

APPENDIX A - REZONE APPLICATION



DEVELOPMENT SERVICES

435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX: (406) 552-6053

CITY REZONE APPLICATION

A. GENERAL INFORMATION

1. One submittal packet is required for Completeness/Sufficiency Review.
2. Once the application is deemed complete by Development Services (DS), the application fee and 27 submittal packets shall be submitted or 15 submittal packets for Planning Board and staff if an electronic submittal packet is also submitted meeting the electronic packet submittal guidelines. The packets submitted for governing body review must be exactly the same as the packet that was deemed complete.
3. Name of proposed Rezone: **Riverfront Trails**
4. Name(s) of Applicant: **Tollefson Properties, LLC**
Mailing Address: **15311 Tyson Way, Frenchtown, MT 59834**
Telephone Number: **(406) 360-4153**
Email Address: **njtollefson@q.com**
5. Name(s) of Owner of Record: **Tollefson Properties, LLC**
Mailing Address: **15311 Tyson Way, Frenchtown, MT 59834**
Telephone Number: **(406) 360-4153**
Email Address: **njtollefson@q.com**
6. Name and Company of Representative: **Kody Swartz, Woith Engineering, Inc.**
Mailing Address: **3860 O'Leary Street, Suite A, Missoula, MT 59808**
Telephone Number: **(406) 203-9548**
Email Address: **kody@woitheng.com**
7. Does the applicant(s) whose signature(s) are included below own at least 35% of the area or number of the parcels included within the area proposed to be rezoned? (Requirement of Title 20, 85.050(A)) Yes
8. If the applicant is someone other than the property owner, the owner must also sign the application in the space provided below.

Certification: I hereby certify that the foregoing information contained or accompanied in this application is true and correct to the best of my knowledge.

<u>Nape Tollefson</u>	<u>6-7-21</u>
Applicant's Signature	Date
<u>Nape Tollefson</u>	<u>6-7-21</u>
Owner's Signature	Date
<u>Kody Swartz</u>	<u>6/7/21</u>
Representative's Signature	Date

B. SUBJECT PROPERTY INFORMATION

General location of subject property and address (if address has been assigned): 6525 Miller Creek Road, Missoula, MT 59803

Legal Description - complete and unabbreviated: TRACT 1 OF CERTIFICATE OF SURVEY NO. 6449, LOCATED IN THE NE1/4 OF SECTION 11 AND IN THE S1/2 OF SECTION 2, TOWNSHIP 12 NORTH, RANGE 20 WEST, P.M.M., MISSOULA COUNTY, MONTANA. LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT OF LAND:

PARCEL A OF CERTIFICATE OF SURVEY NO. 6568 A TRACT OF LAND BEING A PORTION OF TRACT 1 OF CERTIFICATE OF SURVEY NO. 6449, ON FILE AND OF RECORD IN MISSOULA COUNTY, MONTANA, LOCATED IN THE NE1/4 OF SECTION 11, TOWNSHIP 12 NORTH, RANGE 20 WEST, P.M.M., MISSOULA COUNTY, MONTANA.

Township, Range, Section(s): **Section 2 and 11, Township 12 North, Range 20 West**

Subdivision, Lot(s), Block(s): **N/A**

Tract(s), COS#: **Parcel Tract 1, C.O.S. 6449**

Bearings & Distances Descriptions (if boundaries of proposed rezone are not exactly the same as the boundaries of the property legally described above): **N/A**

Geocode: **04-2092-02-4-03-01-0000**

C. ZONING AND GROWTH POLICY INFORMATION

1. Complete the following table (where applicable, indicate Unzoned):

	Zoning	Current Land Use
Adjacent (North)	C-A3, ZD-18 (County); unzoned	Bitterroot River; mixed commercial and light industrial across river and along Highway 93.
Adjacent (South)	OP3, R20 (City)	Jeannette Rankin Elementary School, residential
Adjacent (East)	R20 (City), C-A3 (County)	Residential
Adjacent (West)	C-A3, C-RR1 (County)	Bitterroot River; mixed commercial and light industrial, as well as residential across the river and along Highway 93.

2. What is the current zoning of the property (including intensity designator)? **The northern portion of the property (north of Old Bitterroot Road) is under City jurisdiction and is zoned R215 Residential (1 du/5 acres). The southern portion of the property is currently under County jurisdiction and zoned CRR-1 Residential (1 du/acre); a request to annex into the City has been submitted in conjunction with this re-zone application. A map detailing this split in current zoning can be found in Chapter II - Project Background of the submittal package.**
3. What is the requested zoning for the property (including intensity designator)? **RT5.4 Residential (8 du/acre) with a Neighborhood Character (NC) Overlay to allow for modifications to setbacks, building types, building heights, and uses pertaining to community residential facilities and religious assembly facilities.** An application for a PUD subdivision has been submitted in conjunction with this re-zone request. If approved, the northern portion of the subject property (approximately 45 acres) along the Bitterroot River will be zoned OP2 Open and Resource Lands, at the request of the City, to coincide with the existing land use designation and to ensure no development occurs within the floodplain.

4. What is the applicable comprehensive plan and land use designation for the property? **The northern half of the property is designated by the City Growth Policy as "Low Density Residential (1 to 2 dwelling units/acre)" and "Open and Resource" (no development); the southern half of the property is designated predominantly "Medium Density Residential" (3 to 11 dwelling units/acre), with the southeast corner remaining under "Low Density Residential" designation, similar to the northern half. A map showing this designation and additional narrative on the existing land use designations can be found in Chapter II - Project Background of the submittal package. Additionally, the applicant is requesting a growth policy amendment to address consistency with the land use designations and requested zoning.**
5. What is the intended use for the property? **Mixed residential development, including single-family, duplex, townhouse, quadplex, multi-dwelling building, community residential dwelling units for seniors, and religious assembly.**

D. RESPONSES TO REVIEW CRITERIA REQUIRED BY STATE LAW & THE CITY OF MISSOULA TITLE 20 ZONING ORDINANCE

Review Criteria. Provide a response to the following review criteria for rezone requests.

1. Whether the zoning is made in accordance with a growth policy;
The proposed rezoning to OP2 and RT5.4 "Residential" with an NC Overlay is consistent with the "Medium Density Residential" land use designation and policy direction provided in the City's "Our Missoula" growth policy. The northernmost portion of the subject property along the Bitterroot River, presently designated "Open and Resource", will remain undeveloped and be rezoned to OP2 Open and Resource Land with PUD subdivision approval. As proposed, all development will be concentrated in the ~45 acres located outside the 100-year floodplain. This acreage has been designated by both the City and County as appropriate for residential development at varying intensities, according to their respective growth policies and future land use maps.

The requested re-zone is not consistent with the "Low Density Residential" designation present on a portion of the subject property. As a result, the applicant is requesting an amendment to the City's future land use map and growth policy, concurrent with this application, to change those properties classified as "Low Density" to "Medium Density Residential", and to classify the area currently under County jurisdiction as City "Medium Density Residential" alongside the annexation request submitted as part of this application package.

This change is justified for a number of reasons. Between 2017 and 2019, the County went through a comprehensive re-assessment of their future land use map, a process that included the City among its many stakeholders. In June of 2019, the consolidated Planning Board and County Commissioners adopted a future land use map that identified the portion of the subject property remaining under County jurisdiction as "Residential". This land use designation aligns with the City's designation of "Medium Density Residential (3 to 11 DU/acre)", re-affirming the appropriateness of this area to accept additional growth. Rather than split the subject parcel between three separate land use designations, the applicant is requesting all areas outside of the "Open and Resource" classification be designated for "Medium Density Residential", to support a straightforward re-zone to OP2, RT5.4, and an NC Overlay and facilitate the development plan for the site through major subdivision review and application of a PUD subdivision. The PUD subdivision will ensure those lands designated "Open and Resource" continue to follow the intent of the land use designation and remain undeveloped, shifting residential density to those areas of the subject property more suitable for development.

Recent policy directives in support of City's "Our Missoula" growth policy, including "A Place to Call Home", the City's affordable housing strategy, identify quality affordable housing opportunities and a primary goal and objective for the community. Directing growth in those areas that can safely accommodate it is a key part of the City's policy. Much has changed in the last decade in Missoula, and continuing the split-zoning of a subject property based on a land use designation applied seven years ago does not facilitate effective or responsible growth patterns. The overall density proposed on the subject property with the re-zone, NC Overlay, and PUD major subdivision application would be less than 6 dwellings per acre - well within the 3 to 11 unit range afforded by the "Medium Density Residential" designation that currently applies to ~40% of the parcel. The development will be concentrated on ~50% of the parcel, out of the floodplain, connected to public utilities and infrastructure, with a density well within the parameters (and not even approaching the maximum allowed) of the requested zoning, reinforcing the argument that the re-zone to RT5.4 (alongside the growth policy amendment and PUD subdivision request) and NC Overlay is being made in accordance with the intent of the City's growth policy and other supporting policy documents. The portion of the property rezoned to OP2 supports this approach, providing a large contiguous open space tract and community resource both for Riverfront Trails and the community as a whole.

Considering the above, the requested amendment to the City's Future Land Use Map, changing the areas classified as "Low Density Residential" to "Medium Density Residential", is justified. There is a public need for this change - Missoula has a strong need for additional housing stock of all types, especially new homeownership opportunities. The requested PUD subdivision cannot be effectively implemented, both from a design and cost perspective, within the density allowed by the existing Future Land Use designations, so the proposed targeted Growth Policy amendment is the most effective means of meeting this need. The proposed PUD subdivision brings large public benefit in the form of new homeownership opportunities, new open space, and new public access to the bank of the Bitterroot River.

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;

The requested zoning of RT5.4 "Residential" anticipates development densities of approximately 8 units per acre. At these densities it is anticipated that public water and sewer be available to serve development, the property in question have access to a safe and efficient transportation system (for all modes of transportation), and that development be located in an area that has access to public services and facilities in the form of schools, emergency assistance, police and fire, and utility providers. The portion of the property zoned as OP2 will ensure that this area remains open space in perpetuity.

While it is understood that a re-zone request must look at all potential opportunities on a property, this application is part of a cohesive package that includes a growth policy amendment, annexation into the City, PUD and major subdivision proposal, in addition to the rezone request. The rezone is being applied for in consideration of the very specific development plans the owner and applicant has in mind and has set forth in the submittal package. However, even if the property were a blank slate, it is located in the Urban Service Area and, upon annexation, will have access to City water and sewer utilities. The property is easily accessed from Lower Miller Creek Road, and although traffic along this thoroughfare has steadily increased over time, current level of service assessments demonstrated by the Traffic Impact Study included as an appendix to this application indicate that much of Lower Miller Creek Road is operating at an acceptable level under present conditions. Future improvements planned by the City will address current concerns with traffic, congestion, access, and non-motorized connectivity, as well as future growth and additional trips per day anticipated as a result of this rezone request and future development.

The subject property is located adjacent to the Jeanette Rankin Elementary School, which would indicate it is well-positioned to facilitate connectivity between residents and educational services. However, it is well known that Jeannette Rankin is currently at or nearing capacity, and has been in high demand for enrollment since the school opened its doors. The issue of school capacity is one Missoula County Public Schools has struggled with, and is an area-wide issue given the growth rates the City and County are currently experiencing. The district has been discussing options to expand attendance areas in order to relieve pressure on select facilities like Jeannette Rankin that have experienced significant demand in recent years. As such, the provision of adequate schools is a community-wide discussion, not a property-specific one.

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

The area of the City in which the subject property is located is not a traditionally "urban" area, although it is growing and has certainly evolved in character and density over the past ten years. The requested zone change to OP2, RT5.4, and the NC Overlay and would allow for an increase in residential density that has been deemed appropriate for a significant portion of the property according to the City's future land use map. When "Our Missoula" was adopted in 2015, it considered the City comprehensively in evaluating compatible growth patterns, and designated this area of Lower Mullan Road as appropriate for low to medium residential densities ranging from one to 11 units per acre, depending on site specific conditions. Higher density residential development typical of urban areas would be less appropriate in and around the subject property. The portion of the property rezoned to OP2 supports this approach, providing a large contiguous open space tract and community resource both for Riverfront Trails and the community as a whole.

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;

The proposed rezoning directs additional residential density into an area of the City capable of accommodating it, which ensures public health, safety, and welfare is protected in a variety of ways. Development associated with the zone change will be served by public water and wastewater facilities, and be located in an area having access to other utilities including electricity, natural gas, solid waste disposal, internet, cable, and phone. The property has access on to Lower Miller Creek Road, a major collector currently operating at an acceptable level of service according to a recent traffic impact study completed (see appendices), but with future improvements planned as development continues along this route. One of the most critical components of public safety associated with these improvements will be the construction of non-motorized facilities along the eastern edge of the subject property, providing additional connectivity and creating a safe and secure environment for cyclists and pedestrians, as well as safer movements for vehicles.

According to the Community Wildfire Protection Plan last updated in 2018, the subject property is located in an area considered a low to moderate risk of wildfire, even though it, along with much of the urban service area, is located within the Wildland Urban Interface. The property is under the jurisdiction of City Fire and Police departments for emergency service response, and these providers are all located within five miles of the property, ensuring adequate response times.

In requesting a rezoning the OP2, RT5.4, and NC Overlay, adequate light and air will be considered as future development will follow the majority of site design requirements established under the requested zoning. In conjunction with this application, an NC Overlay has been requested that will modify allowed uses, building types, setbacks, and building heights

according to the concurrent development proposal. These slight adjustments have been proposed as part of the NC Overlay for two reasons; to emulate a more traditional neighborhood character and to orient all development outside of the 100-year floodplain, protecting this natural resource and public health and safety alongside it, as well as ensuring ample open space, light, and air for residents and visitors alike to enjoy. In doing so, the value of existing and future development is maintained, along with the value of the floodplain as a critical environmental resource. While this may not be a direct result of the rezone request, the rezone is directly related to the PUD subdivision and development request; one cannot exist without the other. The portion of the property rezoned to OP2 supports this approach, providing a large contiguous open space tract and community resource both for Riverfront Trails and the community as a whole.

Finally, this rezone request does not significantly alter the use of land throughout the jurisdiction. The surrounding neighborhoods are predominantly residential, with a mix of single family attached and detached housing types, townhouses, and even apartments in the greater Miller Creek area. The request for RT5.4 and NC Overlay asks for additional residential development density that is aligned, in large part, with the existing City growth policy land use designation. In thinking about directing future residential growth toward areas of the City that are appropriate and capable of handling this potential, the subject property is a logical choice.

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

As stated in response to the previous question, the existing land use and character of the surrounding neighborhoods is predominantly residential, with a mix of single family attached and detached housing types, townhouses, and even apartments in the greater Miller Creek area. The request for RT5.4 and NC Overlay asks for additional residential development density that is aligned, in large part, with the existing City growth policy land use designation. In thinking about directing future residential growth toward areas of the City that are appropriate and capable of handling this potential, the subject property is a logical choice. The property is close to goods, services, and Missoula's employment center, easily accessible from Lower Miller Creek Road, and immediately adjacent to the Jeannette Rankin Elementary School. Residential properties in adjacent developments range from 6,000 sq. ft. to 25,000 sq. ft.; while the RT5.4 zoning would allow for a slightly smaller minimum lot size comparatively, maintaining predominantly single-family residential development in a variety of attached and detached housing types aligns with the overall intent of the existing neighborhoods and development in the Lower Miller Creek area. The proposed rezoning will serve to expand housing options in an appropriate location while maintaining the overall character of this predominantly residential area, with the portion of the property rezoned to OP2 supporting this approach, providing a large contiguous open space tract and community resource both for Riverfront Trails and the community as a whole.

In addition, the NC Overlay requests specific uses be permitted by-right in intentional areas of the proposed PUD subdivision - Group Living for a community residential facility on Lot 1 and religious assembly use on Lot 2. Lot 1 is intended for construction of a senior living facility proposed by The Goodman Group. This facility is intentionally located adjacent to the existing Jeannette Rankin Elementary School, to allow for intergenerational programming between senior residents and school-aged children. The scale of buildings will be similar, with these larger buildings situated along Lower Miller Creek Road, an arterial street. Similarly, the religious assembly use is deliberately sited on Lot 2. This type of land use is commonly interspersed adjacent to residential uses throughout the City, with the proposed religious use in the subdivision also deliberately sited along the arterial street. Given the existing Elementary School civic use and the available arterial street, the district is suitable for the additional uses requested on Lot 1 and Lot 2 by the NC Overlay.

E. ATTACHMENTS

As separate attachments (8.5" x 11" or 11" x 17"), provide the following materials with the site clearly identified. Where appropriate, required information may be combined as long as the information is clearly presented. Please check the box if the material is included in the packet. If the material is not included in the submittal packet, please note "N/A".

- ☒ **A vicinity map** showing the subject property and the area within 300 feet of the subject property. **Reference Chapter II - Project Background in the submittal package.**
- ☒ **A Zoning map** of the subject property and vicinity (showing the existing zoning district), extending at least 300 feet from the property boundaries. **Reference Chapter II - Project Background in the submittal package.**
- ☒ **An aerial photo** of the subject property and vicinity extending at least 300 feet from the property boundaries. **Reference Chapter II - Project Background in the submittal package.**
- ☒ **A Growth Policy/Comprehensive Plan map** of the subject property and vicinity extending at least 300 feet from the property boundaries for the applicable comprehensive plan, clearly showing the land use designation of the subject property and surrounding properties. **Reference Chapter II - Project Background in the submittal package.**
- ☒ **The current plat** of the subject property. **Reference Chapter II - Project Background in the submittal package.**