



## DEVELOPMENT SERVICES

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### CONDITIONAL USE STAFF REPORT & REFERRAL

<b>Agenda item:</b>	Referral – River Road and Reserve Street Residential Storage Warehouse Conditional Use	
<b>Report Date(s):</b>	2/6/2019	
<b>Case Planner:</b>	Kaitlin McCafferty, Planner	
<b>Report Reviewed &amp; Approved By:</b>	Mary McCrea, Permits and Land Use Manager	
<b>Public Meetings &amp; Hearings:</b>	<b>Land Use &amp; Planning (LUP) pre-hearing:</b> 2/19/2020 <b>City Council hearing:</b> 2/24/2020	
<b>Applicant &amp; Owner:</b>	Jay H Getz and Debbie Getz 2204 River Road Missoula, MT 59801	
<b>Representative:</b>	Jay Kirby 1533 Phillips Street Missoula, MT 59802	
<b>Location of request:</b>	The subject property is located east of Reserve Street at River Road. Neighborhood Council: River Road Ward: Ward 6	
<b>Legal description:</b>	PARCEL 2 of COS 6394 (1.05 acres) located in Section 20, Township 13 North, Range 19 West	
<b>Legal ad:</b>	The legal ad was published in the <i>Missoulian</i> on 2/9/2020 and 2/16/2020. The site was posted on 2/7/2020. Adjacent property owners within 150 feet of the site were notified by certified mail on 1/20/2020.	
<b>Growth Policy:</b>	The applicable regional plan is the Our Missoula: City Growth Policy 2035 which recommends a land use designation of Residential Medium – 3 to 11 dwelling units per acre.	
<b>Zoning:</b>	B3-2 Business Mixed-Use / DE-C Design Excellence Corridor Typology 4	
	<b>Surrounding Land Uses</b>	<b>Surrounding Zoning</b>
North:	Single Dwelling Residential	B3-2 Business Mixed-Use/ DE-C Design Excellence Corridor Typology 4
South:	Single Dwelling Residential	RT10 Residential
East:	Single Dwelling Residential	B3-2 Business Mixed-Use/ DE-C Design Excellence Corridor Typology 4
West:	Office and Single Dwelling Residential	B3-2 Business Mixed-Use/ DE-C Design Excellence Corridor Typology 4 (City) and C-RR3 Residential (County)
<b>I. RECOMMENDED MOTION</b>		

**Approval of** the Residential Storage Warehouse conditional use request, in accordance with Missoula City Zoning Ordinance, Title 20, Sections 20.10.020D, 20.40.110, 20.85.070, and 20.105.050.H, based on the findings of fact in the staff report and subject to the conditions of approval.

## **II. CONDITION(S) OF APPROVAL**

1. The Residential Storage Warehouse Conditional Use at River Road and Reserve Street shall comply with all applicable portions of Title 20 and the Design Excellence Review conditions of 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 of Development Services prior to building permit approval.
2. The applicant shall include the following statement in the lease agreement for all storage units guaranteeing that “No cubicle may be used to store explosives, toxic substances, hazardous materials, or radioactive materials.” as required by Title 20, Section 20.40.110.D, subject to 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 Jay and Debbie Getz to build and operate a residential storage warehouse use and office use on this parcel. The applicant plans to build a 59,247 square foot, three story storage facility with 440 storage units and 3,116 square feet of office space, as part of this request. The subject property is zoned B3-2, Business Mixed-Use / DE-C Design Excellence Corridor Typology 4. According to Title 20, Section 20.10.020, a residential storage warehouse requires a conditional use approval to operate in the B3-2, Business Mixed-Use zoning district.

Title 20 defines a Residential Storage Warehouse use as a “Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental uses in a Residential Storage Warehouse may include the repair and maintenance of stored materials by the tenant; but in no case may storage spaces in a residential storage warehouse facility function as an independent retail, wholesale, business, or service use. Spaces may not be used for workshops, hobby shops, manufacturing, or similar uses. Human occupancy is limited to that required to transport, arrange and maintain stored materials.”

Because of its size and location in Design Excellence Corridor Typology 4, the project has been through Design Excellence Review and received approval. See attached for Design Excellence approval letter.

## **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 in determining whether all applicable review criteria have been satisfied.

## **V. CONDITIONAL USE REVIEW CRITERIA**

### **Findings of fact:**

#### **General**

1. The 45,738 square foot property is located on the corner of River Road and Reserve Street, and is currently vacant land. A new 59,247 square foot, three story storage facility with 440 storage units and 3,116 square feet of office space will be built.
2. The subject property is legally described as PARCEL 2 of COS 6394 (1.05 acres) located in Section 20, Township 13 North, Range 19 West.
3. The subject property has frontage on Reserve Street, functionally classified as a principle arterial street, and River Road, which is classified as a major collector.
4. There is currently a curbside sidewalk along Reserve Street and a designated bike lane. The River Road frontage has no road improvements, such as curb, gutter, bike lanes, sidewalk and landscaped boulevard.

5. The subject property is within the Missoula Urban Transportation District, the Urban Growth Area, the Wastewater Facilities Service Area, and Air Stagnation Zone. Sewer and water are available to the site and the property will connect to City Water and Sewer at the time of building permit approval.
6. The subject property is within an established service area for Missoula hospitals and the City Fire and Police Departments.

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

7. The applicable regional plan is the Our Missoula 2035 City Growth Policy. The subject property has a land use designation of Residential Medium 3 to 11 dwelling units per acre.
8. The subject property is zoned B3-2 Business Mixed-Use / DE-C Design Excellence Corridor Typology 4.
9. Pursuant to Table 20.10-1 "Uses Allowed in Business and Commercial Districts" of the Title 20 Zoning Code, a Residential Storage Warehouse use requires conditional use approval to operate in the B3-2 zoning district.
10. The zoning surrounding the property includes B3-2 Business Mixed-Use/ DE-C Design Excellence Corridor Typology 4 to the north, east, and west across Reserve Street. County zoning of C-RR3 residential also exists to the west across Reserve Street. The parcels to the south are zoned RT10 Residential.
11. Surrounding uses are primarily single dwelling residential to the north, south, and east. Across Reserve Street to the west are commercial offices and single dwelling residential development.
12. There are no minimum parcel area standards or building setback requirements for commercial use buildings in the B3-2 zoning district unless the property abuts a Residential zoned district, which is the case on the south side of the property only. Title 20 requires a side interior setback of 7.5 feet or 1/3 the height along the south property line matching the interior side setback for the adjacent RT10 zoning.
13. The new Residential Storage Warehouse and Office structure will be required to meet all Title 20 zoning, and Design Excellence Review conditions of approval and Missoula Municipal Code requirements at the time of building permit approval, per condition of approval #1 and #2.

#### **Parking and Access**

14. Per Title 20.60.020, Table 20.60-1, the required parking for a residential storage warehouse use is one space per twenty-five (25) storage units plus one space per 480 sq. ft. of office space. The parking calculations in the application packet indicate that there will be four hundred and forty (440) storage spaces, thus requiring seventeen (17) parking spaces plus 3,116 sq. feet of office space, requiring an additional six (6) spaces; totaling twenty-three (23) for this use. The applicant's site development plan indicates twenty-five (25) off-street vehicular parking spaces will be provided.
15. According to Title 12, Section 12.22.060, a parking lot with twenty-five (25) spaces or less must have one (1) ADA van-accessible space. The applicant's site development plan shows one (1) ADA space will be provided. The provision of these spaces in compliance with federal and local regulations will be verified by Development Services Engineering Division, prior to building permit approval, as described in condition of approval #1.
16. The applicant's site development plan shows the addition of a curbside sidewalk along the subject property's frontage along River Road. Conformance with engineering standards will be confirmed at the time of building permit approval.
17. Title 12, Section 12.22.060 I & M requires accessible routes to maintain five (5) feet clear width. The sidewalk along the north side of the building along the customer entrance façade with adjacent parking meets the required five (5) foot clear width in compliance with the accessible route standards.
18. 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, with a minimum of two (2) short term bicycle spaces, plus one (1) long-term bicycle parking space per five (5) employees, with a minimum of one (1) long term bicycle parking space.
19. The applicant's site development plan shows short-term bicycle parking adjacent to the front entrance of the building. The required long-term bicycle parking spaces will be inside the building. Compliance with the

minimum required provision of bicycle parking will be confirmed at the time of building permit review per condition of approval #1.

20. Title 20, Section 20.40.110 includes Use and Specific Building standards required for Residential Storage Warehouse uses.
21. Section 20.40.110.A requires the access doors to storage units may not open directly onto a public street or alley. All of the storage units are accessed from the interior of the building.
22. Section 20.40.110.B requires residential storage warehouse uses to have frontage on and direct vehicle access to a road classified as a collector or higher classification. The subject property fronts Reserve Street a principal arterial, and River Road, a major collector. Vehicular access to the subject property will be from River Road.
23. Section 20.40.110.C requires all driveways, interior aisles and walkways to be paved. The applicant's site development plan meets this standard.
24. Section 20.40.110.D prohibits the storage of explosives, toxic substances, hazardous materials or radioactive materials. Condition of approval #2 requires the applicant to include a statement in the lease agreement for all storage units that incorporates the prohibitions noted. A copy of the lease agreement shall be provided prior to building permit approval.
25. Section 20.40.110.E restricts the use to storage uses and prohibits use of the site for retail sales, service, manufacturing or any similar use. The applicant's site development plan meets this standard.

#### **Design Excellence Review**

26. The River Road and Reserve Street Residential Storage Warehouse and Office project was reviewed and approved under Missoula's Design Excellence Review. The Design Excellence Review includes a set of site and building design guidelines that are intended to shape development that is consistent with community character. The project meets the site design, dimensions, setbacks, glazing and natural material usage standards required by Design Excellence.

#### **Conditional Use Review**

27. Title 20, Section 20.85.070(H)2 outlines criteria for the review of conditional uses, which include whether the proposed uses are: compliant with all applicable Title 20 zoning standards; compatible with the character of the surrounding area; in the interest of public convenience; will not have a significant adverse impact on the general welfare of the neighborhood or community; compatible operating characteristics in terms of hours of operation, noise, outdoor lighting and traffic generation; and will not have a significant adverse impact on traffic safety or comfort – both motorized and non-motorized.
28. The Residential Storage Warehouse use will comply with all applicable Title 20 regulations. Compliance with zoning, engineering, fire and building code will be confirmed prior to building permit approval per condition of approval #1 and #2.
29. The Residential Storage Warehouse use and new building was reviewed and approved per Design Excellence Review and will be compatible based on the proposed massing of the new building, building orientation, materials, and landscaping with the character of the surrounding area.
30. The Residential Storage Warehouse use in this location will not compromise either public convenience or the general welfare of the neighborhood or community. The intersection of River Road to Reserve Street includes a right turn only onto River Road from Reserve Street. River Road provides a right turn only onto Reserve Street. River Road is classified as a major collector road. The site development plan indicates the applicant has acquired an access easement across property at 513 N. Davis Street that will provide an exit-only to N Davis Street, a local residential street.
31. Any outdoor lighting for this project will be required to meet the Missoula Outdoor Lighting ordinance standards.

32. The application states the Residential Storage Warehouse facility will be open from 5AM to 10PM daily with controlled gate access.
33. Any signage associated with this project will be required to meet all applicable standards as outlined in Title 20, Chapter 20.75.
34. The Institute of Transportation Engineers (ITE) 9th Ed. Trip Generation rates shows an increase of fifty- three (53) additional vehicles entering and exiting the new facility for the office use and seventy-eight (78) daily trips for the storage component. The driveway approach will be restricted to a right-in/right-out from River Road with an exit-only onto N Davis, a Local Residential street, will be able to handle this traffic.
35. MDT commented that a new driveway approach to Reserve Street will not be granted. MDT also expressed concern that the driveway approach to the subject property to River Road was very near the intersection with Reserve Street, which could result in obstructed sight lines and conflicts with trailers coming in and out of the River Road access. City Engineers also analyzed the River Road access and determined that the approach meets AASHTO requirements and would not result in traffic conflicts or a reduction in safety.

#### **Conclusions of Law:**

- 1. Whether the proposed use complies with all applicable standards of the Title 20 Zoning Ordinance;**
  1. The Residential Storage Warehouse use is permitted as a conditional use in the B3-2 zoning district. Compliance with all applicable sections of the Title 20 Zoning Ordinance will be confirmed prior to building permit approval if City Council imposes condition of approval #1.
- 2. Whether the proposed use is in the interest of public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community;**
  1. The Residential Storage Warehouse use in this location will not compromise either public convenience or the general welfare of the neighborhood or community.
  2. Development allowed by the requested conditional use will be served by adequate existing public facilities and services, as the subject property has frontage on Reserve Street, a principal arterial road and River Road, a major collector. The existing and future sidewalks adjacent to the subject property will meet current ADA standards.
  3. The Residential Storage Warehouse use is in an area that is already served by City of Missoula police and fire protection.
- 3. Whether the proposed use is compatible with the character of the surrounding area in terms of site planning, building scale and project design;**
  1. The subject property is located on a principle arterial and major collector roadway. The applicant's site development plan received approval in the Design Excellence Review process. The site and building will be developed with comparable building scale, building orientation, materials, and landscaping with the character of the surrounding area and per the design guidelines under the Design Excellence Review.
- 4. 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; and**
  1. The applicant's application states the residential storage warehouse facility will be open from 5AM to 10PM daily with controlled gate access. The hours of operation are compatible with surrounding uses.
  2. The applicant's application states outdoor lighting for the project will be required to conform to the regulations described in the Missoula Outdoor Lighting Ordinance.
  3. 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.
  4. The surrounding road infrastructure is adequate to handle the additional traffic that will be generated by the Residential Storage Warehouse Use.

**5. Whether the proposed use will not have a significant adverse impact on traffic safety or comfort, including all modes of transport (non-motorized and motorized).**

1. The Residential Storage Warehouse use will not have adverse impacts on traffic safety or comfort, regardless of the mode of transportation. The driveway approach to River Road will restrict movements to right turn in/right turn out. City Engineering has analyzed the traffic movements and determined that they meet engineering standards for safety.
2. The subject property has existing sidewalk and bike lanes along the Reserve Street frontage. The applicant will add sidewalks along the River Road frontage, improving safety for pedestrians.
3. The existing motorized and non-motorized transportation infrastructure through and around the subject property is adequately sized and designed to manage the anticipated increase in traffic for these uses.

**VI. AGENCY COMMENT**

**Missoula Valley Water Quality District:** The Missoula Valley Water Quality District has no particular comment regarding this proposal. Travis Ross

**Health Department - Air Quality Division:** The proposed project includes compliance with the Design Excellence Program (solar panels etc. on building), sidewalks, bike racks and landscaping. Based on these features, the Air Program at the Missoula City-County Health Department has no concerns with storage unit conditional use request at River Road and Reserve St. Benjamin Schmidt

**Missoula County – Emergency Management:** Emergency Management has no comments. Adriane Beck

**Missoula Urban Transportation District:** No comment received.

**City Parks & Recreation:** Thanks for the opportunity to review this conditional use. The Parks Department has no comment on the conditional use. Neil Miner

**Office Of Housing & Community Development:** The Office of Housing and Community Development has no comment. Eran Pehan

**City Attorney:** No comment received.

**City Engineer:** We had analyzed the River Road access point back in 2017. Based on AASHTO sight distances we felt that an entrance 50-ft from the Reserve Street curb line would enable turning vehicles from Reserve to see vehicles occupying the entrance and determine if they should proceed with their turn. MDT rightly has concerns with this location, but it is our belief that the approach meets requirements and could be constructed. Troy Monroe

**Missoula Redevelopment Agency:** MRA has no comment. Ellen Buchanan

**City Police:** No problem for police. Chris Odlin

**City Fire:** No comment received.

**Montana Department of Transportation:** MDT does not have comments or concerns regarding the proposed use of Residential Storage units; however they expressed concern regarding the proximity of the River Road driveway approach to the subject property. MDT is concerned that vehicles attempting to turn right onto River Road from Reserve Street will slow or stop on Reserve Street if vehicles are backed up waiting to turn into the River Road approach to the subject property. Glen Cameron

**City Storm Water Division:** No comment received.

**City Wastewater Division:** No comment received.

**City Water Division:** No comment received.

**Neighborhood Council (NC):** No comment received.

## **VII. ATTACHMENTS:**

Exhibit 1: Design Excellence Approval Letter