



Missoula Consolidated Planning Board Minutes

October 1, 2019, 7:00 PM
City Council Chambers
140 W. Pine Street, Missoula , MT

Voting members present: Peter Bensen (Co. Alt.), Vince Caristo (City Alt), Dudley Improta (CC appointee), John Newman (Mayor appointee), Helen Pent Jenkins (CC appointee), Michael Houlihan (BCC appointee), Jamie Hoffman (PB appointee)

Regular member(s) absent: Neva Hassanein (Mayor appointee), Andy Mefford (BCC appointee), Stephanie Potts (BCC appointee), Jason Rice (BCC appointee)

1. Call to Order

Mr. Newman called the meeting to order at 7:00 p.m.

2. Roll Call

Donna McCammon called the roll.

3. Approval of Minutes

A motion was made by Ms. Jenkins, seconded by Mr. Caristo, to approve the September 17, 2019 Missoula Consolidated Planning Board minutes as submitted. With a voice vote of all 'ayes' the minutes were approved.

4. Public Comment

There were no public comments for items not on the agenda.

5. Staff Announcements

There were no staff announcements.

6. Public Hearings

6.1 Missoula Downtown Master Plan amendment to the Our Missoula Growth Policy (Linda McCarthy - Downtown Missoula Partnership; Laval Means - City of Missoula, Development Services)

Ms. McCarthy, from the Downtown Missoula Partnership (DMP), stated that three organizations operate out of her office: the Missoula Downtown Association, the Downtown Business Improvement District (BID), and the Missoula Downtown Foundation. She stated that the first ever Downtown Master Plan was completed and adopted in 2009. It was multi agency adoption process and had been executed by the implementation team. That committee is comprised of 16 individuals, from both the public and private sectors. She stated that over the last 10 years they have

accomplished approximately 70% of the action items in that plan. Close to \$850M of investment has occurred in the downtown area over the last 10 years. Two years ago, the implementation team decided it was time to update the plan, and after a year of fundraising, the last year was spent updating the downtown master plan. Ms. McCarthy explained that this project was initiated by the DMP and contracted by the Downtown Business Improvement District. Funding came from 50% public and 50% private sectors; there were nearly 100 contributors to the plan. The planning process was led by Dover, Kohl & Partners. The plan is available for review on-line. She stated that the steering committee was comprised of 13 individuals, co-chaired by Ellen Buchanan and Matt Ellis. The technical advisory committee was comprised of 24 members, including several city and county staff members. Engagement from the community was nearly 4,000 individuals. Ms. McCarthy identified that they were now in the adoption process. The plan had already been adopted by the Missoula Downtown Association, the BID, and the Downtown Foundation; they anticipate Missoula Redevelopment Agency (MRA), the Parking Commission, and Missoula City Council will adopt it later this month. They are looking to the County Commissioners, Destination Missoula, and Missoula Economic Partnership for endorsements. Ms. McCarthy stated that tonight she is seeking support from the Missoula Consolidated Planning Board (MCPB) to replace the original Downtown Master Plan of 2009 with the updated 2019 version, as an amendment to the Growth Policy. She affirmed that the plan is a "big picture", forward-thinking, 10-year community vision for the heart of Missoula. It centers around people and place; and shows strong ownership and passion from community members. She felt that the inclusivity report was one of the best components of the plan. She introduced Laval Means, a long-standing partner involved in the Downtown Master Plan. Ms. Means served on the steering committee for both the 2009 and the 2019 plans; she has also been a member of the implementation team for the last 10 years.

Ms. Means asked the Planning Board members to consider the plan for amendment to the Our Missoula Growth Policy as a neighborhood plan that would replace the current 2009 Missoula Downtown Master Plan. She provided project background on the process, the planning team roles and expertise. She detailed the project timeline, accomplishments, and outreach from its' inception about a year ago. Information on the charrette meetings, post-charrette meetings and plan presentation meetings was presented. The draft document was reviewed in early May 2019 at the Wilma Theater, along with poll pad voting. Results indicated that 90% of the respondents felt the plan was "Yes" on the right track, or "Probably Yes". Work continued to address concerns of the 10%. Comments were made through a very active on-line portal. In early September Dover, Kohl & Partners released their final document. Ms. Means emphasized that over 3,800 people provided input via events, meetings, tours, outreach, or on-line engagement. She outlined the Guiding Principles: 1) vitality, 2) intelligence, 3) courage, and 4) sensitivity. Ms. Means provided comprehensive information on the plan, which is also available in greater detail at on the website. Five key chapters were detailed:

1. Downtown needs to be more than one "postcard" view
2. Improve Mobility, Health & Safety
3. Stay Original. Stay Authentic. Be Green. Create Opportunities.
4. Enhance Parks and Public Spaces and Better Utilize the River
5. Downtown for Everyone

Through the Illustrative Plan existing buildings were identified as well as historic buildings, projects underway, open space, proposed buildings, and proposed civic space. She presented ideas on promenades and street-scaping for Front and Pattee Streets; a Caras Park Gateway, potential on East Spruce Street, Hip Strip options, multi-modal transportation opportunities, possibilities in the Rail Yard District, and the Wyoming Street neighborhood study area. She discussed transportation options, accessibility, parking strategies, and connectivity, which were addressed in chapter 2 of the document, and provided ideas and examples.

Ms. Means examined Chapter 3: "Stay Original. Stay Authentic. Be Green. Create Opportunities." She pointed out the benefits of economic development, investment in arts and culture, "big" art projects, cultural identity, and historic preservation. Chapter 4 emphasized parks, public spaces, and trail connectivity. Chapter 5 highlighted inclusiveness; a diverse & affordable city, improving engagement throughout the public process, maintaining diversity, retaining and building affordable housing, form-based coding, and the missing middle housing. She provided an implementation plan:

- Building on success of last plan
- Specific strategies
- Identifies lead agencies and timelines
- Categories based on each chapter
- Annual updates to the council; public staying informed
- Accountability and flexibility

Review criteria were presented on reviewing a neighborhood plan and closed with the recommended motion.

PUBLIC COMMENT [7:40 p.m.]

There were no public comments.

Public Comment Hearing Closed 7:40 p.m.

PLANNING BOARD COMMENTS

Mr. Newman expressed his appreciation on the thorough presentation.

Ms. Jenkins thanked Ms. McCarthy and Ms. Means for their work and for the report. She had read through the document and had attended several of the sessions. She asked how action items in the plan would be prioritized. Ms. McCarthy stated that implementation in the past came from strategy sessions; moreover, action items aren't necessarily implemented just by the committee, but with other organizations and/or individuals. She stated that her department would typically select 6 to 12 to focus on and track their progress annually. Some of the projects were already underway by non-profit agencies. She stated there could be time challenges with volunteer groups, but they have had good success overall. Ms. Jenkins asked which current items face the greatest danger; she appreciated the consultants' opinion that the community needs to do better with historic preservation. She stated that the urgency for historic preservation is significant.

Mr. Bensen agreed that historic preservation would be an important project. He is concerned about transportation into the downtown corridor. The board has had

presentations about what developers and what the city would like to do with the areas west of Reserve Street; all the way from Target Range up to Broadway. He stated that there will be thousands of new homes in that area in the coming decade and asked about plans for those populations to have easy access to the downtown area. i.e. - Where do they park? How do they get there? Ms. McCarthy stated that accommodation needs to be made for persons on all modes of transportation and persons travelling from the area he described would be travelling east-west. She felt that improvements to the Broadway corridor would provide some relief as would improve connectivity with the Wyoming Street corridor. She stated that this plan tracks well with the long-range transportation plan, which has very aggressive mode-split goals. Mr. Bensen asked about changing neighborhoods within the city and the creation of new neighborhood centers. Ms. McCarthy answered that great neighborhoods provide the opportunity to connect with the community, provide gathering spaces as well as commercial opportunities. She stated that downtown Missoula is a very special neighborhood, in that it is where all neighborhoods come to connect with each other. Mr. Bensen cited examples of Chicago neighborhoods, which are not based solely downtown. He asked about the expenditure of resources and the increasing pressure to build neighborhoods west of Reserve Street. He is concerned about limited resources and the decisions regarding the best use of those resources for the city. Ms. McCarthy agreed that it was a concern.

Mr. Caristo thanked Ms. Means and Ms. McCarthy for the presentation. He thought the mobility section was particularly well done. He asked about details on the idea for a roundabout at Orange, Front, and Main. He feels it would be difficult project but very crucial. Ms. McCarthy stated that the original Master Plan called for a teeing off of Front Street to Main Street and the creation of a 4-way intersection at Main and Orange. She stated that the idea of a roundabout lends itself to better traffic flow for all streets meeting in that space; it has the potential to open that gateway into the Riverfront Triangle, and keep traffic flowing more freely. However, before it could be implemented the requirements and funding sources would need to be identified. Utilities would need to be addressed; she finds it an interesting concept. She stated that the plan would guide decisions in development; property owner cooperation and commitment are key.

Mr. Newman asked Ms. Buchanan, the director for Missoula Redevelopment Agency (MRA), if TIF funding could be used as an incentive/leverage for compliance with an otherwise non-regulatory document. Ms. Buchanan replied that it could absolutely be utilized and is done all the time. She stated that TIF funding is not an entitlement to urban renewal districts; it is one of the strongest incentive tools MRA has where they don't have regulatory ability. She stated that was a very strong tool and MRA has used the Downtown Master Plan repeatedly to help influence development in the downtown. Ms. Buchanan stated that they have some great success stories where TIF was used effectively; there were also others where the developer chose not to use public monies because they did not want to make modifications to their plans.

Ms. Jenkins stated that with 70% completion of the 2009 Downtown Master Plan; would there be a formal report on the accomplishments of the 2009 plan, what happens between the two plans? Ms. McCarthy stated that the new plan would replace the old; some concepts did not carry over from the previous plan.

Mr. Newman thought it was an impressive and visionary document. He recognized Laval Means for her efforts and dedication in the ongoing planning of the Missoula community.

Moved by: Helen Pent Jenkins

Seconded by: Jamie Hoffman

That City Council approve a resolution to replace the existing 2009 Greater Missoula Downtown Master Plan and adopt the 2019 Missoula Downtown Master Plan as an amendment to the 2035 City Growth Policy.

AYES: (7): Peter Bensen, Vince Caristo, Dudley Improta, John Newman, Helen Pent Jenkins, Michael Houlihan, and Jamie Hoffman

ABSENT: (4): Neva Hassanein, Andy Mefford, Stephanie Potts, and Jason Rice

Vote results: Approved (7 to 0)

6.2 Referral – Rezone of property located at 2320 South 9th Street West and legally described as 1.88 acres of Lot 4 in RM Cobban Orchard Homes, in Section 29, Township 13 N, Range 19 W, P.M.M. from RT5.4 Residential (two-unit/townhouse) to RM1-35 Residential

Ms. Jenny Baker, Planner, City Development Services, stated that was a request from Dale McCormick, pf Professional Consultants Inc. (PCI), on behalf of Alex Burkhalter, of Housing Solutions LLC. This request was to rezone the property located at 2320 South 9th Street West from RT5.4 Residential (two-unit/townhouse) to RM1-35 Residential (multi-dwelling). The reason for the rezone request was to allow the construction of a thirty-six (36) unit affordable senior housing complex, contingent upon obtaining federal funds to assist with financing the project. She displayed a property location map; the subject property is located east of Reserve Street, on the north side of Ninth Street, where 9th Street does a dead-end and does connect through to Eaton Street. It is part of the City's in Franklin to the Fort Neighborhood Council and City Council Ward 6. There is an existing church on the east end of this parcel, and it will remain pursuant to this rezoning; the new structure would be constructed on the vacant area to the west, which is approximately 1 acre in size.

The City Council approved a 5 lot minor subdivision on the subject property in May of 2019. The new development would be on lots 2 through 5 of that subdivision. The church would remain on lot 1. Ms. Baker stated that the reason the rezone applies to the entire parcel, rather than just lots 2 through 5 is that the final plat has not been submitted for the subdivision yet. She stated that it is still the intention of the owner to proceed with filing the final plat for this subdivision (Mountain View Chapel Addition), but was not able to do so prior to initiating this rezone request.

Ms. Baker showed a slide with Missoula City Growth Policy designations. The subject property is designated Residential High density in the 2035 Our Missoula City Growth Policy; the land use recommendation for Residential High density is 24 to 43 dwelling units per acre. Further west, near Reserve Street, the designation is Community Mixed Use, which is a higher intensity mix of residential and commercial. The west side of Reserve Street is Residential Medium, which calls for densities between 3 and 11 dwelling units per acre. She stated that the requested rezoning of RM1-35 Residential complies with the growth policy land use designation; the current zoning of RT5.4 allows less density than the growth policy recommends; RT5.4 corresponds to medium density, as it allows 8 dwelling units per acre.

Ms. Baker confirmed that, beyond the density recommendations, this project supported other goals outlined in the growth policy: livability, safety & wellness, housing, and community development. This project would be a certified affordable housing project. She provided a slide demonstrating the existing zoning of the area. The current area zoning for this parcel is RT5.4. She pointed out that Easton Street is just to the east but does not connect as South 9th Street West dead-ends. Beginning at Easton Street the zoning changes to RM2.7 which is a multi-dwelling district with a minimum lot size of 3,000 square feet, 2,700 square feet per unit. Current RT5.4 zoning calls for a minimum lot size of 5,400 square feet and the same lot area per unit. She stated that closer to Reserve Street the zoning is B3-2, a business zoning which allows commercial. Ms. Baker compared the differences between RT5.4, the current zoning, and RM1-35, the requested zoning:

- RT5.4 allows single detached dwellings and duplexes; RM1-35 permits all building types
- RT5.4 has a minimum parcel area per unit of 5,400 square feet; RM1-35 allows 3,000 square feet
- RT5.4 allows 5,400 square feet per unit, RM1-35 allows 1,000 square feet per unit
- RT5.4 allows 20 foot front and rear setbacks and 7.5' side setbacks; RM1-35 allows 20 foot front and rear setbacks and 5 foot side setbacks. She clarified that there is an irrigation ditch that bisects the property and that irrigation ditch has an easement which means that the actual setback on the western edge of the subject property would be 25-30 feet rather than five feet.
- RT5.4 allows 30/35 feet height; RM1-35 allows 35 feet
- RT5.4 allows 8 units per acre; RM1-35 allows 43 units per acre.

She presented the review criteria:

1. Growth Policy
2. Public Services/Transportation
3. Compatible Urban Growth
4. Promotes Public Health and Safety
5. District Character & Suitability of Uses

This area is served by sewer and water. The church is not currently connected to city sewer; as a result of the subdivision, when that is filed, it would be, and any new development would need to be connected to both city water and sewer. The property is 1/4 mile to Franklin Park and there is a bus that runs on Eaton Street. There are street improvements that were part of the subdivision approval along with the installation of sidewalk along the entire frontage of the property. She stated that the sidewalk network on adjacent properties is sporadic; it is; however, a high priority area as identified in the pedestrian master plan, and that is particularly true along Eaton Street. Ms. Baker stated that there would be an increase in traffic as a result of this proposal. The street improvements along 9th Street should help to address some of those increases; additionally, this is less than 1/10th of a mile to Reserve Street, which is a major transportation corridor. A church would be immediately east of this proposed project, a group home to the north, a number of duplexes are further east on 9th Street, and within a 1/10th of a mile there is more dense development such as Aspen Grove, Huntington

Place, and Village Square subdivisions. The much higher density land uses along Reserve Street are also with 1/10th of a mile of this property. She stated that the immediate surrounding area has a lot of single dwellings but they are interspersed with more intense development. There is a fire hydrant on the corner of 9th Street and Margaret.

Ms. Baker stated that Montana state law specifies that if owners of 25% of the parcels within 150 feet of the proposed rezoning proposal file a protest petition then the vote by the City Council must be a 2/3 majority rather than a simple majority. She displayed a slide exhibiting the 29 parcels within 150 feet of the rezoning request; with these numbers, at least 7 valid petitions would need to be received to meet the threshold, and 11 protest petitions have been received from owners within the 150 foot zone and she has also received 16 additional from owners beyond the 150 foot perimeter. Many of these were from property owners along Margaret and 10th. A total of 27 petitions were received, although 11 exceeds the threshold needed for the 2/3 majority vote.

Neighbor's concerns include:

- increase in traffic on dead end street
- inadequate parking provisions
- lack of pedestrian infrastructure and no street lights

There were letters of support from:

- Housing & Community Development
- Missoula Housing Authority
- Missoula Aging Services
- Human Resources
- Two neighbor comments in support of the project

Dale McCormick, PCI, represented Housing Solutions, LLC on this project. He thanked the Planning Board and Ms. Baker for their efforts. Mr. McCormick stated that on July 15 the Missoula City Council held a public hearing on whether there was an established need for affordable housing, as a requirement of the Montana Board of Housing for assisting with financing with this project. The council express their conclusion that there is fact a need for affordable housing, and affordable housing for seniors in particular. He stated that the proposed zoning change is in an accordance with Our Missoula City Growth 2035 policy, which has designated this property with the land use designation of Residential High Density, which is greater than 24 dwelling units per acre. The proposed use, as the Skyview affordable project, would consist of 36 units on 1.88 acres. This project would be at a proposed density of 19 dwelling units per acre, well below the 24 dwelling units per acre land use designation. Mr. McCormick stated that according to the growth policy, affordable housing is a community goal and Missoula has a focus inward policy that promotes compact development; infill development is encouraged in the urban core where infrastructure already exists. It also states that while many seniors might have substantial equity in their homes many will also choose to downsize. He stated that downsizing could mean more diverse selection of housing types or a lower maintenance home and that 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. This is an area of transition, from lower density west of Reserve Street to higher density east of Reserve Street, where there is proposed affordable senior

housing. Mr. McCormick indicated that the proposed zoning would be more compliant with the land use recommendations of the growth policy than the existing zoning. The confirmed that improvements to South 9th Street West are required to widen the street as a result of the Mountain View Chapel Addition Subdivision. The existing landscaping would be removed and new boulevard sidewalks would be installed and landscaped along the entire frontage, as required by City Council. He stated that the Reserve Street transportation corridor was less than two blocks to the west of the subject property; Eaton Street is one block to the east, 9th Street West is a dead-end street; however, Eaton Street can easily be accessed via Margaret Street and South 10th Street West. At the Franklin to the Fort neighborhood council meeting on July 30, the question was raised if a traffic impact study would be needed. He asked the city engineer, who responded that based on the number of units and lack of mitigation of options, he would say no traffic impact study would be needed. Emergency services are located nearby; there is a fire hydrant across the street; the property has access to nearby Reserve Street and there is sufficient space for emergency vehicles to turn around at the end of 9th Street, especially as it is widened. Fire Station 2 on Mount Avenue is two miles away; the police station is 3.2 miles away with patrols on an on-going basis. Ambulance service is available 1.3 miles away on Burlington Avenue. The 35 foot building height restriction would not change, the 20 foot front and rear yard setbacks are the same as the existing zoning, and the five yard setback of the proposed zoning is only 2 1/2 feet less than the existing zoning; however, due to a 10 foot irrigation ditch easement, the west side yard setback would be greater than the current zoning, at the 10 feet easement. Mr. McCormick stated that the building, as proposed, would have 30 foot side yard setbacks, which is three times what is required to buffer against existing residential development to the west. He followed that this proposed affordable senior housing is compatible with the surrounding neighborhood, high a higher density residential use at a location that is adjacent to a non-residential use, Mountain View Chapel; and the Opportunity Resources Residential Care Facility to the north. Nearby higher density developments include Aspen Grove town homes and Bridge Court Village planned unit development subdivision to the south and Huntington Place density bonus subdivision and West Central Square planned unit development subdivision to the north. He concurs with the staff report recommendations of approval and asked the Planning Board to recommend approval of the rezoning request.

Alex Burkhalter, Housing Solutions, LLC. reviewed the need for the zone change and the proposal before the board. This is a proposal for a 36 unit affordable rental project for seniors ages 55 and older. The project would be funded by the Montana Board of Housing. The request for funding has been completed and if granted those funds, the Montana Board of Housing would oversee the operation and ensure long term compliance with the affordable housing component. Rents would be offered between \$525 and \$815 per month per unit, inclusive of utilities. Residents would be limited to paying 60% of the median income. He stated that these properties are more than senior apartment buildings, but become their own community. The residents may not have a lot of resources financially, but they do enjoy camaraderie and companionship. There will be a community room with kitchen, and on-site manager who will also facilitate activities. He stated that there are different challenges in constructing in existing residential neighborhoods, as well as commercial zones. Mr. Burkhalter cited the shortage of land, expense of land, and how difficult it is to develop affordable housing in Missoula, he felt that it was a risk worth taking. He explained the process of procuring

the funding. It would be developed with housing tax credits, which are funds in a program administered by the Montana Board of Housing; projects from all over the state compete for these funds. This year there were 18 applications for housing tax credits and there are monies to fund only five. This is a two-step process; in May they made it through the first selection round; there is now a pool of 8 applicants competing for the funding, and this is one of those surviving 8 applicants. On October 28 and 29 the final selection will be made, and of those 8 applicants there should be dollars to fund 4 or 5 projects, depending on the final mix. The rezoning request has been brought forward now as Missoula is competing against 7 other communities throughout the state. Readiness to proceed and community support are important factors in the Board of Housing decision. Mr. Burkhalter stated that he would like to go the meetings later on in October and say that they got the zoning changed and the property is ready for project and the community of Missoula supports it. Throughout the project he has heard the neighbor's concerns; they have expressed their non-support. They have listened to their feedback and make adjustments if they could, including moving the building as far away as they could from the western property boundary, which is close to a single family house. They also re-oriented the site and did what they could to respond to their concerns. He recognized that many residents lived in the neighborhood when it was in the county, they have gone through an annexation, they have seen other development in the area and are now facing yet another development. He recognized that Missoula has also changed, the housing needs have changed, housing costs have continued to increase. He asked how affordable housing could be brought to Missoula. Even though land was scarce, the decision was made to move forward with this project, as Missoula had decided to grow in and up. They looked at the growth policy, housing policy, and the land use map and this project aligns with all of those. He encouraged the planning board members to consider all of the community of Missoula and that the immediate neighbors would feel the impact the most. He would be available for further questions by the board.

PUBLIC COMMENT [8:22 p.m.]

Kathi Campbell, 951 Ronald Avenue, is a 78 year old widow. She has downsized from a 4-bedroom slant street neighborhood home to a senior complex in the University area. She is the retired Head-Start director and an active member of the Missoula Senior Center. She is here to speak on behalf of her fellow friends and seniors on the need for affordable housing in the area. Mrs. Campbell stated that the process of aging is a period of many decisions and changes, especially in living accommodations as seniors outgrow their homes. Many seniors are physically active, mentally alert well into their 80s, as a result few seniors actually move from a family home directly into assisted living. However, life circumstances often mean they no longer want nor can afford to maintain a house, especially when they no longer have a partner. She spoke from experience the priorities for looking for new housing requiring less maintenance on a limited budget. Finding appropriate housing in a current neighborhood can be challenging. She cited examples of being near family, friends, church, and other activities as important factors when finding new housing. She stated that eventually individuals need to give up their vehicles, and options are in very short supply for seniors on limited incomes. This means that seniors often end up in poor or questionable housing situations. She shared two examples of two friends living in less than ideal situations:

1. A 70 year old male is still an active individual who is a backpacker and bicyclist. He lives in an older apartment building near where she lives. He is a retired teacher and drug counselor. He lives in a third floor walk up apartment where it is never above 65 degrees in the winter due to an aging heating system. Last week one of the two water heaters for the apartment building failed; it will be October 7 before the landlord's plumber will there to replace it. This person pays 65% of his income for rent. He has been on a waiting list for affordable senior apartment for a year and a half.
2. Another friend is a 60+ years old retired psych nurse. She made the decision to sell her small home before winter. The house sold in 9 days to a couple of first home buyers. She is now frantically looking for an apartment that will not eat up her savings. She also must pack, clean and move out of the home in 23 days, all while holding down two part time jobs to supplement her income. Her options for an affordable apartment are very limited.

Mrs. Campbell emphasized the importance of seniors making this kind of move while they are still able to make good mental decisions and are physically able to pack, clean, and oversee such a project. She stated that the window of ability and opportunity is very small for most seniors, but when the move is made it often means their house becomes a home for young first-time home buyers. Affordable senior housing, she stated, is critical to citizens of all ages in Missoula. She thanked the board for their consideration and asked them to keep in mind the ramifications for the entire Missoula community and especially the senior citizens.

Cherry Dodson owns a home on 8th Street, which is very close to the area under discussion. She has lived in Missoula for 52 years and feels this is an excellent location and would fit into the neighborhood very well. The bus line on Eaton Street is very close and a lot of seniors, as they age, give up driving which would eliminate the concerns for excess traffic in the area. Many of the senior apartments offer a senior van for transportation and para-transit is also available, which would also cut down on the traffic. She stated that the complex being proposed is not an overly large development as to have a negative impact. Ms. Dodson stated that in the future she anticipates having only her social security income and the proceeds from the sale of her home. She doesn't feel she could afford market rate rent and would be seeking affordable senior housing. There are already waiting lists on all existing units and as more baby boomers age these lists will continue to grow longer. She feels there is an urgent need for more affordable senior housing and this area would be a good location.

Cheryl Fullerton stated that her family owns the large tract on Eaton Street and 9th Street dead-ends into the back yard of the property. She stated that the easiest access from the proposed senior development to Eaton Street would be through her backyard. She stated that current zoning is in alignment with the neighborhood character and needs to stay that way. She feels that adding in this many new residents would increase the congestion and noise. Expanding 9th Street would create construction near her backyard. The bus stop on Eaton Street is being moved; she stated that is an inconvenient bus stop and difficult for buses to stop there. Ms. Fullerton feels that persons traveling from the senior apartments to the bus stop would most likely cut through her back yard. An elderly uncle lived with her for a number of years, he is 83 years old with Parkinson's Disease in addition to other issues, and she doesn't feel he

could have made it to the bus stop. Her biggest concern is that she didn't receive any notification on this until two weeks ago otherwise she would have submitted a petition. She again cited the character of the neighborhood along with Benson's Farm nearby and the negative impacts higher density would bring. She fears eventual expansion will erode her backyard to get to Eaton Street. Too much density has already occurred, open space and character needs to be preserved. The neighborhood has already seen increases in foot traffic and crime. She admitted that senior apartments may be needed, but not in her neighborhood. She felt that a better fit for this development would be the other side of Reserve Street. Ms. Fullerton stated that the negative impacts would far outweigh the advantages.

Malcolm Lowe, property owner of 1114 Margaret Street, lives about 200 feet from the proposed property. He provided a history on the project: two years ago the church sold the property, the first buyer put in for a subdivision proposal for four duplexes. A lot of the neighbors attended that meeting and took participated in the process. They later discovered that while they were attending meetings, there had been a submission to the board of housing regarding this property. Mr. Lowe stated that although they were not completely satisfied with having four duplexes in the neighborhood, it was within the zoning and the character of the neighborhood. He stated that it was upsetting to find out that there was another plan in place while they were going through the process as citizens. Mr. Lowe stated that this is an affordable housing project, but there is only a 50/50 chance of it receiving funding. He indicated that if this project does not receive HUD funding, this property would have maximum zoning on it. Mr. Lowe emphasized that there is a great need for affordable housing and he is not against having elderly neighbors. He asked the planning board members if this level of density was right for this neighborhood. He cited safety concerns for elderly neighbors: 1) lack of sidewalks in this area does not make walking to a bus stop feasible, and 2) snow removal is minimal.

Mr. Lowe express to the board again that they are not approving low income housing this evening, they are deliberating on approving a rezoning, and if the funding is not approved this property could become anything. He stated that the neighbors have valid concerns; the neighborhood was built in the 1950s and is mostly single family, owner occupied residences. Keeping the character and history of the neighborhood intact is a concern for him. A larger concern for him is that they feel they have become victims of the Growth Policy in general and there is no plan. He stated that the policy is to put as many persons as possible into this neighborhood, but there is no plan for transportation, sidewalks and who pays for the sidewalks. He asked if this density were put on every block, how would the city deal with that volume of traffic on the current roadways including Mount and Eaton. Easton doesn't have sidewalks the whole way; Mount Avenue already carries 1/3 of the number of cars that Reserve Street carries, and now more would be added. A driver cannot turn left onto to Reserve Street from South 9th Street West. He is concerned about the quality of life and repeated to the planning board members that the hearing is about rezoning, not low income housing for seniors and that the plan could change again if the rezoning was approved.

Susan Kohler, CEO, Missoula Aging Services, attended to support the rezoning. She felt that the neighbors have legitimate concerns and she had spoken to persons at the city about a plan to incentivize neighborhoods to take a project like this on, including affordable sidewalks, roadway fixes, and proper lighting. She stated it would be a plan packaged well in advance of the approval process, but it is not the way things work

you. Over 15% of the population of Missoula County is over age 65. Ms. Kohler stated that this was the first time in history that people have aged as long as they have; and Montana is an old state. Missoula is a medical hub for outlying counties and when those persons get to the point where they can not longer afford to stay in their homes or need more frequent medical attention, they will move into Missoula. Missoula is not affordable for most of those coming from surrounding counties, in addition to those already living here. She stated that there is a good percentage of elderly persons living exclusively on social security and the cost of living increases with social security does not keep pace with the increase in housing costs. People want to age in place, and an apartment is considered an opportunity to age in place; it is easier to get services i.e. - meals, home making services, personal care services that Missoula Aging Services offers in a subsidized manner, and her office has a wait list for these services. She stated that the average person will outlive their ability to drive by 10 years. Her office receives over 130 calls each year from persons seeking affordable housing. She emphasized the difficulties of social isolation and loneliness and how living in a housing complex, even a moderate one of 36 units such as this, is a good environment to fit into a neighborhood. She walked the neighborhood and felt she understood the neighbor's concerns of having anything build there and they have legitimate concerns about rezoning and did not know if the board could approve the rezoning contingent on the project funding being approved. She works with elderly adults everyday who are very concerned that they will outlive their ability to pay for housing along with so many other things. She stated that the average person cannot afford retirement communities like The Springs nor Grizzly Peak. She asked planning board members to encourage the city to plan incentives for neighbors in order to move forward to complexes like the one being proposed. She supported the rezoning and also recognized the concern but added that this project is only 36 units, and not that large of a facility.

Dona Ferguson and her husband Darrold have lived in their home on 2405 S 10th Street West for 47 years. She stated that a 3-story building in neighborhood of single story houses with a 4 10 pitch roof would greatly alter the looks and character of the neighborhood. She stated that they live in Ward 6, one of four wards in the City of Missoula considered socially and economically depressed areas; where, she felt, some feel it would presume to be a good place to impose this, as most homeowners are too busy eking out living and don't have the time nor money to fight the process. Mrs. Ferguson stated that there only 3 persons under 60 on her block and they all know about the difficulties of aging. They are not protesting the arriving of aging seniors, but the proposed changes on the complexion of the neighborhood. She cited roadway concerns at Reserve Street and South 9th Street. Mrs. Ferguson was concerned about the rezoning of the property along with the possibility of the project not proceeding as it had been presented. She asked for consideration of her neighborhood integrity as well as home values.

Jim Morton, Executive Director, Human Resource Council (HRC), attended in support of the applicant. He reminded the board of the lead-up to the housing policy; the Missoula Interfaith Collaborative (MIC) engaged over 2,000 people and across all incomes, ages, homeowners and renters was the need for affordable housing. Subsequent to that, he stated, there was a series of meetings attended by hundreds of community members of all ages to discuss affordable housing. Mr. Morton has been a member of the community for over fifty years, he has seen a lot of changes.

He stated that the persons attending those meeting expressed a sadness about change, but some expressed an excitement, but all agreed that change would happen. 9,000 housing units have been estimated to be needed, and that cannot be stopped. It was not stopped 50 years nor 100 years ago. Mr. Morton was one of the facilitators at one the meetings, there were young and old renters and homeowners in his group, all talking about the need for more affordable housing for elderly, and for young people, and that will take change. Housing Solutions LLC looked around the community and found a piece of land that was in a good neighborhood, had good people, honest people, and they decided this was a place where seniors, who worked all their lives, could retire. Mr. Morton stated that these were not subsidized units. HRC offers subsidy programs; however, the residents would be individuals who could pay, and probably do not qualify for subsidy programs. His office has senior projects and he testified that seniors turning 65 today are very active physically and intellectually. Mr. Morton felt that this is a good project, and supports the rezoning.

Mike Gaab, lives at 1115 S Clark Street. Mr. Gaab's parents purchased the property in 1978 and he is the current owner. Mr. Gaab's mother is 92 years old and still resides at this address. Mrs. Gaab is opposed to the proposed change. He felt that the citizens were at a huge disadvantage in the entire rezoning process and is bothered by the vision of 3-story, 36-unit structure among the single level family residences; which would change the character of the neighborhood. Mr. Gaab described current traffic flow problems and provided planning board members with a street diagram illustrating impacted areas. He had heard estimates of 288 to 360 additional trips per day directly related to the rezoning and the addition of a 36 unit complex, should it occur. This additional traffic would spill out onto Clark Street and Margaret Street. He disagreed that the city engineer felt a traffic study would not be needed. He asked Michelle Cares and Julie Merritt of Ward 6 if they could put counters on the roadways to determine current traffic counts but he did not get a response. Mr. Gaab stated that the occupancy level would be out of character with the neighborhood, it doesn't have the residential feel of a neighborhood. He has lived here since 1980 and feels this would ruin the neighborhood. He envisions parking issues throughout the neighborhood caused by visitors and family members to the extent that the could no longer get his mail. Mr. Gaab emphasized that he felt this was a terrible location for this type of project and the only reason this property was selected was because it was affordable. Instead of building in areas that would require rezoning, he asked why the city to consider creating some funds to bridge the gap between what the developers can afford to spend and what the property owner wants to the land and spread the funding mechanism across the city population. He feels that this would enable construction of these types of projects in areas already zoned for them. He asked the board to not approve the rezoning recommendation to City Council.

Harley Jones, 1105 Margaret Street, lives on the corner looking straight into the new proposed development. He purchased his one year ago and was okay with the prospect of four duplexes being constructed on the site and there are duplexes at the end of the road where it had already been rezoned. Mr. Jones has made a lot of improvements to his home and continues to do so. He asked for clarification on the acreage. Mr. Newman stated that it was his understanding that it has received preliminary plat approval, which is much like a green light to subdivide it, but there are a number of conditions that need to be met before they can legally take the property and split it into the number of lots that were approved with the preliminary plat. Mr. Jones stated that

rezoning would change this property forever, and it is a very possibility that this project won't receive funding. He fears irreversible negative changes to the neighborhood, many homes have already been replaced with apartments.

Public Comment Hearing Closed 9:09 p.m.

PLANNING BOARD COMMENTS

Mr. Newman opened with a couple of observations:

- It was unfortunate that there was not an approved subdivision, and there was no guarantee that the final plat would get filed. There was no guarantee that improvements to the streets nor sidewalks would actually take place. The consideration tonight was if the bare ground was appropriate for the density and use that is proposed.
- The proposal is to look at the appropriateness of the zoning, not necessarily the proposal that people are talking about doing.
- Could there have been a different zoning district used for 36 units on 1.88 acres rather than RM1-35? Mr. Newman asked for clarification for a zoning of RM1-35 to be in the middle of a neighborhood zoned RT5.4. This is a change from 8 dwelling units per acre to a proposed zoning of 43 dwelling units per acre, a highly objectionable request given that the density has been requested for the sake of density.
- The board is not allowed to condition rezoning from two standard city zoning districts based on a contingency. i.e. - RM1-35 is a standard city zoning district. The board cannot condition it because that makes that zoning district different from all the RM1-35's in the city. Based on a recent proposal, Mr. Newman does not think that the board is prohibited from making the approval contingent upon some other occurrence as the zoning would not be modified but a contingency would be created. This would be a conditional approval based on the contingency that Housing Solutions LLC receive the funds applied for. That would give the certainty to the neighbors to know that they will not get 43 dwelling units per acre times 1.88 acres. He stated that what is proposed meets a need and would probably be less intense than what could happen.

Ms. Baker answered that the only way she is aware of that can limit what the zoning permits it to have a Development Agreement that the owners and developers could propose and work on with Development Services. Mr. Newman clarified that he is not seeking to limit what the zoning permits, but to only limit that this property not be zoned RM1-35 if the funding for the project does not permit it to move forward. He does not seek to amend the zoning district. Ms. Baker was not certain of that possibility but could check with the attorneys.

Mr. Improta made it clear that this was not a vote for nor against senior housing. He was increasingly frustrated with continuing infrastructure conversations with rezoning requests, and how to get the infrastructure component out ahead of the zoning decision. He agreed that going from 8 housing units to 43 housing units is a huge change. Mr. Improta drove the area yesterday and feels this would be a sizable zoning

change for the neighborhood. He continues to be a proponent for affordable housing but felt the proposed change was too substantial for this area.

Ms. Jenkins thanked Mr. Newman for the information on potential conditional zoning. She stated she had a general distaste for this development and was generally uncomfortable with what was being proposed from a density perspective on a dead-end street with no infrastructure improvements. She would have liked to have seen a development agreement or guarantee of some kind, that what is being proposed and approved will be the what the neighborhood actually gets. Ms. Jenkins specified that as it stands she could not vote for the proposed rezoning. She clarified that she would be more amenable to pushing this further out until the board could have some clarity on the legal ramifications of conditional zoning.

Mr. Caristo asked if the rezoning included the current church property. Ms. Bakers responded that it did; it includes the entire parcel because it has not been divided at this time, so there is no sub-section. It applies to the entire parcel. Mr. Caristo asked if the re-zone were approved as proposed, would the church property then also be zoned RM1-35? Ms. Baker replied that it would, and that was not the initial idea from the applicant, but because the final plat had not been approved to create lots 2 through 5, they had to ask for the entire property. Mr. Caristo agreed with previous board member comments; there would be a risk of 81 dwelling units on the parcel if the grant opportunity was not approved. He did not feel this would a risk worth taking without trying to mitigate it in some way. He was curious why a development agreement was not used. He agreed that in the bigger picture, there is a need to spread affordable housing throughout the entire city and that increases in density should not be focused on only a few areas of the city. He would like to see infrastructure to support the development and is concerned about the city's limited resources to complete sidewalks and street projects.

Mr. Newman asked Mr. Burkhalter if his project was over, and no longer considered part of the grant competition if the rezoning was not approved. Mr. Burkhalter stated that understood the difficult position of the board. He and Ms. Baker were advised that they could not propose conditional zoning; moreover, if the property was not rezoned the chances of the project getting the funding would diminish to next to nothing, even such that they would consider withdrawing the application. He stated that they searched extensively for land for this project; he would not consider market rate apartments on this property; he would not even consider family affordable apartments. The only appropriate use he felt was appropriate in this area was senior affordable apartments because they are a much less intense use; there is one person per household, if they have a car it will be just one vehicle. He stated it was a significantly less intense use of the property. They looked hard at the Missoula market because they had an unsuccessful application in Missoula last year. He felt that the chances for approval would have been better this second year. From Mr. Burkhalter's perspective, if the zoning is changed but the funding does not get approved they could not let the property go. He stated that it was their plan, once the property was subdivided, to purchase the property and try again the next round. In his 15-years of experience he has not developed a single market rate unit; he has done 17 affordable housing projects and they need property to build them on. Without the zone change they go back to the drawing board.

Mr. Bensen was concerned with the number of opposition letters. Mr. Burkhalter stated that it was not uncommon to have opposition. He stated that his company completed a

project 4 to 5 years ago and its' neighbors were Target, Lambros Real Estate, and Edulog, in the old beet mill. There were no objections to that; however, when development occurs in a residential area it touches a lot more emotions. He feels the Board of Housing will weight that against the need. Mr. Bensen acknowledged the need for affordable senior housing, but thought the zoning jump was extreme and felt he would vote no.

Ms. Jenkins clarified to the planning board members that the vote would be on spot zoning in a residential district for higher density. She expressed that she was uncomfortable doing this. She felt that if the City of Missoula wants to prioritize affordable housing that enabling conditions need to go to neighborhoods to absorb this kind of development. It needs to be packaged as an attractive amenity to the neighborhood and she does not understand why that was not possible and would like to see that. Ms. Jenkins that that the proposal before the board cannot be the best way to move forward.

Mr. Hoffmann asked to see the slide on the Growth Policy again. He stated that this property, and everything surrounding it, was designated to allow for high density. This board approved the growth policy plan, and there was some logic, thought, and investment, examination and analysis that came up with the determination that this area was appropriate for high density. Mr. Hoffmann stated he would vote for it. He felt better know that Mr. Burkhalter stated that his company would move forward with the property purchase regardless of the final decision.

Mr. Newman stated that although the board approved the growth policy, he feels that from his perspective he does not see a smooth transition to density. He asked why RM1-35 was the choice presented at this meeting. Ms. Baker stated that RM1-35 was chosen as it was the closest zoning that would allow 36 units. She stated that 2700 square feet per unit was needed for the project; other options were studied but did not fit. She stated that RM1-45 would have worked but has different height restrictions. Mr. Hoffmann stated that south of the proposed project, off of 14th Street, there is a three story, possibly subsidized, housing project. He stated that it is a model for what is being proposed here. He had been in that building a number of times and never felt it was inappropriate to the neighborhood. Mr. Improta expressed that he felt it was unrealistic to say that everything that was mapped out for 43 dwelling units per acre in a growth policy would actually have that number on it. Ms. Jenkins stated that although the area Mr. Hoffmann described may have been perfect for that location, however, this property on South 9th Street West is a dead-end street without a street light onto a main thoroughfare, no direct access to public transportation, no sidewalks, and no street lamps. Ms. Jenkins said that the constraints of the street do not justify this level of density.

Mr. Newman asked for context, in the aerial photograph on side 2 of the presentation, he asked about densities closer to this parcel. Ms. Baker stated that Village Square has its' own zoning district, which is not standard. She thought that the same was true for Huntington Place; both were subdivisions that occurred before the zoning was applied. Mr. Hoffmann stated that his firm completed Huntington Place as a planned neighborhood cluster project and there were liberties with lot sizes and setbacks but the maximum density could not be exceeded for the underlying zone. It is consistent with the density. Ms. Baker detailed that the application had a section addressing this. Mr.

Newman asked about the building on the north side of South 9th Street West, between Reserve Street and Clark. Ms. Baker stated that those were 6 one-story duplexes. Mr. Newman asked about the scale and density of the neighborhood. Ms. Baker confirmed that Huntington Place is 17 units on 1.85 acres; Aspen Grove has 57 units on 4.33 acres; and West Central Square is 6.

Mr. Hoffmann asked Mr. Burkhalter if his company was going to purchase 4 of the 5 proposed lots. Mr. Burkhalter replied that yes, in the 5 lot subdivision, the church would remain on .88 acres and lots 2 through 5 total 1.00 acres. Mr. Hoffmann asked him if he knew the density. Mr. Burkhalter answered that it was 47,000 square feet, 36 units on one acre and the intent is not to maximize the density on this property. This is as large of a project they could complete with the Montana Board of Housing funding. Mr. Caristo asked Ms. Baker about a Development Agreement. Ms. Baker stated that is was a possibility, and it is at the discretion of the owner and the applicants and if they wanted to pursue it further with City Development Services, they would be glad to do it.

Mr. McCormick, PCI, stated that there was a pre-application meeting and explored a range of options on how to approach this project. The staff felt that enough clarity in the comprehensive plan, that it wasn't necessary to go down an alternate path. He stated that projects like Burlington Square, just to the south, were very similar. It is a large 3-story multi-family building surrounded by single family homes. He stated that even though the neighborhoods were built as single story, it is permissible to have 3 story residences. He gave examples of variations of nearby higher densities: Huntington Place, Village Square, Burlington Place, Aspen Village. He stated that the current zoning also allows duplexes; however, the mix is still mostly single family residences. Mr. McCormick repeated that although it may seem like a dramatic change to the neighbors, it is less of a dramatic change from what is permissible by the current zoning.

Ms. Jenkins asked Ms. Baker about the city's intention of building sidewalks or making any other improvements to S 9th St. West regardless if this project moved forward. Ms. Baker stated that she spoke to sidewalk division personnel earlier today and this is a priority area along with the north side - west side. Their focus is along Eaton, as it is a larger street but the project may expand to more of the district. She stated that the immediate answer is that the city does not immediate plans to install sidewalks but it could be part of a larger project that has a high priority in this area.

Moved by: Jamie Hoffman

Seconded by: Michael Houlihan

APPROVE the adoption of an ordinance to rezone property located at 2320 South 9th Street West and legally described as 1.88 acres of Lot 4 in RM Cobban Orchard Homes in Section 29, Township 13 N, Range 19 W, P.M.M., from RT5.4 Residential (two unit/townhouse) to RM1-35 Residential (multi-dwelling).

AYES: (2): Michael Houlihan, and Jamie Hoffman

NAYS: (5): Peter Bensen, Vince Caristo, Dudley Improta, John Newman, and Helen Pent Jenkins

ABSENT: (4): Neva Hassanein, Andy Mefford, Stephanie Potts, and Jason Rice

Vote results: Failed (2 to 5)

Moved by: John Newman
Seconded by: Jamie Hoffman

If City of Missoula's legal counsel deems it legally permissible, APPROVE the adoption of an ordinance to conditionally rezone property located at 2320 South 9th Street West and legally described as 1.88 acres of Lot 4 in RM Cobban Orchard Homes in Section 29, Township 13 N, Range 19 W, P.M.M., from RT5.4 Residential (two unit/townhouse) to RM1-35 Residential (multi-dwelling) subject to the applicant securing federal funding to assist with project financing.

AYES: (5): Peter Bensen, Vince Caristo, John Newman, Michael Houlihan, and Jamie Hoffman

NAYS: (1): Helen Pent Jenkins

ABSTAIN: (1): Dudley Improta

ABSENT: (4): Neva Hassanein, Andy Mefford, Stephanie Potts, and Jason Rice

Vote results: Approved (5 to 1)

7. Communications and Special Presentations

No communications nor special presentations.

8. Committee Reports

8.1 Transportation Policy Coordination Committee - Michael Houlihan

Mr. Houlihan reported that last month's transportation policy coordination committee decisions have since been reported to the MCPB at the hearing on September 17, 2019.

9. Old Business

Ms. Jenkins stated that she had not yet set up a meeting time nor date for the committee meeting. She would like to do that mid-October and will provide more information as it becomes available.

10. New Business and Referrals

No new business/referrals.

11. Comments from MCPB Members

The board discussed zoning approvals, financing constraints, and infill development. Weighing comments and intentions from developers and making assessments based on a brief presentation were concerns. Future up-zoning ramifications for similar projects and lack of Development Agreements when there are large numbers of protest petitions were also discussed.

12. Adjournment

Mr. Newman adjourned the meeting at 10:15 p.m.