land use designation, which C-R3 does not match to as well.

Mr. McCoy encouraged owners to consider greater land development potential than storage units.

Mr. Schroeder asked if all permitted uses in C-C1 permitted were allowed under the current zoning district, but under special use exemption. He asked if the process would be more onerous to attain those permitted uses under the existing zoning. Mr. Heibel stated that as a special exception use to C-R3 Residential; any of the permitted allowable uses would need to go to the Board of Adjustment for a special exception use permit to review compatibility with the area. Another avenue would be to come before the Planning Board with the rezoning request. Ms. Hughes stated that the space and bulk requirements differ between the two districts. The requirements for commercial are more appropriate than those for residential. As the county zoning gets updated, it needs to align with what it should be zoned.

Ms. Potts will abstain from the vote as she was unable to attend the earlier part of the presentation.

Ms. Lauer asked for further clarification on the zoning and special permitting. Mr. HeimeI added that the Canyon Gates/Ole's Planned Variation was specifically for an attached housing development, which would also need to go through either a repeal or amendment process.

Mr. Caristo stated that it was almost impossible to consider a use for this property; however, this is a rezoning request, which transcends the next developed use. He will vote for the request. Mr. McCoy agreed.

**Moved by:** Neva Hassanein

**Seconded by:** Sean McCoy

THAT the request for zoning the lots zoned C-R3 Residential with the Canyon Gates/Ole's Planned Variation to the C-C1 Neighborhood Commercial Zoning District be approved, based on the findings of fact contained in the staff report, public testimony, and written comment. The property subject to this approval is legally described as Lots 5-11 and Lots 16-26, Block 19, East Missoula Addition, Section 24, Township 13 North, Range 19 West, P.M.M., Missoula County, Montana.

AYES: (6): Peter Bensen , Sean McCoy, Dave Loomis, Josh Schroeder, Caroline Lauer, and Vince Caristo

NAYS: (2): Neva Hassanein, and Shane Morrissey

ABSTAIN: (1): Stephanie Potts

ABSENT: (1): Andy Mefford

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

## **6.2 601 W. Broadway Rezoning. Mary McCrea and Kaitlin McCafferty, City of Missoula**

Kaitlin McCafferty, City Development Services, 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 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.

Ms. McCafferty provided a vicinity map and aerial map of the two parcels on West Broadway. The applicable regional plan is Our Missoula City Growth Policy 2035, which recommends a land use designation of urban center. This land use designation is intended to address the concentration of downtown uses, which includes offices, retail, arts, and entertainment, eating and drinking establishments, as well as residential uses. The property to the south is designated as Parks and Open Lands. Current zoning map was presented. Ms. McCafferty stated that this is the last parcel left in the Riverfront Triangle special zoning district. Adjacent properties to the east were rezoned from Riverfront Triangle special zoning district to CBD-4 Central Business District and OP1 Open Space in 2017. To the north and west of the parcel are properties C1-4 Neighborhood Commercial; to the south is the river and the riverfront.

The 2019 Downtown Master Plan brings up the Riverfront Trail easement. North Riverside Parks and Trails Map was presented and a potential mixed used trail along the river side of the parcel was pointed out. The Riverfront Trail has been addressed by the applicant; and a 15-foot wide trail easement across the subject property, east-to-west, will connect to sidewalks on West Broadway at the western edge of the property.

Staff is recommending a Development Agreement to cover the dedication and width of the easement as well as construction and management of the trail. The proposed development agreement would address the following:

- Include a 20-foot wide public non-motorized access easement filed with the Development Agreement.
- Include construction of the Riverfront Trail along the north shore of the Clark Fork River from east to west without interruption or detour, connecting to West Broadway on the west end.
- State developer's responsibility for the cost of a minimum 10-foot wide asphalt trail
- State the City of Missoula's responsibility for the cost of up-sizing the trail to a 14-foot wide concrete trail, repair, maintenance, and replacement
- 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.
- Reviewed by City parks, Missoula Redevelopment Agency and Development Services and approved by City Council.

Ms. McCafferty detailed the main differences between the current zoning (RTSZD) and proposed zoning (CBD-4 Central Business District):

Benefits of the RTSZD:

- Building design standards
- Extension of the Riverfront Trail to the western edge of the zoning district connecting to West Broadway
- Requirement for structured parking instead of parking lots

Difficulties for development within the RTSZD include:

- Limited permitted and restrictions on locations for permitted uses, and
- Reverts back to Title 19 for any standards not specified in the Special District such as off-street parking; and
- Max height of 30 feet within 50 feet of the river and maximum height of 52 feet along West Broadway.

She stated that, in comparison, CBD-4 / DE-D provides:

- CBD-4, Central Business District provides for a wide variety of high intensity commercial uses, high density housing and some industrial uses.



- CBD-4 closely aligns with the Urban Center land use designation in the Growth Policy.
- CBD-4 is a standard district in Title 20 which is updated yearly. Permitted uses are approved administratively and conditional uses require a public hearing at City Council.
- In the RTSZD, any uses that were not contemplated are not permitted.
- Maximum height of 125 feet.
- Design Excellence Overlay requires design standards.

#### Zoning - Setbacks:

- CBD-4 does not require buildings to be setback from property lines except as follows:
  - Setbacks are required when a CBD-4 zoned parcel abuts an R-zoned parcel; and
  - No building may be located within 50-feet of the 100-year floodplain. This minimum setback area may contain pedestrian plazas, walkways, bikeways, and other pedestrian-oriented facilities, but it may not be used for parking lots, driveways, or other vehicular uses.
- In the RTSZD building are required to be setback 50-feet from the top of the north bank of the Clark Fork River.

#### Parking Requirements:

- Parking Requirements in RTSZD:
  - Off-street parking is required per the Title 19 parking schedule, which generally requires more off-street parking than Title 20;
  - Locations of structured parking limited to areas without frontage on a street or public space - underground or at the interior of blocks; and
  - The size and irregular shape of the blocks, and limits on locations of structured parking has hampered development options under the RTSZD zoning.
- Parking Requirements in CBC-4:
  - Off-street parking is not required for uses in the CBD-4; and
  - Design Excellence Review contains guidelines and standards regulating design and location of off-street parking.

In summary, Ms. McCafferty provided a zoning differences summary: In general, the CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay zoning offers compared to the RTSZD:

- A wider variety of commercial uses
- A mix of permitted residential and non-residential uses

- An increase in height to 125-feet vs. building height of 52 feet in RTSZD
- A 50-foot setback from the 100-year floodplain in the CBD-4 vs. the RTSZD 50-foot setback from the top of the riverbank
- No off-street parking in the CBD-4

She provided photos of the lot from the east, west, and from across the river. Preliminary design sketches were displayed of possible site development; although no plans have been submitted nor approved at this time. Review criteria was presented:

1. Complies with the growth policy
2. Facilitates public services/transportation
3. Promotes compatible urban growth
4. Promotes public health and safety
5. Considers district character and suitability of uses
6. Corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition; in the best interests of the city.

Recommended motion provided.

Nick Kaufman, WGM Group, Owners' Representative, thanked Ms. McCafferty and Ms. McCrea for their hard work on the project and for the presentation. Carl Posewitz is the architect on the project and represents the potential purchaser of the property. Kate Dinsmore, WGM Group, is the landscape architect; and Ryan Salisbury, WGM Group, is the engineer. Mr. Kaufman stated that historically this property had been used for tire sales and service and was a carry-over from the Highway 10 business district. This is a transition area, and Mr. Kaufman noted that the nearby DRIFT project was recently withdrawn due to financial impacts to the entertainment business caused by COVID-19. The existing zoning is outdated for the community vision for this area. The rezoning would allow for mixed-use office, which were displayed in the architectural renderings of the site.

Mr. Kaufman explained that the current zoning is Special Zoning District Riverfront Triangle; the proposed CBD-4 will allow for the appropriate use of the parcel allowing increased building height, higher density while allowing flexibility for design on this constrained parcel. Due to the constraints, parking needs to be paid for with a higher building, which is in line with the growth policy in the Downtown Master Plan. He provided a history of project work in the area by WGM Group. Mr. Kaufman provided a slide depicting the property location. The property is approximately 250 feet wide along the riverfront. A multi-story hospital is across the street along with a multi-story hospital expansion. There is a quarter mile of open space to the south, on the other side of the Clark Fork River.

Site opportunities include:

- River Frontage
- Riverfront Trail System

- Adjacent to the Riverfront Triangle
- Views to McCormick Park and Lolo Peak
- Across the street from Providence Health Center
- 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

Photographs of significant elevation constraints were displayed. Site plan was presented identifying 100-year floodplain, top of bank, 50-foot building setback from 100-year floodplain, and 20-foot trail easement from top of bank. A 15-foot trail easement was shown when they met with City Development Services initially; however, that has since been changed to a 20-foot trail easement. Mr. Kaufman explained that the entire parcel area is 37,246 square feet; but 375 square feet are lost to the 100-year floodplain and 12,145 square feet are lost to the trail easement and 50-foot setback; making 33% of this parcel encumbered. Office/retail space will be provided on West Broadway as well as on the river wide, with parking behind those businesses. Building footprint and trail explained. Mr. Powesitz's renderings of the site were presented. Mailings were sent to neighbors on December 6, 2019. Mr. Kaufman provided project steps and project time frame, demonstrating the 2-year process from inception to construction.

PUBLIC COMMENTS [7:40 p.m.]

No public comments.

PUBLIC COMMENT PERIOD CLOSED [7:44 p.m.]

PLANNING BOARD COMMENTS

Mr. Loomis felt that CBD-4 zoning seemed appropriate but took issue with overall building height for persons using the river. He questioned bank stabilization and why the trail, in excess of 10-foot wide, was the city's responsibility.

Neil Miner, Park and Open Space Planning and Development, City of Missoula, stated that the original special zoning district required a 10-foot wide trail, since then the Downtown Master Plan and other planning documents have changed to require a wider trail. The

required 10-foot wide trail will be paid for by the developer, and any additional width will be bore by the city. The change to concrete is due to the Downtown Master Plan adopted last year, requiring a 16 to 18-foot wide river promenade, which severely further limits the site. 20-foot wide trails are the minimum for maintenance and snow removal equipment. Concrete offers a longer lifespan as opposed to other materials, which need more frequent maintenance.

Ms. McCrea stated that building height for rezoning requests has to comply to the Growth Policy, the regional plan of the current growth policy is the *2035 Our Missoula Growth Policy* which lists an Urban Center land use designation; CBD-4 is one of the zonings currently relatable with that land use designation. In state law standard city zoning districts in Title 20 need to have the same standards wherever they are in the city, and CBD-4 has a 125-foot height limit, which was approved on the property directly to the east. This is also a constrained site and the developer needs to fit some parking on it for residents as well as compensate for losses to the trail and construction of the trail. Previous 30-foot height constraints were reasons this property remained undeveloped for so long. Mr. Kaufman reminded board members of the setbacks of the proposed building structure. Bank stabilization was discussed along with vegetation choices and placement.

Ms. Lauer felt the developer should bear the full cost of the pedestrian trail. She opposed the decision to use concrete and would like to see other materials used with lower embodied carbon. She asked if the floodplain assessment included climate projections for increased spring flooding. Mr. Kaufman stated that Eric Anderson, the WGM Group, floodplain division manager, engineer-hydrologist specialist, studies Federal Emergency Management Agency (FEMA) elevations and events over the last 10-years and adjust for those. They use the most contemporary data based on actual river data, not only the FEMA requirements. Ms. Lauer would like to see projections from the Montana Climate office. Mr. Miner stated that when considering concrete vs. asphalt; concrete has a longer life span and withstands snowplowing better, which is important when the easement is constrained. Mr. Kaufman asked Ms. McCafferty about this condition in the motion for concrete vs. asphalt. The purpose of the development agreement is come up with the best design for the trail in this situation and removing the word "concrete" will provide flexibility. Ms. Hassanein would like to see a more permeable surface, possibly decomposed granite, due to the proximity to the river.

Mr. Schroeder asked if the Conservation District provided an opinion and perspective on bank stabilization and vegetation. Ms. McCrea stated that the focus of this meeting is the rezoning request, the requirements of the development agreement, and trail easement. All required permits as the project moves forward would have to be applied for an approved. Mr. Ryan Salisbury, WGM Group, stated that they met with the Conservation District and Fish Wildlife and Parks and discussed the 310 permits in regard to the Riverfront Triangle, Fox Site, and the Drift Project.

Mr. Bensen asked for clarification about parking elevation. Mr. Kaufman stated that parking would be at grade (first level) on Broadway, there would not be basement parking. Mr. Bensen asked if there were concerns about building height, considering what is around it. Ms. Hassanein stated that solutions to protecting the landscape involve density. She asked if some of the street level office space could instead be food/beverage related businesses; and how much of the proposed building would be

residences. Mr. Kaufman stated that the Clark Fork Riverside retirement community, off the east side of Orange Street, is as high as the proposed building; however, that building has no setbacks. The proposed building will have setbacks on the riverfront side and on the Broadway side. He appreciated Ms. Hassanein's suggestion for food/beverage outlets at this location and finds it useful. Mr. Kaufman stated that 90% of the proposed building would be for residential uses. Mr. Salisbury added that there would not be underground parking because of bank stabilization issues and sensitivity to the river.

Mr. Morrissey asked Ms. McCrea and/or Ms. McCafferty if there were any requirements in CBD zoning or the design excellence overlay that requires a certain depth of retail on the main floor. Ms. McCafferty stated that there is not a requirement for the use, but an active use. Without an active use, screening and/or landscaping would be required, which is harder to get approved; commercial or office uses enhance the pedestrian experience. Mr. Kaufman answered that the plans are "yield plans" to see if this plan can work on this site; he appreciates the comments and they will be considered as they move forward into final plans. Mr. Morrissey asked if there was no depth requirement for these retail/office spaces. Ms. McCafferty stated that this was correct.

Mr. Loomis again voiced that the public view from the river and the trail would be potentially intimidating and felt that the existing Clark Fork Riverside retirement community was a bad choice for the community.

Ms. Potts stated she would vote in favor of the motions; she appreciates that this will be the last fix in that piece of the zoning code; which the city has been trying to do for a long time. It is in line with the growth map, growth policies, and although the other adjacent parcels are sitting empty; they are zoned to be at the same height. Even if this property is not rezoned, those properties will be developed to full allowable height. She appreciates the promenade and overall design.

Ms. Lauer asked what percentage of the housing units would be high end. Mr. Kaufman stated that the developer is proposing housing for mixed incomes.

Ms. Lauer repeated that she felt the developer should bear the full cost of the pedestrian trail. Mr. Miner again explained that the original special zoning district required a 10-foot wide trail, since then the Downtown Master Plan and other planning documents have changed to require a wider trail. Ms. Hassanein stated that she felt the plan was fair as the developer is giving up some of their property for trail usage; this is a value to the city and she would not make the developer paying 100% of the cost a condition of her approval. It will be used by the public. Ms. Lauer stated that they could not develop in this area of the property anyway due to floodplain restrictions; she did not feel they would be giving up anything. Ms. Hassanein stated that although this was in the floodplain, the developer could have proposed landscaping for residents and not a trail for the public. Ms. Lauer asked about costs and width of the proposed trail. Mr. Miner stated that this property is in an urban renewal district and there could be multiple funding sources available. He cited American Association of State Highway and Transportation Officials (AASHTO) trail width standards in this situation. The 20-foot easement would accommodate the trail, shoulders, benches, and lighting. Mr. Caristo asked about trail width in neighboring properties. Mr. Miner described the differences in width and pavement. Mr. Morrissey stated the importance of having a 20-foot trail easement. He would like consistent surfacing materials on the trail. Ms. Potts asked about trail maintenance, should this rezoning request not be approved, and something else was

constructed. Mr. Miner stated that it would be maintained by Parks and Rec. Ms. Potts appreciates that the proposed trail cannot exclude non-residents, which is valuable to the entire community.

Ms. Lauer asked Mr. Miner the amount of money involved in the difference between a 14-foot trail and a 10-foot trail. Mr. Salisbury stated that paving equipment was designed for wider trails, and it was not always cheaper to build a narrower trail. Mr. Miner that that urban renewal district fees, park impact fees may contribute funds to this project, also transportation impact fees. Long term maintenance costs would go down overtime. Mr. Miner ran some quick calculations and estimated it would be \$4.00 more per square foot to use concrete than asphalt; so a 280' long trail would be approximately \$20,000.

Ms. Hassanein stated she will support the motion, even though some community members would react negatively to the building height along the river. Development downtown needs to be encouraged. She trusts that the FEMA and floodplain experts are correct. Mr. Caristo will support it as well and feels the development agreement is a good model.

Ms. Lauer will support the project as she feels it is a good place for density. She feels that developers capitalize on Missoula, and not much can be demanded of them. She stated that other cities and states have requirements for affordable housing units.

Mr. Morrissey will support the proposal. He hoped the developer would engage someone with expertise in repairing the riparian area next to the river.

**Moved by:** Peter Bensen

**Seconded by:** Neva Hassanein

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 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.

AYES: (8): Peter Bensen , Sean McCoy, Stephanie Potts, Josh Schroeder, Caroline Lauer, Neva Hassanein, Shane Morrissey, and Vince Caristo

NAYS: (1): Dave Loomis

ABSENT: (1): Andy Mefford

**Vote results: Approved (8 to 1)**

**7. Communications and Special Presentations**

No communications nor special presentations.

**8. Committee Reports**

Mr. Bensen may seek a substitute for the next TPCC, on September 17.

**9. Old Business**

No old business

**10. New Business and Referrals**

There was no new business.

**11. Comments from MCPB Members**

Mr. Benson requested insight on communications and legality responsibilities between property owners and local governments. Ms. Hughes stated that no one intentionally tries to mislead the Planning Board or any other public body. Members of the public may not have as many facts available, so they speak from their perspective, and that needs to be considered. It is the job of the Planning Board to filter out much of this and determine what is critical to the decision-making process. Ms. Hughes stated that a Growth Policy designation sets a guide as to what is appropriate for land use; a subdivision proposal is a land use development proposal that creates lots, blocks, tracts, and roads. It is a legal land development issue; the Planning Board provides recommendations on those. A zoning action is a set of rules that guides the use and development of lots or parcels in the community; they are the rule of law and changes to them are done through re-zoning processes or challenging a zoning process. A covenant is an agreement among the people that are bound through it; sometimes a city or a county could be connect to it; more commonly they are agreements among private property owners.

Planning Board members discussed comments on Heron's Landing subdivision that arrived after the August 18, 2020 hearing. All comments received after a Planning Board hearing are forwarded to the next scheduled hearing; in this case they were sent to Land Use and Planning and City Council. Mr. Kaufman provided a short explanation and history of the subdivisions. Details at <https://www.youtube.com/watch?v=GIY1dBLTVbQ> [3:10:00]

- A map from 2002 showed the one-acre tracts in 44 Ranch Estates. These properties have individual wells, septic systems, and drain fields.
- Roundup Drive was built to access the subdivision.

- Preliminary plat concessions were made, and a new collector street east and parallel to Roundup Drive was constructed. That collector street is Chuck Wagon Drive, and Roundup Drive is a local street.
- Increase of minimum lot size by 10% to 4,400 square feet; average lot size became 6,000 square feet. Neighbors had asked for 5,400 and this has been exceeded.
- The development was phased from east (George Elmer Drive) to west to protect 44 Ranch Estates.
- Lots adjacent to 44 Ranch Estates on the north and west would be larger lots. This was being worked out when Mr. Kaufman sent out his email in 2005.

The recorded final plat of phase 8 of 44 Ranch was displayed. 20,000 square foot lots were created along the north; the phase to the west has not yet been completed. Email from May 11, 2005 from Nick Kaufman was displayed, and contents explained.

"...lots adjacent to Roundup Drive, on the west would, of course, meet the density requirement of two dwelling units per acre."

Mr. Kaufman stated that is important to note that this understanding was for lots adjacent to Roundup Drive on the west. On July 19, 2017, a neighborhood meeting was held for a proposed development; a new growth policy was approved during these 12 years. Residents were notified that plans had changed at that time.

Mr. McCoy asked if known neighbor concerns could be brought forward on a timelier basis in the future. Mr. Caristo asked if decisions/deliberations could be spread over multiple meetings. Ms. McCrea reminded board members that rezoning, and subdivision go hand in hand; the subdivision could not have been approved without the rezone.

Ms. McCrea stated that there are statutory deadlines that have to be met, so on that particular project, the planning board needed to make a recommendation or forward it on to City Council without a recommendation if the board could not reach a vote. Sometimes there are subdivision requests with deadlines in state law, and the planning board will not be allowed to hold it over to the next meeting. If that happens, the board must forward it on without recommendation. Ms. Hughes added that when the board receives public comment; staff will not respond necessarily to all comments received and relies on Planning Board members to determine what is necessary to follow up on.

Ms. Potts would like more resources for board members. She would like future meetings to focus on hearing requests and the legal considerations that go with that.

Ms. Hassanein recalled when 44 Ranch subdivision was approved and compared that to where we are today in the overall housing picture.

Mr. Bensen stated that the low income affordable/incentive committee had suspended meeting until the fall. He asked for input on how the committee wanted to get involved and when it would make sense to re-start those conversations. Ms. Hughes has been in contact with the affordable housing department with the city and feels something could be arranged within the next month or two, probably in October. The county has an affordable housing study position in the budget, which may be funded. The county study would be complimentary to the city program; but will encompass a different geographic area and different issues.



**12. Adjournment**

Mr. Caristo adjourned the meeting at 9:45 p.m.



## DEVELOPMENT SERVICES

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

Mr. Jesse Dodson  
University Avenue Developers, LLC  
300 University Avenue  
Missoula MT 59801

September 9, 2020

**RE: Approval of Request to Rezone 508 S. 3<sup>rd</sup> Street W to Apply /AR Adaptive Reuse Overlay**

Dear Mr. Dodson,

At a special meeting on September 2, 2020, the Missoula City Council voted (11 Aye, 0 Nay, 1 Absent) to approve the request to rezone property located at 508 S. 3<sup>rd</sup> Street W from C1-4 Neighborhood Commercial /DE-C Design Excellence Corridor Typology 2 Overlay to C1-4 Neighborhood Commercial /DE-C Design Excellence Corridor Typology 2 Overlay /AR Adaptive Reuse Overlay.

The rezoning will take effect on October 2, 2020, per MCA 7-5-4203. Attached is the draft ordinance approved by City Council.

If you have any questions, please feel free to contact me at 552-6621 or email me at [gluckine@ci.missoula.mt.us](mailto:gluckine@ci.missoula.mt.us).

Sincerely,

*Emily Gluckin*

Emily Gluckin  
Associate Planner

CC: Laval Means, DS  
Dave DeGrandpre, DS  
Missoula Consolidated Planning Board/CAPS Support  
Kirsten Hands, Deputy City Clerk  
Marty Rehbein, City Clerk

**Findings of Fact and Conclusions of Law**  
**Rezone of 508 S. 3<sup>rd</sup> Street W. to Apply /AR Overlay**  
**City Council Action**  
**September 2, 2020**

**Findings of Fact**

**General**

1. The subject property located at 508 S. 3<sup>rd</sup> Street W and is comprised of one (1) lot that is approximately 6,490 square feet or 0.15 acres in area.
2. The subject property has frontage on S. 3<sup>rd</sup> Street W and abuts an alley.
3. The subject property contains one (1) sixteen (16) unit multi-dwelling building.
4. The subject property is located within the McCormick Neighborhood Historic District which is listed on the National Register of Historic Places.
5. The subject property is inside the Urban Growth Area, the Wastewater Facilities Service Area, the Air Stagnation Zone, and is served by City water and sewer.
6. The subject property is located within an established service area for Missoula hospitals and the City Fire and Police Departments.

**Growth Policy:**

1. The *Our Missoula 2035 City Growth Policy* promotes a “Focus Inward” development approach that encourages new growth in the direction of existing infrastructure, neighborhoods, and public services through infill, increased density and adaptive reuse.
2. The City Growth Policy describes the importance of historic preservation as a tool to uphold a commitment to community heritage and to maintain a unique “sense of place” in Missoula.
3. The *Livability* section of the City Growth Policy outlines goals and objectives for historic preservation, which include: encouraging the preservation of historic buildings, encouraging development that maintains or enhances the character of the community, and supporting sustainable development practices through historic preservation.
4. A goal of the *Housing* section of the City Growth Policy is to meet the needs of a growing and diverse population in regard to age, income, physical abilities and household size by having a sufficient supply of housing and developing a variety of housing types. The *Housing* section identifies that within the next 20 years the population within the Urban Growth Area is projected to increase by 18,500 people, which presents a need for approximately 9,000 new housing units.
5. The City Growth Policy recommends a land use designation of Neighborhood Mixed Use, which encourages a mix of neighborhood serving commercial uses and medium -high residential density (12 to 23 dwelling units per acre). The Growth Policy indicates that the following zoning districts align with the Neighborhood Mixed Use designation: B1-1 Neighborhood Business, B2-1 Community Business, B2-2 Community Business, and M1R-2 Limited Industrial Residential. Each of these zoning districts permit a residential density up to 43 dwelling units per acre, which is the same density allowed by the current underlying zoning of the subject property.

**Zoning**

6. The subject property and the parcels to the north, east, south, and west, are all zoned C1-4 Neighborhood Commercial /DE-C Design Excellence Corridor Typology 2 Overlay.
7. There is no minimum parcel area in the C1-4 zoning district unless the parcel is developed for a single-purpose residential use, in which case the minimum parcel area is 3,000 square feet, and the minimum parcel area per unit is 1,000 square feet. There are no required setbacks if the parcel is not abutting a residential district, which is the case for the subject property. The maximum allowed building height is 125 feet tall. All residential building types are permitted in the C1-4 district.

8. The C1-4 zoning allows for up to six (6) dwelling units to exist on the parcel. According to a historical survey of the site, the building has been used as an apartment building since as early as 1909. The existence of sixteen (16) dwelling units pre-dates current zoning regulations, therefore the density is considered legal nonconforming.
9. Parcels within the Design Excellence Corridor Typology 2 Overlay are intended to be closely knit with residential neighborhoods that surround them with smaller scale elements and a lower scale at the street edge. The applicable site design, vertical scale, façade design, and materials/articulation standards of the Design Excellence Overlay Corridor Typology 2 are required in place of the base zoning design standards. Design Excellence Review is required for projects designated as Corridor Typology 2 if the gross square footage of the proposed structure(s) are 8,000 square feet or more. Where a project involves a Historic Resource, Design Excellence Review is conducted by the Historic Preservation Commission or the Historic Preservation Officer.
10. The existing multi-dwelling building will be reconfigured internally to create six (6) new units with no enlargement or modification to the exterior of the building. The Historic Preservation Officer reviewed and approved the proposed alterations to the interior of the structure. The subject building will be restored and renovated using the Secretary of the Interior's standards for historic building rehabilitation.
11. The applicant is requesting to apply the /AR Adaptive Reuse Overlay, which is intended to facilitate the adaptation and continuing use of Historically Significant Buildings in the community. The /AR District may only be applied to a parcel that contains an existing building which meets the definition of Historically Significant Building, and must be for an adaptive reuse purpose.
12. Applications for the /AR Adaptive Reuse Overlay are reviewed based on the following factors described in Title 20.25.035.E: the project's relation to public, health, safety, and general welfare; the contribution to the preservation, maintenance, and general welfare of historic buildings; and the impacts to the surrounding area, including light, traffic, parking, landscaping and buffering, neighborhood character, and contextual appropriateness.
13. The /AR District is intended to facilitate the adaptation and continuing use of Historically Significant Buildings in the community. For projects that comply with the regulations of the /AR Adaptive Reuse Overlay and historic preservation review, additional building and land uses may be allowed on properties that would not ordinarily permit them.
14. The objectives of the /AR Adaptive Reuse Overlay include: promoting adaptive reuse of historic buildings as part of Missoula's broader goals in supporting historic preservation, environmental sustainability, and economic and community development; recognizing the social, economic, and environmental value of Historically Significant Buildings; encouraging historic preservation beyond established historic districts; allowing the conversion of existing building uses into new building uses that maintain or enhance the character of the community and further extend the life of a building or space; reducing the environmental hazards and costs associated with new construction; and enhancing economic growth.
15. Historically Significant Buildings are defined as any building eligible for inclusion on the National Register of Historic Places, any building that is included in Missoula's Inventory of Historic Resources, or any contributing building in a National Register Historic District
16. According to a Montana Historical and Architectural Inventory report (Exhibit A), the subject building was constructed in 1909 and was utilized as an apartment building until the Thornton Hospital was established on the site in 1917. After the founding doctors relocated to establish what would become the Community Medical Center, the subject building was utilized once again as an apartment building. The report determines that the historic integrity of the building has been retained due to the survival of the original design and materials, continuity of setting and location, and representation of early Missoula architecture, and that the building would be a contributing element to the historic district.
17. On January 9, 2020 the Historic Preservation Commission unanimously approved the motion to add the building on the subject property to Missoula's Inventory of Historic Resources as it is

designated as a Contributing Building to the McCormick Historic District and therefore meets the definition of a Historically Significant Building. Based on these qualifications, the Historic Preservation Commission and the Historic Preservation Officer determined that the subject property is eligible for the /AR Adaptive Reuse Overlay. See Agency Comment from Historic Preservation.

18. Properties where the /AR Adaptive Reuse Overlay is applied may exceed the maximum density established by the underlying zoning district for the parcel, so long as the added density is allowable by building code. With the application of the /AR Adaptive Reuse Overlay, the applicant is requesting an increase in density to twenty-two (22) dwelling units, which exceeds the allowed density of the underlying zoning district.
19. 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.

### **Transportation**

20. South 3rd Street West is functionally classified as a minor arterial.
21. There is a well-connected pedestrian network in the surrounding area, including boulevard sidewalks on South 3<sup>rd</sup> Street West adjacent to the subject property and curbside sidewalks on nearby Orange Street.
22. Orange Street and S. 3<sup>rd</sup> Street W. are signed shared roadways for bikes and vehicles near and adjacent to the subject property. Within a quarter mile, there are striped on-street bike lanes on Orange Street and S. 3<sup>rd</sup> Street W.
23. The subject property is within the Missoula Urban Transportation District. Mountain Line Route 9 travels inbound and outbound to downtown Missoula, and there are three (3) bus stops within one block of the subject property.
24. The existing parking area for the multi-dwelling building is accessed off of the alley. The multi-dwelling building has access to seventeen (17) parking spaces, including three (3) parking spaces on the property and fourteen (14) parking spaces provided by a parking agreement with the adjacent commercial property to the east.
25. The Development Services Transportation Division commented in support of the request, stating that the proposed rezone meets “Focus Inward” goals by increasing unit density; is in a location well-served by multi-modal transportation options; is in a walkable neighborhood with access to various goods, services, and jobs; and will support the organization’s mode split goals by providing additional housing opportunities in a multi-modal, urban neighborhood.

### **Conclusions of Law**

#### **Review Criteria for Rezone Requests (20.85.040.G)**

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

1. City Council determined that the rezoning complies with the “focus inward” goals of the City Growth Policy to promote infill, increased density, and adaptive reuse in areas with existing infrastructure.
2. City Council determined that the rezoning supports the historic preservation goals of the *Livability* section through encouraging the preservation of a historic building, encouraging development that maintains the character of the community, and supporting sustainable development practices through historic preservation.
3. City Council determined that the rezoning supports the goals of the *Housing* section by contributing to Missoula’s housing supply through increased density as permitted by the /AR District.

**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. City Council determined that the rezoning facilitates the adequate provision of public services, including transportation, water, schools, parks, and other public requirements, because the area is inside the Urban Growth Area and the Sewer Service Area, and is served by water, sewer, motorized and non-motorized infrastructure.
2. City Council determined that the rezoning considers 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 public transit facilities, pedestrian, and bicycle facilities. The property is adjacent to South 3<sup>rd</sup> Street West, which is functionally classified as a minor arterial and is suited to handle additional traffic from an increase in units.

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

1. City Council determined that the rezoning promotes compatible urban growth because it implements the “focus inward” goal of the City Growth Policy and provides for increased density while promoting efficient use of existing infrastructure.
2. The use of the property as a multi-dwelling building has been in place since as early as 1909. City Council determined that the addition of six (6) additional dwelling units promotes urban infill without adding stress to existing infrastructure and facilities.
3. City Council determined that the rezoning promotes the continued preservation, maintenance, and general welfare of a historic building that is representative of the neighborhood character.
4. City Council determined that the rezoning is contextually appropriate given the similar uses and building types in the surrounding area.

**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; and**

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

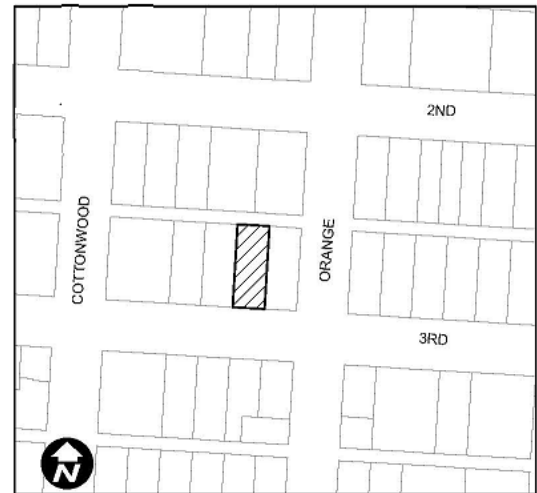
1. City Council determined that the rezoning will promote public health, public safety, and the general welfare by retaining residential uses in an area with access to sewer, public water, emergency services, streets, bicycle lanes and other urban services.
2. Emergency services are available to the 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 and is enforced through fire and building codes.
3. City Council determined that this rezoning will not adversely impact the provision of adequate light and air as the exterior of the existing building will not be enlarged.
4. City Council determined that this rezoning conserves the value of buildings by encouraging the preservation and restoration of a Historically Significant Building. The rezoning encourages the appropriate use of the land because it maintains a use that is permitted within the C1-4 Neighborhood Commercial district and encouraged in the Neighborhood Mixed Use land use designation.

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

1. City Council determined that the rezoning is suitable for the subject property and considers the character of the district. The neighborhood includes a mix of residential building types and commercial uses.
2. City Council determined that the rezoning considers the location and character of the property, which has access to urban infrastructure, multimodal transportation and existing services in Missoula.

**ORDINANCE NUMBER \_\_\_\_\_**

AN ORDINANCE TO REZONE LOT 11 IN BLOCK 32 OF KNOWLES ADDITION #1, IN SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 WEST, A PLATTED SUBDIVISION IN MISSOULA COUNTY, MONTANA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF, LOCATED AT 508 SOUTH 3<sup>RD</sup> STREET WEST FROM C1-4 NEIGHBORHOOD COMMERCIAL / DE-C DESIGN EXCELLENCE CORRIDOR TYPOLOGY 2 TO C1-4 NEIGHBORHOOD COMMERCIAL / DE-C DESIGN EXCELLENCE CORRIDOR TYPOLOGY 2 / AR ADAPTIVE REUSE OVERLAY.



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

**THAT** THE ABOVE DESCRIBED PROPERTY IS HEREBY WITHDRAWN FROM THE C1-4 NEIGHBORHOOD COMMERCIAL / DE-C DESIGN EXCELLENCE CORRIDOR TYPOLOGY 2 ZONING CLASSIFICATION AND REPLACED WITH THE CLASSIFICATION OF C1-4 NEIGHBORHOOD COMMERCIAL / DE-C DESIGN EXCELLENCE CORRIDOR TYPOLOGY 2 / AR ADAPTIVE REUSE OVERLAY.

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 and

APPROVED by the Mayor this \_\_\_\_\_ of \_\_\_\_\_, 2020.

ATTEST:

APPROVED:

\_\_\_\_\_  
Martha Rehbein  
City Clerk

\_\_\_\_\_  
John Engen  
Mayor

(SEAL)



## REZONING STAFF REPORT

<b>Agenda item:</b>	Adopt the Remington Flats Neighborhood Character Overlay Zone and Rezone Tract 9 of COS No. 3176 from RT5.4 Residential to RT5.4 Residential with the Remington Flats Neighborhood Character Overlay
<b>Report Date(s):</b>	9/9/2020
<b>Case Planner:</b>	Dave DeGrandpre, Planning Supervisor
<b>Public Meetings &amp; Hearings:</b>	<b>Planning Board (PB) hearing:</b> 9/15/2020 <b>City Council (CC) 1st reading and referral:</b> 9/21/2020 <b>Land Use &amp; Planning (LUP) pre-hearing:</b> 9/30/2020 <b>City Council hearing:</b> 10/5/2020
<b>Fee Owner:</b>	Zootown Investments, LLC 2336 Aspen Grove Missoula, MT 59801
<b>Applicant:</b>	Denali Development, LLC 2336 Aspen Grove Missoula, MT 59801
<b>Representative:</b>	Brian Throckmorton 406 Engineering 1201 S. 6 <sup>th</sup> Street, W., #102 Missoula, MT 5980
<b>Location of request:</b>	Mullan Master Plan Area west of Reserve Street and immediately north of the 44 Ranch Subdivision in the Capt. John Mullan Neighborhood Council area and Ward 2.
<b>Legal description:</b>	Tract 9 of COS No. 3176 in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M.
<b>Legal ad:</b>	The legal ad was published in the <i>Missoulian</i> on August 30 and September 6, 2020. The site was posted on August 31, 2020. Adjacent property owners and the physical addresses within 150 feet of the site were notified by certified or first class mail on August 31, 2020.
<b>Zoning:</b>	RT5.4 Residential.
<b>Growth Policy:</b>	<i>Our Missoula: City Growth Policy 2035</i> recommends a land use designation of Residential Medium – 3 to 11 Dwelling Units Per Acre.

### STAFF RECOMMENDATION

**APPROVE** adoption of an ordinance to establish the Remington Flats Neighborhood Character Overlay District and to rezone the subject property from RT5.4 Residential to RT5.4 Residential with a Remington Flats Neighborhood Character Overlay District based on the findings of fact in the staff report.

### RECOMMENDED MOTIONS

<b>PB p/h:</b> <b>9/15/20</b>	<b>APPROVE</b> the adoption of an ordinance to establish the Remington Flats Neighborhood Character Overlay District and to rezone Tract 9 of COS No. 3176 in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West from RT5.4 Residential to RT5.4 Residential with a Remington Flats Neighborhood Character Overlay District based on the findings of fact in the staff report.
<b>CC first reading:</b>	[First reading and preliminary adoption] Set a public hearing on October 5, 2020; preliminarily adopt an ordinance to establish the Remington Flats Neighborhood Character Overlay District and

<b>9/21/20</b>	to rezone Tract 9 of COS No. 3176 in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West from RT5.4 Residential to RT5.4 Residential with a Remington Flats Neighborhood Character Overlay District based on the findings of fact in the staff report, and refer the ordinance to the Land Use and Planning Committee for presentation on September 30, 2020.
<b>LUP: 9/30/20</b>	Discussion only – pre-public hearing.
<b>CC p/h: 10/5/20 May be continued to 10/19/20</b>	[Second and final reading] (Adopt/Deny) an ordinance to establish the Remington Flats Neighborhood Character Overlay District and to rezone Tract 9 of COS No. 3176 in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West from RT5.4 Residential to RT5.4 Residential with a Remington Flats Neighborhood Character Overlay District based on the findings of fact in the staff report.

## I. INTRODUCTION

Development Services has received an application from Brian Throckmorton of 406 Engineering representing Denali Development, LLC to establish a Remington Flats Neighborhood Character Overlay Zoning District and to rezone 20.01 acres located in the Mullan Master Plan Area and immediately north of the 44 Ranch Subdivision from RT5.4 Residential to RT5.4 Residential with a Remington Flats Neighborhood Character Overlay. Establishment of this district and rezoning of the property is proposed to happen concurrently with preliminary approval of the Remington Flats Phased Subdivision Plat and Application.

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

## II. REZONING REVIEW CRITERIA

### Findings of Fact:

#### Overlay Districts, General:

1. Overlay district regulations may be established only in accordance with the zoning amendment procedures of Title 20.85.040.
2. Overlay zoning district regulations apply in combination with underlying (base) zoning district regulations and all other applicable regulations of the zoning ordinance. When overlay district standards conflict with standards that would otherwise apply, the regulations of the overlay zoning district govern.
3. After an overlay district is established, the overlay district may be applied to specific property in accordance with the zoning amendment procedures.

#### Neighborhood Character Overlay Districts:

4. As per Title 20 Section 20.25.040, neighborhood character overlay districts are intended to:
  - A. Recognize and protect the physical character of neighborhoods that exhibit unique development building patterns;
  - B. Encourage neighborhood investment in the form of construction and development that conform to the size, orientation and setting of existing buildings in the neighborhood;
  - C. Implement adopted neighborhood plans;
  - D. Foster development and redevelopment that are compatible with the scale and physical character of original buildings in the neighborhood through the use of development/design standards;
  - E. Ensure a stabilized tax base, and
  - F. Promote natural and cultural assets.

#### Remington Flats Neighborhood Character Overlay District:

5. The Remington Flats Neighborhood Character Overlay District is intended to be 'overlain' on top of the RT5.4 Residential district applied to the Remington Flats Subdivision property.
6. Remington Flats is a 152-lot residential subdivision planned to be developed in 7 phases over approximately 7 years. The property is located in the Mullan Master Plan Area immediately north of the 44 Ranch development. Historically the property has been used for hay and cattle growing. It is undeveloped except for a small irrigation ditch segment in the southwest corner. To the north is agricultural land, to the west is vacant Missoula Airport Authority land, and to the east is agricultural land where a multi-dwelling and mixed-use subdivision is in the early stages of review. The subdivision is proposed with lot sizes ranging from 1,986 to 5,161 square feet intended to accommodate single-unit detached homes and two- and three-unit townhomes. Urban Collector roadway Chuck Wagon Drive is planned along the west property boundary. A new public street network is proposed along with landscaped boulevards and sidewalks that would connect with existing and planned development.
7. Building standards for the RT5.4 Residential district include 20-foot front and rear setbacks, 7.5 interior lot and 10-foot side street setbacks, and a maximum building height of 35 feet. Detached dwellings and two-unit / townhouse building types are permitted. Mixed-use buildings are also permitted, but few uses other than residential are allowed.

8. The Remington Flats Neighborhood Character Overlay District does not seek to modify any of the land uses in the RT5.4 Residential district. Instead, the intent is to provide a slightly denser development pattern and more diverse variety of building types by:
  - A. Allowing up to three-unit townhomes instead of limiting development to two-unit structures; and
  - B. Reducing front setbacks to 10 feet (except for garages, which would remain set back at least 20 feet to accommodate driveway parking) and reducing interior side setbacks from 7.5 to 5 feet.

#### Review Procedure

9. To establish a neighborhood character overlay district, the zoning amendment procedures of Title 20 Section 20.85.040 must be followed. The following actions have been or are scheduled to be taken in accordance with the procedural requirements:
  - A. Public hearings are scheduled for September 15, 2020 (Planning Board) and October 5, 2020 with possible extension to October 19, 2020 (City Council).
  - B. Notice of the hearings was published in the Missoulian August 30 and September 6.
  - C. Notice of the hearings was mailed first class to the subject property owner and physical address as well as owners and physical addresses of property within 150 feet of the subject parcels on August 31.
  - D. Notices were physically posted on the subject property August 31.

#### Criteria to Establish the Remington Flats Neighborhood Character Overlay District (/NC-RF):

10. Does the area possess urban design, architectural, or other physical development characteristics that create an identifiable setting, character and association?

Somewhat. If future development of the property occurs as provided under the base zoning and /NC-RF overlay, the district will provide a new urban-scale residential neighborhood with a larger variety of dwellings than currently allowed under the RT5.4 Residential base zoning. The NC-RF district would allow traditional detached single-unit homes, two-unit townhomes, and three-unit townhomes on a variety of lot sizes. The lots would all front on city streets with boulevards and sidewalks and connect to adjoining established and planned development. Overall, this subdivision would be likely to blend in with the single-unit structures on larger lots to the south and multi-dwelling and mixed-use development that is planned to the east.

The /NC-RF overlay does not include traditional or character-based architectural standards other than allowing garages and carports to occupy any percentage of the building front facades. Because most of the lots are not planned with alley access, this is likely to result garages occupying a large percentage of building fronts and street fronts. This is a development style that some communities are seeking to move away from, but the developers have indicated is often preferred by consumers.

11. Is the district a contiguous area of at least five acres?

Yes, the district is planned to span 20.01 acres.

12. Is the zoning is made in accordance with a growth policy.

Yes, for the following reasons:

- A. The Future Land Use Map of the *Our Missoula*, City Growth Policy 2035 provides a designation in this area of Residential Medium Density – 3 to 11 Units Per Acre. The /NC-RF overlay and Remington Flats Subdivision provide a density of 7.6 dwelling units per acre.
- B. The Growth Policy cites a 'focus inward' policy that promotes compact and dense development along major transportation corridors. The /HC-RF district would allow for compact development by permitting up to three attached townhouse units and lots as small as 1,986 square feet to be served by planned Urban Collector Chuck Wagon Drive along the west property boundary and the existing nearby Urban Collector George Elmer Drive approximately 650 feet to the east. These two streets are planned to link Mullan Road (south) with West Broadway (north) and England Boulevard (east) in the future.
- C. The City Growth Policy states Missoula aspires to be a community where members of all income groups can find decent housing and positive steps must be taken to address the availability of safe, affordable

housing. By allowing greater diversity of lot sizes and residential building types, this district would provide for well-built new housing for a variety of income levels.

13. Is the zoning designed to secure safety from fire and other dangers?

Yes, the zoning is intended to be applied to a development outside of a floodplain and outside of the wildland-urban interface. The development is planned with adequate access and circulation and served by City fire and police protection, water and sewer.

14. Is the zoning designed to promote public health, safety, and the general welfare?

Yes, the zoning would be applied to a residential development with streets with sidewalks and within ¼ mile of a neighborhood park. The development would be served by municipal water and sewer services. Solid waste services are available. Schools are close by. The zoning is intended to allow for a mixture of medium-density residential housing types in a cohesive neighborhood away from hazardous land or safety dangers.

15. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements?

Yes, the zoning and development would allow adequate vehicular and pedestrian access, be served by municipal water and sewer, and local schools and parks. Hospitals, shopping, dining, employment, and other services are close by.

16. Would the zoning provide adequate light and air?

Yes, the maximum building height under the zoning is 35 feet and the maximum number of attached homes would be three. There is no reason to believe adequate light and air would not be provided under the zoning.

17. How would the zoning impact motorized and non-motorized transportation?

The area is planned for medium density residential development at a density of 3 – 11 homes per acre. The zoning and subdivision would provide for 7.6 homes per acre. Improvements to the intersections of George Elmer Drive / Mullan Road and Chuck Wagon Drive / Mullan Road are planned to alleviate congestion and through the subdivision review process, this subdivision would contribute to those improvements. The subdivision would also provide pedestrian facilities to serve the local residents. Overall, the zoning would have a negligible impact on motorized and non-motorized transportation systems.

18. Would the zoning promote compatible urban growth?

Yes, to the south is a residential subdivision and to the east is a planned multi-dwelling and mixed-use development. Although the zoning would allow a slightly denser development pattern and a larger range of residential building types than directly to the south, the zoning would allow development that is of relatively modest scale (i.e., not high-rises) within a growing residential area.

19. Does the zoning consider the character of the district and its peculiar suitability for particular uses?

Yes, the area is residential in nature and this district would continue that land use. The area is relatively flat, devoid of hazards, is served by transportation, water, sewer, and other municipal infrastructure, and is located in close proximity to employment centers, shopping, dining, and a host of services. Therefore, the zoning is well designed for the character of the district and its peculiar suitability for the proposed land use.

20. Would the zoning conserve the value of buildings and encourage the most appropriate use of land throughout the jurisdictional area?

Yes, the zoning would conserve (i.e., not impact) the value of nearby buildings. Through the growth policy development process, the community decided the most appropriate use of land in this area is medium density residential development. The zoning would help to implement that vision.

21. Would the zoning correct an error or inconsistency in the zoning ordinance or meet the challenge of a changing condition?  
The zoning would not correct an error or inconsistency in the zoning ordinance. Rather the zoning, by allowing a variety of lot sizes and housing types, would help to meet the well documented challenge of providing various housing types at different price points in the Missoula area.
22. Is the zoning in the best interest of the City as a whole?  
The zoning would allow for a mixture of lot sizes and building types to address a pressing need for housing stock at varying price points. The area is planned for this type of development with adequate transportation, water, sewer, fire and police protection, schools, and other services. The district would be located near shopping, dining, and employment, and be a short distance from the airport and interstate highway. In summary, adoption of the /NC-RF Overlay District is in the best interest of the City as a whole.
23. Are there any recommended district-specific development and design standards?  
None are recommended, although architectural treatments such as articulated front entryways, window treatments, building materials, front porches, and other elements of traditional neighborhood design could be added to the project covenants to help create an attractive neighborhood as it develops.
24. Are there any planning and zoning implications related to the designation of the proposed area and application of the district-specific development and design standards?  
Other than the provision of more and varied housing in accordance with the growth policy, no other planning or zoning implications are expected.

### **III. ATTACHMENTS**

Please see the application materials.

## Remington Flats Subdivision

### Neighborhood Character Overlay:

#### A. Purpose:

The Remington Flats Neighborhood Character Overlay District is intended to create a variety of housing options serving households with diverse incomes within a newly planned subdivision. The District will allow a mixing of different socioeconomic households to create a more diverse and rounded community.

#### B. Applicability:

- a. The standards apply to property legally described in the ordinance and in the location Map.
- b. Unless specifically addressed in the overlay, all applicable Title 20 zoning ordinances regulations and all standards for zoning district RT5.4 Residential apply.

#### C. Location:

Remington Flats Subdivision, see Map

#### D. Parcel and Building Standards:

- a. Setbacks
  - i. The minimum setback requirements of the RT5.4 Residential zoning district apply, except as follows: front set back shall be 10-feet from any building component including porches except for the street side of any garage shall be a 20-foot set back from the property line; interior side setbacks shall be 5-feet minimum.
- b. Residential Building Types
  - i. Detached house, two-unit townhouse and three-unit townhouse are permitted in the overlay with each unit on its own platted lot within the subdivision

#### E. Allowed and Prohibited Uses:

Per Title 20 City Zoning Ordinance Standards

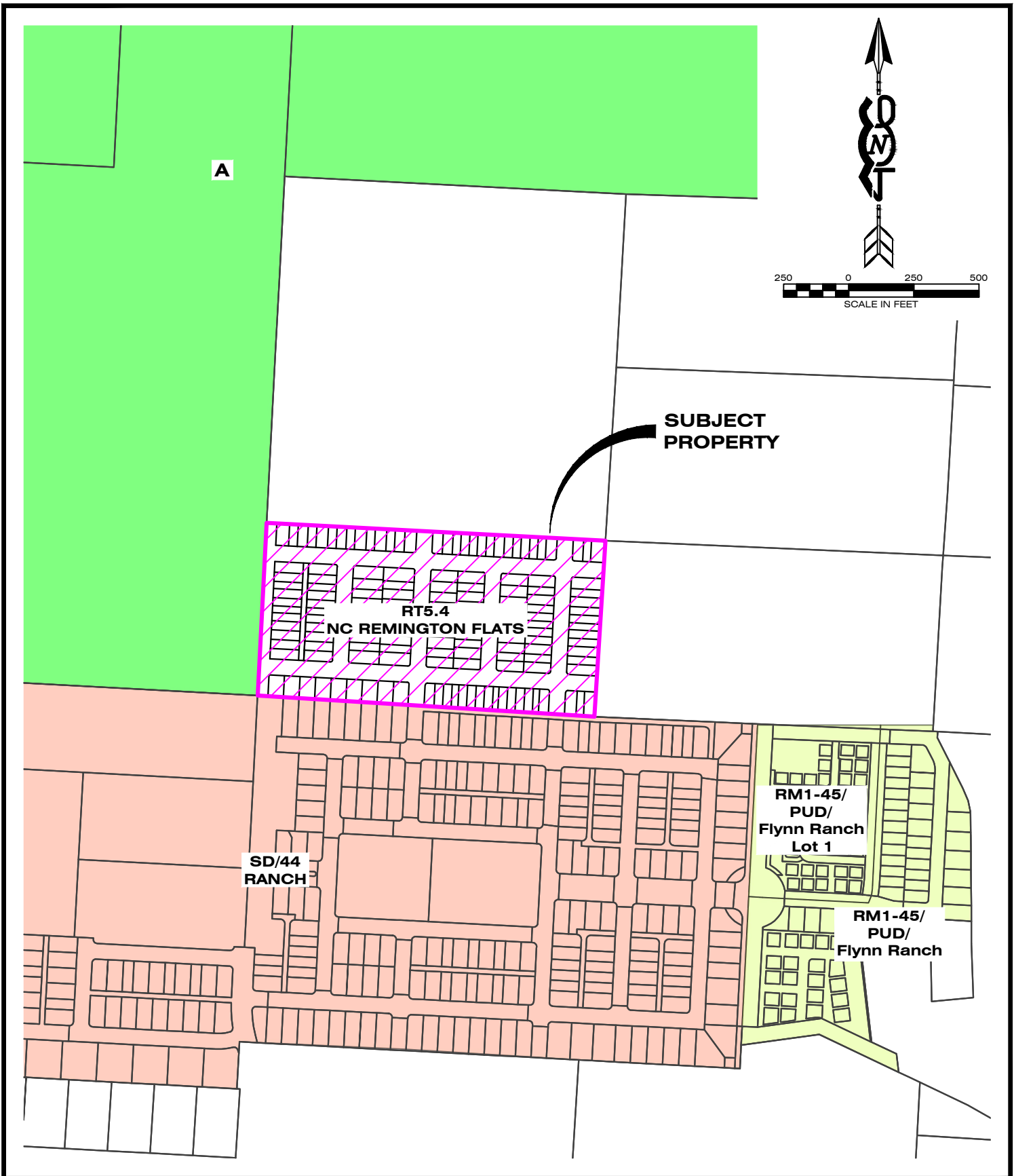
#### F. Parking:

Per Title 20 City Zoning Ordinance Standards

#### G. Townhouse Standards:

Townhouse standards apply per Title 20 City Zoning Ordinance Standards except as follows:

- a. Parking and Access requirements per Title 20 shall apply except as follows; garage or carport width shall have no maximum or percentage of facade for each dwelling unit; there shall be no minimum distance requirements between driveways of each unit though an effort shall be made to maximize on street parking.



**406 ENGINEERING**  
 CIVIL ENGINEERING  
 LAND USE CONSULTING  
 MISSOULA, MT      KALISPELL, MT  
 1201 SOUTH 6TH ST.      905 SOUTH MAIN ST.  
 MISSOULA, MT 59801      KALISPELL, MT 59901  
 (406) 257-0679      (406) 257-0679  
 WWW.406ENGINEERINGINC.COM

NEIGHBORHOOD CHARACTER OVERLAY  
 REMINGTON FLATS SUBDIVISION  
 PARCEL 9 OF COS 3176  
 SECTION 12, T13N, R20W, P.M.M.  
 MISSOULA COUNTY, MONTANA

PROJECT: 18-007  
 TAB: AERIAL  
 DRAFTER: AJ  
 DATE: 01/10/20  
 SHEET 1 OF 1



## **EXECUTIVE SUMMARY**

**CASE PLANNER:** Dave DeGrandpre

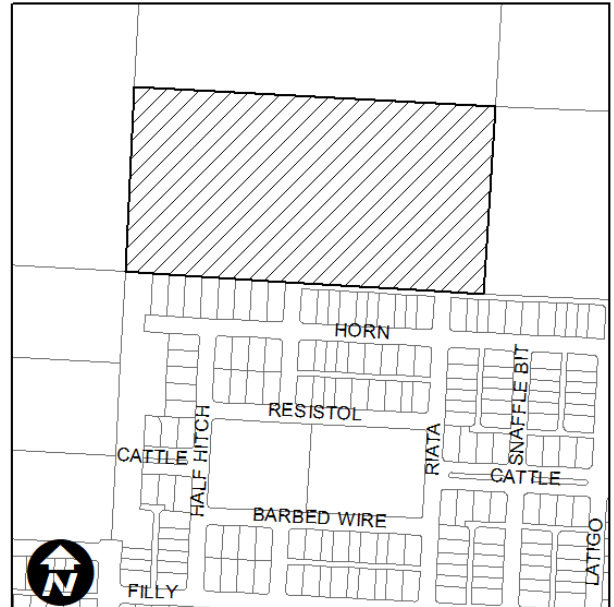
**REVIEWED AND APPROVED BY:** Mary McCrea

**PUBLIC HEARING DATES:** Planning Board: 9/15/20  
City Council: 10/5/20

**80-DAY LIMIT:** Expires 11/3/20

**APPLICANT:** Denali Development, LLC  
2336 Aspen Grove  
Missoula, MT 59801

**FEE OWNER:** Zootown Investments, LLC  
2336 Aspen Grove  
Missoula, MT 59801



**AGENT:** Brian Throckmorton, P.E.  
406 Engineering  
1201 S. 6<sup>th</sup> Street W., #102  
Missoula MT 59801

**LOCATION:** Mullan Master Plan Area west of Reserve Street and immediately north of the 44 Ranch Subdivision

**LEGAL DESCRIPTION:** Tract 9 of COS No. 3176 in the NE ¼ of the SW ¼ of Section 12, Township 13 N, Range 20 W, P.M.M.

**LEGAL NOTICE:** Adjacent property owners were notified by certified mail on August 31, 2020. Two subdivision posters were placed on the property on August 31, 2020. Legal notice was published in the Missoulian August 30 and September 6, 2020.

**ZONING:** RT5.4 Residential and requesting a Remington Flats Neighborhood Character Overlay

**GROWTH POLICY:** The *2035 Our Missoula City Growth Policy* provides a land use designation of Residential Medium – 3 to 11 dwelling units per acre.

### **SURROUNDING LAND USES**

North: Agriculture  
South: Residential  
East: Agriculture  
West: Airport

### **SURROUNDING ZONING**

C-RR1 Rural Residential (County)  
44 Ranch Special District  
C-RR1 Rural Residential  
C-RR1 Rural Residential

### **PROPOSAL**

1. Request to vary from Section 3-020.2(A)2 limiting maximum block length to 480 feet in subdivisions.
2. Request to vary from Section 3-020.2(A)2 limiting maximum block length to 480 feet in subdivisions.
3. Request to vary from Section 3-020 Table .2A to allow rights-of-way for Low Density Urban Local Streets to be 64 feet instead of 70.
4. Request to vary from Section 3-020 Table .2A for Urban Collector right-of-way width and half-street improvements.
5. Remington Flats Phased Subdivision Plat and Application.

### **STAFF RECOMMENDATION**

1. **Approval** of the variance request to allow the block for Lots 1–9 to be longer than 480 feet.
2. **Approval** of the variance request to allow the block for Lots 122–135 to be longer than 480 feet.
3. **Approval** of the variance request to allow Winchester Drive, Browning Road, Tenderfoot Way, Ruger Road, and Riata Road to be built within 64-foot rights-of-way instead of 70.
4. **Approval** of the variance request to allow Chuck Wagon Drive to be built as a half-street Urban Collector (with parking) within a 40-foot right-of-way width instead a full street section built within a 90-foot right-of-way.
5. **Preliminary Approval** of the Remington Flats Phased Subdivision plat and application.

# REMINGTON FLATS PHASED MAJOR SUBDIVISION

## SEPTEMBER 8, 2020

### I. INTRODUCTION

Remington Flats is a 152-lot major subdivision planned to be constructed in seven phases on 20.01 acres. The property is located in the Mullan Master Plan Area west of Reserve Street and immediately north of the 44 Ranch Subdivision. The landowner has petitioned City Council to annex the tract of land into the city limits and apply an initial zoning of RT5.4 Residential. Concurrently, the landowner seeks to subdivide the property and rezone it by adding a Remington Flats Neighborhood Character Overlay District. This report discusses the subdivision. A rezoning report is provided separately.

The *2035 Our Missoula City Growth Policy* Future Land Use Map provides a land use designation in this area of Residential Medium – 3 to 11 dwelling units per acre. The proposed density of the subdivision is 7.6 dwelling units per acre. The proposed lot sizes range from 1,986 to 5,191 square feet.

The standard RT5.4 Residential district limits residential development to single- and two-unit houses and townhouses. The proposed Remington Flats Neighborhood Character Overlay would allow for up to three attached townhouse units and allow for smaller setbacks than would normally apply.

The total lotted area of the subdivision is 13.02 acres out of the 20.01 acres, with the remainder in dedicated rights-of-way. The parkland dedication requirement is 1.43 acres. Cash in lieu of parkland is proposed.

Chuck Wagon Drive, a planned Urban Collector, is proposed to extend north from the 44 Ranch Subdivision along the western property boundary. The 80-foot right-of-way for Chuck Wagon Drive ends at the southwestern corner of the property. The subdivider is proposing to build a half-street within the existing dedicated 40-foot of right-of-way along the west boundary. The City hopes / plans to acquire an additional 40 feet of right-of-way from the Missoula Airport Authority (the adjoining landowner) to allow completion of Chuck Wagon Drive along the property and further north.

Urban Local streets are proposed to be built and connect to the existing 44 Ranch Subdivision to the south and a forthcoming subdivision to the east. Street frontages are designed with landscaped boulevards and sidewalks.

The property is within the Urban Growth Area, the Waste Water Service Area, and the Air Stagnation Zone. All new homes are planned to connect to City water and sewer.

The applicant requests four variances. Two of the variances are for block lengths and two are for right-of-way widths.

### II. SUBDIVISION FINDINGS OF FACT

#### A. GROWTH POLICY COMPLIANCE

##### Findings of Fact:

1. City of Missoula Subdivision Regulations Section 3-010.1.I. requires that subdivisions be reviewed for compliance with the growth policy and its amendments.

2. The *2035 Our Missoula City Growth Policy* contains a future land use map with land use designations that visually depict the community's desired direction as it meets new growth challenges and changing times. The land use descriptions and recommended locations help to set a broad understanding of future land use patterns that enables city services and agencies along with residents, property owners, and neighborhoods to plan effectively for the future. The mapping is a visual representation of the balanced, value-based review of the goals, objectives, and actions recommended as part of the growth policy. (*2035 City Growth Policy page 114*)
3. The *2035 Our Missoula City Growth Policy* future land use map provides a land use designation of Residential Medium Density – 3 to 11 dwelling units per acre for the property. (*2035 City Growth Policy Future Land Use Designation Map*)
4. The subdivision is intended to create 152 lots from the 20.01 acres, for a density of 7.6 dwelling units per acre. (*Preliminary Plat*)

#### Conclusions of Law

1. The proposed Remington Flats Phased Subdivision substantially complies with the *2035 Our Missoula City Growth Policy*.

## **B. PRIMARY CRITERIA COMPLIANCE**

### **CRITERION 1: EFFECTS ON AGRICULTURE & AGRICULTURAL WATER USER FACILITIES**

#### Findings of Fact: Agriculture

1. The USDA Natural Resources Conservation Service lists one soil type on this tract: Desmet loam. This soil type is classified as "Prime Farmland if Irrigated." (*Subdivision Application Section H, NRCS Soil Report*)
2. The application submittal states the land was historically used for raising livestock and growing hay in the past, although not within the past several years. (*Subdivision Application pages 7-8*)
3. The property is currently zoned by Missoula County as C-RR1 Residential, which provides a maximum residential density of one dwelling unit per acre. The existence of County residential zoning on the parcels anticipates a land use of residential rather than agricultural purposes. The *Our Missoula City Growth Policy* designates the property for urban scale residential development. (*Subdivision Application page 3, City Growth Policy*)

#### Agricultural Water User Facilities

4. The property has irrigation water rights, which are proposed to be abandoned or transferred from the property. (*Subdivision Application pages 8-9*)
5. At the southwest corner of the property is a culverted irrigation ditch. This is the only agricultural water user facility on the property and is proposed to be re-culverted with the extension of Chuck Wagon Drive. (*Site Map Existing Conditions Exhibit, Subdivision Application page 14*)

#### Conclusions of Law:

1. This subdivision would prevent use of productive soils for agriculture. However, the property is zoned for residential use and is planned for urban scale residential development.

2. No impacts to agricultural water users or water user facilities are foreseen as a result of this subdivision.

## **CRITERION 2: EFFECTS ON LOCAL SERVICES**

### **Transportation and Drainage**

#### **Findings of Fact:**

#### **Streets and Alleys**

1. Access to the subdivision would be from Chuck Wagon Drive, classified as an Urban Collector Street, and Tenderfoot Way and Riata Road, classified as Low Density Urban Local Streets. Winchester Drive and Remington Drive are also proposed to provide access to subdivision lots and to connect to the east where future development is planned. The subdivider would be responsible for designing and building/upgrading all of the transportation facilities within the subdivision in accordance with City Public Works Standards and Specifications and the City Subdivision Regulations (except as may be modified by variance). The plans must comply with Americans with Disabilities Act requirements and be approved by the City Engineer. (*Project Summary, Preliminary Plat, Subdivision Regulations Section 3-020.2.*)
2. The subdivision application submittal includes a traffic impact study. The study indicates that due to vehicle trips generated from this and other nearby subdivisions, a right-turn deceleration lane will likely be needed on Mullan Road for westbound traffic at the Chuck Wagon Drive intersection by Phase 2 of Remington Flats development. Improvements to that intersection are currently being planned. (*Traffic Impact Study*)
3. Street names are provided on the preliminary plat. Section 3-020.12 of the City Subdivision Regulations requires the street naming plan to be reviewed and approved prior to final plat approval. This requirement is reflected in a recommended condition of preliminary plat approval. (*Preliminary Plat Sheets, City Subdivision Regulations Section 3-020.12*)
4. Section 3-020.4(H)(2) of the City Subdivision regulations requires street signs and traffic control devices to be approved by the City Engineer and consistent with the Manual on Uniform Traffic Control Devices adopted by the Montana Department of Transportation. A recommended condition of approval requires signage plans to be reviewed and approved by City Fire and the City Engineer and installation of signage meeting the above-named standards prior to platting of each phase.
5. All streets and alley rights-of-way are proposed to be dedicated to the public. Section 3-020.3(A)(1) of the City Subdivision regulations requires each public road to provide for construction and perpetual maintenance of the road. Section 5-050.4(M & N) of the City Subdivision regulations requires the Special Improvement District (SID) statement to be provided on the plat and on each instrument of conveyance. A condition of approval is recommended requiring a SID statement on the plat and in the subdivision covenants for future improvements and maintenance to all streets and alleys providing access to the subdivision lots.
6. Section 3-060.1 of the City Subdivision Regulations requires easements be provided for vehicular and pedestrian access, utilities, and irrigation ditches and City Engineer approval of the easements. A condition of approval requires that the location and width of all easements including streets, utilities, and the irrigation ditch shall be approved by the City Engineer prior to final plat approval of each phase.

7. The Missoula Public Works Standards and Specifications state the need for street lighting shall be considered for all new streets based on functional classification, traffic volumes, and other factors. The Missoula Public Works Director has recommended street lighting along Chuck Wagon Drive, with maintenance to occur through a lighting district or similar ongoing source of funding. A condition of approval requires the subdivider to install street lighting along Chuck Wagon Drive on the property as phases are developed and to petition to create a new street lighting district. (*Missoula Public Works Standards and Specifications Manual Section 7.3.6, Personal Communication with Public Works Director Keene 9/4/20*)
8. Subdivision Regulations Section 3-020.2 and .3C requires improvements to streets within or adjacent to a subdivision to meet the standards prescribed in Table .2A.

#### Chuck Wagon Drive

9. Chuck Wagon Drive is classified as an Urban Collector (with parking). City of Missoula Subdivision Regulations Table .2A shows Urban Collectors with parking require a minimum 90-foot wide right-of-way that includes two 10-foot drive lanes, 6-foot bike lanes, 8-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks (approximately 59 feet total, with a small amount of additional space for maintenance). Table .2A also includes the possibility of a center turn lane, which would require additional space. (*Subdivision Regulations, Table .2A*)
10. The existing publicly dedicated right-of-way for Chuck Wagon Drive extending northward from Mullan Road to the southwestern corner of the property is 80 feet wide. Along the west boundary of the subject property, a 40-foot wide right-of-way strip was publicly dedicated. The subdivider has requested a variance to build half-street improvements within the 40-foot right-of-way for Chuck Wagon Drive along the west property boundary, with the expectation that additional right-of-way will be acquired along the adjacent Missoula Airport Authority property at some point in the future so the road can be completed. This variance request is addressed below. (*Certificate of Survey No. 5699, Variance Request #4*)
11. Chuck Wagon Drive is an existing road that currently ends approximately 1,000 feet south of the subject property. Although plans exist to extend Chuck Wagon Drive from Mullan Road to property, it is being developed in conjunction with other subdivisions so the timing is uncertain. The Remington Flats subdivider has proposed to address this situation by installing the road base from the end of the existing road to the subdivision as part of Phase 1 improvements, allowing construction traffic to use this road instead of the adjoining streets in the 44 Ranch Subdivision. The subdivider would then pave this stretch of road as part of Phase 2 improvements to connect to Mullan Road. The developer's off-site improvements to Chuck Wagon Drive would include two 11-foot paved drive lanes, two-foot shoulders, and roadside ditches, with remaining improvements necessary to complete the road to City standards to be made by other subdividers. (*Preliminary Plat, Project Summary*)
12. The subdivision submittal includes a traffic impact study (TIS) that estimates at full build-out, the subdivision would generate 1,435 new daily vehicle trips. The TIS evaluates potential impacts from this and other development on the intersections of George Elmer Drive / Mullan Road and Chuck Wagon Drive / Mullan Road. The TIS projects that without improvements, these intersections will function below acceptable levels of service by 2026.
13. Improvements to the intersection of George Elmer Drive / Mullan Road are planned to be funded in part through the Mullan BUILD grant and in part through City and County

contributions. The City and County are exploring cost recovery mechanisms from subdividers who will benefit from these investments. Conditions of approval include a requirement for the subdivider and/or future residents to contribute a proportionate share to George Elmer Drive / Mullan Road intersection improvements including potential participation in a special improvement district, impact fees, latecomers fees, or other mechanism. This is reflected in a recommended condition of approval.

14. Chuck Wagon Drive is not a Mullan BUILD project road so improvements to the intersection with Mullan Road that are made necessary by this and other subdivisions must be made by subdividers in conjunction with the City. Assistant City Engineer Troy Monroe indicated the costs of improvements to this intersection to be \$827,954 (2021 dollars). Impact fees are planned to pay for \$300,000 of the cost and the subdividers of Remington Flats, 44 Ranch, and Heron's Landing and others are to pay for the remainder. Based on trip generation estimates in the three subdivision traffic impact studies, Mr. Monroe calculated Remington Flats to be responsible for up to 15.7% of the costs of these intersection improvements, or \$83,084 (figures subject to change). A condition of approval is included that would require funds to be paid to the City for these improvements prior to final plat filing of each phase.

#### Winchester Drive, Browning Road, Tenderfoot Way, Ruger Road, Riata Road, and Remington Drive

15. Subdivision Regulations Table .2A identifies Low Density Urban Local Streets as those streets serving less than 12 dwelling units per acre and having an average daily traffic of up to 2,500 vehicle trips. Table .2A shows Low Density Urban Local Streets to have a minimum 70-foot wide right-of-way that includes two 10-foot drive lanes, 7-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks (approximately 59 feet total) with additional space necessary for maintaining the sidewalks. The subdivider has requested a variance to build the above street improvements within 64-foot rights-of-way instead of 70. This request is addressed below. (*Variance Request #3*)
16. Tenderfoot Way and Riata Road are north – south streets that are planned to provide connections to the 44 Ranch Subdivision to the south and potential future development to the north. Winchester Drive and Remington are east – west streets that are planned to provide connectivity to future development to the east. (*Preliminary Plat, Project Summary*)

#### Parking

17. Preliminary Plat Sheet 3 of 3 shows potential parking within the subdivision. The Project Summary states, "With the current layout of 152 lots a conservative estimate of 545 parking spaces will be available within Remington Flats. This far exceeds the 304 parking spaces required per City of Missoula regulations." [It should be noted Title 20 Section 20.60.020 requires two off-street parking spaces per detached house, lot line house, and townhouse.] The off-street parking requirement is proposed to be met via alley loaded garages, front loaded garages, and driveway parking, with on-street parking providing additional spaces. Metropolitan Planning Organization staff recommends requiring front setbacks for garage entrances to be 20 feet instead of 10 to ensure driveways can be used for vehicle parking. This recommendation is addressed in the separate rezoning report for the Remington Flats Neighborhood Conservation Overlay District. (*Preliminary Plat, Project Summary, July 10, 2020 Agency Comment from Aaron Wilson*)

#### Drainage

18. The City of Missoula Storm Water Specifications and Design Standards and Section 3-040 of the City Subdivision Regulations provide minimum standards for site grading and control of stormwater runoff.
19. The subdivision application submittal contains a grading and drainage report that evaluates pre- and post-development conditions. The proposed method of managing storm runoff is grading the site and developing a system with drywell sumps and infiltration chambers to collect and infiltrate runoff. (*Storm Drainage Report*)
20. The subdivision application submittal contains a technical memorandum that assesses the potential effects of drywell sumps on water table elevations, the potential for infiltration of runoff via sumps to flood crawl spaces or basements on the property and surrounding area, and whether use of sumps is likely to have an adverse effect on groundwater quality. The analysis concludes that drywell sumps would result in minimal (less than one foot) mounding of groundwater under and near the site, even during a simulated 100-year flood event. It also concludes that during such an extreme event, groundwater could rise to within 9-10 feet of the ground surface along the west property boundary so basements are not recommended. Finally, the memorandum concludes the use of sumps will not result in significant water quality impacts. (*Newfields Technical Memorandum*)
21. Section 3-040.2 and Section 5-020.11 of the City Subdivision Regulations require a complete grading and drainage plan showing proposed grades of streets, proposed drainage facilities, and a storm water pollution prevention plan for all lots, blocks, and other areas to be submitted prior to final plat approval meeting Montana DEQ standards and subject to approval of the City Engineer. All drainage facilities must be constructed in accordance with the approved plan as per Section 5-020.11.B and due to the phased development, must be constructed to accommodate the planned runoff from all upgradient phases. A recommended condition of approval reflects these requirements.

#### Transit

19. Section 3-010.7 and 3-020.1 of the City Subdivision Regulations require subdividers to provide safe, efficient, and convenient transportation corridors for motorists, pedestrians, bicyclists and bus riders. Section 3-020.4.E requires subdivision circulation systems to provide for various modes of transportation such as automobiles, pedestrians, bicycles, buses, and emergency vehicles. The City of Missoula Annexation Policy states that where appropriate, proposed annexation areas should be conditions to join the Missoula Urban Transportation District.
20. The property is not currently within the Missoula Urban Transportation District, which is necessary to provide for future transit service. A recommended condition of approval is the subdivider be required to petition into the district prior to final plat approval of the first phase. *Missoula Urban Transportation District Parcel Viewer online map*

#### Non-Motorized Transportation

21. City Subdivision Regulations Section 3-020.15 requires sidewalks and boulevards adjacent to all streets in accordance with Table .2A.
22. The subdivision application submittal includes preliminary plat sheets that show five-foot wide sidewalks along street frontages.

#### Conclusions of Law:



1. The subdivision will meet the Subdivision Regulations requirements for streets and non-motorized improvements if the variance requests are approved and the conditions of approval are imposed and met.
2. The subdivision will meet the City of Missoula Storm Water Specifications and Design Standards and grading and drainage standards in the Missoula City Subdivision Regulations if the condition of approval is imposed and met.
3. Final grading, drainage and stormwater plans will be reviewed and approved by Montana DEQ and the City Engineer prior to final plat approval of each phase.
4. The subdivision will meet the transit standards in the City Subdivision Regulations if the condition of approval is imposed and met.

### **Water System and Sewer System**

#### **Findings of Fact:**

1. The property is within the Missoula Wastewater Facility Service Area and planned to be connected to existing water and sanitary sewer mains that were extended into the area for the 44 Ranch development, Flynn Ranch development, and RSID #8474 sewer mains along north side of Mullan Road. (*Utility Plan Exhibit, Subdivision Application*)
2. The subdivision application submittal includes water and sanitation reports. The City of Missoula provided a letter stating the intent to provide water and sewer service to the subdivision in December of 2019. Individual water and sanitary sewer mains internal to the subdivision are planned to be extended as the project builds out. (*Water and Sanitation Report, Utility Plan Exhibit, December 27, 2019 Letter from Missoula Development Services*)
3. As per Sections 3-070.01 and 3-070.04 of the City Subdivision Regulations, water supply and sewage disposal systems require review and approval from the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of any phase. This is required as a condition of approval.

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

1. City water and sewer are available to the subdivision.
2. Review of water and sewer systems is under the jurisdiction of City Engineering and state and local health authorities under the Montana Sanitation in Subdivision Act.
3. Water and sewer systems will meet the subdivision regulations if the conditions of approval are imposed and met.

### **Solid Waste**

#### **Findings of Fact:**

1. Republic Services is expected to provide disposal service to the subdivision. (*Subdivision Application page 17*)
2. Solid waste systems must meet the minimum standards of the Montana Department of Environmental Quality and City/County Health Code as per Section 3-070.1 of the City Subdivision Regulations. This requirement is a recommended condition of approval.

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

1. Solid waste disposal service are expected to be available to the subdivision and in compliance with Subdivision Regulations.
2. Review of solid waste disposal is under the jurisdiction of state and local health authorities under the Montana Sanitation in Subdivision Act.

## **Parks and Recreation**

### **Findings of Fact:**

1. Section 3-080.3A of the City Subdivision Regulations requires parkland dedication equal to 11% of the net lotted area in subdivisions for residential lots of 0.5 acres or smaller. All of the lots in the Remington Flats subdivision are smaller than 0.5 acres.
2. The total lotted acreage of the subdivision is 13.02 acres. Eleven percent of 13.02 acres is 1.43 acres, the amount needed to meet the parkland dedication requirement. (*Parkland Dedication Exhibit, Subdivision Application page 20, Covenants, Conditions and Restrictions*)
3. Section 3-080.6 and .7 of the City Subdivision Regulations provides for cash donation in lieu of land dedication. The subdivision application states this subdivision is within the service area of the public park directly to the south in the 44 Ranch Subdivision so the subdivider proposes to meet the parkland dedication requirement through cash in lieu of parkland. The City Parks and Recreation Department has indicated support for this approach and can use the money for improvements to the existing park. (*Subdivision Application pages 20-21, April 3, 2020 letter from Missoula Parks and Recreation*)
4. Per Section 5-050.4 of the City Subdivision Regulations, a boulevard landscaping plan is required to be reviewed and approved prior to final platting. A recommended condition of approval is for the subdivider to submit boulevard landscaping plan to be approved by the City Parks and Recreation Department prior to final plat filing of the first phase.
5. The subdivider is proposing covenants, conditions, and restrictions as a way to manage affairs of the homeowners association and to communicate information and requirements to lot purchasers. City Subdivision Regulations Section 5-020.14.K. contains requirements for covenants including that the property owners' association be formed before any property is sold, the association is responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities, and other matters. A recommended condition of approval is for the subdivider to submit final covenants, association bylaws, and articles of incorporation along with the final plat materials for the first phase.

### **Conclusion of Law:**

1. Parkland dedication is required in this subdivision in accordance with the City Subdivision Regulations. The subdivider's proposal would meet the parkland dedication requirements if the conditions are imposed and met.
2. The City Subdivision Regulations require homeowners association documents to include specific provisions that will be reviewed prior to final platting of the first phase if the recommended condition is imposed and met.
3. The City Subdivision Regulations require plans for boulevard landscaping, which will be reviewed and approved prior to final platting of the first phase if the recommended condition is imposed and met.

## **Schools**

### **Findings of Fact**

1. The application states at full buildout the subdivision would create 152 additional residential lots with an estimated addition of 31 – 76 school age children attending to Hellgate Elementary and Big Sky High School. The application includes a School Bus Stop Location exhibit showing existing school bus stopes in the 44 Ranch Subdivision immediately to the south of Remington Flats (*Subdivision Application, Bus Stops Exhibit*)

#### Conclusion of Law:

1. No adverse impacts to schools requiring mitigation have been identified.

#### **Fire Department**

##### Findings of Fact:

1. The Missoula City Fire Department would serve the subdivision. The closest station is located at 3011 Latimer Street, approximately three miles away. (*Subdivision Application, page 19*)
2. Subdivision Regulations Section 3-070.1 requires that water supply for fire protection be provided via a public or community water system with 1,000 gallons per minute minimum flow, or via residential sprinkler systems.
3. Water supply for fire protection for this subdivision is planned to be supplied via new fire hydrants proposed to be installed in each phase. A fire hydrant spacing exhibit was provided with the subdivision application. Missoula City Fire Marshall Dax Fraser approved the locations and indicated the hydrants must provide a minimum 1,500 gallons per minute. (*Hydrant Spacing Exhibit and December 23, 2019 Letter*)
4. The Missoula City Fire Department regularly requires an addressing system to be developed that conforms to the addressing requirements of the City. All new buildings are assigned an address at the time of building permit approval, and are required to meet City standards for signage. (*Subdivision Regulations Section 3-010.1.F*)
5. A condition of approval requires the developer to provide plans for address signage and a fire hydrant plan subject to review and approval of the Missoula City Fire Department prior to final plat approval of the first phase. Fire hydrants shall be installed prior to combustible construction as required by the City Fire Department approved hydrant plan. (*Subdivision Regulations Section 3-010.1F*)

#### Conclusion of Law:

1. Fire service is available to the subdivision if the recommended condition of approval is imposed and met.

#### **Law Enforcement**

##### Findings of Fact:

1. The subdivision is located within the jurisdiction of the Missoula Police Department. (*Subdivision Application page 19*)
2. Captain Chris Odlin of the Missoula Police Department provided comments stating, "The proximity of the residences to each other lends itself to neighborhood issues related to noise. While the department realizes this may fit within the growth policy it is the department's opinion that developments with this density will impact the department with an increase in calls for services. The other potential impact will be in the area of parking. One of the most complained about neighborhood issues in Missoula is parking. Even with the work the developer has done to mitigate parking issues we feel it will still be brought up and be an impact to the Police Department in the way of increased calls for service."

#### Conclusion of Law:

1. Law enforcement service is expected to be available to the subdivision, although the subdivision design may result in some additional calls for service.

#### **CRITERIA 3 AND 4: EFFECTS ON THE NATURAL ENVIRONMENT AND WILDLIFE AND WILDLIFE HABITAT**

##### Findings of Fact:

1. The subject property was historically used for hay and livestock production. It does not have trees or significant vegetative cover. (*Subdivision Application pages 7-11*)
2. The USGS quadrangle map shows Grant Creek running through a portion of the property. According to a June 17, 2020 letter from 406 Engineering, "The arm of Grant Creek as shown on the USGS Exhibit is a former channel that has not conveyed water for over 60 years. Grant Creek was rerouted to the north and channelized during the 1950s for irrigation water. There will be no impacts to the proposed development and no special precautions are needed in regard to the shallow depression located on the site."
3. The property no longer has naturally occurring surface water or wetlands. The hydrogeologic evaluation technical memorandum states groundwater may rise to within 9 – 10 feet of the ground surface under 100-year storm conditions. The only water source is a culverted irrigation ditch located at the southwestern corner of the property. (*Vicinity Map, Site Aerial, Field Observation, Technical Memorandum, June 17, 2020 Correspondence*)
4. The property is not known to contain critical plant communities or support vegetative species of concern. *Subdivision application page 11, Montana Natural Heritage Program Information*)
5. A residential subdivision is located immediately to the south. A proposed multi-dwelling and mixed-use subdivision directly to the east is in the early review stages. The property is located between Mullan Road and West Broadway in an area being planned for urban development. (*44 Ranch Subdivision Plats, Mcnett Flats Preliminary Plat and Application, Draft Mullan Area Master Plan*)
6. The property may support common wildlife mammals including rodents, deer, skunks, and fox. Potential bird species in the area are Lewis' Woodpecker, Great Blue Heron, and Bald Eagle. Section 15 of the covenants includes information for lot purchasers about living with wildlife and advises lot owners of potential issues associated with wildlife concerning pets, garbage, and other potential areas of conflict. (*Montana Heritage Society report, Covenants, Conditions, and Restrictions*)
7. The subdivision is not located adjacent to public lands and will therefore have no impact on public land uses, public land management policies, or public land access. (*Vicinity Map, Subdivision Application, page 9*)
8. No riparian resources or regulated floodplain exist on the property. (*Floodplain Map, Field Observation*)
9. The subdivision application submittal contains a preliminary storm drainage report and hydrogeologic evaluation that assesses the risk to groundwater quality impacts from the use of sumps following a typical storm event. The evaluation concludes the use of sumps would not significantly impact concentrations in nitrate in groundwater below or beyond the site boundary. (*Newfields Hydrogeologic Evaluation Technical Memorandum*)
10. Section 5-020.14.K of the City Subdivision Regulations requires that a management plan be developed to address noxious weeds. The subdivision application contains a revegetation plan developed by the Missoula County Weed District that includes seed species and seeding rates, method and timing, fertilization, and weed control methods. A recommended condition of approval is the final covenants include the revegetation plan and evidence of plan implementation to be submitted to Development Services prior to final plat approval of each phase. (*City Subdivision Regulations Section 5-020.14.K, Revegetation Plan*)

Conclusion of Law:

1. Minimal impacts to the natural environment and wildlife habitat are foreseen as a result of this subdivision if the condition to manage noxious weeds is imposed and met.

## **CRITERION 5: EFFECTS ON PUBLIC HEALTH AND SAFETY**

### **Findings of Fact:**

#### **Hazardous Land**

1. Subdivision Regulations Section 3-010.2 requires the mitigation of hazards to subdivision development, including but not limited to flooding and slopes of 25% or more.
2. The subject property is outside of the FEMA-identified 1% annual chance flood hazard areas and floodplain. (*Floodplain Map*)
3. The property does not contain significant areas of slopes of 25% or more. (*Field Observation, USGS Topographic Map*)

#### **Wood Stoves**

4. The property is located within an air stagnation zone. The covenants, conditions, and restrictions should be amended to include language prohibiting wood burning devices (fire places, wood burning and pellet stoves, etc.)

#### **Airport Influence Area**

5. The property is located within an airport influence area of Missoula International Airport. (*Airport Influence Area Exhibit*)
6. Dan Neuman, Business Development Manager of the Missoula International Airport, submitted a letter dated April 20, 2020 objecting to the subdivision. The letter states, "Remington Flats is located directly in the flight path of a proposed second runway...Pursuant to guidance from the Federal Aviation Administration ("FAA"), residential is incompatible in this proximity to the Airport and specifically in the flight path of a proposed runway. Mr. Neuman's letter lists potential incompatibilities including aircraft noise, aircraft flying over the homes, the possibility of electronic interference with aviation navigation aids, and the potential for interaction between aircraft and wildlife. The letter concludes, "While some of these issues can be mitigated with an Avigation Easement, an Avigation Easement is not a panacea that will make all of these issues disappear. MCAA would propose entering into a dialogue with the City, Denali Development [sic], and 406 Engineering to determine how best to mitigate the risks posed by the proposed subdivision."
7. For other subdivisions located within the airport influence area including 44 Ranch and RMB Subdivision, a recommended condition of approval has been for the subdivider to grant an avigation easement to the Missoula International Airport for the unobstructed use of airspace at certain elevations above the subdivisions. Such mitigation is a recommended condition of approval for this subdivision.
8. For other subdivisions located within the airport influence area including the currently-under-review Heron's Landing, plats are required to include the following statement, which is recommended to be included in the covenants and on each final plat in the Remington Flats Subdivision:

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.

Conclusion of Law:

1. If the covenants are amended as described above, an aviation easement is granted, and the airport influence area statement is printed on the plats, an acceptable level of adverse impacts to public health and safety is expected as a result of this subdivision.

**C.) COMPLIANCE:  
SURVEY REQUIREMENTS**

Findings of Fact

1. The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3. Forthcoming review of the final plats will ensure compliance with state subdivision and platting law.

Conclusion of Law:

1. This proposal will meet the survey requirements of state law.

**D) SUBDIVISION REGULATIONS**

Findings of Fact

1. Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

1. The plat will be brought into compliance with the local subdivision regulations if the requested variances are approved and the conditions of approval are imposed.

**E) REVIEW PROCEDURE**

Findings of Fact

1. Subdivisions are required to comply with the local subdivision review procedure provided for in Article 4 of the Missoula City Subdivision Regulations and the Montana Subdivision and Platting Act.
2. The public hearing before the Missoula Consolidated Planning Board is scheduled for September 15, 2020. The Missoula City Council hearing is scheduled for October 5, 2020. The preliminary plat review period expires on November 3, 2020.
3. Development Services staff sent notices of the public hearings by certified mail to adjacent property owners and the subdivider on August 31, 2020. Two posters were placed on the property August 31, 2020. Legal notice of the public hearings was published in the Missoulian August 30 and September 6. All noticing occurred at least 15 days prior to the public hearings.
4. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within 30 days of such decision. The application must specify the grounds upon which the appeal is made. An appeal may be made by the subdivider, a contiguous landowner, an owner of land within the City of Missoula who can establish a likelihood of material injury to property or its material value, or the City Council. In order to file an appeal, the plaintiff must be aggrieved by the decision, demonstrating that a specific personal and legal interest, as opposed to a general interest, has been or is likely to be specifically and injuriously affected by the decision.

Conclusion of Law:

1. This subdivision proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Article 4 of the Missoula City Subdivision Regulations.

**F) PROVISION OF EASEMENTS FOR UTILITIES:**

Findings of Fact:

1. City Subdivision Regulations Section 3-060 requires that easements be provided for utilities, drainage, ditch, vehicular, and pedestrian access and that easements be reviewed and approved by the City Engineering Division. A recommended condition of approval addresses this requirement.
2. Access to utilities is proposed to be provided to the subdivision from the south within public access and utility easements and public rights-of-way. (*Preliminary Plat*)
3. All utilities necessary to serve the subdivision, including water, sewer, electrical, phone and power, are planned to be located within public access and utility easements and public rights-of-way. (*Preliminary Plat*)

Conclusion of Law:

1. Utility services are available to this subdivision and the subdivision will be in compliance with the Subdivision Regulations if the recommended condition of approval is imposed and met.

**E) PROVISION OF LEGAL AND PHYSICAL ACCESS:**

Finding of Fact:

1. Legal and physical access is planned to be provided to the subdivision from Chuck Wagon Drive, Tenderfoot Way, and Riata Road, which are publicly dedicated rights-of-way within the Missoula city limits. Each lot is designed with access to an alley or roadway that is proposed to be located within rights-of-way of appropriate width, pending approval of certain variances. (*Certificate of Survey No. 5699, 44 Ranch Subdivision Plats, Preliminary Plat*)

Conclusion of Law:

1. With the approval of certain variances, the subdivision proposal meets the legal and physical access requirements of the Subdivision Regulations.

**F) VARIANCE REQUESTS**

**VARIANCE REQUEST #1:**

A variance is requested from Section 3-030.2.A(2), which states blocks may not exceed a maximum length of 480 feet in urban-suburban subdivisions. This variance is requested to allow the block with proposed Lots 1-9 to be 540 feet long.

RECOMMENDATION:

Development Services recommends **approval** of the variance, allowing the block with proposed Lots 1-9 to be 540 feet long based on the following findings of fact:

FINDINGS:

- A. The granting of this variance does not result in a threat to the public safety, health, or welfare, and is not injurious to other persons or property.**

The variance is requested so this block matches the length of the adjacent block in 44 Ranch Subdivision Phase 7A to the south. The variance would allow Chuck Wagon Drive and

Tenderfoot Way to align with those streets as they are planned or built in the adjoining subdivision. Adequate circulation would be provided and no threats to public safety, health, or welfare are apparent. There is no reason to believe granting the variance would be injurious to other persons or property.

**B. The conditions upon which the request for variance are based are unique to the property for which the variance is sought and are not applicable generally to other property.**

44 Ranch Subdivision Phase 7A is platted and largely built out, with an extension of Chuck Wagon Drive planned along the west boundary and Tenderfoot Way already constructed on the east boundary of the phase. Matching this alignment would provide safe and efficient traffic flow. This is a condition that is unique to the property and not generally applicable to other property.

**C. Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, a hardship to the owner will result if the strict letter of the regulations is enforced.**

Because of the approved block length in the adjoining subdivision, requiring a maximum 480-foot block length here would result in a hardship and simply not make sense from a traffic flow perspective.

**D. The variance will not in any manner violate the provisions of the Missoula City Zoning Ordinance or the Growth Policy.**

Granting the variance would not in any manner violate provisions of the City zoning ordinance, the Growth Policy, or other plans for the area.

**E. The variance will not cause an increase in public costs.**

Approval of the variance will not cause an increase in public costs.

**F. The hardship has not been created by the applicant or the applicant's agent or assigns.**

The hardship has not been created by the applicant or the applicant's agent or assigns. The hardship is the result of the block length approved in the adjacent subdivision.

**VARIANCE REQUEST #2:**

A variance is requested from Section 3-030.2.A(2), which states blocks may not exceed a maximum length of 480 feet in urban-suburban subdivisions. This variance is requested to allow the block with proposed Lots 122-135 to be 540 feet long.

**RECOMMENDATION:**

Development Services recommends **approval** of the variance, allowing the block with proposed Lots 122-135 to be 540 feet long based on the following findings of fact:

**FINDINGS:**

**A. The granting of this variance does not result in a threat to the public safety, health, or welfare, and is not injurious to other persons or property.**

The variance is requested to continue the existing road grid pattern established in the 44 Ranch Subdivision to the south. The variance would allow Chuck Wagon Drive and Tenderfoot Way to align with those streets as they are planned or built. Adequate circulation would be provided and no threats to public safety, health, or welfare are apparent. There is no reason to believe granting the variance would be injurious to other persons or property. Between Lots 127 and 128 is a 10-foot wide pedestrian easement proposed to be developed



with a five-foot sidewalk that could be extended when the neighboring land to the north is developed to help break up the block.

**B. The conditions upon which the request for variance are based are unique to the property for which the variance is sought and are not applicable generally to other property.**

The existing north-south road pattern was established in the 44 Ranch Subdivision. The Remington Flats Subdivision seeks to continue this pattern to provide for safe and efficient traffic flow. An extension of Chuck Wagon Drive is planned along the west boundary and Tenderfoot Way is already constructed in the adjoining subdivision. Matching this alignment would provide safe and efficient traffic flow. This is a condition that is unique to the property and not generally applicable to other property.

**C. Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, a hardship to the owner will result if the strict letter of the regulations is enforced.**

Because of the approved block length and grid pattern established in the adjoining subdivision, requiring a maximum 480-foot block length here would result in a hardship and simply not make sense from a traffic flow and efficiency perspective.

**D. The variance will not in any manner violate the provisions of the Missoula City Zoning Ordinance or the Growth Policy.**

Granting the variance would not in any manner violate provisions of the City zoning ordinance, the Growth Policy, or other plans for the area.

**E. The variance will not cause an increase in public costs.**

Approval of the variance will not cause an increase in public costs.

**F. The hardship has not been created by the applicant or the applicant's agent or assigns.**

The hardship has not been created by the applicant or the applicant's agent or assigns. The hardship is the result of the block length approved in the adjacent subdivision.

**VARIANCE REQUEST #3:**

A variance is requested from Section 3-020 Table .2A, which requires 70-foot rights-of-way for Low Density Urban Local streets. Winchester Drive, Browning Road, Tenderfoot Way, Ruger Road, Riata Road, and Remington Drive are proposed to be built in accordance with City standards (10-foot driving lanes, 8-foot parking lanes, curbs and gutters, 7-foot boulevards and 5-foot sidewalks) within 64-foot rights-of-way instead of 70.

**RECOMMENDATION:**

Development Services recommends **approval** of the variance, allowing the streets to have 64-foot rights-of-way instead of 70 based on the following findings of fact:

**FINDINGS:**

**A. The granting of this variance does not result in a threat to the public safety, health, or welfare, and is not injurious to other persons or property.**

The proposal would allow the streets to be built in accordance with City standards for Low Density Urban Local streets including driving lanes, parking lanes, curbs and gutters, boulevards and sidewalks. This would not result in a threat to public health, safety, or welfare, or be injurious to other persons or property.

**B. The conditions upon which the request for variance are based are unique to the property for which the variance is sought and are not applicable generally to other property.**

The conditions are unique to this subdivision in that additional right-of-way for turning lanes is not required now and is unlikely to be necessary in the future based on the configuration of the subdivision and projected traffic flows. This is not necessarily the case in other subdivisions.

**C. Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, a hardship to the owner will result if the strict letter of the regulations is enforced.**

Granting the variance would allow more area to be used for lot development. It is not necessarily due to physical surroundings, shape, or topography, but would benefit the future lot owners. The hardship is that additional right-of-way is not necessary to provide for this subdivision now and in the future.

**D. The variance will not in any manner violate the provisions of the Missoula City Zoning Ordinance or the Growth Policy.**

Granting the variance would not in any manner violate provisions of the City zoning ordinance, the Growth Policy, or other plans for the area.

**E. The variance will not cause an increase in public costs.**

Approval of the variance will not cause an increase in public costs.

**F. The hardship has not been created by the applicant or the applicant's agent or assigns.**

The hardship has not been created by the applicant or the applicant's agent.

**VARIANCE REQUEST #4:**

A variance is requested from Section 3-020 Table .2A, which requires 90-foot rights-of-way for Urban Collectors (with parking). Chuck Wagon Drive is proposed to be built as an Urban Collector half-street within the existing 40-foot dedicated right-of-way along the west property boundary with a 2.5-foot temporary gravel shoulder, two 10-foot driving lanes, curb and gutter, 10-foot boulevard, 5-foot sidewalk, and 0.5-foot strip of land for maintenance. The remaining 40-foot right-of-way is planned to be acquired from the Missoula Airport Authority, the adjoining landowner to the west. Future right-of-way acquisition and future development would facilitate completion of Chuck Wagon Drive to Urban Collector standards in alignment with the planned 44 Ranch road section for Chuck Wagon Drive.

**RECOMMENDATION:**

Development Services recommends **approval** of the variance, allowing Chuck Wagon Drive within the subdivision to be built to Urban Collector half-street standards within the existing 40-foot right-of-way instead of the full cross section within 90 feet based on the following findings of fact:

**FINDINGS:**

**A. The granting of this variance does not result in a threat to the public safety, health, or welfare, and is not injurious to other persons or property.**

The proposed street section would provide adequate access to the first phase of the subdivision in conjunction with Tenderfoot Way and Riata Road. As phases in this and other subdivisions to the south are developed over time, Chuck Wagon Drive is planned to be completed and connected to Mullan Road. A more complete street section to the north will

not be necessary until land to the north is developed. Based on these factors, this proposal would not result in a threat to public health, safety, or welfare, or be injurious to other persons or property.

**B. The conditions upon which the request for variance are based are unique to the property for which the variance is sought and are not applicable generally to other property.**

To the south the current 80-foot wide right-of-way was dedicated via Certificate of Survey No. 5699 and an accompanying deed. This survey and deed also included a 40-foot dedicated right-of-way along the west property boundary of the subject parcel. Land has not yet been dedicated on property to the west (under separate ownership) that would allow for a full 80 feet. These conditions are unique to this property and not applicable to other property in the vicinity to the south.

**C. Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, a hardship to the owner will result if the strict letter of the regulations is enforced.**

Theoretically Chuck Wagon Drive along the west property boundary could transition to the east, putting it out of alignment with the planned extension of Chuck Wagon coming from the south. This would require additional land to be taken out of lots along the west boundary and possibly result in unsafe driving conditions due to the necessary transition, presenting a hardship based on conditions that are unique to the property. Granting the variance would allow a safe street section to be built serving the short term needs of subdivision residents while a longer term solution is found through negotiation between the City and Airport Authority.

**D. The variance will not in any manner violate the provisions of the Missoula City Zoning Ordinance or the Growth Policy.**

Granting the variance would not in any manner violate provisions of the City zoning ordinance, the Growth Policy, or other plans for the area.

**E. The variance will not cause an increase in public costs.**

Approval of the variance will not cause an increase in public costs.

**F. The hardship has not been created by the applicant or the applicant's agent or assigns.**

The hardship is an existing condition not created by the applicant or the applicant's agent or assigns.

**III. RECOMMENDED MOTIONS**

1. **APPROVAL** of the variance request to allow the block for Lots 1-9 to be longer than 480 feet.
2. **APPROVAL** of the variance request to allow the block for Lots 122-135 to be longer than 480 feet.
3. **APPROVAL** of the variance request to allow Winchester Drive, Browning Road, Tenderfoot Way, Ruger Road, and Riata Road to be built within 64-foot rights-of-way instead of 70.
4. **APPROVAL** of the variance request to allow Chuck Wagon Drive to be built as an Urban Collector half-street within a 40-foot right-of-way instead of a full street section built within a 90-foot right-of-way.

5. **PRELIMINARY APPROVAL** of the **Remington Flats Phased Subdivision Plat and Application**, based on the findings of fact and subject to the recommended conditions of approval in the staff report.

#### **IV. RECOMMENDED CONDITIONS OF SUBDIVISION APPROVAL**

Note: Montana Code Annotated (MCA) Section 76-3-604(9)(a) states review and approval, conditional approval, or denial of a proposed subdivision may occur only under those regulations in effect at the time a subdivision application is determined to contain sufficient information for review. The Remington Flats Phased Subdivision application was deemed sufficient for review on July 10, 2020. The City of Missoula Subdivision Regulations Amended June 28, 2010 and 2019 Montana Subdivision and Platting Act were in effect at that time. The 2019 Montana Subdivision and Platting Act includes provisions for phased subdivisions in Section 76-3-617. Those provisions apply to the Remington Flats Phased Subdivision.

##### **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. *City Subdivision Regulations Section 3-020.2*
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. *Subdivision Regulations Section 3-020.12*
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. *City Subdivision Regulations Section 3-020.4(H)(2)*
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." *City Subdivision Regulations Section 5-050.4(M&N)*
5. All proposed rights-of-way shall be dedicated to the public on the face of each plat and approved by the City Engineer. *City Subdivision Regulations Section 3-020.3.B*
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. *City Subdivision Regulations Section 3-060.1*
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. *Missoula Public Works Standards and Specifications Manual Section 7.3.6*

### 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. *Subdivision Regulations Table .2A modified by variance.*
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. *Montana Code Annotated 76-3-510, Correspondence with Assistant City Engineer*
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. *Montana Code Annotated 76-3-510*
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. *Subdivision Regulations Table .2A modified by variance*

### 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. *City Subdivision Regulations Section 5-020.11*

### 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. *City Subdivision Regulations Section 3-010.7 and 3-020.1, City of Missoula Annexation Policy*

## 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. *City Subdivision Regulations Sections 3-070.01 and 3-070.04*

## 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. *City Subdivision Regulations Sections 3-070.01*

## 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. *City Subdivision Regulations Section 3-080*
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. *City Subdivision Regulations Section 5-050.4*

## 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. *City Subdivision Regulations Section 5-020-14.K*

## 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. *City Subdivision Regulations Section 3-020.15 and Table .2A*

## 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. *City Subdivision Regulations Section 3-010.1.F*

#### 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. *City Subdivision Regulations Section 5-020.14.K*

#### Airport Influence Area

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. *City Subdivision Regulations Section 3-010.2*

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. *City Subdivision Regulations Section 3-010.2*

#### 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.

## Remington Flats

Public Comment Start of Post to 9/11/20

<p>I am pro development within Missoula when development are planned out in accordance with a master plan. This particular development feels like it is a few year ahead of the Missoula City plans. The main concern being traffic and children in an existing development. Using all exit points through a larger subdivision does not seem fair to the 44 Ranch developer or the children playing in front of their homes. This subdivision makes more sense once England is extended. Being allowed to use 44 Ranch's infrastructure is concerning. Traffic is a problem as it is getting out on Mullan. Until the George Elmer project is complete with a round-about or light I do not feel these subdivisions should be considered. Please review this concern prior to approving.</p> <p>Why is there not a park or green space located within this development? I was under the impression with was a requirement for all, rules should not change for each development. A small strip of green space between the developments would be nice a few feet? Backing small short lots up against the existing subdivision will put homes very close. Realizing 44 Ranch did this to 44 Estates recently, but at least most of those lots were large for that area giving a small offset between homes.</p> <p>The OH Power line should be removed within the project. It is feeding a single home and either 44 Ranch or this new development should remove this before there are homes built on both sides.</p> <p>I believe we need to continue to grow Missoula's housing development. This particular area is a bumper with the wild animals that utilize the old</p>	<p>Sep 10 20 06:30:10 pm</p>	<p>Shanna</p>	<p>Bloomfield</p>
--	--------------------------------------	---------------	-------------------



growth trees in the area. I do not believe there is anything you can do, but on any given day there are bears, coyotes, badgers, golden and bald eagles, fox, blue heron, and many other hawks. Major advantage, maybe the mice and gophers will be better for the homes backing the field.			
Where are you going to have 304 more vehicles going up and down Mullan road/George Elmer? The only way in and out is to use our neighborhood. Mullan cannot withstand more vehicles! Where are they going to go to school?? Hellgate Elementary is already full and had to build more buildings for the excess kids. You should at least build on the lots behind the 44 Ranch at least the same lot size. Where is the park for this subdivision?? How is an average Missoulian going to afford a home here?? Prices are already outrages that the jobs here do not support. Where is the planes going to land if there is an emergency, on top of the 152 dwellings?? I think this subdivision is not right. Maybe concentrate on how you might help the people get back to work with incomes that could afford a home. It is a sad place to live in as our children will never know about open land with cows, horses, sheep. You have taxed the farmer/rancher to where they cannot afford the taxes to keep their land. I think you need to reconsider and look at maybe finding a solution to the mass traffic on Mullan Rd instead of building more houses.	Sep 10 20 10:41:55 pm	Dani	Thomas
Too many homes for the acreage. There are too many cars on Mullan Rd as it is.	Sep 11 20 11:04:47 am	Kevin	Thomas