



MISSOULA

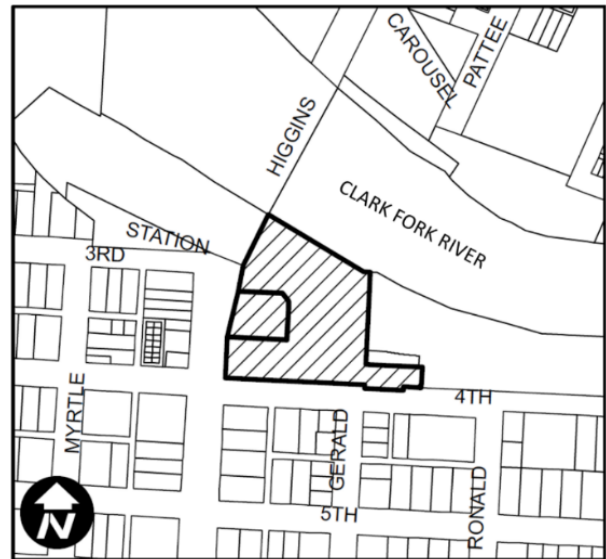
COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

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STAFF REPORT & REFERRAL

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|---|---|
| Agenda item: | Rezone 500 South Higgins Avenue from Missoulain PUD and M1R-2 Limited Industrial Residential to C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay Downtown Hip Strip and OP1 Open Space |
| Report Date(s): | 8/27/2021 |
| Case Planner: | Cassie Tripard, Associate Planner |
| Report Reviewed & Approved By: | Mary McCrea, Permits & Land Use Manager |
| Public Meetings & Hearings: | Planning Board (PB) hearing: 9/7/2021 City Council (CC) 1st reading: 9/13/2021 Land Use & Planning (LUP) pre-hearing: 9/29/2021 City Council hearing: 9/27/2021 City Council Final Consideration: 10/4/2021 |
| Applicant and Owner: | Lee Enterprises, Inc. A Delaware Corporation 4600 E 53 rd St. Davenport, IA 52807 |
| Location of request: | The subject property is located at 500 South Higgins Avenue at the northeast corner of South Higgins Avenue and South 4 th Street East in the University District Neighborhood Council and City Council Ward 3. |
| Legal description: | See Exhibit B. |
| Legal ad: | The legal ad was published in the <i>Missoulian</i> on August 22, 2021 and August 29, 2021. The site was posted on August 17, 2021. Adjacent property owners within 150 feet of the site were notified by first class mail on August 13, 2021. |
| Zoning: | Missoulain PUD and M1R-2 Limited Industrial Residential |
| Growth Policy: | The applicable regional plan is Our Missoula: City Growth Policy 2035 which recommends land use designations of "Urban Center" and "Parks and Open Lands". The property is also within the Downtown Master Plan area. The Downtown Master Plan is an amendment to the City Growth Policy. |



STAFF RECOMMENDATION

APPROVE the adoption of an ordinance to rezone property located at 500 South Higgins Avenue, legally described in Exhibit A, from Missoulain PUD and M1R-2 Limited Industrial Residential to C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay Downtown Hip Strip and OP1 Open Space, subject to the applicant filing the amended plat and meeting the terms of approval for subdivision exemption application 2021-MSS-SEA-00020 within one hundred and eighty (180) days of approval of the rezoning, subject to review and approval by Development Services and Public Works and Mobility, otherwise the rezoning of the property shall become null and void, and the property shall revert to its original status. The effective date of the ordinance is the date the amended plat is filed for subdivision exemption application 2021-MSS-SEA-00020.

RECOMMENDED MOTIONS

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|--|--|
| PB p/h: 9/7/21 | APPROVE the adoption of an ordinance to rezone property located at 500 South Higgins Avenue, legally described in Exhibit A, from Missoulia PUD and M1R-2 Limited Industrial Residential to C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay Downtown Hip Strip and OP1 Open Space, subject to the applicant filing the amended plat and meeting the terms of approval for subdivision exemption application 2021-MSS-SEA-00020 within one hundred and eighty (180) days of approval of the rezoning, subject to review and approval by Development Services and Public Works and Mobility, otherwise the rezoning of the property shall become null and void, and the property shall revert to its original status. The effective date of the ordinance is the date the amended plat is filed for subdivision exemption application 2021-MSS-SEA-00020. |
| CC first reading: 9/13/21 | [First reading and preliminary adoption] Set a public hearing on September 27, 2021 and preliminarily adopt an ordinance rezoning the subject property located at 500 South Higgins Avenue, legally described in Exhibit A, from Missoulia PUD and M1R-2 Limited Industrial Residential to C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay Downtown Hip Strip and OP1 Open Space, subject to the applicant filing the amended plat and meeting the terms of approval for subdivision exemption application 2021-MSS-SEA-00020 within one hundred and eighty (180) days of approval of the rezoning, subject to review and approval by Development Services and Public Works and Mobility, otherwise the rezoning of the property shall become null and void, and the property shall revert to its original status and refer this item to the Land Use and Planning Committee for presentation on September 29, 2021. |
| LUP: 9/29/21 | No motion – City Council discussion and informational meeting only. |
| CC p/h: 9/27/21 | No motion – public hearing, presentation, and City Council discussion. No motion until final consideration. |
| CC Final Consideration: 10/4/21 | [Second and final reading] (Adopt/Deny) an ordinance rezoning the subject property located at 500 South Higgins Avenue, legally described in Exhibit A, from Missoulia PUD and M1R-2 Limited Industrial Residential to C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay Downtown Hip Strip and OP1 Open Space, subject to the applicant filing the amended plat and meeting the terms of approval for subdivision exemption application 2021-MSS-SEA-00020 within one hundred and eighty (180) days of approval of the rezoning, subject to review and approval by Development Services and Public Works and Mobility, otherwise the rezoning of the property shall become null and void, and the property shall revert to its original status. The effective date of the ordinance is the date the amended plat is filed for subdivision exemption application 2021-MSS-SEA-00020. |

I. INTRODUCTION

Development Services has received a request from Jamie Erbacher of WGM Group Inc. on behalf of Lee Enterprises, Inc. to rezone 500 South Higgins Avenue, legally described in Exhibit B, from Missoulia PUD and M1R-2 Limited Industrial Residential to C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay Downtown Hip Strip and OP1 Open Space. This rezoning will result in a standard zoning district under Title 20 which cannot be conditioned.

The rezoning application is accompanied by a request for a subdivision exemption for boundary line relocation in order to create a boundary line along the ditch to facilitate the rezoning of the land north of the ditch to OP1 Open Space and the land south of the ditch to C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay Downtown Hip Strip. The proposed legal description following the boundary line relocation is provided in Exhibit A. A map of the requested rezoning following the proposed lot lines is provided in Exhibit C.

Staff have reviewed the applicant's rezoning submittal packet and based the recommendation of approval on the following findings of fact and conclusions of law.

II. Rezoning review criteria

Findings of fact: General

1. The subject property has frontage on South Higgins Avenue and South 4th Street East. South Higgins Avenue is functionally classified as a minor arterial street. South 4th Street East is functionally classified as a local street.
2. The subject property is approximately 166,747 square feet.
3. An irrigation ditch bisects the subject property from east to west. The area north of the irrigation ditch contains the Milwaukee Trail. The area south of the irrigation ditch contains the Missoulia building and one (1) accessory structure.
4. The subject property is inside the Urban Growth Area, the Wastewater Facilities Service Area, the Air Stagnation Zone, and is served by City sewer and water.
5. The subject property is located within an established service area for Missoula hospitals and City Fire and Police Departments.
6. The subject property is entirely within flood zone X which is not a regulated flood hazard area. Floodway zone AE runs along the northern property line, outside of the subject property.
7. The subject property abuts the Clark Fork River and contains associated riparian vegetation. All future development must comply with Title 20, Section 20.50.030 Riparian Resource Protection.
8. The rezoning application is accompanied by a request for a subdivision exemption for boundary line relocation in order to create a boundary line along the ditch to facilitate the rezoning of the land north of the ditch to OP1 Open Space and the land south of the ditch to C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay Downtown Hip Strip.

Growth Policy:

9. The applicable regional plan is the *Our Missoula: City Growth Policy 2035*, which recommends land use designations of “Urban Center” and “Parks and Open Lands”. The Urban Center land use designation supports mixed use, commercial, and high-density residential development. The Parks and Open Lands land use designation supports larger park areas to be used as open space and active recreation.
10. Areas designated Urban Center are identified as areas intended to address the concentration of downtown uses including commercial office, retail, arts and entertainment, eating and drinking establishments, and high density residential. This land use designation promotes walkability, urban streetscapes, plazas, outdoor seating, public art, and hardscaped open space and park amenities. The City Growth Policy recommends the following relatable zoning districts in the Urban Center land use designation: C1-4 Neighborhood Commercial, C2-4 Community Commercial, and CBD Central Business District. All relatable zoning districts permit residential density up to forty-three (43) dwelling units per acres.
11. Areas designated Parks and Open Lands are for larger park areas that are in public ownership, larger common areas that are intended for use by a group of residents, or larger conservation lands that indicate a partnership between a public group and the private landowner. These areas are generally open in character and may or may not be developed for active recreational purposes. This category includes conservation easements which may not be open for public use. The City Growth Policy recommends the OP1 Open Space zoning district in the Parks and Open land use designation.
12. 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.
13. 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.
14. 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.

15. 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.
16. The subject property is located within the Hip Strip area of the Downtown Master Plan. City Council adopted the Downtown Master Plan on November 4, 2019 as an amendment to the City Growth Policy.
17. The Downtown Master Plan includes vision-type statements including 'better utilize the river', 'help the Hip Strip stay unique and be the next great downtown neighborhood', 'improve urban design off of Higgins Avenue', and 'grow inward and upward'.
18. The Downtown Master Plan includes illustrations showing significant change on the subject property including a new mixed-use building and generally larger, more urban scale development across the site. Because the current PUD zoning is only applicable to development of the Missoulian land use, rezoning is necessary to facilitate future development that can help to achieve the vision for the site in accordance with the Downtown Master Plan.

Zoning

Adjacent Zoning and Land Uses

19. The property abuts the Clark Fork River to the north, C1-4 Neighborhood Commercial to the west and south along South Higgins Avenue, Clark Fork PUD near the river to the west, RT2.7 Residential (two-unit/townhouse) to the south, and M1R-2 Limited Industrial – Residential to the east. All adjacent parcels zoned C1-4 are within the Design Excellence Overlay, Downtown Hip Strip Subdistrict. Adjacent parcels zoned RT2.7 are within the University District Neighborhood Character Overlay.
20. The parcel is currently zoned Missoulian Planned Unit Development (PUD) and a small portion of the subject property is zoned M1R-2 Limited Industrial-Residential. The Missoulian PUD is written to allow specific development of the site for the Missoulian building which contains office and newspaper printing (limited industrial) uses. The Missoulian PUD does not permit residential development. The southwest corner of the property is zoned M1R-2. However, because the property is split zoned, development must follow the regulations of the Missoulian PUD because it is the more restrictive zoning district per Title 20, Section 20.01.100.E.3.a.
21. The applicant is requesting C1-4 Neighborhood Commercial zoning for the area south of the irrigation ditch to align with the existing zoning of parcels along South Higgins Avenue. The C1-4 zoning district permits various commercial uses, some industrial uses, mixed use, and high-density residential development.
22. The C1-4 zoning district requires a minimum parcel area of 3,000 square feet for single purpose residential and mixed-use development. The minimum parcel area per unit is 1,000 square feet. The C1-4 zoning district has no setbacks if the parcel does not abut a residential zoning district. The residentially zoned parcels to the south are across a right-of-way and are not considered abutting so there would be no setbacks for the subject property. The maximum height is 125 feet.
23. The C1-4 zoning district permits mixed use, detached house, two-unit house, multi-dwelling building, multi-dwelling house, and townhouse residential building types.
24. The applicant is requesting the Downtown Hip Strip Subdistrict of the Design Excellence Overlay be applied to the portion of the subject property to be zoned C1-4. Adjacent parcels on South Higgins Avenue are within the Downtown Hip Strip Subdistrict of the Design Excellence Overlay. The Design Excellence Overlay applies additional site and building design standards to development. The Downtown Hip Strip Subdistrict includes design requirements tailored to this specific area of town to ensure high quality development that compliments the character of the Hip Strip.
25. The applicant is requesting OP1 Open Space for the area containing the Milwaukee Trail between the irrigation ditch and the Clark Fork River. The OP1 zoning district only permits parks and recreation, utility, agricultural, community garden, and wireless communication facility uses. The OP1 zoning district would preserve the area containing the trail and adjacent open space south of the trail to the irrigation ditch as open space into the future. The OP1 zoning district has no minimum parcel size, no setbacks, and a maximum height of 35 feet.

26. The existing use of the site as office and limited industrial for the Missoulian is permitted in the C1-4 Neighborhood Commercial zoning district. If demolished, all new development and redevelopment, including additions, remodels, and new construction will be required to meet all applicable Missoula Municipal Codes at the time of building permit approval.
27. All development will be required to meet all applicable Title 20 zoning requirements. If the proposed Design Excellence Overlay is applied, new development will require Design Excellence Review approval prior to building permit approval.
28. The current parcel is split zoned Missoulian PUD and M1R-2 Limited Industrial-Residential.
29. The rezoning application is accompanied by a request for a subdivision exemption for boundary line relocation in order to create a boundary line along the ditch to facilitate the rezoning of the land north of the ditch to OP1 Open Space and the land south of the ditch to C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay Downtown Hip Strip. Title 20, Section 20.01.100.E prohibits new parcels, such as those created with the subdivision exemption for boundary line relocation, to be split zoned. Staff recommends that the effective date of the rezoning be the date that the amended plat/COS for the subdivision exemption for boundary line relocation is filed creating the lots that correspond to the proposed OP1 Open Space and C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay Downtown Hip Strip. This is required in the motion to approve the rezoning.

| Surrounding Land Uses | Surrounding Zoning |
|---|--|
| North: Clark Fork River | Unzoned |
| South: Restaurant, multi-dwelling residential, and detached house residential. | RT2.7 Residential (two-unit/townhouse) / NC-UD University District Neighborhood Character Overlay and C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay Downtown Hip Strip Subdistrict |
| East: Parks and recreation and accessory parking | M1R-2 Limited Industrial – Residential |
| West: Restaurant, retail, mixed use residential, office, tavern, cultural exhibit, parks and recreation | C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay Downtown Hip Strip Subdistrict and Clark Fork PUD |

Transportation

30. The subject property has frontage on South Higgins Avenue and South 4th Street East. South Higgins Avenue is functionally classified as a minor arterial street. South 4th Street East is functionally classified as a local street.
31. Pedestrian access is provided via the existing sidewalks on South Higgins Avenue and South 4th Street East. Pedestrian access is also provided to the subject property via the Milwaukee Trail.
32. Vehicular access is provided via three (3) existing curb cuts on South 4th Street East. All changes to vehicular access on South 4th Street East will require City Public Works and Mobility approval. Changes to vehicular access on South Higgins Avenue will require City Public Works and Mobility and Montana Department of Transportation approval.
33. Existing bike lanes are provided adjacent to the subject property on South Higgins Avenue. There are no bike facilities on South 4th Street East.
34. The subject property is within Missoula Urban Transportation District area and served by Route 6 which travels on South Higgins Avenue. Route 6 travels to the downtown transfer center where other routes are available. The nearest bus stop serves Route 6 and is one block south of the subject property on South Higgins Avenue. Bust stops serving Route 8 are located two blocks south of the subject property on South 5th Street East.
35. The site currently contains the Missoulian building and associated parking. Any future development on the subject property will be required to meet all applicable parking requirements as outlined in Missoula Municipal Code Title 12 and Title 20.

Safety Services:

36. The subject property is located within an established service area for Missoula hospitals and City Fire and Police Departments. The nearest fire station is located at 625 E Pine Street, approximately one mile away. The nearest police station is at 435 Ryman, approximately 0.7 miles away.
37. The nearest fire hydrant is located adjacent to the subject property at the intersection of South Higgins Avenue and South 4th Street East.

Water, Sanitation, and Utilities:

38. The subject property is served by City sewer and water.
39. City sewer and water are available on South 4th Street East. A water line also runs through the eastern side of the subject property.

Conclusions of Law:

Title 20, Section 20.85.040.G; In reviewing and making decisions on zoning amendments, the zoning officer, Planning Board and City Council must consider at least the following criteria:

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

1. Per the Our Missoula: City Growth Policy 2035, the subject property has land use designations of “Urban Center” and “Parks and Open Lands”.
2. The requested zoning district of C1-4 Neighborhood Commercial south of the irrigation ditch is a related zoning district in the Urban Center land use designation.
3. The requested zoning district of OP1 Open Space north of the irrigation ditch is a related zoning district in the Parks and Open Lands land use designation.
4. The requested zoning complies with the land use designation recommendations for the subject property in accordance with the Our Missoula: City Growth Policy 2035.
5. The rezoning complies with many of the focus inward goals and objectives of the growth policy.
6. The property is located within the Downtown Master Plan area. City Council adopted the Downtown Master Plan as an amendment to the City Growth Policy.
7. The Downtown Master Plan includes statements promoting improved urban design off of Higgins Avenue and better utilization of the river, as well as illustrations showing the subject property redeveloped with larger, more urban-scale mixed use development. The proposed zoning would facilitate redevelopment that could help to achieve those goals and vision.

1.b. Whether the zoning is designed to secure safety from fire and other dangers;

1. Emergency services including those provided by hospitals, City Police, and City Fire 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.

1.c. Whether the zoning is designed to promote public health, public safety, and the general welfare;

1. The rezoning will promote public health, public safety, and the general welfare by promoting high-density development in a location where existing transportation and utility infrastructure is available.
2. Future development will be subject to all applicable local, state, and federal regulations ensuring the protection of public health, safety, and welfare.

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

1. The requested zoning will preserve the existing open space containing the Milwaukee Trail and the existing open space south of the trail to the irrigation ditch.

2. The subject property is located within walking distance of the Central Business District providing access to amenities and jobs without vehicular use. The requested zoning could increase density in an area already served by existing pedestrian, vehicular, bus, and bicycle infrastructure.
3. The subject property is served by City sewer and water.
4. The rezoning facilitates the adequate provision of public services, including transportation, water, schools, parks, and other public requirements, because the area is inside the Urban Growth Area and the Sewer Service Area, and is served by water, sewer, motorized and nonmotorized infrastructure.

1.e. Whether the zoning considers the reasonable provision of adequate light and air;

1. 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.
2. The Design Excellence Overlay, Downtown Hip Strip Subdistrict requires upper story step-backs for buildings over 60 feet in height or four (4) stories. Upper story step-backs promote adequate access to sunlight.

1.f. Whether the zoning considers the effect on motorized and nonmotorized transportation systems;

1. The requested zoning for the Milwaukee Trail and the open space south of the trail to the irrigation ditch is OP1 Open Space which will preserve the trail and adjacent area as open space.
2. The subject property is located within walking distance of the Central Business District providing access to amenities and jobs without vehicular use.
3. The requested zoning increases density in an area already served by existing pedestrian, vehicular, bus, and bicycle infrastructure.
4. The rezoning gives reasonable consideration to the effect on motorized and non-motorized transportation systems because the property is within the Missoula Urban Transportation District and is served by existing transit, motorized, and non-motorized infrastructure.

1.g. Whether the zoning considers the promotion of compatible urban growth;

1. The rezoning considers the promotion of compatible urban growth because the portion of the site proposed to be rezoned to C1-4 Neighborhood Commercial complies with the Growth Policy's recommended land use designation of Urban Center.
2. The rezoning considers the promotion of compatible urban growth because the portion of the site proposed to be rezoned to OP1 Open space complies with the Growth Policy's recommended land use designation of Parks and Open Lands.
3. The rezoning promotes compatible urban growth because it implements the focus inward goal of the City Growth Policy and provides for increased density while promoting efficient use of existing infrastructure.
4. The rezoning promotes compatible urban growth because it would facilitate redevelopment of the site that could help to achieve some of the goal statements and vision of the Downtown Master Plan.

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

1. The Design Excellence Overlay, Downtown Hip Strip subdistrict considers the character of the district by regulating the design of future development.
2. The requested zoning of C1-4 Neighborhood Commercial is suitable for the subject property and gives reasonable consideration to the character of the district because it aligns with the zoning of surrounding parcels on the South Higgins Avenue corridor. If zoned C1-4, the subject property would abide by the same regulations and permit the same uses as adjacent properties on the corridor.
3. The proposed zoning of OP1 Open Space north of the irrigation ditch preserves the existing use of the area as open space which is compatible with the use of other parcels along the Clark Fork River.

1.i. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land

throughout the jurisdictional area.

1. The current Missoulian PUD zoning only allows office and limited manufacturing uses. The proposed C1-4 Neighborhood Commercial zoning would allow the land to be used for additional commercial, mixed use, and residential development. The rezoning would encourage the most appropriate use of land located in the Urban Center land use designation specified in the Growth Policy.
2. The OP1 Open Space zoning district would preserve the appropriate use of the area north of the irrigation ditch as open space in compliance with the Parks and Open Lands land use designation specified in the Growth Policy.

2. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition;

1. The Missoulian business will no longer be printing newspapers at the subject property.
2. The proposed zoning meets the challenge of a changing condition by removing the use restrictive Missoulian PUD.
3. The proposed zoning allows for high density residential development which could help to meet the challenge of changing conditions in Missoula related to the housing crisis.

3. Whether the proposed zoning amendment is in the best interests of the city as a whole.

1. The proposed C1-4 Neighborhood Commercial zoning promotes mixed use and high-density residential development which provides additional economic and housing opportunities to the City.
2. The proposed OP1 Open Space zoning preserves and appropriately zones an existing open space and trail used by the public.
3. The proposed zoning amendment is in the best interest of the City as a whole because it promotes the best use of the land in alignment with the Our Missoula: City Growth Policy 2035 and the Downtown Master Plan.

III. AGENCY COMMENT

City Fire:

"Fire has no concerns about this proposed rezoning request at 500 S Higgins as it pertains to safety from fire and other dangers." Adam Sebastian

City Police:

City Police did not provide comment at the time of this report.

City/County Health Department – Environmental Health:

"The proposed rezoning does not violate any rules/statutes overseen by the Health Department, however, the boundary line adjustment will require sanitation review or citation of an applicable exemption per Title 76-4 MCA." – Jim Erven

City/County Health Department – Air Quality Division:

"The Air Program at the Missoula City-County Health Department has no concerns with the 500 S Higgins rezoning request. The Health Department does support infill development near existing services and non-motorized trails that encourage a healthy moving lifestyle." – Ben Schmidt

Missoula Valley Water Quality District:

"The Water Quality District supports the applicant's proposal to zone the north side of the parcel as open space. This is the area most prone to river movement and should be zoned as parks/open land. Retention of this open area to accommodate river flooding and movement is important, particularly in the downtown area where levees have restricted river movement. Future building/planning efforts should retain buildings on the higher bench with the lower elevation area adjacent to the river serving a more natural function." – Elena Evans

City Parks and Recreation:

"Thank you for the opportunity to comment on this Rezone. The Parks Department has no concerns on the rezone of this property.

We are interested in discussions with the property owner and development team to acquire a wider easement for the Milwaukee Trail along the Clark Fork River. The Milwaukee Trail is our most used shared-use path and active transportation route. We have current projects looking at restoration and revegetation along the river, formal river access points, as well as widening the trail and improving the trail lighting to meet current best practices.

There has also been strong interest from the community through the multiple planning processes (Higgins Bridge, Long Range Transportation Plan, Downtown Master Plan, Higgins Corridor Study, etc), to provide a pedestrian connection from the east side of Higgins to the Milwaukee Trail. We see this project as an ideal opportunity for the City to discuss this connection with the developer.

Please let me know if you have any questions.” – Neil Miner

City Attorney:

The City Attorney’s Office did not provide comment at the time of this report.

Missoula Urban Transportation District:

“Missoula Urban Transportation District has no comment on the rezone request for 500 S Higgins.” – Dan Stone

City Public Works and Mobility Transportation Division:

“Overall, we support the request to rezone the property to C1-4. The location supports the region’s “focus inward” approach to growth, and our desire to increase the intensity of land use where existing infrastructure and transportation services can support the additional mobility needs. The 2020 update to the Long Range Transportation Plan recommended encouraging compact growth: A compact approach to development provides more people with access to more resources and opportunities without having to travel far. This creates time savings, reduces congestion, and provides more options to walk, bike, and ride transit. (2020 LRTP, pg 105)

The subject property has access to the following transportation facilities:

- Adjacent to Milwaukee Trail and therefore connected to the regional primary commuter path network
- Located at intersection of two Neighborhood Greenways (S 4th St W and Gerald Ave)
- Located along Mountain Line’s Route 6, scheduled for high frequency service in the next phase of MUTD’s Master Plan
- New Beartracks Bridge provides safe, comfortable, and convenient access to downtown
- Mix of services and destinations within 15 minute walking trip includes multiple restaurants, offices, schools, University, groceries, health care, and jobs.
- Higgins Avenue Corridor Plan (currently in progress) will identify appropriate and feasible multimodal connections to downtown and neighborhoods to the south
- Potential future connections to Brooks and the midtown area via high frequency bus service

The increased land use intensity does include some impacts to our transportation system that should be mitigated with development of the site. Increased density of residential and commercial activity will generate and attract more trips along an already busy corridor. Parking along the Hip Strip and adjacent neighborhoods is already challenging, and if trips are made by single occupant vehicle it will create congestion on Higgins as well as impact safety and comfort of neighborhood streets. In addition, the adjacent neighborhood greenways on S 4th St and Gerald Ave provide good low-stress bicycle and pedestrian routes, however an increase in vehicle traffic could decrease the level of service and comfort on those routes.

If the property develops with ground floor commercial or retail, the current sidewalk along Higgins may be insufficient to handle additional traffic and retail use of the ROW. An increase in vehicle trips could also impact pedestrian comfort and safety, as well as function of the signal at Higgins and S 4th St, which currently operates with a left-turn prohibition from Higgins onto S 4th St during peak travel times.

In order to mitigate these impacts, we recommend any future development include the following:

- Adding structured parking to meet the needs of this property on-site and to help offset parking demands in the area south of the river
- Create, implement and monitor a travel demand management plan that sets goals for vehicle trip reduction through multi-modal transportation design, programming and incentives.
- Identify other opportunities for increasing multi-modal trips, such as locating child care onsite, provide shipping services or other facilities that often require driving
- Provide traffic calming and mitigation for vehicle trips on S 4th St and Gerald Ave to ensure continued function of those streets as neighborhood greenways

- Carefully consider curb space management for emerging mobility trends, loading zones, pickup/ drop-off, and other uses.

Please reach out if you have any questions or need clarification on these comments. – Aaron Wilson

City Public Works and Mobility Engineering Division:

Engineering did not provide comment at the time of this report.

Waste Water Treatment Plant:

The Waste Water Treatment Plant did not provide comment at the time of this report.

Missoula Redevelopment Agency:

Missoula Redevelopment Agency did not provide comment at the time of this report.

Missoula County Office of Emergency Management:

Missoula County Office of Emergency Management did not provide comment at the time of this report.

Montana Department of Transportation:

“I have no comments regarding the proposed rezoning request.” – Glen Cameron

Missoula Irrigation District:

Missoula Irrigation District did not provide comment at the time of this report.

Neighborhood Council (NC):

The University District NC did not provide comment at the time of this report.

V. EXHIBITS:

- A. Legal Description Following Boundary Line Relocation
- B. Original Legal Description
- C. Proposed Zoning Exhibit

Exhibit A: Legal Description Following Boundary Line Relocation

PARCEL TO BE REZONED FROM MISSOULIAN PLANNED UNIT DEVELOPMENT AND M1R-2 LIMITED INDUSTRIAL RESIDENTIAL TO C1-4 4 NEIGHBORHOOD COMMERCIAL / DE-D DESIGN EXCELLENCE OVERLAY DOWNTOWN HIP STRIP

The Land is described as follows:

LOT 17A AND LOT 18A OF THE MONTANA ADDITION BLOCK 9, LOTS 17 & 18; THAT PORTION OF VACATED GERALD AVENUE PER CITY RESOLUTION NO. 4413; LOTS 7A, 8A AND 13A OF MONTANA ADDITION, BLOCK 10, LOTS 7, 8, 9, 12, & 13; AND THAT PORTION OF TRACT M OF CERTIFICATE OF SURVEY NO. 3011 LYING SOUTHERLY AND WESTERLY OF THE SOUTHERLY AND WESTERLY LINES OF SAID LOTS 7A, 8A AND 13A, ALL ON FILE AND OF PUBLIC RECORD IN MISSOULA COUNTY, MONTANA

PARCEL TO BE REZONED FROM MISSOULIAN PUD TO OP1 OPEN SPACE

The Land is described as follows:

LOTS 9A AND 12A OF MONTANA ADDITION, BLOCK 10, LOTS 7, 8, 9, 12, & 13 AND THAT PORTION OF TRACT M OF CERTIFICATE OF SURVEY NO. 3011 LYING NORTHERLY AND EASTERLY OF THE NORTHERLY AND EASTERLY LINES OF SAID LOTS 9A AND 12A, ALL ON FILE AND OF PUBLIC RECORD IN MISSOULA COUNTY, MONTANA

Exhibit B: Original Legal Description

The Land is described as follows:

PARCEL 1 (TAX ID# 1340901):

THE SOUTH 20 FEET OF LOT 14, AS MEASURED ALONG AND PARALLEL TO THE SOUTHERLY BOUNDARY OF SAID LOT 14; ALL OF LOTS 15, 16 AND 17; THE NORTH 15 FEET OF LOT 18; AS MEASURED ALONG AND PARALLEL TO THE LOT LINE COMMON TO LOTS 17 AND 18, ALL IN BLOCK 10, MONTANA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS FILED IN THE CLERK AND RECORDER'S OFFICE, MISSOULA COUNTY, MONTANA, LYING EAST OF HIGGINS AVENUE, EXCEPT ALL FRACTION PORTION OF THE SOUTH 20 FEET OF LOT 14 AND LOTS 15, 16, 17 AND THE NORTH 15 FEET OF LOT 18, IN BLOCK 10, MONTANA ADDITION TO THE CITY OF MISSOULA, SITUATED WEST OF A LINE WHICH LINE IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 56.3 FEET DUE EAST OF THE ORIGINAL NORTHWEST CORNER OF BLOCK 10, MONTANA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF; SAID POINT ALSO LIES ON THE NORTH LINE OF LOT 12, BLOCK 10; THENCE S.14°24'W., 226.4 FEET TO A POINT OF INTERSECTION WITH THE WEST PROPERTY LINE OF BLOCK 10; SAID POINT OF INTERSECTION BEING 219.25 FEET DUE SOUTH OF THE NORTHWEST CORNER OF BLOCK 10, MONTANA ADDITION.

THIS PROPERTY IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

ALL THAT PARCEL OF LAND LOCATED IN BLOCK 10, MONTANA ADDITION, ACCORDING TO THE OFFICIAL PLAT BOUNDED AS FOLLOWS:

BEGINNING AT A POINT 128.25 FEET SOUTH OF THE ORIGINAL NORTHWEST CORNER OF BLOCK 10, SAID POINT BEING ALSO THE NORTHWEST CORNER OF LOT 16, BLOCK TEN (10) , MONTANA ADDITION; THENCE N.23°42'E., 54.58 FEET TO A POINT; THENCE DUE EAST 14.26 FEET TO A POINT; THENCE S.14°24'W., 130.1 FEET TO A POINT; THENCE DUE WEST 4.1 FEET TO A POINT ON THE WEST BOUNDARY LINE OF BLOCK 10; THENCE DUE NORTH 75 FEET AND ALONG THE WEST BOUNDARY LINE OF BLOCK 10 TO THE POINT OF BEGINNING, MISSOULA COUNTY, MONTANA.

TOGETHER WITH THAT PORTION OF THE VACATED ALLEY ADJACENT TO SAID LOTS WHICH ATTACHED TO SAID PROPERTY BY OPERATION LAW PURSUANT TO RESOLUTION NO. 4240.

RECORDING REFERENCES: BOOK 433 MICRO RECORDS AT PAGE 939 AND BOOK 433 MICRO RECORDS AT PAGE 941

PARCEL 2 (TAX ID# 5851710):

LOTS 1, 2, 3, 4, 19, 20, 21 AND 22 IN BLOCK 10 OF MONTANA ADDITION, A PLATTED SUBDIVISION IN MISSOULA COUNTY, MONTANA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF. TOGETHER WITH THE VACATED 20' WIDE ALLEY ADJOINING SAID LOTS.

RECORDING REFERENCE: BOOK 408 MICRO RECORDS AT PAGE 1043 AND BOOK 408 MICRO RECORDS AT PAGE 1045

AND

LOTS 17A AND 18A OF THE MONTANA ADDITION, BLOCK 9, LOTS 17 AND 18, A PLATTED SUBDIVISION IN MISSOULA COUNTY, MONTANA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF.

TOGETHER WITH THAT PORTION OF VACATED GERALD AVENUE WHICH ATTACHED TO SAID PROPERTY BY OPERATION OF LAW PURSUANT TO RESOLUTION NO. 4413 RECORDED IN BOOK 212 OF MICRO RECORDS AT PAGE 10.

AND

PARCEL 18A OF AMENDED PLAT OF ORIGINAL TOWNSITE, BLOCK 18, A PLATTED SUBDIVISION IN MISSOULA COUNTY, MONTANA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF.

AND

LOTS 5, 6, 7, 8, 9, 10, 11, 12 AND 13 IN BLOCK 10 OF MONTANA ADDITION, A PLATTED SUBDIVISION IN MISSOULA COUNTY, MONTANA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF. TOGETHER WITH THAT PORTION OF VACATED GERALD AVENUE LYING ADJACENT TO LOTS 3, 4, 5, 6, 7, 8, 9, 10 AND 11 IN SAID BLOCK 10 WHICH ATTACHED TO SAID LOTS BY OPERATION OF LAW PURSUANT TO RESOLUTION FILED OCTOBER 8, 1912 AS SHOWN ON CERTIFICATE OF SURVEY NO. 2490.

LOT FOURTEEN (14), LESS THE SOUTH 20 FEET OF LOT 14, IN BLOCK TEN (10) OF MONTANA ADDITION TO THE CITY OF MISSOULA, MONTANA. DEED REFERENCE: BOOK 127 OF DEEDS AT PAGE 269.

LESS:

THOSE PORTIONS OF LOTS 12 AND 13, AND THE NORTHERLY 10 FEET OF LOT 14 OF BLOCK 10, MONTANA ADDITION TO THE CITY OF MISSOULA, MONTANA, LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 12 WHICH IS 56.3 FEET EASTERLY MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINE OF SAID LOT RUNNING THENCE SOUTHWESTERLY TO A POINT 10 FEET SOUTHERLY MEASURED AT RIGHT ANGLES FROM THE SOUTHERLY LINE OF SAID LOT 13 WHICH IS 36.2 FEET EASTERLY MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINE OF SAID LOT 14.

RECORDING REFERENCE: BOOK 176 MICRO RECORDS AT PAGE 1583

Exhibit C: Proposed Zoning Exhibit

