STAFF REPORT & REFERRAL

Agenda item: Rezone of property located at 2220 & 2222 South Third Street West from R5.4 and RT10 Residential to RT10 Residential and rezone of property located at 2224 & 2226 South 3rd Street West from R5.4 Residential and B3-2/DE-C to B3-2 Business Mixed-Use / DE-C.

Report Date(s): 8/29/2019
Case Planner: Andrew Boughan, Planner II
Report Approved By: Mary McCrea, Planning Supervisor
Public Meetings & Hearings: Planning Board (PB) hearing:
9/3/2019
City Council (CC) 1st reading:
9/9/2019
Land Use & Planning (LUP) pre-hearing:
9/18/2019
City Council hearing:
9/23/2019

Applicant & Fee Owner:
Edward Murphy
5791 Prospect Drive
Missoula, MT 59801

Location of request: The subject property, located at 2220-2226 South 3rd Street West, is on the north side of the street between South Curtis Street and Augusta Drive in the River Road Neighborhood Council and Ward 6.

Legal description: Lot 5 of Curtis and Major Addition, Supplement of Lot 8 and Lot 1 in Block 4 of Alta Addition #2, all located in Section 20, Township 13 North, Range 19 West, P.M.M.

Legal ad: The legal ad was published in the Missoulian on August 18, 2019 and August 25, 2019. The site was posted on August 19, 2019. Adjacent property owners and the physical addresses within 150 feet of the site were notified by first class mail on August 7, 2019.

Zoning: R5.4 Residential, RT10 Residential and B3-2 Business Mixed-Use / DE-C, Design Excellence – Corridor Overlay – Typology 2

Growth Policy: The applicable regional plan is Our Missoula: City Growth Policy 2035 which recommends a Land Use designation of Community Mixed Use and Residential Medium, 3-11 dwelling units per acre.

STAFF RECOMMENDATION

Approve an ordinance to rezone property located at 2220 & 2222 South Third Street West from R5.4 and RT10 Residential to RT10 Residential and to rezone property located at 2224 & 2226 South 3rd Street West from R5.4 Residential and B3-2/DE-C to B3-2 Business Mixed-Use / DE-C, Design Excellence – Corridor Overlay – Typology 2, subject to the filing of the amended plat to place each duplex on its own parcel within 30 days of the approval of the rezoning.

RECOMMENDED MOTIONS

PB p/h: 9/3/19 RECOMMEND APPROVAL of an ordinance to rezone property located at 2220 & 2222 South Third Street West from R5.4 and RT10 Residential to RT10 Residential and to rezone property located at 2224 & 2226 South 3rd Street West from R5.4 Residential and B3-2/DE-C to B3-2 Business Mixed-Use / DE-C, Design Excellence – Corridor Overlay – Typology 2, subject to the filing of the amended plat to place each duplex on its own parcel within 30 days of the approval of the rezoning.

CC first reading: 9/9/19 [First reading and preliminary adoption] Set a public hearing on September 23, 2019 and preliminarily adopt an ordinance rezoning property located at 2220 & 2222 South Third Street West from R5.4 and RT10 Residential to RT10 Residential and rezoning property located at 2224 & 2226 South 3rd Street West from R5.4 Residential and B3-2/DE-C to B3-2 Business Mixed-Use / DE-C, Design Excellence – Corridor Overlay – Typology 2 and refer this item to the Land Use and Planning Committee for presentation on September 18, 2019.

LUP: Discussion only – pre-public hearing
[Second and final reading] (Adopt/Deny) an ordinance rezoning property located at 2220 & 2222 South Third Street West from R5.4 and RT10 Residential to RT10 Residential and rezoning property located at 2224 & 2226 South 3rd Street West from R5.4 Residential and B3-2/DE-C to B3-2 Business Mixed-Use / DE-C, Design Excellence – Corridor Overlay – Typology 2, subject to the filing of the amended plat to place each duplex on its own parcel within 30 days of the approval of the rezoning.

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<tr>
<th>Surrounding Land Uses</th>
<th>Surrounding Zoning</th>
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<tr>
<td>North: Two-Unit Dwelling</td>
<td>RT10 Residential and B3-2 Business Mixed-Use / DE-C, Design Excellence – Corridor Overlay – Typology 2</td>
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I. INTRODUCTION

Development Services has received a request from Lynne Stanley with Montana Northwest Company on behalf of Edward Murphy to rezone property consisting of two (2) lots located at 2220-2226 South 3rd Street West. Both lots are currently split-zoned and the current zoning designations are R5.4 Residential, RT10 Residential, and B3-2 Business Mixed –Use / Design Excellence - Typology 2. The applicant also proposes a subdivision exemption for boundary line relocation such that each duplex will be placed on its’ own lot. Following reconfiguration of boundaries and rezoning, the parcel located at 2220 & 2222 South 3rd Street West will be zoned RT10 Residential and the parcel located at 2224 & 2226 South 3rd Street West will be zoned B3-2 Business Mixed-Use / DE-C Design Excellence Typology 2. Rezoning requests require a public hearing at Planning Board and City Council. This rezoning will result in standard zoning districts under Title 20 which can’t be conditioned.

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

II. Rezoning review criteria

Findings of fact: General

1. The subject property has frontage on South 3rd Street West, Augusta Drive and Bulen Street. South 3rd Street West is functionally classified as an arterial street. Bulen Street and Augusta Drive are functionally classified as local streets.

2. The subject properties are approximately 39,569.04 square feet and contain two (2) duplexes and a detached garage.

3. Both duplexes are still in use on the subject property.

4. The subject property is inside the Urban Growth Area, the Wastewater Facilities Service Area, the Air Stagnation Zone, and is served by City water and sewer.

5. The subject property is located within an established service area for Missoula hospitals and the City Fire and Police Departments.

Growth Policy:

6. The applicable regional plan is the Our Missoula: City Growth Policy 2035, which recommends a land use designation of Community Mixed Use along South 3rd Street West, and Residential Medium, 3-11 dwelling units per acre along Bulen Street.

7. Areas designated Community Mixed-Use are identified as areas providing basic employment and services integrated with main transportation corridors including public transit and active transportation system, where city services and infrastructure are readily available. The City Growth Policy suggests the following districts for lands with the Community Mixed-Use land use designation: C1-4 Neighborhood Commercial, C2-4 Community Commercial, and M1R-2 Limited Industrial and Residential. These three zoning districts permit residential density up to 43 dwelling units per acres.

8. Areas designated Residential Medium, 3-11 dwelling units per acre are identified 3 dwelling units per acre to 11 dwelling units per acre. It is intended to fit with many already established residential neighborhoods and acknowledge the single dwelling residential building type as the primary use with the potential for accessory dwellings as well. The City Growth Policy suggests the following districts for lands with the Residential Medium land use designation: RT10 Residential (two-unit / townhouse), R8 Residential, R5.4 Residential, RT5.4 Residential (two-unit / townhouse). These zoning districts permit residential density of 4 to 8 dwelling units per acre.

9. The applicant is requesting B3-2 Business Mixed-Use zoning, which is the zoning that currently exists for the portion of the property along South 3rd Street West. The B3-2 zoning permits a similar density as the three zoning districts C1-4, C2-4, and M1R-2 recommended for lands with the Community Mixed-Use land use designation. The B3-2 is a commercial zoning district that allows limited commercial uses.

10. The applicant is requesting RT10 Residential (two-unit-townhouse) zoning, which is the zoning that currently exists for the portion of the property adjacent to Bulen Street. The RT10 zoning permits a density of 4 dwelling units per acre as recommended for lands with the Residential Medium, 3-11 dwelling units per acre land use designation.
designation. The RT10 is a residential zoning district that does not allow commercial and only permits detached dwellings, two-unit houses, and two-unit townhouses.

11. The City Growth Policy calls for a focus inward approach to encourage infill development in the urban core where infrastructure already exists and promotes mixed-use, increased density, and enhanced connectivity while limiting sprawl and promoting efficient use of existing infrastructure.

12. The Housing section of the City Growth Policy describes the Focus Inward approach to development as one that provides opportunities by designating appropriate areas for higher density and housing near existing infrastructure and services. Such development has added benefits, including decreasing household expenses like transportation.

13. The Safety and Wellness section of the City Growth Policy encourages healthy lifestyles by promoting a complete active transportation network to increase safety for all transportation systems including vehicular and active transportation.

14. The City Growth Policy identifies many goals and objectives related to housing in the City of Missoula. The introduction to the Housing chapter identifies that within the next 20 years the population projections indicate the urban area will grow by 18,500, which presents a need for approximately 9,000 new housing units.

Zoning

Adjacent Zoning and Land Uses

15. The properties are currently split zoned between R5.4 Residential, RT10 Residential and B3-2 Business Mixed-Use / DE-C, Design Excellence – Corridor Overlay – Typology 2.

16. The minimum parcel area in the R5.4 Residential zoning district is 5,400 square feet, and the parcel area per unit is 5,400 square feet. Under the current zoning, the parcel would allow detached single dwellings but not a duplex or a two-unit house building type.

17. The minimum parcel area in the RT10 Residential zoning district is 10,000 square feet, and the parcel area per unit is 10,000 square feet. Under the current zoning, the parcel would allow detached dwellings, two-unit house, and two-unit townhouse residential building types.

18. The setbacks in the R5.4 and RT10 zoning district are: 20 foot front and rear setback, 10 foot street-side setback, and 7.5 feet or at least 33% of the height of the building (whichever is greater) on any interior side yard. The maximum building height permitted in this district is 30 feet, or up to 35 feet with a roof pitch steeper than 8 in 12.

19. The minimum parcel area in a B3-2 zoning district is 3,000 square feet if the parcel is developed with a single-purpose residential building or mixed-use building. The minimum parcel area per unit is 2,000 square feet. The B3-2 zoning district permits all residential building types including detached house, two-unit house and multi-dwelling, along with a wide variety of neighborhood commercial uses.

20. There are no required front or street side setbacks in a B3-2 zoning district unless the site abuts a residential R-zoned district on the same street. In such cases, the B3-2 zoned parcel must match the actual front or street side setback of the building that exists on the abutting R-zoned parcel, but no greater than the required setback for the abutting R-zoned parcel. The parcel abuts an RT10 zoning district to the east and will have a required front yard setback of 20 feet.

21. There are no required rear setbacks in a B3-2 zoning district unless the site abuts a residential R-zoned district. In such cases, the B3-2 zoned parcel must provide a minimum setback of 25% of the parcel depth, but not to exceed 20 feet. The parcel is 365 feet deep and abuts an RT10 district to the east and west resulting in a required rear yard setback of 20 feet.

22. There are no required interior side setbacks in a B3-2 zoning district unless the site abuts a residential R-zoned district. In such cases, the B3-2 zoned parcel must provide the same interior side setback as required for the abutting R-zoned parcel. The parcel abuts an RT10 zoning district to the east and will have a required interior side yard setback of 7.5 feet or at least 33% of the height of the building (whichever is greater) on the east side of the parcel.
23. The maximum building height limit is 50 feet in a B3-2 zoning district. For parcels abutting R-districts that have a maximum allowed building height of 35 feet or less, the maximum building height at the point of the required minimum setback line is 35 feet. Height may be increased above 35 feet by up to 1 foot (vertical) for each 6 inches of building setback or upper floor step-back.

24. The DE-C, Design Excellence - Corridor Overlay – Typology 2 zoning overlay requires the design of a development to be closely knitted with the residential neighborhoods that surround them. Where residentially-zoned properties front a Corridor, adjacent commercial development should be designed to respond sensitively to them; designed with smaller scale elements and lower scale at the street edge to help them fit in.

25. The DE-C, Design Excellence - Corridor Overlay – Typology 2 zoning overlay has a wide range site design and building design requirements ranging from building and parking placement to minimum glazing percentages, entrance locations, and building materials and massing.

26. Each of the two parcels are occupied by one (1) existing duplex structure. Any new development and redevelopment, including additions, remodels, and new construction will be required to meet all applicable Missoula Municipal Codes at the time of building permit approval.

27. All development will be required to meet all applicable Title 20 zoning including the parking chapter.

Transportation

28. There are existing curbside sidewalks and bikes lanes on both sides of South 3rd Street West.

29. The subject property is within the Missoula Urban Transportation District. Route 9 travels on South 3rd Street West with the nearest stop a half a block east at the intersection of South 3rd Street West and South Curtis Street. Route 2 runs on South 3rd Street West and Johnson Street, two (2) blocks east of the subject property. Route 2 and 9 are available at the Main Transfer Center.

Conclusions of Law:

1. Whether the zoning is made in accordance with a growth policy;
   1. The rezoning complies with the Community Mixed-Use and Residential Medium, 3-11 dwelling units per acre, land use designations of the Growth Policy because the B3-2 permits residential and commercial building types at a density consistent with the C1-4, C2-4, and M1R-2 zoning districts that are recommended for lands designated Community Mixed-Use and the RT10 permits residential development at a density consistent with the recommended land use designation in Residential Medium, 3-11 dwelling units per acre.
   2. The rezoning complies with many of the focus inward goals and objectives of the growth policy.

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

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

1. 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. The rezoning gives reasonable consideration to the effect on motorized and non-motorized transportation systems because the property is within the Missoula Urban Transportation District and the property is served by public transit facilities and bicycle facilities. The property is adjacent to transportation routes on South 3rd Street West, which is classified as an arterial street.

3. Whether the zoning considers the promotion of compatible urban growth;
   1. The rezoning considers the promotion of compatible urban growth because the density of the B3-2 and RT10 zoning district complies with the density of the Growth Policy’s recommended land use designation of Community Mixed-Use and Residential Medium, 3-11 dwelling units per acre.
   2. 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.
4a. Whether the zoning is designed to promote public health, public safety, and the general welfare;  
4b. Whether the zoning is designed to secure safety from fire and other dangers; 4c. Whether the zoning considers the reasonable provision of adequate light and air; 4d. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area;

1. The rezoning 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.

3. This rezoning should not adversely impact the provision of adequate light and air as all future development will meet required internal and external building code and zoning code setbacks.

4. This rezoning encourages an appropriate use of the land because it applies the B3-2 and RT10 zoning designation with a density matching that of the Growth Policy recommended Community Mixed-Use and Residential Medium, 3-11 dwelling units per acre land use designations.

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

1. The rezoning to B3-2 and RT10 is suitable for the subject properties and gives reasonable consideration to the character of the district because adjacent lands are also zoned B3-2 and RT10 with the same parcel and building standards and permitted uses.

2. The rezoning considers the location and character of the property, which has easy access to urban infrastructure and services in Missoula.

III. AGENCY COMMENT

**Missoula Valley Water Quality District:**
Agency comment has not been received.

**Health Department - Air Quality Division:**
The Air Program at the Missoula City-County Health Department has no comment on the re-zoning request for 2220-2226 South 3rd ST W. Benjamin Schmidt

**Health Department – Environmental Health:**
Agency comment has not been received.

**Missoula County – Emergency Management:**
Office of Emergency Management has no comment. Adriane Beck

**Missoula Urban Transportation District:**
Mountain Line does not have any comment on the 2220-2226 South 3rd Street West Rezoning. Dan Stone

**City Parks & Recreation:**
Agency comment has not been received.

**Office Of Housing & Community Development:**
Agency comment has not been received.

**City Attorney:**
Agency comment has not been received.

**Missoula Redevelopment Agency:**
This property borders Urban Renewal District III; but is not in the District. MRA does support the development of higher density housing in the urban core and for that reason supports this rezoning request. Ellen Buchanan

**City Police:**
Agency comment has not been received.

**City Fire:**
Agency comment has not been received.

**Montana Department of Transportation:**
Agency comment has not been received.
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<th><strong>City Stormwater Division:</strong></th>
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<td>Storm Water Utility has ‘no comment’ on the request for re-zone. Bob Hayes</td>
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<th><strong>IV. EXHIBITS:</strong></th>
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<tr>
<td>1. Exhibit A – Proposed Layout of lots following subdivision exemption for boundary line relocation.</td>
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