



# MISSOULA

## COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

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### CONDITIONAL USE STAFF REPORT

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|---|--|---|
| <b>Agenda item:</b>                       | Conditional Use Request for Veterinary Animal Services at 1914 South Reserve Street and 2432 North Avenue West   |   |
| <b>Report Date(s):</b>                    | 1/5/2022   |   |
| <b>Case Planner:</b>                      | Deborah Postma, Planner  |   |
| <b>Report Reviewed &amp; Approved By:</b> | Cassie Tripard, Planning Supervisor  |   |
| <b>Public Meetings &amp; Hearings:</b>    | <p><b>City Council hearing:</b><br/>1/10/2021</p> <p><b>Land Use &amp; Planning (LUP) post-hearing:</b><br/>1/12/2021</p> <p><b>Final Consideration:</b><br/>1/24/2021</p>   |   |
| <b>Applicant &amp; Owner:</b>             | <p>Applicant:<br/>Adam Jones<br/>306 W Railroad St, Suite 104<br/>Missoula, MT 59802</p> <p>Owner:<br/>Earl Ellingson<br/>Wilderness Creek Properties LLC<br/>1914 S Reserve St<br/>Missoula, MT 59801</p>                 |   |
| <b>Representative:</b>                    | <p>Adam Jones<br/>Cushing Terrell<br/>306 W Railroad St, Suite 104<br/>Missoula, MT 59802</p>  |   |
| <b>Location of request:</b>               | The subject property is located 1914 South Reserve St & 2432 North Avenue West<br>Neighborhood Council: Franklin to the Fort<br>Ward: Ward 6   |   |
| <b>Legal description:</b>                 | Lots 9, 10, and the West 20 feet of Lot 8 in Block 2 of Maclay Addition located in Section 29 of Township 13 North, Range 19 West, P. M. M.  |   |
| <b>Legal ad:</b>                          | The legal ad was published in the <i>Missoulian</i> on 12/19/2021 and 12/26/2021.. The site was posted on 12/16/2021. Adjacent property owners within 150 feet of the site were notified by first class mail on 12/8/2021. |   |
| <b>Growth Policy:</b>                     | The applicable regional plan is the Our Missoula: City Growth Policy 2035 which recommends a land use designation of Community Mixed Use.  |   |
| <b>Zoning:</b>                            | B2-2 Community Business/ DE-C Design Excellence Overlay- Corridor Typology 4   |   |
|   | <b>Surrounding Land Uses</b>   | <b>Surrounding Zoning</b>   |
| North:                                    | Office, Detached House Residential   | C1-2 Neighborhood Commercial / DE-C Design Excellence Overlay – Corridor Typology 4 and B2-2 Community Business |

|        |  |  |
|--------|--|--|
| South: | Mixed Use Building with Child Care & Residential | B2-2 Community Business / DE-C Design Excellence Overlay – Corridor Typology 4 |
| East:  | Detached House Residential                       | B2-2 Community Business  |
| West:  | Manufactured Housing Park                        | RMH Residential Manufactured Housing Park                                      |

### I. RECOMMENDED MOTION

**Approval** of the Animal Services, Veterinary Conditional Use Request located at 1914 South Reserve Street and 2432 North Avenue West in accordance with Missoula City Zoning Ordinance, Title 20, Sections 20.10.020.D, 20.85.070, and 20.105,040.A.3 and based on the findings of fact in the staff report and subject to one (1) condition of approval.

### II. CONDITION(S) OF APPROVAL

1. The Animal Services, Veterinary Conditional Use at 1914 South Reserve Street and 2432 North Avenue West shall comply with all applicable portions of Title 20 and Design Excellence Review approval. Plans submitted at the time of building permit application shall substantially conform with the plans submitted at the time of conditional use review, subject to the review and approval by Development Services, prior to building permit approval.

### III. INTRODUCTION

The City of Missoula Development Services has received a conditional use request from Adam Jones of Cushing Terrell on behalf of Wilderness Creek Properties LLC for a Veterinary Animal Services use to be located at 1914 South Reserve Street and 2432 North Avenue West. Pet Emergency Center, a professional veterinary services facility, would like to expand the existing use of professional veterinary services at 1914 South Reserve Street to the adjacent property located at 2432 North Avenue West. The existing veterinary building will be demolished to allow for development of the new building. The new veterinary services building at 2432 North Avenue West will consist of 10,557 square feet (SF) of gross floor area: a 7,367 SF ground floor, 1,595 SF upper floor, and 1,595 SF basement. The new building will provide abundant space for the growing practice and will allow for new veterinary specialists and equipment. The new building was approved for compliance with Design Excellence.

The subject property is zoned B2-2 Community Business and is within Design Excellence Overlay-Corridor Typology 4. According to Title 20, Section 20.10.020, a Veterinary Animal Service use requires conditional use approval to operate in the B2-2 zoning district. Title 20, Section 20.105.040 defines Animal Services-Veterinary as, “Typical uses include pet clinics, dog and cat hospitals and animal hospitals.”

The veterinary Animal Service use is existing at this site. However, per Title 20, Section 20.85.070.B.3, requests for conditional use expansions or modifications beyond the original conditional use request, excluding those permitted by Section 20.85.070.B.2, must go through the Conditional Use review and approval procedures.

### IV. APPLICABLE ZONING REGULATIONS IN TITLE 20

Title 20 Zoning Ordinance, Section 20.85.070(H) outlines the review criteria for review of conditional use applications. According to the Zoning Ordinance, “not all review criteria will apply in every case... [and] only the applicable review criteria need to be met.” Uses that require conditional use approval may be approved by the City Council only when Council determines that the proposed uses meet all the applicable review criteria.

Section 20.85.070(I) outlines “Factors to be Considered” that City Council may specifically consider agency and public testimony.

### V. CONDITIONAL USE REVIEW CRITERIA

#### Findings of fact:

#### General

1. The property is located at 1914 South Reserve Street and 2432 North Avenue West at the northeast corner of South Reserve Street and North Avenue West.
2. The subject property is legally described as Lots 9, 10, and the West 20 feet of Lot 8 in Block 2 of Maclay Addition, located in Section 29 of Township 13 North, Range 19 West, P. M. M.
3. The applicant currently operates a Veterinary Clinic at 1914 South Reserve Street and is proposing to expand the existing use of professional veterinary services to the adjacent parcel located at 2432 North Avenue West.
4. The subject project is located within the Missoula Urban Transportation District, the Urban Growth Area, the Wastewater Facilities Service Area, and the Air Stagnation Zone. The building is connected to City Water and Sewer.

5. The subject property is within an established service area for Missoula hospitals and the City Fire and Police Departments.
6. The existing facility at 1914 S Reserve St consists of 1,856 SF on the main level, and 1,289 SF at the basement level. If expansion of the veterinary use is approved by City Council, the existing building will be demolished to allow development of a new facility. The adjacent parcel at 2432 North Avenue West contains an existing detached house which will be demolished to construct the new veterinary building, if approved by City Council. The new veterinary services building is proposed to be constructed on 2432 North Avenue West and will consist of 10,557 SF of gross floor area: a 7,367 SF ground floor, 1,595 SF upper floor, and 1,595 SF basement. The use is proposed to be expanded by 7,412 SF of gross floor area.
7. The new building was approved for compliance with Design Excellence. Exterior materials have been selected for durability and to help complement neighboring uses and building scales.

#### **Growth Policy and Zoning:**

8. The 2035 Our Missoula City Growth Policy is the applicable regional plan and recommends a land use designation of Community Mixed Use. Community Mixed Use designations include a broad range of functions including retail, education, financial institutions, professional and personal services, offices, residences, and general service activities. The corresponding zoning districts for lands designated as Regional and Commercial Services are: C1-4, C2-4 and M1R-2.
9. Veterinary uses are permitted by right in zoning districts corresponding to the Community Mixed Use land use designation.
10. The subject property is zoned B2-2 Community Business, and is within Design Excellence Overlay-Corridor Typology 4. Pursuant to Table 20.10-1 "Uses Allowed in Business and Commercial Districts" of the Title 20 Zoning Code, an Animal Services, Veterinary use requires conditional use approval to operate in the B2-2 Community Business zoning district. Per Title 20, Section 20.85.070.B.3, the expansion of the conditional use requires the project to go through the conditional use review and approval procedures.
11. The surrounding uses include office space and detached house residential to the north, mixed-use commercial and residential to the south across North Avenue West, single detached residential to the east, and a manufactured housing park to the west across Reserve Street.
12. There is no minimum parcel area or building setback requirements for commercial use buildings in the B2-2 zoning district unless the property abuts a residential zoning district, which is not the case for this parcel.
13. The new building and veterinary use will be required to meet all Missoula Municipal Code requires at the time of building permit approval. The building and veterinary use shall comply with all applicable portions of Title 20 and Design Excellence Review approval per conditional of approval #1.
14. The veterinary clinic use would be added to the existing use, which operates in the same capacity as that proposed. The new, expanded building would provide abundant space for the growing practice, allow for new veterinary specialists, and accommodate the vast community of Missoula pet owners.
15. The associated impacts to be mitigated are visual and noise impacts from the expanded building, mechanical equipment, utilities, and service spaces. The site includes a parking area screened with perimeter parking lot landscaping as well as a 5 foot landscape buffer and fence along the eastern property boundary in order to mitigate noise and visual impacts on surrounding parcels. Utilities are screened with a privacy fence.
16. Staff received no letters of public comment.

#### **Design Excellence Review**

17. Design Excellence includes a set of site and building design guidelines that are intended to shape development that is consistent with community character.
18. The project has been reviewed and approved for compliance with the Design Excellence Overlay and was approved with one design variation for floor-to-ceiling building height. Per Title 20, Section 20.25.080.B.5.a.2, the Zoning Officer may approve a variation when an alternative design approach satisfies the specified intent of the particular design standard.
19. The approved plan was determined by staff to meet the intent of the 10 foot floor-to-ceiling height requirement. Title 20, Section 20.85.080.C.4.e.2 states the intent of the floor-to-ceiling height requirement is

to ensure ground floor building heights that are adequate to support high quality for tenants, activate the public realm, and reflect the historic ground floor heights.

20. The applicant proposes to provide 9-foot tall ceilings in the animal exam rooms, corridors, restrooms, and staff lounge. The proposed building design provides a tall entry and lobby space facing Reserve Street to activate the public realm. The variation was requested to provide quality space for the tenant by increasing energy efficiency improving the acoustics to decrease noise. Decreased interior noise is beneficial to the veterinary use.

### **Parking and Access**

21. The parcel has frontage on South Reserve Street which is functionally classified as a Principal Arterial street, North Avenue West which is functionally classified as a Local Collector Street, and Dirk Drive, which is a private street.
22. South Reserve Street contains an existing 5-foot sidewalk, boulevard, and bike lane.
23. North Avenue West contains a sidewalk and parking lane. North Avenue West does not contain a boulevard or bike lane.
24. Dirk Drive contains a sidewalk on the northern side of the road. There are no pedestrian facilities on Dirk Drive abutting the subject property.
25. The parcel is proposed to be accessed from North Avenue West to the south and Dirk Drive to the north. The applicant has obtained an access easement from the adjacent property owner to access the northern driveway access on the property.
26. Per the application packet, a 7.5-foot-wide pedestrian route will connect the main entry and bike racks with the sidewalk on North Avenue West.
27. Per Title 20, Section 20.60.-2-, Table 20.60-1, veterinary animal services require one space per every 480 square feet of facility space.
28. Pet Emergency Center is approximately 10,4577 square feet and therefore requires 22 parking spaces, including 2 ADA spaces. There are 22 parking spaces proposed; two of which are ADA spaces. The parking requirement for the use is met.
29. There is an additional space which is narrower than the 9-foot-wide requirement. This space is not counted in the overall parking count. This additional space may serve as a compact space or as a snow removal area in winter months.
30. Title 20, Table 20.60-2 outlines the bicycle parking requirements for commercial uses. One (1) short term bicycle parking space is required per ten (10) motor vehicle parking spaces. Two (2) short-term bicycle parking spaces are required, and three (3) short-term bicycle parking spaces are provided. There are three (3) long-term bicycle parking spaces provided, as one (1) space is required per five (5) employees, and there are fifteen (15) employees anticipated.

### **Conditional Use Review**

31. Title 20, Chapter 20.85.070.A states, "The conditional use approval procedure of this section is intended to provide a transparent, public review process for land uses that, because of their widely varying design and operational characteristics, require case-by-case review in order to determine whether they would be compatible with surrounding land uses and development patterns."
32. Title 20, Chapter 20.85.070.H.2 outlines criteria for the review of Conditional Uses, stating, "Conditional use applications may be approved by the City Council only when they determine that the review criteria listed below, as applicable, have been satisfied." Title 20 further notes that not all review criteria would apply in every instance.
33. The proposed design has received Design Excellence approval and complies with applicable portions of Title 20 Missoula Zoning Ordinance.
34. A veterinary use already exists on the portion of the site addressed 1914 South Reserve Street.

35. Vehicular access is provided from South Reserve Street, Dirk Drive, and North Avenue West. A bike lane is provided on South Reserve Street. Pedestrian facilities to the site are provided on North Avenue West and South Reserve Street.
36. A 5-foot landscape and fence buffer in compliance with Title 20 landscaping provisions is provided along the eastern property line which abuts a residential use.
37. Mechanical equipment is screened with a 100% opaque wood privacy fence on the side abutting the adjacent parcel, and with a 75% opaque wood privacy fence on other sides.

**Conclusions of Law:**

Conditional use applications may be approved by the City Council only when Council determines that the applicable review criteria, in bold below, have been satisfied:

**1. Whether the proposed use is in accordance with the Growth policy and other adopted plans;**

1. The Veterinary Animal Services use complies with the 2035 Our Missoula City Growth Policy Community Mixed-Use land use designation and the goals and objectives of the Growth Policy that recommends a broad range of commercial uses and services where city services and infrastructure are available.
2. The Veterinary Animal Services use is permitted as a conditional use in the B2-2 Community Business zoning district and will comply with Design Excellence approval if City Council imposes the recommended condition of approval.

**2. Whether the proposed use is in the interest of public convenience and would not have a significant adverse impact on the general welfare of the neighborhood or community;**

1. The Veterinary Animal Services use is an expansion of the existing Pet Emergency business, and should not compromise the general welfare of the neighborhood or community. As an existing veterinary service, the new facility will provide a higher level of service.
2. The Veterinary Animal Services use will be served by adequate existing public facilities, infrastructure, and services.
3. The Veterinary Animal Services use is proposed in an area that is already served by City of Missoula Police and Fire protection.
4. The Veterinary Animal Services use is screened from the abutting residential property.
5. The proposed Veterinary Animal Services use is in the interest of public convenience and would not have a significant adverse impact on the general welfare of the neighborhood community.

**3. Whether the proposed use would be compatible with adjacent properties and uses in terms of physical elements such as open space design, screening and buffering, any applicable use-specific standards and any other elements considered important by the City Council.**

1. The Veterinary Animal Services use is compatible with the adjacent commercial business in the area. The site planning, building scale, and design are compatible with the surrounding area. The proposed site has been developed to meet requires of Design Excellence and Title 20 zoning standards. The new facility will enhance street frontages and overall appearance at the intersection.
2. The Veterinary Clinic building and associated mechanical equipment are screened from the abutting residential parcel
3. The Veterinary Animal Services use will comply with Title 20 Zoning Ordinance, including landscaping requirements, if City Council imposes the recommended condition of approval.
4. The proposed Veterinary Animal Services use is compatible with adjacent properties and uses in terms of physical elements such as open space design, screening and buffering, and Design Excellence standards.

**4. Whether the proposed use will not impede the orderly development and improvement of the surrounding properties for uses permitted in the district;**

1. The Veterinary Animal Services use is an expansion of an existing veterinary use; it will not impede the orderly development and improvement of the surrounding properties for uses permitted in the district.
2. Compliance with all applicable sections of the Title 20 Zoning Ordinance will be confirmed prior to building permit approval if City Council imposes the recommended condition of approval.

**5. Whether the proposed use has operating characteristics that are compatible with the surrounding area in terms of hours of operation, outdoor lighting, noise, and traffic generation;**

1. The Veterinary Animal Services use replaces an existing facility with the same use and hours of operation.
2. Operating characteristics will be enhanced and more compatible with the surrounding area by providing more off-street parking and street-facing activity. A privacy fence will also be provided along the east property line to screen the new building from residential uses.
3. The subject property is adjacent to adequate existing vehicular, bike, and pedestrian infrastructure to accommodate a potential increase in traffic generation.
4. If new site or building lighting is proposed, it must be reviewed by Development Services as a condition of the Design Excellence approval and must meet the Missoula Outdoor Lighting Ordinance.
5. Noise generated by the use will be required to conform with the regulations for a commercial zone, as established in the Missoula Municipal Code, Chapter 9.30.040.
6. The proposed Veterinary Animal Services use has operating characteristics that are compatible with the surrounding area in terms of hours of operation, outdoor lighting, noise, and traffic generation.

**6. Whether the proposed use would have a significant adverse impact on traffic safety or comfort, including all modes of transport (non-motorized and motorized), and will be functional and safe in terms of pedestrian, bicycle and vehicular access, parking, loading and servicing;**

1. The new design will improve pedestrian and bicycle access with a new accessible route from the public right-of-way to the main building entry. Pedestrian facilities and bike lanes are located along the Reserve Street frontage.
2. The facility parking lot will be accessed by approaches from North Avenue West and Dirk Drive, where the applicant has obtained an access easement for the private street. No drive accesses from Reserve Street are proposed.
3. The service area is accessed from Dirk Drive, which is the road of lowest classification bordering the subject property.
4. The Veterinary Animal Services use will not have a significant adverse impact on traffic safety or comfort and will be functional and safe in terms of pedestrian, bicycle, and vehicular access, parking loading, and servicing.

**7. Whether the proposed use would properly address open space, light, and protection of natural features.**

1. Street frontage landscaping, perimeter parking lot screening, and buffers are proposed in compliance with Title 20 landscaping standards.
2. There are no significant natural features on or adjacent to the site.
3. The majority of the building is single story, allowing light to access adjacent properties.
4. The proposed Veterinary Animal Services use properly addresses open space and light.

## VI. AGENCY COMMENT

**Missoula Valley Water Quality District:** No comment was received at the time of Staff Report submittal

**Health Department - Air Quality Division:** No comment was received at the time of Staff Report submittal

**Missoula County – Emergency Management:** No comment was received at the time of Staff Report submittal

**Missoula Urban Transportation District:** No comment was received at the time of Staff Report submittal

**City Parks & Recreation:** “The Parks Department has no comment on this conditional use.” -Neil Miner

**Office Of Housing & Community Development:** No comment was received at the time of Staff Report submittal

**City Attorney:** No comment was received at the time of Staff Report submittal

**Missoula Redevelopment Agency:** No comment was received at the time of Staff Report submittal

**City Police:** No comment was received at the time of Staff Report submittal

**City Fire:** “I don’t think that this impacts their conditional use but wanted to bring this up as soon as I can in case it changes their plans. There is an existing fire hydrant across the street from the proposed project. That hydrant can only provide a predicted 712 gpm at 20 psi which is much lower than the typical required fire flow. Adam may weigh in on any requirements that would stem from this.” -Andy Schultz

“The AHJ references the International Fire Code® that allows for modifications where “practical difficulties” or strict application of the code is demonstrated and where the modification provides for the acceptance of additional safeguards offering equivalent protection. The installation of an automatic fire-sprinkler system (NFPA 13) is an acceptable modification to the AHJ that provides additional safeguards in lieu of the impracticality of providing the required fire-flow (712@20psi) with a new fire hydrant/main extension/fire pump for this project.

The granted modification has been verified upon review of the applicants initial submittal documentation (2021-MSS-COM-00349) on 11/11/21.” -Adam Sebastian, Assistant Fire Marshal

**Montana Department of Transportation:** “The proposal is to expand to the adjacent property located on North Ave. I do not have any comments related to this proposal. I do provide the recommendation that if there is any site redevelopment between the two properties, access from North Ave should be located as far east from Reserve St as possible. There is no direct access to S Reserve St.” -Glen Cameron

**City Stormwater Division:** No comment was received at the time of Staff Report submittal

**City Wastewater Division:** No comment was received at the time of Staff Report submittal

**City Water Division** No comment was received at the time of Staff Report submittal

**Neighborhood Council (NC):** No comment was received at the time of Staff Report submittal

## VII. ATTACHMENT:

1. Application