

## **Planning Board Summary Recommendation to Approve Rezoning**

### **Planning Board Recommendation:**

Following a public hearing on Tuesday, September 9, 2021, with 8 voting members present, the Missoula Consolidated Planning Board voted 7 ayes, 0 nays, and 1 abstention to 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.

### **Planning Board Discussion:**

Planning Board discussion included the following:

- Question about timing of amended plat and rezoning. Planning staff responded that the rezoning is made effective when the amended plat is filed.
- Question about OP1 zoning district, maximum building height of 35 feet, and whether it was the proper zoning district. Planning staff responded that OP1 is the only recommended zoning district for the Parks and Open Lands land use designation. There is an easement for the existing trail which will still be in place following the rezoning. There is a maximum building height of 35 feet but commercial and residential uses are not permitted. Utility related structures may be placed in OP1 which must comply with the maximum height.
- Concerns with lack of bike facilities on S 4<sup>th</sup> St E and building being constructed near the property line. Concern that building placement wouldn't allow additional infrastructure to be installed on S 4<sup>th</sup> St E. Representative Jamie Erbacher stated that if a development triggers 200 daily trips or more the City can require a traffic impact study. The study may trigger motorized and non-motorized improvements to the streets.
- Questions for the representative about what percentage of the project will be devoted to residential versus commercial. Representative Jamie Erbacher said they envisioned a mixed-use development but do not know the percentage of residential development currently.
- Question about if the C1-4 zoning district requires mixed use. Planning staff stated mixed use is not required and the parcel may be developed with any uses permitted in the zoning district. Question about if any zones require mixed use. Planning staff stated no zoning districts require mixed use, however mixed use is incentivized in the code.
- Planning Board asked again if the general percentage of residential development was known. Planning Board preferred if there was some level of commitment to providing residential development given permitted height. Representative Jamie Erbacher stated they did not know the percentage of residential development but were planning to develop the site as mixed use with commercial on the first floor and residential above. A parking shelter will likely be necessary.

See the Planning Board Minutes for further Planning Board discussion.

## **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