



### STAFF REPORT & REFERRAL

**Agenda item:** Rezone parcels at 2511 Mount Avenue, 1715 S Reserve Street, and 2518, 2520 and 2526 Strand Avenue from RT2.7 Residential and C1-2 Neighborhood Commercial to RT2.7 Residential and C1-2 Neighborhood Commercial as shown on Exhibit A and reconfigured by subdivision exemption for boundary line relocation.

**Report Date(s):** 9/5/2019

**Case Planner:** Jenny Baker, Planner III

**Report Reviewed & Approved by:** Mary McCrea, Planning Supervisor

**Public Meetings & Hearings:** **Planning Board (PB) hearing:** 9/17/2019  
**City Council (CC) 1st reading:** 9/23/2019  
**Land Use & Planning (LUP) pre-hearing:** 9/25/2019  
**City Council hearing:** 10/7/2019

**Applicant & Fee Owner:** John Brauer  
2535 Strand Avenue  
Missoula MT 59803

**Representative:** Nick Kaufman  
WGM Group  
1111 W Broadway  
Missoula MT 59802

**Location of request:** The subject property is three parcels located west of Reserve Street, between Mount Avenue and Strand Avenue. It is part of the Two Rivers Neighborhood Council and City Council Ward 6.

**Legal description:** Parcel 1 (1715 S Reserve St, 2511 Mount Ave and 2518 Strand Avenue): Lot 1 less parts sold and right-of way, Cobban & Dinsmore’s Orchard Homes #3; Parcel 2 (2526 Strand Ave): 105 feet by 415 feet of Lot 2 in southwest corner, Cobban & Dinsmore’s Orchard Homes #3; Parcel 3 (2520 Strand Ave): Lot 2 less parts sold, Cobban & Dinsmore’s Orchard Homes #3; all in Section 30, Township 13 North, and Range 19 West, P.M.M.

**Legal ad:** The legal ad was published in the *Missoulian* on September 1 and 8, 2019. The site was posted on September 6, 2019. Adjacent property owners and the physical addresses within 150 feet of the site were notified by first class mail on August 23, 2019.

**Zoning:** C1-2 Neighborhood Commercial and RT2.7 Residential (two-unit/townhouse)

**Growth Policy:** The applicable regional plan is Our Missoula: City Growth Policy 2035 which recommends a land use designation of “Community Mixed-Use,” with a density greater than 24 dwelling units per acre.

### STAFF RECOMMENDATION

**APPROVE** the adoption of an ordinance to rezone 2518, 2520, and 2526 Strand Avenue; 1715 S Reserve Street; and 2511 Mount Avenue from RT2.7 Residential and C1-2 Neighborhood Commercial to RT2.7 Residential and C1-2 Neighborhood Commercial as shown on Exhibit A, subject to the filing of the amended plat for the subdivision exemption for boundary line relocation within 30 days of the approval of the rezoning.

## RECOMMENDED MOTIONS

- PB p/h:**  
**9/17**            **APPROVE** the adoption of an ordinance to rezone 2518, 2520, and 2526 Strand Avenue; 1715 S Reserve Street; and 2511 Mount Avenue from RT2.7 Residential and C1-2 Neighborhood Commercial to RT2.7 Residential and C1-2 Neighborhood Commercial as shown on Exhibit A, subject to the filing of the amended plat for the subdivision exemption for boundary line relocation within 30 days of the approval of the rezoning.
- CC first reading:**  
**9/23**            [First reading and preliminary adoption] Set a public hearing on October 7, 2019 and preliminarily adopt an ordinance to rezone 2518, 2520, and 2526 Strand Avenue; 1715 S Reserve Street; and 2511 Mount Avenue from RT2.7 Residential and C1-2 Neighborhood Commercial to RT2.7 Residential and C1-2 Neighborhood Commercial as shown on Exhibit A, subject to the filing of the amended plat for the subdivision exemption for boundary line relocation within 30 days of the approval of the rezoning; and refer this item to the Land Use and Planning Committee for presentation on September 25, 2019.
- LUP:**  
**9/25**            Discussion only – pre-public hearing
- CC p/h:**  
**10/7**            [Second and final reading] (Adopt/Deny) an ordinance to rezone 2518, 2520, and 2526 Strand Avenue; 1715 S Reserve Street; and 2511 Mount Avenue from RT2.7 Residential and C1-2 Neighborhood Commercial to RT2.7 Residential and C1-2 Neighborhood Commercial as shown on Exhibit A, subject to the filing of the amended plat for the subdivision exemption for boundary line relocation within 30 days of the approval of the rezoning.

## I. INTRODUCTION

Development Services has received a request from WGM Group on behalf of property owner John Brauer for a boundary line relocation and rezoning of properties located at 2511 Mount Avenue; 2518, 2520 and 2526 Strand Avenue; and 1715 S Reserve Street to C1-2 Neighborhood Commercial and RT2.7 Residential (two unit/townhouse). These are the current zoning designations on these properties, however the zoning is not aligned with the parcel boundaries, thus creating a split-zoned parcel at 2511 Mount, 2518 & 2520 Strand and 1715 S Reserve Street, where both the C1-2 and RT2.7 zoning designations apply. There are three parcels. Pursuant to boundary line relocation, 1715 S Reserve Street will be on its own parcel, and it will be zoned C1-2. Following the boundary line relocation, one of the two remaining parcels will be zoned C1-2, and the other will be zoned RT2.7. (See Exhibit A for zoning established via subdivision exemption for boundary line relocation.)

If approved, this rezoning will be followed by a 31-lot major subdivision, called Orchard Homes Estates. The subdivision will create single dwelling lots on the western edge of the parcel with RT2.7 zoning, and multi-dwelling/commercial lots closer to Reserve Street.

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

## II. Rezoning review criteria

### Findings of fact: General

1. There are three parcels that comprise this request. The first parcel (two lots) contains addresses 1715 S Reserve Street, 2511 Mount Avenue, 2518 and 2520 Strand Avenue. The parcel contains a commercial structure facing Reserve Street, and numerous mobile homes. The second parcel at 2520 Strand Avenue contains one detached single dwelling. The third parcel at 2526 Strand Avenue contains one detached single dwelling.
2. The legal description for the subject properties is: Parcel 1 (1715 S Reserve St, 2511 Mount Ave and 2518 Strand Avenue): Lot 1 less parts sold and right-of way, Cobban & Dinsmore's Orchard Homes #3; Parcel 2 (2526 Strand Ave): 105 feet by 415 feet of Lot 2 in the southwest corner, Cobban & Dinsmore's Orchard Homes #3; Parcel 3 (2520 Strand Ave): Lot 2 less parts sold, Cobban & Dinsmore's Orchard Homes #3; all in Section 30, Township 13 North, and Range 19 West, P.M.M.
3. The total area to be rezoned is 6.89 acres.
4. Concurrent with this rezoning request, the property owner is also pursuing a subdivision exemption for a boundary line relocation on three lots. Upon completion of the boundary line relocation, the existing commercial building at 1715 S Reserve, proposed Lot 1A, will be on its own lot. The boundaries of 2526 Strand, proposed Lot 2B, expand, and a middle parcel, proposed Lot 2A, extends from Mount Avenue south to Strand. See Exhibit A.
5. The subject property is within the Urban Growth Area and the Air Stagnation Zone.
6. The subject property is within the service area of Missoula Police and Missoula Fire.
7. City sewer and City water are available to the subject property.
8. The subject property is accessed by Reserve Street, which is functionally classified as a major arterial, as well as by both Strand Avenue to the south, and Mount Avenue to the north. Mount Avenue is functionally classified as a collector road and Strand Avenue is functionally classified as a local street.

### Zoning and Growth Policy:

9. The subject property is split-zoned. The eastern portion is zoned C1-2 Neighborhood Commercial, while the western portion is zoned RT2.7 Residential (two-unit/townhouse).

10. Split-zoning is prohibited under the Title 20 Zoning Ordinance. The boundary line relocation, in combination with the rezoning request, if approved, would remove the split-zoning non-conformity and the requested zoning would align with redrawn parcel boundaries.
11. Requested zoning for proposed Lots 1A and 2A as shown on Exhibit A is C1-2 Neighborhood Commercial.
12. C1-2 zoning permits a variety of commercial uses, and residential development of up to 43 dwelling units per acre, based on the minimum parcel area per unit of 1,000 square feet. Single use residential development and mixed use buildings in this zone require a minimum parcel size of 3,000 square feet; otherwise there are no minimum parcel size requirements.
13. C1-2 zoning requires no setbacks unless abutting a residential zone or use. With approval of this rezoning, the C1-2 zoning would abut residential zoning of RT2.7. Development on the C1-2 parcel would need to meet the setbacks of the RT2.7 Residential district as described in Title 20, Footnotes to Table 20.10-2. All residential building types are permitted in the C1-2 zoning district, from single detached dwellings to two-unit buildings and multi-dwelling buildings, and the maximum permitted height is 50 feet.
14. RT2.7 Residential zoning requires a minimum lot size of 3,000 square feet, and minimum parcel area per unit of 2,700 square feet. Permitted building types are single detached dwellings and two-unit or duplex structures, with a maximum permitted height of 30 feet, or 35 feet with a roof pitch steeper than 8 over 12. The setbacks are 20 feet front and rear, 10 feet street side, and 5 feet side interior.
15. A portion of the subject property (2526 Strand Avenue) was annexed into the City in May of 2019 (Resolution 8336), at which time City zoning of RT2.7 Residential (two unit/townhouse) was applied.
16. Requested zoning for proposed Lot 2B, as shown on Exhibit A, is RT2.7 Residential.
17. The applicable regional plan is the *Our Missoula: City Growth Policy 2035* which designates this area as Community Mixed Use. Areas designated Community Mixed Use contain a mix of high residential density of between 24 and 43 dwelling units per acres, along with more intense commercial uses along integrated travel corridors.
18. Zoning districts which correlate to the Community Mixed Use land use designation include C1 and C2 commercial zones, as well as M1R Limited Industrial-Residential zones. High density RM residential zoning districts also correlate to the housing density recommended under Community Mixed Use.
19. The requested zoning of RT2.7 Residential allows 16 dwelling units per acre, which is less dense than the Growth Policy recommends. However, both City and County residential zoning in this area are limited to lower densities than are currently recommended for areas designated Community Mixed Use, reflecting the development pattern in an area that used to be on the periphery of the City.
20. RT2.7 is the existing zoning on a portion of this property, and is an appropriate designation to request in this rezone, as it functions as a transition area, buffering low density residential development to the west against higher density development and commercial uses along Reserve Street to the east.

**Adjacent Zoning and Land Uses**

Surrounding Land Uses	Surrounding Zoning
North: Residential and Commercial	Z.D. 12 and SD-2 (County); C1-2 Neighborhood Commercial and RT2.7 Residential (two unit/townhouse) (City)
South: Residential	RMH Residential Mobile Home (City) and Z.D. 12 (County)

East: Residential and Religious Assembly	C1-2 Neighborhood Commercial
West: Residential	Z.D. 12 (County)

**Conclusions of Law:**

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

1. The rezoning complies with the Growth Policy. The Growth Policy designation of Community Mixed Use recommends a mix of high residential density and more intense commercial uses along integrated travel corridors. Corresponding zoning districts include C1, C2 and M1R. A portion of the subject property is zoned C1-2, in compliance with the Growth Policy. The remaining portion zoned RT2.7 is less dense than the Growth Policy recommends; however, it is the prevailing zoning on City parcels in this area, and permits a transition from higher intensity commercial uses along the Reserve Street corridor to the east of these parcels, and less dense existing County residential development to the west of these parcels.

***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. The subject property is two blocks north of CS Porter Middle school, with its playing fields and playgrounds. The subject property is close to the Reserve Street travel corridor, and has access to Mount Avenue and Strand Avenue. Further improvements to transportation infrastructure will be provided with future development on the subject property.
2. The rezoning gives reasonable consideration to the effect on motorized and non-motorized transportation systems. The existing motorized transportation infrastructure is able to handle the traffic generated by the existing uses. There are intermittent sidewalks in the area, and the property is less than a quarter of a mile from Mountain Line Route 8, which runs along Eaton Street.

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

1. The rezoning reflects compatible urban growth because it permits a mix of both commercial and residential development in an area that already had both. The portion of the subject property closest to Reserve Street permits both commercial and residential development, such as is currently seen along Reserve, while permitting only residential development on the west side of the property, where it is adjacent to existing low density County residential development. The two zoning designations facilitate a transition from more intense residential/commercial development to the east, to less dense residential development to the west.

***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 in close proximity to already developed areas of the city, where transportation and utility infrastructure already exists.
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, as well as one that provides a transition between intensive commercial uses to the east, and less dense existing residential development to the west.

**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. The permitted commercial development here is similar to that which exists along Reserve Street, and the residential component with the existing residential development to the west.

### III. AGENCY COMMENT

**Missoula Valley Water Quality District:**

The District has no comment or objection to this rezoning request. – Travis Ross

**Health Department - Air Quality Division:**

No comment received.

**Health Department – Environmental Health:**

The BLR will either require sanitation review per Title 76-4 MCA, or need to cite an applicable exemption. – James Erven

**Missoula County – Emergency Management:**

OEM has no comment -- Adriane Beck

**Missoula Urban Transportation District:**

MUTD does not have any concerns about the rezone and boundary line relocation request for 1715 S Reserve and 2520 Strand Ave. – Dan Stone

**City Parks & Recreation:**

No comment received.

**Office Of Housing & Community Development:**

No comment received.

**City Attorney:**

No comment received.

**Missoula Redevelopment Agency:**

No comment received.

**City Police:**

No comment received.

**City Fire:**

No comment received.

**Montana Department of Transportation:**

No comment received.

**City Stormwater Division:**

Comment from Storm Water Superintendent Bob Hayes included as attachment.

**City Wastewater Division:**

No comment received.

**City Water Division**

Comment from Utilities Engineer Logan McGinnis included as attachment.

**City Wastewater Division:**

No comment received.

**IV. EXHIBITS AND ATTACHMENTS:**

1. Exhibit A – Rezone 2511 Mount Avenue, 1715 S Reserve Street, and 2518, 2520 and 2526 Strand Avenue
2. Agency Comment -- City Storm Water Superintendent
3. Agency Comment – City Water Utilities Engineer