

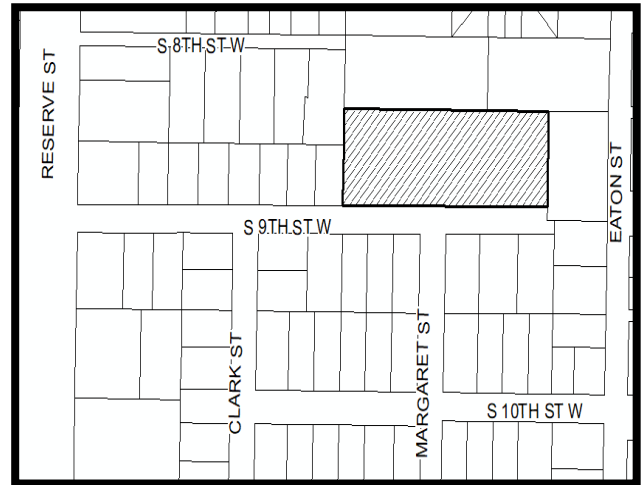


DEVELOPMENT SERVICES

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STAFF REPORT & REFERRAL

Agenda item:	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)
Report Date(s):	9/24/2019
Case Planner:	Jenny Baker, Planner III
Report Reviewed & Approved By:	Mary McCrea, Planning Supervisor
Public Meetings & Hearings:	Planning Board (PB) hearing: 10/1/2019 City Council (CC) 1st reading: 10/7/2019 Land Use & Planning (LUP) pre-hearing: 10/16/2019 City Council hearing: 10/21/2019
Applicant:	Housing Solutions LLC Alex Burkhalter PO Box 2099 Missoula, MT 59806
Fee Owner:	Mountain View Chapel 2320 S 9 th Street W Missoula, MT 59801
Agent:	Professional Consultants Inc. Dale McCormick P.O. Box 1750 Missoula, MT 59806
Location of request:	The subject property is located at 2320 South 9 th Street West, east of Reserve Street, in Franklin to the Fort Neighborhood Council and City Council Ward 6.
Legal description:	The property is 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.
Legal ad:	The legal ad was published in the <i>Missoulian</i> on September 15 and September 22, 2019. The site was posted on September 16, 2019. Adjacent property owners and the physical addresses within 150 feet of the site were notified by first class mail on September 3, 2019.
Zoning:	RT5.4 Residential (two-unit/townhouse)
Growth Policy:	The applicable regional plan is Our Missoula: City Growth Policy 2035 which recommends a land use designation of “Residential High Density,” with greater than 24 dwelling units per acre.”



STAFF RECOMMENDATION

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).

RECOMMENDED MOTIONS

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| PB p/h:
10/1/19 | 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). |
| CC first reading:
10/7/19 | [First reading and preliminary adoption] Set a public hearing for October 21, 2019 and preliminarily adopt 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 and refer this item to the Land Use and Planning Committee for presentation on October 16, 2019. |
| LUP:
10/16/19 | Discussion only – pre-public hearing |
| CC p/h:
10/21/19 | [Second and final reading] (Adopt/Deny) 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) |

I. INTRODUCTION

Development Services has received a request from Alex Burkhalter of Housing Solutions Inc., represented by Dale McCormick of PCI, to rezone the subject 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). If approved, this rezoning will result in a standard zoning district under Title 20 which can't be conditioned.

The applicant requests this rezone to facilitate construction of a thirty-six (36) unit affordable senior housing complex, contingent upon obtaining federal funds to assist with financing the project. The current zoning, which permits up to fifteen (15) units on the 1.88 acre parcel, only in the form of detached dwellings or duplexes, does not allow the density, nor does it permit the multi-dwelling building type needed by the senior housing project. There is an existing church on the east end of this parcel, and it will remain pursuant to this rezoning, and pursuant to construction of the proposed affordable housing project.

The City Council recently approved a 5 lot minor subdivision on the subject property in May of 2019. The owner intends 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. That is the reason the applicant requests rezone of the whole 1.88 acres, even though the church will remain at the eastern end of the subject property.

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

II. Rezoning review criteria

Findings of fact: General

1. The subject property is located at 2320 South 9th Street West. It is east of Reserve Street, where 9th Street dead ends at the eastern boundary of this parcel. The legal description for the subject property is: 1.88 acres of Lot 4 in RM Cobban Orchard Homes, in Section 29, Township 13 N, Range 19 W, P.M.M.
2. A church (Religious Assembly use) occupies the east end of the subject property; the western portion of the parcel is vacant.
3. Religious Assembly is a conditional use in the RT5.4 Residential zoning district. In February of 1984, the County Board of Adjustment voted to approve the religious assembly use at this location. Per Title 20, Section 20.01.110.F.1, the church is an existing, lawfully established conditional use.
4. On May 13, 2019, the Missoula City Council approved a 5 lot minor subdivision on this property, called the Mountain View Chapel Addition.
5. The approved subdivision proposed to keep the church on newly created Lot 1, and use Lots 2-5 (the parcel area that is currently vacant) for new residential development.
6. Lots 2-5 of the Mountain View Chapel Addition Subdivision are only created as legal entities upon filing of the final plat for the subdivision. Though the owners intend to file the final plat for this subdivision, they were not able to do so prior to initiating this rezone request, which is the reason the rezone request applies to the entire parcel, rather than just future Lots 2-5.
7. Development surrounding the subject property is primarily single dwelling residential, though there is a group living facility to the north of the property.
8. The subject property is currently served by a septic system. All new development will be required to connect to City sewer and water. A condition of approval for the subdivision requires the existing church to connect to City sewer and water prior to filing the final plat.
9. The subject property is inside the Urban Growth Area, the Wastewater Facilities Service Area, the Air Stagnation Zone, and is served by City water.
10. Franklin Park is located within one-quarter mile walking distance from the subject property.
11. The subject property is located within an established service area for Missoula hospitals and the City Fire and Police Departments.

Growth Policy:

12. The *2035 Our Missoula City Growth Policy* is the applicable regional plan and recommends a land use designation in this area of Residential High Density – greater than 24 dwelling units per acre.
13. Zoning districts which correspond with the Residential High Density designation include: RM1-35, RM1-45, RM1.5, and RM0.5
14. According to the *2035 Our Missoula City Growth Policy*, the RT5.4 zoning district most closely correlates with a land use designation of Residential Medium – 3 to 11 dwelling units per acre.
15. The requested zoning of RM1-35 allows density of up to 43 dwelling units per acre, and more closely aligns with the *Growth Policy* land use designation of Residential High Density – greater than 24 dwelling units per acre.
16. The City Growth Policy calls for a focus inward approach to encourage infill development in the urban core where infrastructure already exists and promotes mixed-use, increased density, and enhanced connectivity while limiting sprawl and promoting efficient use of existing infrastructure.
17. The *Housing* section of the City Growth Policy describes the Focus Inward approach to development as one that provides opportunities by designating appropriate areas for higher density and housing near existing infrastructure and services. Such development has added benefits, including decreasing household expenses like transportation.
18. The *Safety and Wellness* section of the City Growth Policy encourages healthy lifestyles by promoting a complete active transportation network to increase safety for all transportation systems including vehicular and active transportation.
19. The City Growth Policy identifies many goals and objectives related to housing in the City of Missoula. The introduction to the *Housing* chapter identifies that within the next 20 years the population projections indicate the urban area will grow by 18,500, which presents a need for approximately 9,000 new housing units.

Zoning

20. The subject property and all of the surrounding area are currently zoned RT5.4 Residential (two-unit/townhouse). In this zoning district, the minimum parcel area and area per unit is 5,400 sq. ft. The setbacks are 20 foot front and rear, 10 foot street side, and 7.5 foot or one third the building height side interior. Maximum height limit is 30 feet for buildings with primary roof pitch of less than 8 in 12 and 35 feet for buildings with primary roof pitch of 8 in 12 or greater. The permitted building types are detached house, two-unit house, and two-unit townhouse.
21. Under the current zoning and given the parcel size of 1.88 acres, the subject property could accommodate up to fifteen (15) dwelling units, for a density of 8.07 dwelling units per acre. This density is significantly below that recommended for this area in the Growth Policy.
22. The applicant is requesting RM1-35 Residential zoning, which is a multi-dwelling residential zoning district. The minimum parcel area is 3,000 sq. ft. and the minimum parcel area per unit is 1,000 sq. ft. The setbacks are 20 foot front and rear, 10 foot street side, and 5 foot side interior. Maximum height limit for buildings in this district is 35 feet. The permitted building types are detached house, two-unit house, multi-dwelling building, multi-dwelling house, and townhouses.
23. Under the RM1-35 Residential zoning district, the subject parcel could have up to 81 dwellings, which would be 43 dwelling units per acre.
24. The current proposal for the senior housing project has thirty-six (36) units, for a density of 19 dwelling units per acre. This is still below the Growth Policy recommendation of greater than 24 dwelling units per acre, but it is closer to achieving that density recommendation.

Transportation

25. The subject property is accessed from South 9th Street West, which is a city public right-of-way that dead ends at the eastern boundary of the subject property, without connecting to Eaton Street. South 9th Street West is

classified as a Local Residential Street. All development will gain access from this frontage, and there are no on-site roads proposed.

26. South 9th Street West adjacent to the subject property is paved to a 26 foot surface width within a 50 foot public right-of-way. There are no improvements, such as curb, gutter sidewalk or boulevard, along South 9th Street West.
27. A condition of approval for the Mountain View Chapel Addition Subdivision requires the subdivider to install half street improvements adjacent to the length of the subdivision frontage along South 9th Street West to include 17.5 foot roadway from centerline of the right-of-way to back of curb, curb, gutter, 7 foot landscaped boulevard and 5 foot sidewalk.
28. The subject property is within the Missoula Urban Transportation District (MUTD). The closest bus line is Route 8, which runs on Eaton, turning east on 10th Street. This is a distance of .15 miles from the perimeter of the subdivision. Route 2 runs on Johnson Street within a half mile of the subject property.

Conclusions of Law:

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

29. The rezoning complies with the Residential High Density land use designation of the Growth Policy. RM1-35 Residential is one of the zoning districts that corresponds to the high density land use designation by allowing development at a density of up to 43 dwelling units per acre.
30. The rezoning complies with many of the focus inward goals and objectives of the growth policy.

2a. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; 2b. Whether the zoning considers the effect on motorized and non-motorized transportation systems;

31. The rezoning facilitates the adequate provision of public services, including transportation, water, sewer, parks, and other public requirements, because the area is inside the Urban Growth Area and the Sewer Service Area, and is served by existing infrastructure. Franklin Park is within one-quarter mile of the subject property. Transit is available within 0.15 miles on Eaton and South 10th Street West and within a half mile at South 10th Street West and Johnson Street.
32. The rezoning considers the effect on transportation. Though there will be an increase in traffic as a result of the rezone, improvements to 9th Street, including provision of sidewalk where there currently is none, will contribute to improving street conditions and connectivity in the area, while lessening the impact of the increase in traffic.

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

33. The rezoning promotes urban growth by implementing a zoning classification that permits higher density, in alignment with the Growth Policy's density recommendation for this area. There is currently a mix of higher density multi-dwelling development in the midst of single dwelling residential.

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;

34. The rezoning will promote public health, public safety, and the general welfare by locating residential density in an area with established access to sewer, water, emergency services, hospitals, streets, public transit, and other urban services.
35. Emergency services are available to the site. Law enforcement personnel and procedures are available to address potential problems of noise, property damage, or personal injury. Fire protection is also available to the site.
36. This rezoning should not adversely impact the provision of adequate light and air as all future development will meet required internal and external building code and zoning code setbacks.

37. This rezoning should not diminish the value of existing buildings in the area. The new housing project will increase the value of the subject property, and promote the general welfare by providing affordable dwelling options for senior citizens.

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

38. The rezoning to RM1-35 considers the character of the district by proposing a residential zoning district and a residential development project in the midst of an established residential neighborhood.

39. The rezoning proposes development that is suited to the neighborhood, because it is similar to other completed developments in the area where there are multi-dwelling buildings and higher density in the midst of surrounding single dwellings.

III. AGENCY COMMENT

Missoula Valley Water Quality District:

No comment received.

Health Department - Air Quality Division:

The Air Program has no concerns with the proposed rezoning for 2320 S 9th St W. Benjamin Schmidt

Health Department – Environmental Health:

No comment received.

Missoula County – Emergency Management:

Office of Emergency Management has no comment. Adriane Beck

Missoula Urban Transportation District:

No comment received.

City Parks & Recreation:

No comment received.

Office Of Housing & Community Development:

See attached comment.

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 Storm Water Division:

No comment received.

City Wastewater Division:

No comment received.

City Water Division

No comment received.

Missoula Housing Authority

See attached comment.

IV. ATTACHMENTS

1. Agency Comment: Office of Housing & Community Development, Director Eran Pehan, 09/15/19
2. Agency Comment: Missoula Housing Authority, Director Lori Davidson, 09/13/19
3. Public Comment: C Murray, 09/08/19
4. Public Comment: Human Resource Council, Executive Director Jim Morton, 09/13/19
5. Public Comment: K Engler, 09/08/19
6. Public Comment: M McClements, 09/11/19
7. Public Comment: N Wild, 09/03/19
8. Public Comment: P Hogan, 09/12/19

