

EXECUTIVE SUMMARY

Growth Policy Amendment and Rezoning Staff Report and Referral

CASE PLANNER: Jenny Baker, Planner III

**REVIEWED AND
APPROVED BY:** Mary McCrea
Planning Supervisor

**PUBLIC MEETINGS
AND HEARINGS:** City Council (CC) 1st reading: August 19, 2019
Land Use and Planning (LUP): August 21, 2019
Planning Board (PB) hearing: September 3, 2019
City Council hearing: September 16, 2019

AGENDA ITEM: Amend the growth policy land use designation from Residential Medium to Neighborhood Mixed Use and rezone from Hellgate Special District to B2-1 Community Business on 57.5 acres of land north of Mullan Road, east of Flynn Lane, and west of Hellgate Meadow

APPLICANT: Resource Research Ltd
5612 Mohawk Dr
Spokane, WA 99206

FEE OWNERS: HEH LLC and Flynn Family Limited Partnership
c/o Hoyt Homes c/o Maryfrancis McKinley
P.O. Box 2727 4110 E 6th Avenue Parkway
Missoula, MT 59808 Denver, CO 80220

REPRESENTATIVE: Jeff Smith, P.E. LEED AP
WGM Group
1111 W Broadway
Missoula, MT 59802

LOCATION OF REQUEST:	The subject property is three parcels located north of Mullan Road, east of Flynn Lane, and west of Hellgate Meadows
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LEGAL DESCRIPTION: Parcel 1: Tract 2 of COS 4490; and Parcel 2 and 3, portion of Tract 2 of COS 5023 less and excepting Hellgate Meadows Subdivision, all in Section 18, Township 13 North, Range 19 West, P.M.M.

LEGAL AD: The legal ad was published in the *Missoulian* on August 18 and 25, 2019. The site was posted on August 9, 2019. Adjacent property owners within 150 feet of the site were notified by first class mail on August 6, 2019.

ZONING: Hellgate Special District Neighborhood General, Neighborhood Edge, Neighborhood Center, and Commons Village Green

GROWTH POLICY: The applicable regional plan is *Our Missoula: City Growth Policy 2035*, which recommends a land use designation of “Residential Medium,” with a density of 8 to 11 dwelling units per acre.

Surrounding Land Uses	Surrounding Zoning
North: Residential	RT10 (City)
South: Residential	C-RR1 (County)
East: Residential	Hellgate Special District (City) and B2-2 (City)
West: Residential	C-RR1 (County) and C-RR3 (County)

RECOMMENDATIONS

CC first

**Reading:
8/19/19**

[Resolution] Set a public hearing on September 16th, 2019 and adopt a resolution of intent to amend the 2035 Our Missoula City Growth Policy land use designation from Residential Medium to Neighborhood Mixed Use on 57.5 acres of land north of Mullan Road, east of Flynn Lane, and west of Hellgate Meadows, as shown in Exhibit A, based on the findings of fact in the staff report, and refer this item to the Land Use and Planning Committee for presentation on August 21, 2019.

[First reading and preliminary adoption] Set a public hearing on September 16, 2019 and preliminarily adopt an ordinance to rezone 57.5 acres of land north of Mullan Road, east of Flynn Lane, and west of Hellgate Meadows, as shown in Exhibit A, from Hellgate Special Zoning District to B2-1 Community Business and refer this item to the Land Use and Planning Committee for presentation on August 21, 2019.

**LUP:
8/21/19**

[Resolution] Action: Adopt a Resolution of Intent to amend the 2035 Our Missoula City Growth Policy land use designation from Residential Medium to Neighborhood Mixed Use on 57.5 acres of land north of Mullan Road, east of Flynn Lane, and west of Hellgate Meadows, as shown in Exhibit A, based on the findings of fact in the staff report.

[Ordinance] Action:– [First reading and preliminary adoption] Set a public hearing on September 16, 2019 and preliminarily adopt an ordinance to rezone 57.5 acres of land north of Mullan Road, east of Flynn Lane, and west of Hellgate Meadows, as shown in Exhibit A, from Hellgate Special Zoning District to B2-1 Community Business.

**PB p/h:
9/3/19**

Recommend City Council adopt a resolution to amend the 2035 Our Missoula City Growth Policy land use designation from Residential Medium to Neighborhood Mixed Use on 57.5 acres of land north of Mullan Road, east of Flynn Lane, and west of Hellgate Meadows, as shown in Exhibit A, based on the findings of fact in the staff report.

Recommend City Council adopt an ordinance to rezone 57.5 acres of land north of Mullan Road, east of Flynn Lane, and west of Hellgate Meadows, as shown in Exhibit A, from Hellgate Special Zoning District to B2-1 Community Business, based on the findings of fact in the staff report.

**CC p/h:
9/16/19**

Adopt a resolution to amend the 2035 Our Missoula City Growth Policy land use designation from Residential Medium to Neighborhood Mixed Use on 57.5 acres of land north of Mullan Road, east of Flynn Lane, and west of Hellgate Meadows, as shown in Exhibit A, based on the findings of fact in the staff report.

[Second and final reading] (Adopt/Deny) an ordinance to rezone 57.5 acres of land north of Mullan Road, east of Flynn Lane, and west of Hellgate Meadows, as shown in Exhibit A, from Hellgate Special Zoning District to B2-1 Community Business, based on the findings of fact in the staff report.

MISSOULA CONSOLIDATED PLANNING BOARD

**Amend the 2035 Our Missoula City Growth Policy Land Use Designation for 57.5 acres of land as shown in Exhibit A from Residential Medium to Neighborhood Mixed Use;
Rezone the same from Hellgate Special Zoning District to B2-1 Community Business
September 3, 2019**

Agenda Item # 6A

I. INTRODUCTION

Development Services has received a request from WGM Group on behalf of HEH LLC and Resource Research Ltd to amend the growth policy in order to facilitate a rezone to B2-1 Community Business on 57.5 acres of land north of Mullan Road, east of Flynn Lane, and west of Hellgate Meadows Subdivision.

The purpose of the growth policy amendment and rezone is to increase the permissible density and building types for residential development in the area, while also allowing the possibility to intersperse some limited commercial development as well.

A growth policy amendment to Neighborhood Mixed Use changes the relatable zoning districts to B1-1 Neighborhood Business, B2-1 Community Business, B2-2 Community Business, and M1R-2 Limited Industrial-Residential.

The rezone to B2-1 will eliminate the Hellgate Special District on the subject property, along with some split-zoning on the subject property. The Hellgate Special District includes six (6) sub-districts with varying standards. The subject property includes the following four sub-districts: Neighborhood Center, Neighborhood General, Neighborhood Edge and Commons – Village Green. The Neighborhood Center sub-district permits detached and attached single dwelling, multi-dwelling and limited commercial uses. The Neighborhood General sub-district permits detached and attached single dwellings on small to medium sized lots with a limited amount of multi-dwelling. The Neighborhood Edge sub-district permits detached single dwelling residential on large lots. The Commons – Village Green permits parks, common areas and open space.

The rezone to B2-1 Community Business allows more diverse building types, from detached dwellings to multi-dwelling buildings, and greater density. It also permits a greater variety of neighborhood-serving commercial uses, including offices, restaurants and retail.

The rezoning is contingent upon City Council approval of the Growth Policy amendment, since zoning must comply with the Growth Policy as required by state law.

Staff has reviewed the applicant's submittal packet and bases the recommendation of approval for the Growth Policy Amendment and Rezone on the following findings of fact:

II. GROWTH POLICY AMENDMENT REVIEW CRITERIA

Findings of Fact:

General

1. The subject property is comprised of three parcels, totaling 57.5 acres, with no addresses assigned. The subject property parcels are currently vacant.
2. The parcels, shown in Exhibit A, are bounded by Mullan Road to the south, Flynn Lane to the west, the Pleasant View Homes Subdivision to the north, and 4100 Mullan Condominiums and Hellgate Meadows Subdivision to the east.

3. The surrounding area includes residential development, primarily single detached dwellings, as well as one multi-dwelling development in the 4100 Mullan Condo complex. There is also a construction and paving company to the southwest across Mullan Road.
4. The subject property is inside the Urban Growth Area, the Wastewater Facilities Service Area, the Air Stagnation Zone, and can be served by City water and sewer when development occurs.
5. The subject property is located within an established service area for Missoula hospitals and the City Fire and Police Departments.

III. **TARGETED AMENDMENT CRITERIA**

6. The Our Missoula: City Growth Policy 2035 currently recommends a land use designation of Residential Medium for the subject properties. This designation is for residential building types ranging in density from 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.
7. Zoning districts which correspond to this land use designation are: RT10, R8, R5.4, and RT5.4. The R8 and R5.4 zoning districts permit only detached single dwellings, while RT10 and RT5.4 also permit two-unit or townhouse buildings. Commercial uses are prohibited in these districts.
8. The applicant requests to amend the Growth Policy land use designation on the subject properties to Neighborhood Mixed Use. This designation allows a mix of neighborhood-serving commercial uses and high residential density.
9. Zoning districts which correspond to this land use designation are: B1-1, B2-1, B2-2, M1R-2. These zoning districts permit a greater diversity of building types for residential buildings, as well as a wider variety of commercial uses, including small retail, restaurants and offices. The M1R-2 also permits limited industrial uses.
10. The *Housing* section of the City Growth Policy outlines a goal 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 requested amendment supports that goal by allowing a greater diversity of housing types, which in turn can serve varying household sizes and a more diverse range of incomes.
11. The *Community Design* section of the City Growth Policy outlines a goal to “strive for a more compact development pattern.” The requested amendment supports this goal in two ways. First, allowing smaller lot sizes creates more compact development and fosters more efficient land use. Second, by allowing intermixed residential and commercial uses, sprawl is reduced by not physically segregating land uses into different locations, which also permits more compact development and more efficient land use.
12. The *Economic Health* section of the City Growth Policy outlines a goal to “support and provide resources for business retention, expansion, and relocations to the Missoula area.” The requested amendment supports this goal by expanding the amount of land available for commercial development, creating this availability in an area that already has significant residential development.
13. In explaining the reasons for considering a Growth Policy amendment, the City Growth Policy cites “the plan lacks significant guidance or relevant policy statements to meet emerging public needs.” One emerging public need is creation of more housing, and the amendment supports meeting that need by permitting more density and greater diversity of permitted housing types.

14. In explaining the reasons for considering a Growth Policy amendment, the City Growth Policy cites where “goals and objectives or land use recommendations do not support or accommodate development proposals.” The current land use designation does not support the landowners’ development proposals, which offer greater public benefit in terms of more density, a mix of housing types, and immediate proximity to commercial enterprises, than development under the current land use recommendation would allow.
15. In explaining the reasons for considering a Growth Policy amendment, the City Growth Policy cites “changing conditions or new information result[ing] in the need to establish more relevant policies and implementation tools.” The changing conditions and new information are related to the provision of housing, the need for which is strongly emphasized in the recent report from the Office of Housing & Community Development. This change allows the provision of more housing than would be permitted under the current land use designation.

Growth Policy Amendment Conclusions of Law:

1. Whether there is a public need for the change;

1. The growth policy amendment facilitates the provision of more housing and more diverse building types, for which there is a public need.

2. Whether the change proposed is the best means for meeting that need;

1. This growth policy amendment and subsequent rezoning of these parcels is the only means to allow more dense development on this site.

3. Whether there is a public benefit that will result from the change;

1. The growth policy amendment promotes greater density and a mix of housing types, which can benefit the public by lowering the cost of development through more efficient land use.
2. The growth policy amendment supports compact development and mixed-use developments to reduce costly expansion of infrastructure.
3. The growth policy amendment facilitates expansion of businesses in a location that currently has very limited commercial potential. Closer proximity to commercial activity may allow residents to rely less on car trips to meet their daily needs.

IV. REZONING REVIEW CRITERIA

Growth Policy

1. The rezoning is contingent upon City Council approval of the Growth Policy amendment, since zoning must comply with the Growth Policy as required by state law.
2. Upon City Council approval of the Growth Policy Amendment, the land use designation for the subject properties requesting rezoning is Neighborhood Mixed Use, per the applicable regional plan, *Our Missoula: City Growth Policy 2035*.
3. Areas designated Neighborhood Mixed Use contain a mix of neighborhood-serving commercial uses and high residential density.
4. The requested zoning of B2-1 Community Business is one of the zoning districts that the Growth Policy recommends for lands with the land use designation of Neighborhood Mixed Use. The B2-1 zoning district allows neighborhood-serving commercial uses, including small retail, restaurants and offices, and all residential building types from single detached dwellings to multi-dwelling buildings.
5. For single purpose residential development, the requested zoning of B2-1 Community Business requires a minimum parcel size of 3,000 square feet, and a minimum parcel area per

dwelling unit of 1,000 square feet. Thus, the permitted density is forty-three (43) dwelling units per acre, which aligns with the Growth Policy's recommended density for areas designated Neighborhood Mixed Use.

6. The City Growth Policy promotes mixed-use, increased density, and enhanced connectivity while limiting sprawl and promoting efficient use of infrastructure. This rezone facilitates those objectives.
7. The *Economic Health* section of the City Growth Policy encourages compact development and mixed-use developments to reduce costly expansion of infrastructure.
8. The *Housing* section of the City Growth Policy outlines a goal 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 requested rezone supports that goal by allowing a greater diversity of housing types, which in turn can serve varying household sizes and a more diverse range of incomes.

Zoning

9. The current zoning on the subject parcels, Hellgate Special District, includes six (6) sub-districts with varying standards. The subject property includes the following four sub-districts: Neighborhood Center, Neighborhood General, Neighborhood Edge and Commons – Village Green. The Neighborhood Center sub-district permits detached and attached single dwelling, multi-dwelling and limited commercial uses. The Neighborhood General sub-district permits detached and attached single dwellings on small to medium sized lots with a limited amount of multi-dwelling. The Neighborhood Edge sub-district permits detached single dwelling residential on large lots. The Commons – Village Green permits parks, common areas and open space.
10. All of the Hellgate Special District zoning designations are primarily residential, and allow varying lot sizes, from 2,200 square feet for rowhouses, up to 10,000 square feet for homestead parcels. Density within the district presumed a subdivision of the land creating lots meeting the percentages allowed in each sub-district.
11. The Neighborhood General sub-district portion of the subject property could be developed at a density between 9 and 13 dwelling units per acre. The Neighborhood Edge sub-district portion of the subject property could be developed at a density of 4 dwelling units per acre. The Neighborhood Center sub-district portion of the subject property could be developed at a density between 8 and 19 dwelling units per acre. A small portion of the site is within the Commons – Village Green sub-district providing parks, common areas and open space.
12. The requested zoning of B2-1 permits single purpose residential development on a minimum parcel area of 3,000 square feet, and a minimum parcel area per unit of 1,000 square feet. The B2-1 zoning district permits all residential building types including detached house, two-unit house and multi-dwelling, along with some commercial uses. The residential density permitted by the B2-1 zoning district is 43 dwelling units per acre.
13. There are no required setbacks in a B2-1 zoning district unless the site abuts a residential R-zoned district on the same street. In such cases, the B2-1 zoned parcel must match the actual front or street side setback of the building that exists on the abutting R-zoned parcel, up to the maximum distance of the required setback for the abutting R-zoned parcel. There are very limited instances where the subject parcels, if rezoned, would need to meet abutting residential setbacks.
14. The maximum building height limit permitted by the B2-1 zoning district is 40 feet.

15. Any new development on the subject properties will be required to meet all applicable portions of Title 12 & Title 20, as required by the Missoula Municipal Code.

Transportation

16. The subject parcels are vacant, and there is no existing infrastructure.

17. Mullan Road, to the south, is classified as a minor arterial. Flynn Lane to the west is currently classified as a major collector road. Once Mary Jane Blvd. is constructed between Mullan Road and W. Broadway, Flynn Lane will revert to a local road classification.

18. New development on these parcels will be required to connect to the existing road network in the Hellgate Meadows and Pleasant View Homes Subdivisions.

19. The subject parcels will petition into the Missoula Urban Transportation District. The closest access point to Mountain Line's Route 11 is within one tenth of a mile east of the subject properties, running along Connery Way.

20. There is an existing sidewalk network in the adjacent Hellgate Meadows and Pleasant View Homes Subdivisions. New development on the subject parcels will require connections to these existing sidewalks.

21. New development on the subject properties will be required to meet all applicable portions of Title 12 & Title 20, as required by the Missoula Municipal Code, including installation of sidewalks and bicycle lanes.

Rezoning Conclusions of Law:

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

1. The applicable regional plan is the *Our Missoula: City Growth Policy 2035*. If the City Council approves the Targeted Growth Policy Amendment, this rezoning complies with the Growth Policy's recommended land use designation of Neighborhood Mixed Use, described as a mix of neighborhood-serving commercial uses and high residential density.

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. When developed, the parcels will be served by City water and sewer. They are less than one mile from Hellgate Elementary school, with its playing fields and playgrounds. Transportation infrastructure does not exist within these parcels. Transportation facilities will be required with development on the parcels.
2. The rezoning gives reasonable consideration to the effect on motorized and non-motorized transportation systems. The property is within one mile of bus Route 11, and upon development will petition into Missoula Urban Transportation District. Transportation facilities will be installed with development on the parcels.

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

1. The rezoning reflects compatible urban growth because it permits residential development in an area that is primarily residential. It will also permit limited commercial activity, allowing residents to access services without the need to rely on automobile travel.
2. The rezoning promotes compatible urban growth by implementing City Growth Policy goals such as increasing density, mixing residential and commercial uses, and promoting efficient land use.

- 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. Emergency services are available to the site. Fire and law enforcement are available to address potential problems of noise, property damage, or personal injury. The site is within proximity to Missoula hospitals.
2. The rezoning promotes the general welfare through the provision of more housing, designed to attract a mix of income levels and household sizes.
3. This rezoning will not adversely impact the provision of adequate light and air as all future development will be required to meet internal and external building separation standards.
4. This rezoning encourages an appropriate use of the land by complying with City Growth Policy goals and objectives, and adopting a zoning designation that aligns with the land use recommendation.

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

1. The rezoning is suitable for the subject property and gives reasonable consideration to the character of the district. Some limited commercial development here is similar to that permitted in the adjacent Hellgate Meadows Subdivision, as is further residential development.

V. AGENCY COMMENT

MISSOULA VALLEY –
WATER QUALITY DISTRICT:

No comment received.

HEALTH DEPARTMENT –
AIR QUALITY DIVISION:

The Air Program at the Missoula City-County Health Department supports the proposed city growth policy amendment and rezone request. This type of development with increased density and nearby services will reduce the driving distances required for the people who live here with will help Missoula's air quality as the population in the valley continues to grow. - Benjamin Schmidt

HEALTH DEPARTMENT –
ENVIRONMENTAL HEALTH:

No comment received.

MISSOULA COUNTY –
EMERGENCY MANAGEMENT:

OEM has no comment. - Adriane Beck

MISSOULA URBAN
TRANSPORTATION DISTRICT:

No concerns. – Dan Stone

CITY PARKS & RECREATION:

No comment received.

OFFICE OF HOUSING &
COMMUNITY DEVELOPMENT:

No comment received.

CITY ATTORNEY:

No comment received.

MISSOULA REDEVELOPMENT

No comment received.

AGENCY:

CITY POLICE:

No comment received.

CITY FIRE:

No comment received.

STORMWATER:

No comment. – Bob Hayes

MISSOULA WATER:

[No] immediate concerns about the rezone and growth policy amendment. At some later date, we will need to see lots of details regarding domestic and fire flow demands, main sizes and routing, etc. but I believe the system should have adequate capacity to accommodate the developments that will results from these modifications. – Logan McInnis

VI. ATTACHMENTS:

1. Exhibit A