

Rezone 2900, 2920, & 2990 Expo Parkway

Request for Rezoning to RMI-45 District

City Council Public Hearing

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Development Services
May 9, 2022



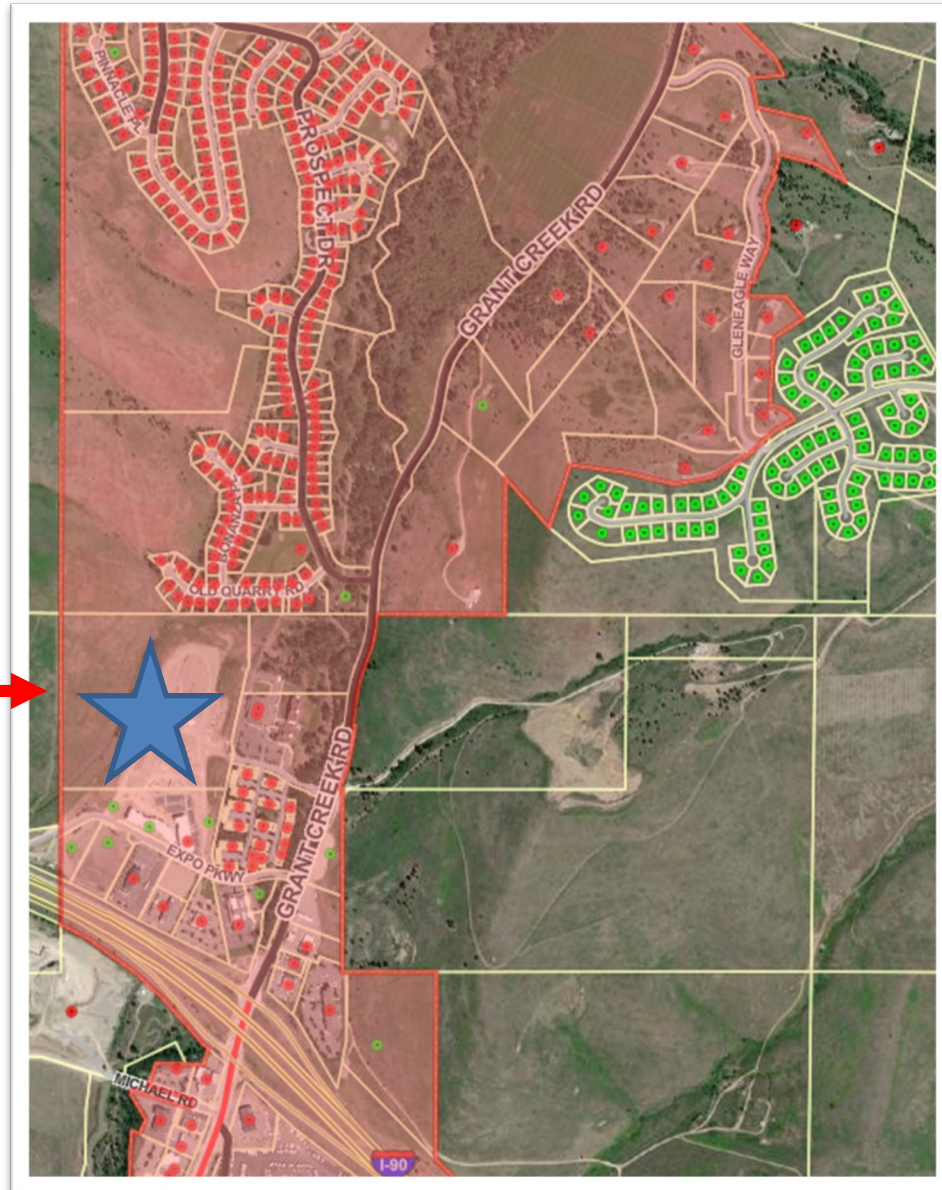
- Montana Code Annotated Title 76, Chapter 2, Part 3 provides cities with zoning powers and procedures
- Missoula Title 20 Section 20.85.040 provides procedures for zoning amendments
- RMI-45 is a standard zoning district – conditions cannot be applied.

Location - General

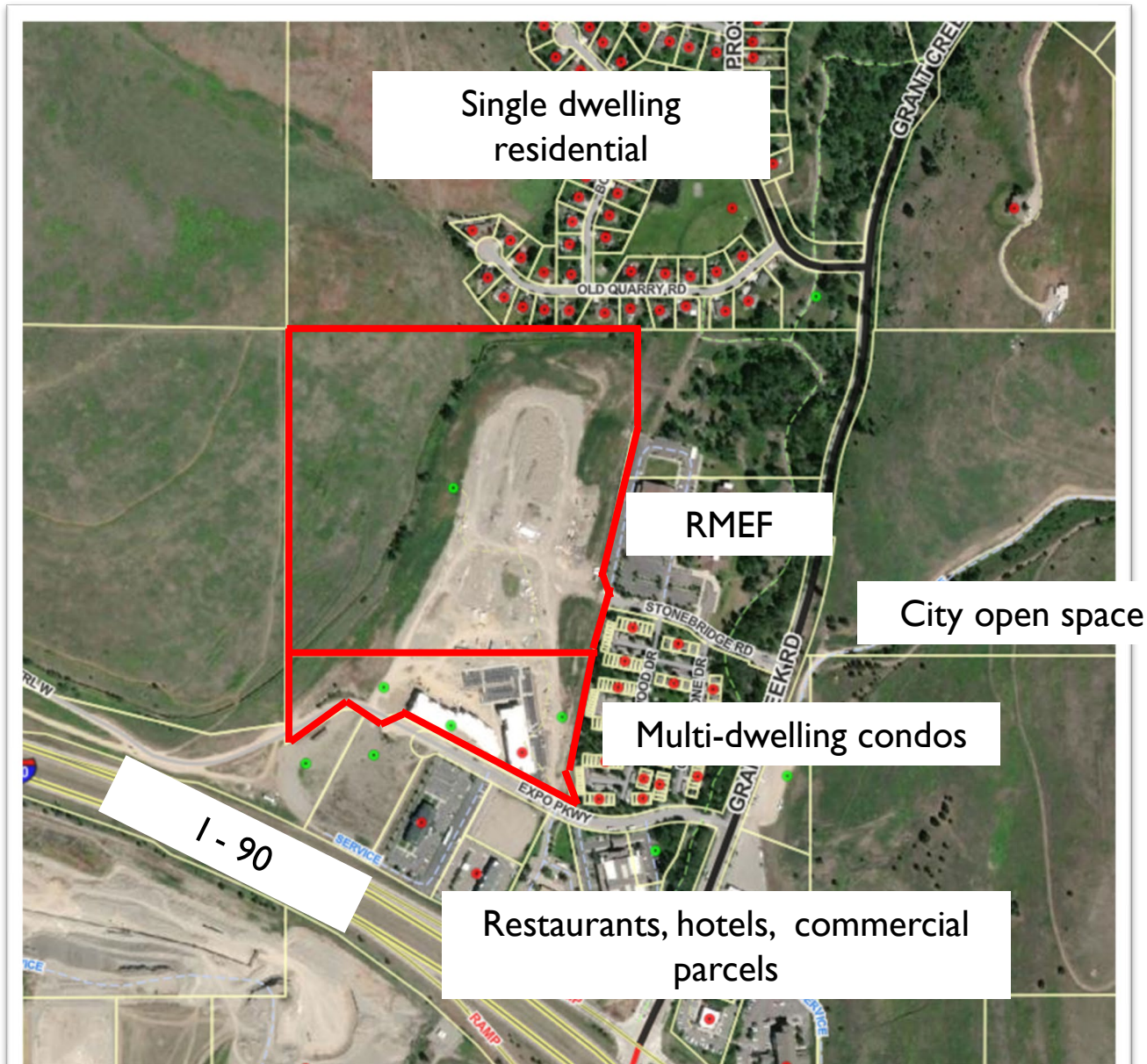


Location – City Limits

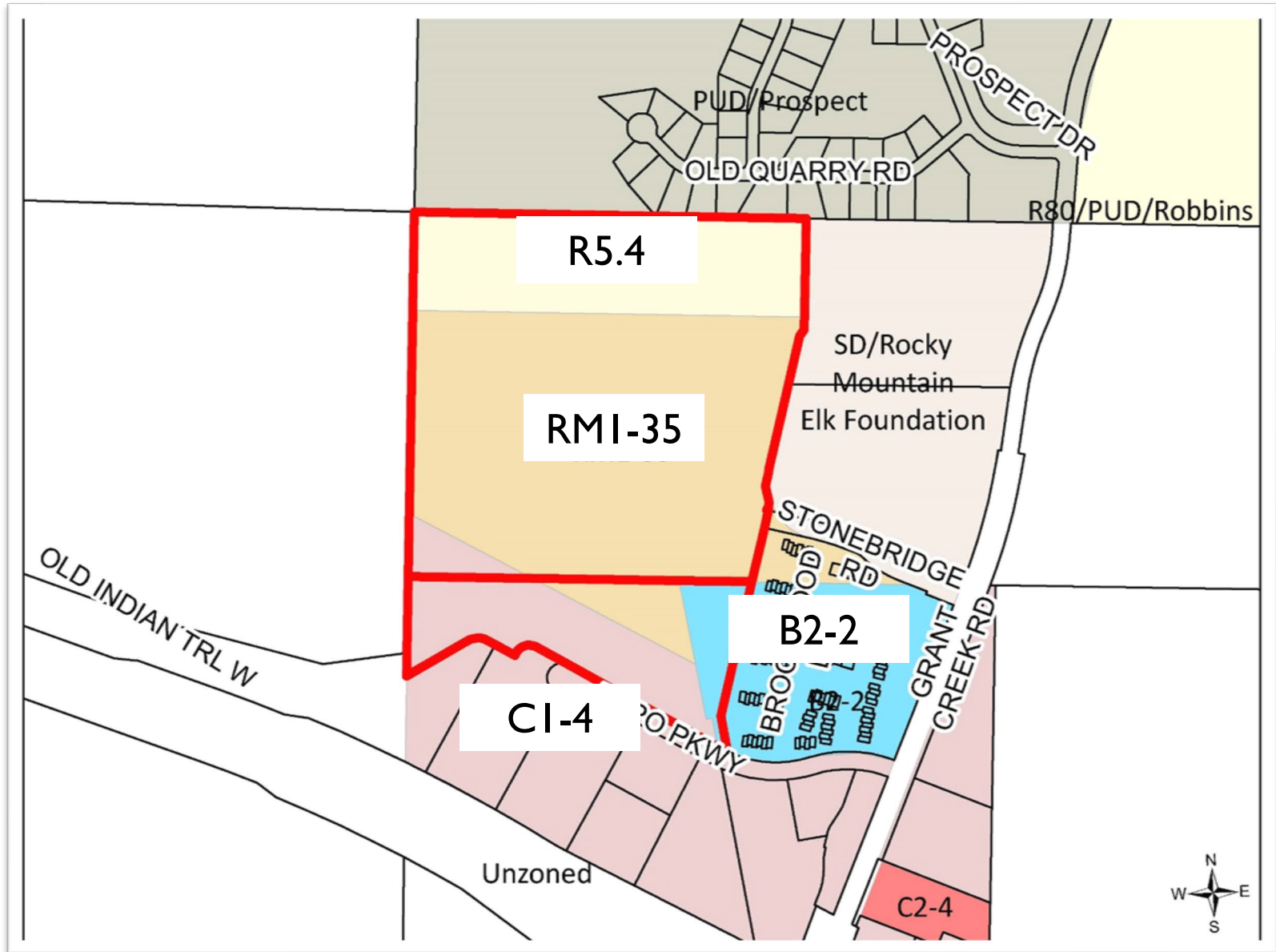
Subject
Property



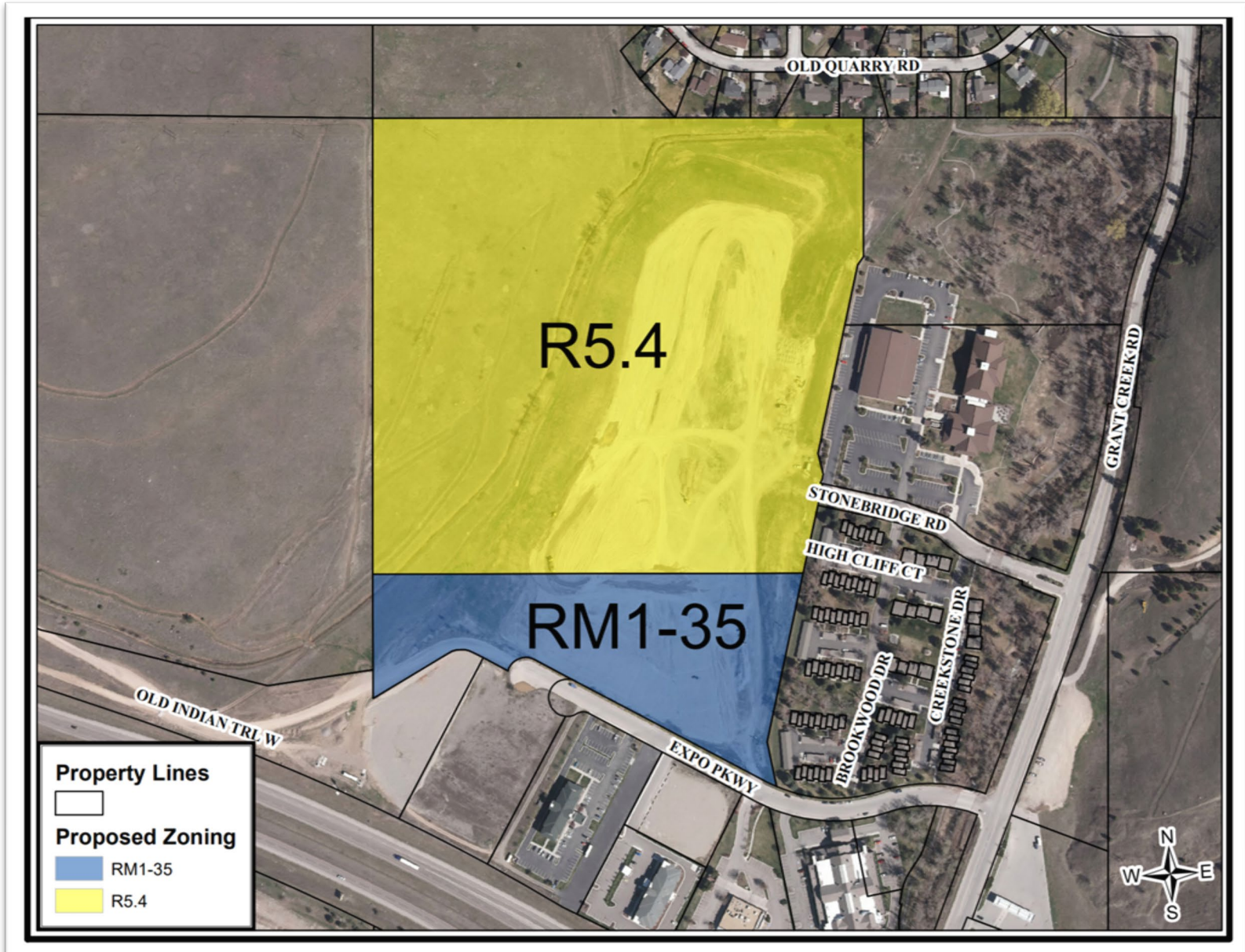
Land Uses



Current Zoning



Current Zoning



Development Potential Without Rezone



	North Parcel: R5.4	South Parcel: RMI-35
Building Types	Single Dwelling	SD, Duplex & Multi-Dwelling, Mixed Use
Min. Parcel Area	5,400 SF	3,000 SF
Min. Area Per Unit	5,400 SF	1,000 SF
Max. Height	35 feet	35 feet
Base Zoning Number of Units	283 Single Dwelling Units	379 Dwelling Units
Number of Units After Hillside Density Reduction	156 Single Dwelling Units	339 Dwelling Units

Development Potential With Rezone



	RMI-45
Building Types	SD, Duplex & Multi-Dwelling, Mixed Use
Min. Parcel Area	3,000 SF
Min. Area Per Unit	1,000 SF
Max. Height	45 feet
Base Zoning Number of Units	1,905 Dwelling Units
Max. Number of Units After Hillside Density Reduction	1,185 Dwelling Units



This figure does not take into account area needed for parking, circulation, landscaping, activity area, and setbacks.

KJA Development applied to rezone to RMI-45 in 2020 – not approved.

- Concerns about growth policy compliance
- One ingress / egress in the event of a wildfire
- Lack of safe non-motorized transportation facilities
- Exacerbate existing traffic issues without mitigating impacts
- Single-occupancy vehicle trips, emissions

What Has Changed Since 2020?

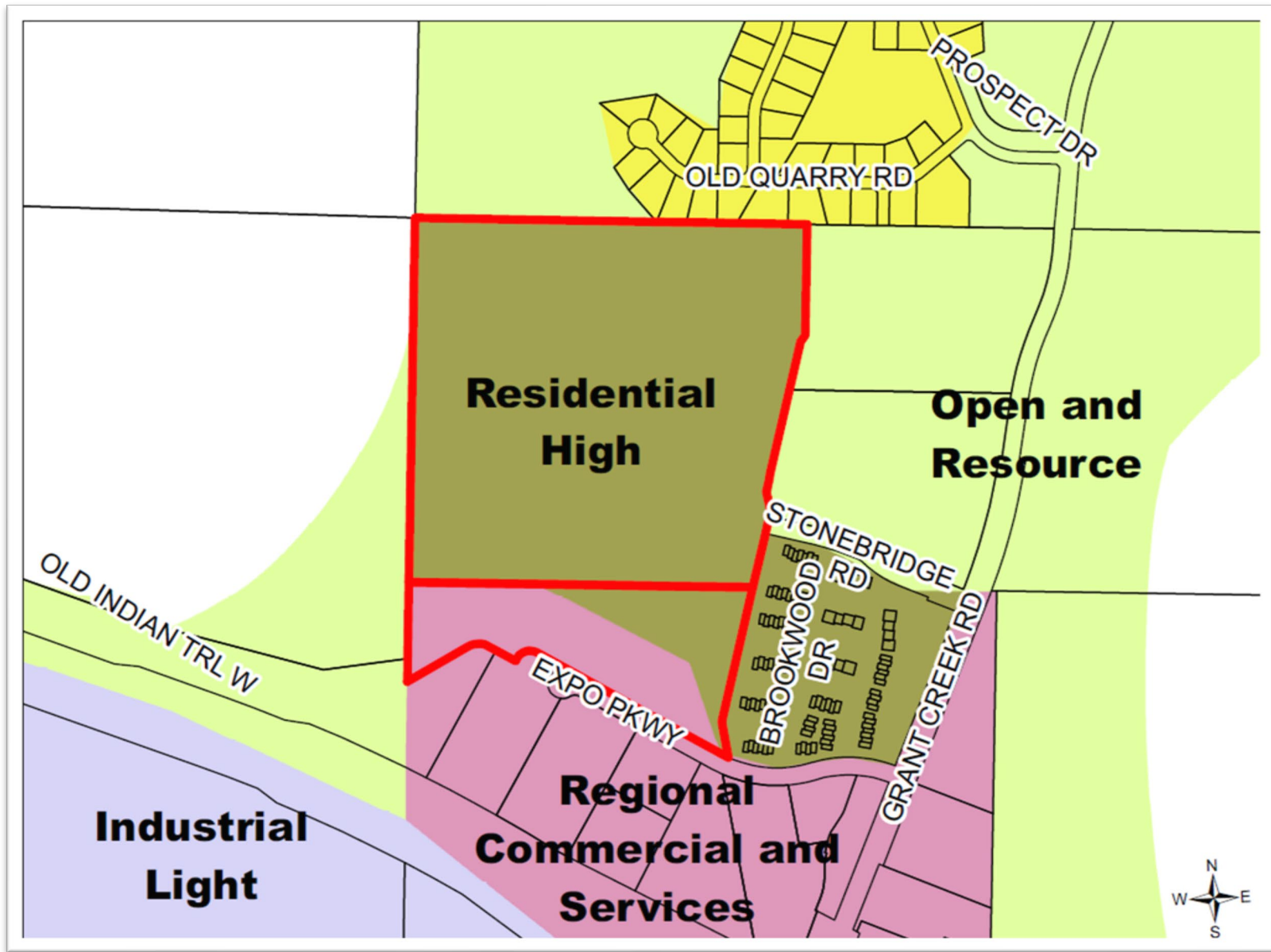


- Housing demand has continued to outpace supply
- 166 dwellings permitted on south parcel
- New southbound through lane and bike lane under the I-90 interchange
- Developer petitioned to bring property into the Missoula Urban Transportation District
- Public trails coming this summer at Bluebird Recreation Area
- Risk Analysis & Fire Protection & Emergency Plan
- Developer has refined and modified plans

- Contract between City and Applicant
- Runs with the land
- 700 residences maximum (fewer vehicle trips)
- Community center, recreation areas, hiking trails, area for day care, community garden, dog park, etc.
- Rezoning must be decided on whether the request complies with the review criteria, not the DA
- The DA was offered by the applicant but does not weigh into the assessment of compliance with the review criteria

1. Compliance with Growth Policy
2. Public Services/Transportation
3. Compatible Urban Growth
4. Promotes Public Health and Safety
5. District Character & Suitability of Uses
6. Corrects an Error/Inconsistency or Meets the Challenge of Changing Conditions
7. In the Best Interest of the City as a Whole

Our Missoula Growth Policy Map



Growth Policy Implementing Districts

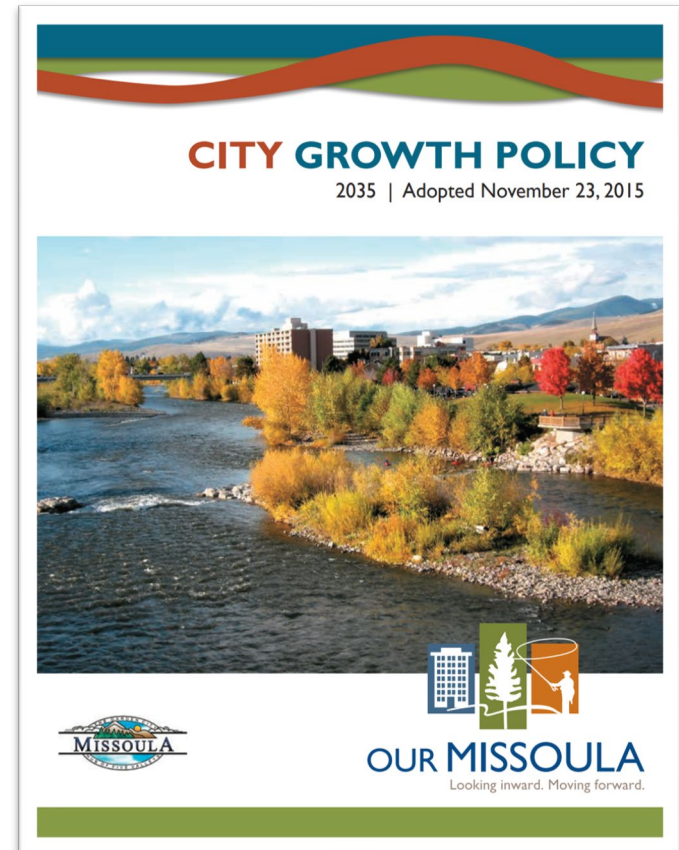


Residential High Density >24 units per acre	Regional Commercial and Services
RM1-35 Residential Multi-Dwelling	CI-4 Neighborhood Commercial*
RM1-45 Residential Multi-Dwelling	C2-4 Community Commercial*
RM1.5 Residential Multi-Dwelling	MIR-2 Limited Industrial and Residential*
RM0.5 Residential Multi-Dwelling	OP3 Public Lands and Institutional

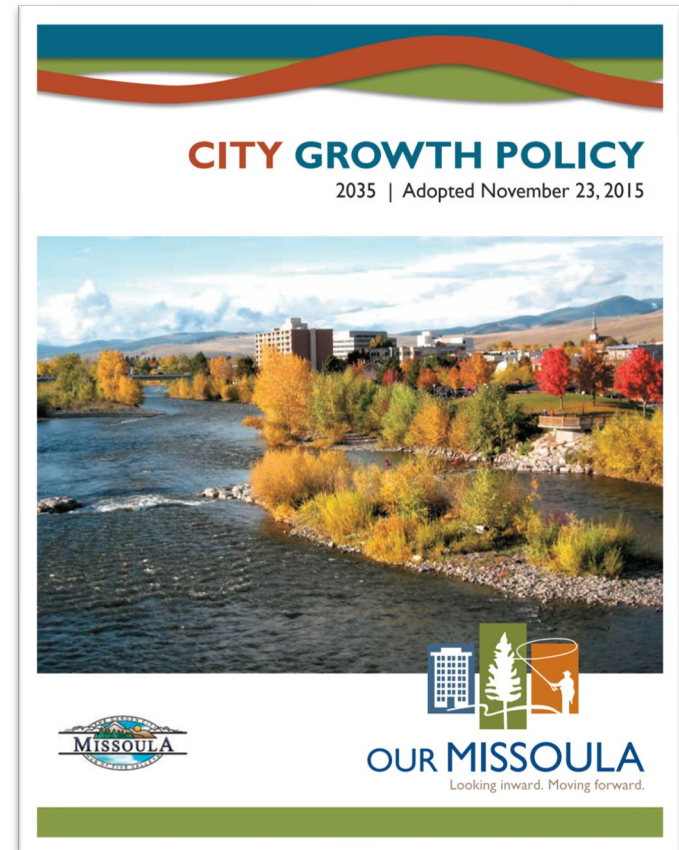
*These commercial and industrial districts permit residential development up to 43 dwelling units per acre

RMI-45 substantially complies with the Growth Policy FLUM because:

- 87% is designated as Residential High Density – Greater Than 24 Units Per Acre
- RMI-45 is an implementing district of Residential High Density designation
- The allowed residential density in the RMI-45 district is the same density allowed in implementing districts under the Regional Commercial and Services Future Land Use Map designation.



- **“Focus Inward” Approach**
 - Can be served by sewer, water, police, fire, street maintenance
 - Supports housing goals
 - Some services and facilities do not currently exist – public parks, transit, neighborhood commercial - but many are planned
 - The developer can be required to provide transportation improvements during the building permit process
- **Proposed rezoning substantially complies with the Growth Policy**



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APPROVE the adoption of an ordinance to rezone Government Lot 4 and Portion B of COS 483 I, and Amended Tract A of COS 3750, and Portion C of COS 483 I, and Portion A of Commerce Center, Phase II, Amended in Section 5, Township 13 North, Range 19 West from R5.4 Residential, RMI-35 Residential (multi-dwelling), B2-2 Community Business, and CI-4 Neighborhood Commercial to RMI-45 Residential (multi-dwelling) based on the findings of fact in the staff report.

Failed to approve a motion to rezone the property

Support	Oppose
Complies with Growth Policy FLUM and several goals	Could result in many single-occupancy vehicle trips, not help meet climate change goals
Existing zoning does not provide adequate housing density – RMI-45 does	Existing zoning is more compatible than proposed zoning
Services and public facilities can follow growth	What if services and facilities don't come?
Equity – each neighborhood must absorb some new housing	Growth should start in the core, then move outward
This site is appropriate for housing	Less auto-centric, more diverse housing would be better
Developer has made good effort to address community concerns	What if Development Agreement is not enforceable?

If protest petitions are signed by owners of 25% or more of lots or units within 150 feet of the property, at least 2/3 of present and voting members of council are needed to approve a zone change. [76-2-305(2)(b), MCA]

- 58 property owners within 150 feet
- 24 valid protests submitted (41.3%)
- **Supermajority required to approve this request**

20.60.140 - Traffic Studies

- A. The city engineer may require a traffic study for a proposed development that generates 200 or more average daily (weekday) trips. The traffic study must provide adequate information to allow the transportation planner and the city engineering department to assess the impact of the proposed development on nearby streets and intersections, including its impacts on pedestrians, bicyclists, and public transit.
- B. The city engineer may require traffic control infrastructure improvements, including off-site access and traffic control. The city engineer may require the applicant to finance and construct those traffic infrastructure improvements that are directly attributable to the development.
- C. When development is adjacent to or within one-fourth mile of an established public transit route, the city engineer may require applicant to finance and construct public transit improvements, including bus pull outs and transit facilities such as shelters, benches, bike parking, map cases and signage along established bus routes.

Little vs. Board of County Commissioners

- Is the use significantly different from the prevailing use in the area? **No**
- Is the area in which the requested use small, not only in size, but in the number of landowners who would benefit from rezoning? **Yes**
- Is the rezoning special legislation designed to benefit one or a few landowners at the expense of the surrounding landowners or the public? **No – not at the expense of the public**