



May 12, 2021

Missoula Community Development and Innovation
Attn: Kaitlin McCafferty
435 Ryman Street
Missoula, MT 59802

RE: Schilling and Dearborn Rezone

Dear Kaitlin,

We are requesting a rezoning on behalf of Lower Construction and D&C, LLP on parcels located at 2520 Schilling St. and 2134 Dearborn Avenue. The goal for this rezoning is to allow for multi-dwelling residential buildings. The owner will be demolishing the existing shop that is on the parcel and constructing three multi-dwelling residential buildings. We are requesting the parcels be rezoned to B2-2 to allow for these residential buildings to be built at a higher density of 1000sqft per unit.

The owner intends to follow all setbacks and building height restrictions for the B2-2 zoning. This B2-2 zoning will allow for reduced setback standards when abutting a residential zone, allowing for no setbacks on the front and side street. The buildings will not exceed 50 feet in height which is in correlation with existing building heights in the neighborhood. This allowance for height will accommodate for the increase in density.

This rezoning will allow for increased density in an area of Missoula that allows for residential already. This adds into Missoula's need to build inward and provides for more needed housing in the City of Missoula. The location of these future residential buildings will be ideal for allowing non-motorized commuting encouraging a green community.

We have included the rezoning application for your review. Please reach out to us should you have any questions.

Sincerely,
IMEG Corp.
Paul Forsting

Paul Forsting, AICP

D. Lower Construction, Inc
2520 Schilling, Ste. A
Missoula, MT 59801

First Security Bank
Missoula, MT 59806
93-133/929

17495

3/18/2021

PAY TO THE ORDER OF CITY OF MISSOULA

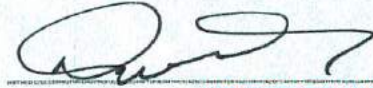
\$ **3,634.00

Three Thousand Six Hundred Thirty-Four and 00/100*****

DOLLARS

CITY OF MISSOULA
PO Box 5388
MISSOULA, MT 59806

MEMO Schilling and Dearborn rezone D & C, LLP.



AUTHORIZED SIGNATURE

⑈017495⑈ ⑈092901337⑈ 9050944⑈



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: **Dearborn and Schilling Rezone**
4. Name(s) of Applicant: **Lower Construction C/O Dennis Lower**
Mailing Address: **2520 Schilling St. Ste A Missoula, MT 59801**
Telephone Number: **406-880-7660**
Email Address: **dlowerconstruction@gmail.com**
5. Name(s) of Owner of Record: **D&C LLP**
Mailing Address: **701 Spanish Peaks Dr. Missoula, MT 59803**
Telephone Number: **406-880-7660**
Email Address: **dlowerconstruction@gmail.com**
6. Name and Company of Representative: **IMEG Corp, C/O Paul Forsting, AICP**
Mailing Address: **1817 South Avenue West Suite A, Missoula, MT 59801**
Telephone Number: **406-721-0142**
Email Address: **paul.t.forsting@imegcorp.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.


Applicant's Signature 3-19-21
Date


Owner's Signature 3-19-21
Date


Representative's Signature 3-19-21
Date

B. SUBJECT PROPERTY INFORMATION

General location of subject property and address (if address has been assigned): **2520 Schilling St. Missoula, MT 59801 and 2134 Dearborn Avenue Missoula, MT 59801**

Legal Description - complete and unabbreviated:

Township, Range, Section(s): **Township 13 North, Range 19 West, Section 32**

Subdivision, Lot(s), Block(s): **Carline Addition #3, Block 34, Lot 18B, 6286 Square Feet of Lots 17, 18, and 19 and Carline Addition Block 34, Lot 20-24**

Tract(s), COS#:

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

Geocode: **04-2200-32-2-63-02-0000; 04-2200-32-2-63-10-0000**

C. ZONING AND GROWTH POLICY INFORMATION

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

	Zoning	Current Land Use
Adjacent (North)	RM2.7 - Residential Multi-dwelling	Residential
Adjacent (South)	RM2.7 - Residential Multi-dwelling and C1-4 Neighborhood Commercial	Residential/Street
Adjacent (East)	RM2.7 - Residential Multi-dwelling	Residential
Adjacent (West)	RM2.7 - Residential Multi-dwelling	Residential/Street

2. What is the current zoning of the property (including intensity designator)? **Current zoning is RM2.7 which is a residential multi-dwelling with allowance for 2700sqft per dwelling unit.**

3. What is the requested zoning for the property (including intensity designator)? **Requested zoning is B2-2. This will allow for a good transition from residential to community mixed-use.**

4. What is the applicable comprehensive plan and land use designation for the property? **Our Missoula Growth Policy 2035 has this as Community Mixed-Use meaning high intensity commercial serving general community needs and high density residential intermixed. This will allow for a good transition from residential to community mixed-use.**

5. What is the intended use for the property? **The intended use of the property is multi-dwelling residential buildings. The building height is intended not to exceed 50 feet in height.**

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; **According to Our Missoula 2035 the property has a land use designation of Community Mixed Use which has C1-4, C2-4, and M1R-2 for current relatable zoning; however a less intense district, B2-2, is chosen that allows the same density and height as the relatable zones while also keeping uses restricted to act as a transitional zone from commercial to the residential zoning around the subject parcels.**

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 zoning will allow for adequate provision of transportation. The parcel will abide by the setbacks as required by Title 20. There is City sewer and City water available to the parcel that the applicant intends to hook up to. The property is within the school districts of Russell Elementary, Meadow Hill Middle School, and Sentinel High School. The property is less than a half of a block away from the Bitterroot Branch of the trail system allowing for excellent outdoor recreation and non motorized transportation. The Mountain Line bus system stops on south avenue which is .2 of a miles away as well as Southgate Mall which is a .2 mile walk to the bus stop. Currently Schilling Street, Dearborn Street are built to City road standards and will have adequate capacity for additional motorized transportation.

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

This zoning does consider compatible urban growth. The zoning of B2-2 will allow the area the ability to transition from surrounding commercial to surrounding residential while allowing for the same density and height. This density and height will promote urban growth intended for the site and area.

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 zoning does promote public health, safety and general welfare. The proximity to the Bitterroot Trail encourages non-motorized transportation and health through exercise. The zoning is designed to be secure from fire, provide adequate light and air. The zoning is compatible to Our Missoula 2035 and building inwards. All buildings will be built following zoning standards and with building permits will account for appropriate use, safety, adequate light and air.

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

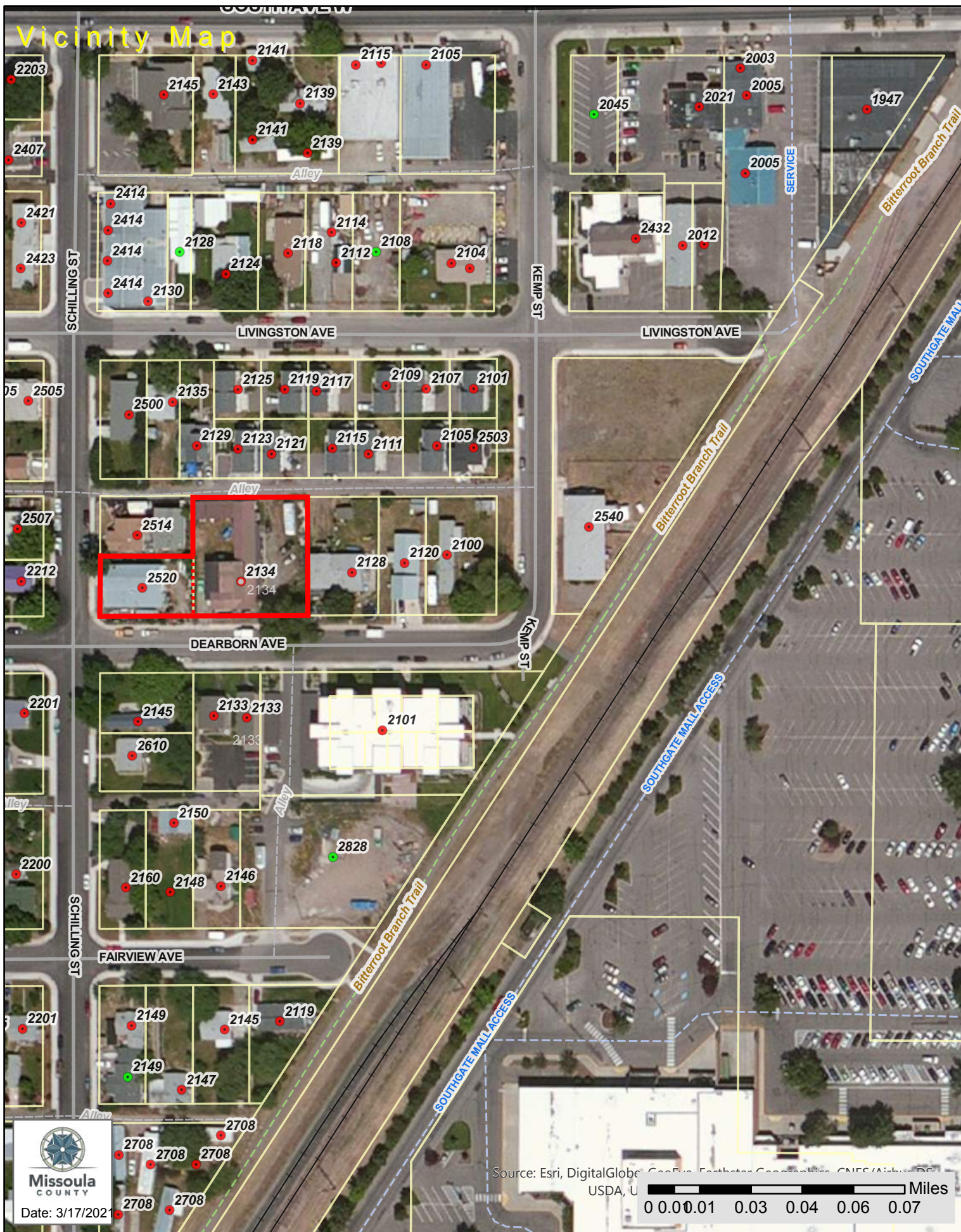
The zoning does consider the character of the district and it's suitability for additional housing. By trail proximity and allowing for compatibility with the growth policy the zoning will be an overall benefit for future Missoulians.

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.
- ☒ **A Zoning map** of the subject property and vicinity (showing the existing zoning district), extending at least 300 feet from the property boundaries.
- ☒ **An aerial photo** of the subject property and vicinity extending at least 300 feet from the property boundaries.
- ☒ **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.
- ☒ **The current plat** of the subject property.

Vicinity Map



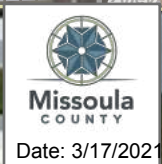
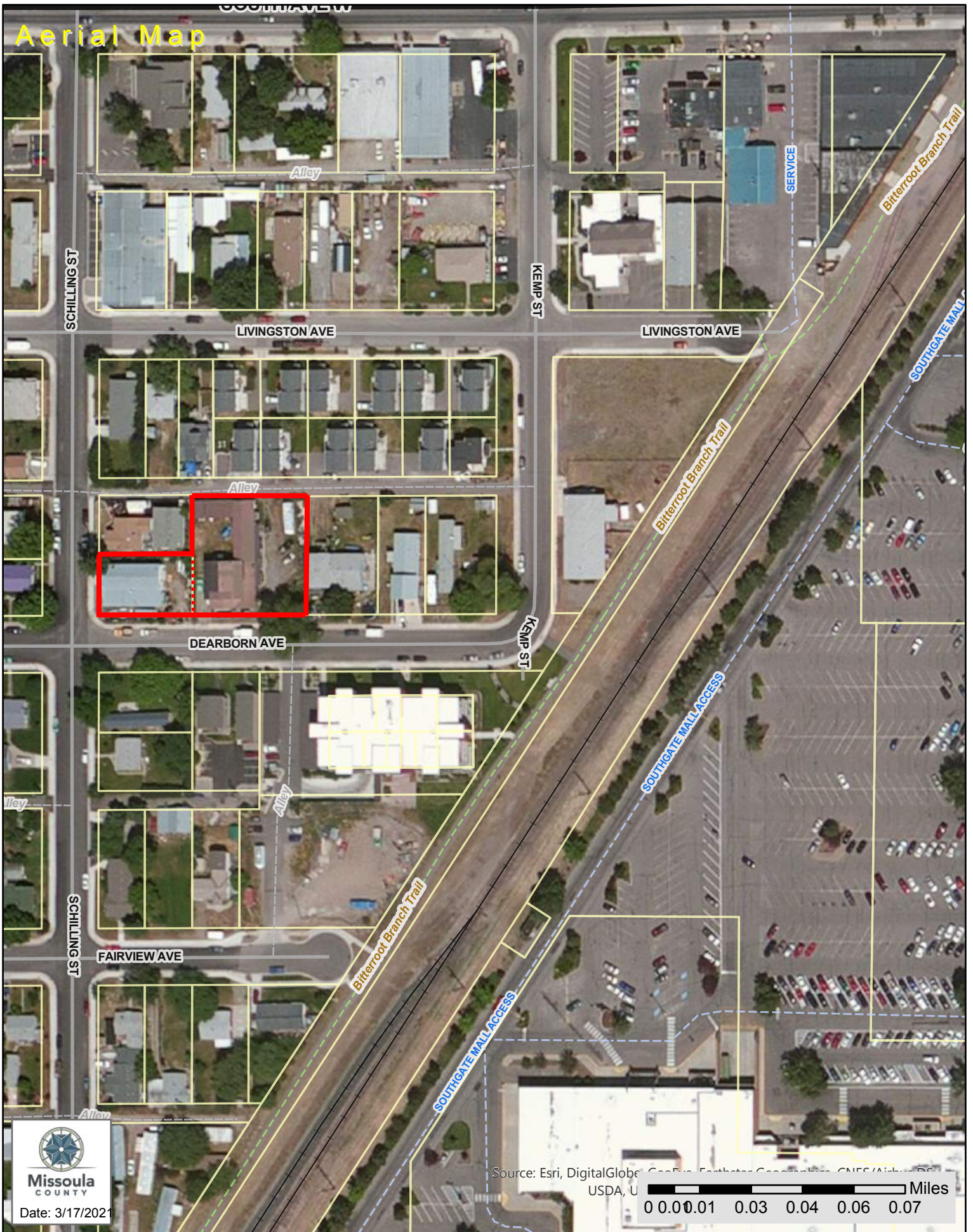
The material displayed on this page is informational and should be used for reference only. No reliance should be placed thereon without verification by the user. Missoula County does not warrant that the information is either complete or accurate. No representation, warranties or covenants of any kind are made by Missoula County. Before acting on the information contained on this page the user should consult original documents.

[illegible]

A scale bar labeled "Miles" with markings at 0.00, 0.01, 0.03, 0.04, 0.06, and 0.07.

The material displayed on this page is informational and should be used for reference only. No reliance should be placed thereon without verification by the user. Missoula County does not warrant that the information is either complete or accurate. No representation, warranties or covenants of any kind are made by Missoula County. Before acting on the information contained on this page the user should consult original documents.

Aerial Map



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Car Line Addition.

MISSOULA MONTANA.

Scale—1 inch=300.

James H. Bonner

Engineers.

CERTIFICATE OF DEDICATION.

Know all men by these presents that the CAR LINE LAND CO. a corporation organized and existing under the laws of the State of Montana does hereby certify that it has caused to be surveyed, subdivided and platted into lots, blocks, avenues, streets and alleys as shown by the plat and certificate of survey hereunto annexed the following described tract of land to-wit: All of lots 9, 14, 15, 20, 22, 25, 27, 28, 31, 32, 33, 34, 37, 38, 39, 40, 41, 42, 43, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, 66, 67, 68, 69, 70, 71, 72, 73, 76, 77, 78, 79, 80, 81, 82, 83, 85, 87, 88, a portion of lots 62, 63, 64, and all that portion of the E½ of the NE¼ of the NW¼ of Sec. 32, T. 13 N. R. 10 W. of the Principal Meridian Montana lying North of the North line of the Right of Way of the Northern Pacific Railway, to be known and designated as Car Line Addition to Missoula Montana, and the lands included in all avenues, streets and alleys shown on said plat to be and are hereby granted to public use forever, except that said dedicators reserve aright to lay water mains, improve streets and alleys and erect telephone poles, subject to the regulation of the board of County Commissioners.

CAR LINE LAND CO.
By W.H. Houston - President.

Attest Frank Cannon Secy

State of Montana }
County of Missoula }

On this 22 day of July 1909 before me R.R. Jones a Notary Public for the State of Montana personally appeared W.H. Houston known to me to be the President of the Car Line Land Co. the corporation that execute the foregoing instrument and acknowledged to me that such corporation executed the same.

In Witness Whereof I have hereunto set my hand and affixed my official seal, the day and year first above written.

R.R. Jones (Seal)

Notary Public for the State of Montana residing at Missoula Montana, my commission expires—23 1912

SURVEYORS CERTIFICATE.

State of Montana }
County of Missoula }

We Newton Orr and James H. Bonner assert that we are Engineers and that during the months of June and July 1909 we made a careful survey of The Car Line Addition to Missoula Montana and that the annexed plat is in strict conformity with such survey and that the dimensions of all lots blocks streets and alleys are as thereon shown, said survey being made in accordance with Chap. VI, Part IV, Title III of the revised Montana statutes.

Newton Orr
James H. Bonner

Subscribed and sworn to before me this 19 day of July 1909

A.T. Wilkinson

Notary Public for the State of Montana residing at Missoula Montana, my commission expires Oct 26 1909 (Seal)

This plat was examined and approved by us this 26 day of July 1909

D.T. Curran Chm.
Frank Nelson

Commissioners in and for Missoula County, State of Montana.

Date received Missoula County
Clerk & Recorder's office, 12-12-75
Letter of Lifting of an earlier
restriction 2nd 1-5-76
from the State 1-5-76
according to 1-5-76
Laws of Montana 1961 reg. No.
136 Addition by name
filed by J. H. H. H. H.

9387

I certify that I received this
instrument for record on the 22nd
day of July 1909 at 10:15
o'clock A.M. and that there-
after on the 2nd of August 1909
I recorded the same in the
State of Montana on page 61
of the record and that the same
is now on file in the
Recorder's office.

J. W. Kuyhal
Recorder

Fee \$123.75 paid
Return to

R. J. H. H.

January 25
1910
W. H. Houston

A-5

CAR LINE ADDITION

~TO~

MISSOULA MONTANA

Scale - 1 inch = 300'

Newton Orr

James H. Bonner

Engineers.

CERTIFICATE OF DEDICATION

Know all men by these presents that the CAR LINE LAND CO. a corporation organized and existing under the laws of the State of Montana does hereby certify that it has caused to be surveyed, subdivided and platted into lots, blocks, avenues, streets and alleys, as shown by the plat and certificate of survey herunto annexed, the following described tract of land to wit: - All of lots 9, 14, 15, 20, 22, 23, 27, 28, 31, 32, 33, 34, 37, 38, 39, 40, 41, 42, 43, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 65, 66, 67, 68, 69, 70, 71, 72, 73, 76, 77, 78, 79, 80, 81, 82, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 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AMENDED PLAT OF
CAR LINE ADDITION NO. 3, BLOCK 34, LOTS 17, 18 AND 19
AN AMENDED SUBDIVISION PLAT OF LOT "A" AND LOT "B" OF CERTIFICATE OF SURVEY NO. 1265, BEING PORTIONS OF LOTS 17, 18 AND 19 OF BLOCK 34, CAR LINE ADDITION NO. 3, LOCATED IN THE CITY OF MISSOULA, IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MISSOULA COUNTY, MONTANA

LEGAL DESCRIPTIONS

PERIMETER LEGAL DESCRIPTION

LOT "A" AND LOT "B" OF CERTIFICATE OF SURVEY NO. 1265, BEING PORTIONS OF LOTS 17, 18 AND 19 OF BLOCK 34 OF CAR LINE ADDITION NO. 3.

LOT 17A

LOT 17A OF CAR LINE ADDITION NO. 3, BLOCK 34, LOTS 17, 18 AND 19.

LOT 18B

LOT 18B OF CAR LINE ADDITION NO. 3, BLOCK 34, LOTS 17, 18 AND 19.

PORTION "Y"

PORTION "Y" OF CAR LINE ADDITION NO. 3, BLOCK 34, LOTS 17, 18 AND 19.

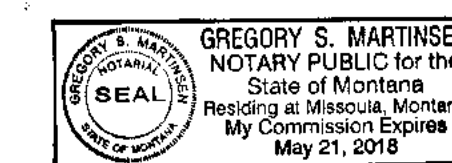
OWNER'S CERTIFICATION

WE, FRANK O. PLATZ, DENNIS W. LOWER AS MEMBER OF D & C, LLP, AND CATHY A. LOWER AS MEMBER OF D & C, LLP, HEREBY CERTIFY THAT THIS SURVEY IS EXEMPT FROM REVIEW AS A SUBDIVISION AND IS EXEMPT FROM SANITATION REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY PURSUANT TO THE FOLLOWING MONTANA CODES ANNOTATED AND ADMINISTRATIVE RULES OF MONTANA: SECTION 76-3-207(1)(d) M.C.A. TO WIT: "AGGREGATION OF PARCELS OR LOTS WHEN A CERTIFICATE OF SURVEY OR SUBDIVISION PLAT SHOWS THAT THE BOUNDARIES OF THE ORIGINAL PARCELS HAVE BEEN ELIMINATED AND THE BOUNDARIES OF A LARGER AGGREGATE PARCEL ARE ESTABLISHED. A RESTRICTION OR REQUIREMENT ON THE ORIGINAL PLATTED LOT OR ORIGINAL UNPLATTED PARCEL CONTINUES TO APPLY TO THOSE AREAS;" AND; SECTION 76-3-207(1)(g) M.C.A. TO WIT: "FOR FIVE OR FEWER LOTS WITHIN A PLATTED SUBDIVISION, THE RELOCATION OF COMMON BOUNDARIES;" AND; A.R.M. 17.36.605(2)(c). TO WIT: "A PARCEL THAT WILL BE AFFECTED BY A PROPOSED BOUNDARY LINE ADJUSTMENT, IF THE PARCEL HAS EXISTING FACILITIES FOR WATER SUPPLY, WASTEWATER DISPOSAL, STORM DRAINAGE, OR SOLID WASTE DISPOSAL THAT WERE NOT SUBJECT TO REVIEW, AND HAVE NOT BEEN REVIEWED, UNDER TITLE 76, CHAPTER 4, PART 1, MCA, AND IF: (i) NO FACILITIES, OTHER THAN THOSE IN EXISTENCE PRIOR TO THE BOUNDARY LINE ADJUSTMENT, OR THOSE THAT WERE PREVIOUSLY APPROVED AS REPLACEMENTS FOR THE EXISTING FACILITIES, WILL BE CONSTRUCTED ON THE PARCEL; (ii) EXISTING FACILITIES ON THE PARCEL COMPLIED WITH STATE AND LOCAL LAWS AND REGULATIONS, INCLUDING PERMIT REQUIREMENTS, WHICH WERE APPLICABLE AT THE TIME OF INSTALLATION; AND (iii) THE LOCAL HEALTH OFFICER DETERMINES THAT EXISTING FACILITIES ARE ADEQUATE FOR THE EXISTING USE;" AND; A.R.M. 17.36.605(3). TO WIT: "AGGREGATIONS OF PARCELS ARE NOT SUBDIVISIONS SUBJECT TO REVIEW, EXCEPT THAT AN AGGREGATION IS SUBJECT TO REVIEW UNDER 76-4-130, MCA, IF ANY PARCEL INCLUDED IN THE AGGREGATION HAS A PREVIOUS APPROVAL ISSUED UNDER TITLE 76, CHAPTER 4, PART 1, MCA."


ARM 24.183.1104(1)(ii)(iii)(c)

"THE AREA THAT IS BEING REMOVED FROM ONE TRACT OF RECORD AND JOINED WITH ANOTHER TRACT OF RECORD IS NOT ITSELF A TRACT OF RECORD. SAID AREA SHALL NOT BE AVAILABLE AS A REFERENCE LEGAL DESCRIPTION IN ANY SUBSEQUENT REAL PROPERTY TRANSFER AFTER THE INITIAL TRANSFER ASSOCIATED WITH THE AMENDED PLAT ON WHICH SAID AREA IS DESCRIBED, UNLESS SAID AREA IS INCLUDED WITH OR EXCLUDED FROM ADJOINING TRACTS OF RECORD."

  
FRANK O. PLATZ DENNIS W. LOWER AS MEMBER OF D & C, LLP CATHY A. LOWER AS MEMBER OF D & C, LLP




STATE OF MONTANA)
COUNTY OF MISSOULA)
THIS INSTRUMENT WAS SIGNED AND ACKNOWLEDGED BEFORE ME ON DECEMBER 14, 2016
BY FRANK O. PLATZ, DENNIS W. LOWER AS MEMBER OF D & C, LLP, AND CATHY A. LOWER AS MEMBER OF D & C, LLP.

SS 
GREGORY S. MARTENSEN, NOTARY PUBLIC FOR THE STATE OF MONTANA
RESIDING AT MISSOULA, MONTANA - MY COMMISSION EXPIRES MAY 21, 2018

CERTIFICATION OF PROFESSIONAL LAND SURVEYOR

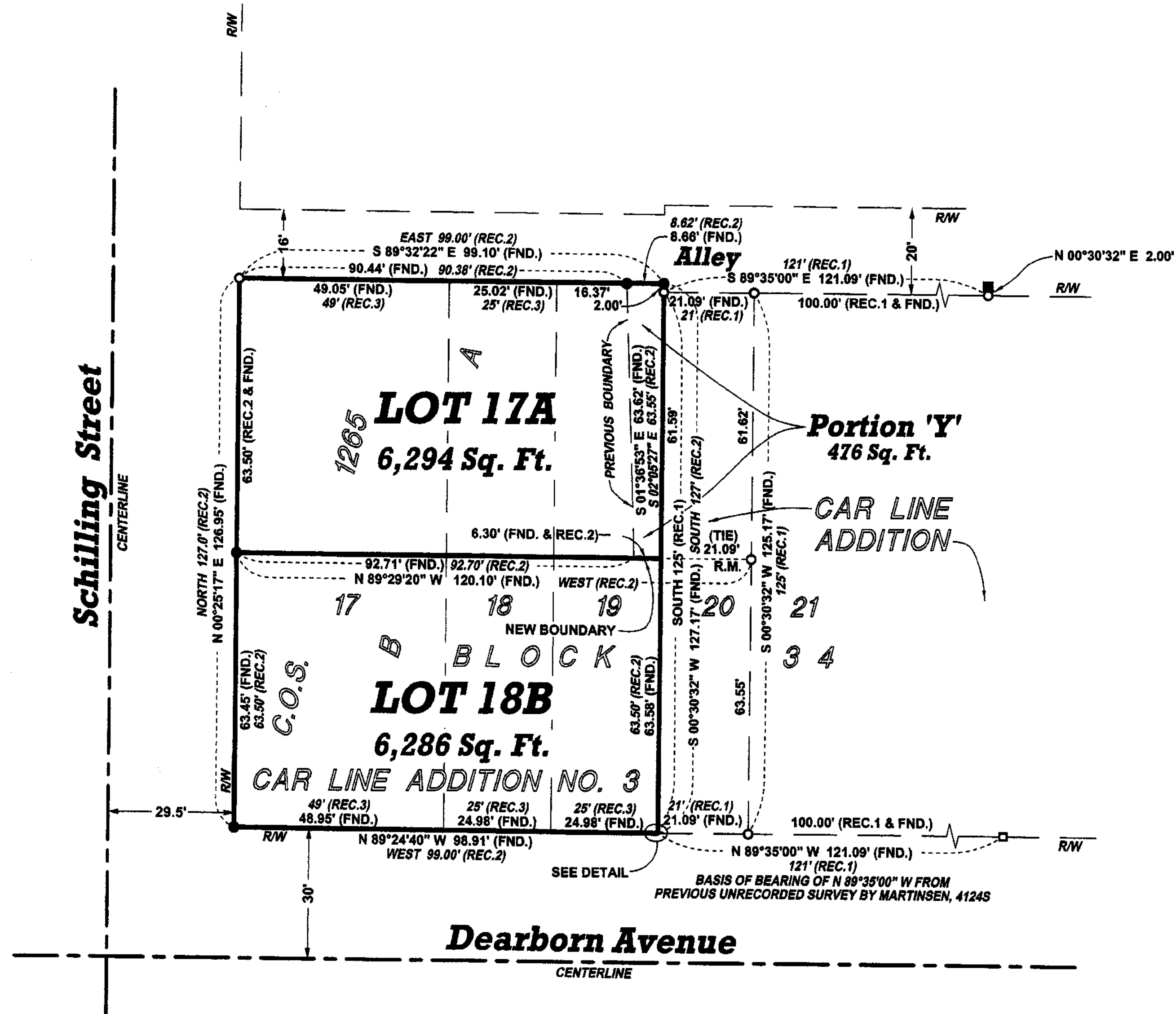
 date DECEMBER 6, 2016
GREGORY S. MARTENSEN, PLS - MONTANA LICENSE NO. 41245

APPROVED BY:  date December 20, 2016
MISSOULA CITY ENGINEER

 date December 9, 2016
MISSOULA CITY/COUNTY HEALTH DEPARTMENT

PURPOSE OF SURVEY

THE PURPOSE OF THIS SURVEY IS TO RELOCATE COMMON BOUNDARY LINES AND TO AGGREGATE LOTS, BEING EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(1)(d) M.C.A. TO WIT: "FOR FIVE OR FEWER LOTS WITHIN A PLATTED SUBDIVISION, THE RELOCATION OF COMMON BOUNDARIES;" AND; SECTION 76-3-207(1)(g) M.C.A. TO WIT: "AGGREGATION OF PARCELS OR LOTS WHEN A CERTIFICATE OF SURVEY OR SUBDIVISION PLAT SHOWS THAT THE BOUNDARIES OF THE ORIGINAL PARCELS HAVE BEEN ELIMINATED AND THE BOUNDARIES OF A LARGER AGGREGATE PARCEL ARE ESTABLISHED. A RESTRICTION OR REQUIREMENT ON THE ORIGINAL PLATTED LOT OR ORIGINAL UNPLATTED PARCEL CONTINUES TO APPLY TO THOSE AREAS."



SEPTEMBER, 2016
BASIS OF BEARING FROM PREVIOUS
UNRECORDED SURVEY BY MARTINSEN, 41245

LEGEND

- - Set 5/8" x 24" Rebar with 1 1/4" Y.P.C. By Martinsen, 41245
- - Found 5/8" Rebar with 1 1/4" R.P.C. By Martinsen, 41245
- - Found 5/8" Rebar with 1 1/4" Y.P.C. By Martinsen, 41245
- - Found 1/2" Rebar

REC.1 - Record from Car Line Addition
REC.2 - Record from C.O.S. No. 1265
REC.3 - Record from Car Line Addition No. 3
R.M. - Reference Monument

