

Planning Board Summary

Recommendation to Approve Rezoning

Planning Board Recommendation:

Following a public hearing on Tuesday, November 2, 2021, with 6 voting members present, the Missoula Consolidated Planning Board voted 6 ayes, 0 nays, and 0 abstentions to approve the adoption of an ordinance to rezone Lots 20-24 of Carline Addition Block 34 and Lots 18B, 6286 square feet of Lots 17, 18 & 19 of Carline Addition #3 Block 34; All located in Section 32, Township 12 North and Range 19 West from RM2.7 Multi-Dwelling to B2-2 Community Business.

Planning Board's Recommended Conditions of Approval:

None, conditioning of a standard Title 20 zoning district is not permitted by state law. MCA 76-2-302(2) requires that a class of zoning standards, such as the B2-2 Community Business zoning district standards, be uniform in all locations where the standards apply.

Planning Board Discussion:

Planning Board agreed with the staff recommendation and voted to recommend approval of the rezone. Two public comments were submitted prior to the Planning Board public hearing and one member of the public testified at the public hearing for this rezone. One written public comment was in favor of the project. The other written comment and comment via-phone during the hearing, both from a representative of the neighborhood group, Franklin-to-Fort Neighbors in Action (F2F NiA), clarified they were not against the rezoning, however expressed concerns on traffic, gaps in public infrastructure, increased density and height limits, building shade impacts and impacts health, safety and the quality of life from the proposed rezone. Planning Board discussion was focused on the following

Planning Board Discussion:

Planning Board discussion included the following:

- Question about spot zoning criteria. Planning staff presented the criteria for spot zoning, and responded that the rezoning request did not meet all three requirements for a proposal to be considered spot zoning.
- Concern about maximum height allowed in proposed zone of B2-2 (50 feet) in relation to neighborhood compatibility. Planning staff clarified that the maximum building height limit permitted by the B2-2 zoning district is 50 feet. However, for parcels zoned B2-2 that abut residential districts with a maximum allowed building height of 35 feet or less (such as RM2.7 Multi-Dwelling, which the subject parcel does abut), the maximum building height at the point of the minimum setback line is 35 feet. Height may be increased above 35 feet by up to one foot (vertical) for each six inches of building setback or upper floor step-back. The subject properties, if rezoned as proposed, will abut a residential district to the north and east and therefore have a maximum height of 35 feet at the setback lines, but will be allowed increases based on setback or upper floor step-back.
- Questions to the applicant about public benefits that the project in mind provides beyond providing more housing units. The applicant responded citing the project's compatibility with the Missoula Growth Policy's goals of "focus inward", the nearby multidwelling building (similar to the multidwelling nature of what the applicant is planning to propose if the rezone is approved), and the site's proximity to sidewalks, bike paths, and public transit routes. The landowner also spoke about plans for the project, explaining his connection to the neighborhood and plans to build about three-stories up, provide parking, and live in one of the units.
- Inquiry about other options for the proposed zone that met project goals but were less intense in terms of height and density. Planning Staff explained options for less-intense B, C, and R districts

- Questions about why B2-2 was chosen and not a less intense zone. Planning Staff responded explaining B2-2 was the closest zone similar to the Growth Policy's applicable zones (which included more intense Commercial zones) per the parcel's land use designation, in order to eliminate incompatible higher-intensity commercial uses.
- Concerns from the Planning Board and Applicant expressed about the City's practice of parcel-by-parcel, applicant-initiated rezones instead of a City-initiated large scale upzoning to match the Growth Policy. Planning Board members expressed their understanding that this matter is not within the scope of the current project's request.

See the Planning Board Minutes for further Planning Board discussion.