1. **ADMINISTRATIVE BUSINESS**

   The meeting was called to order at 8:22 am.

   1.1 **Roll Call**

   1.2 **Approval of the Minutes**

      The minutes from the last LUP meeting will be approved at the second LUP meeting this afternoon.

2. **PUBLIC COMMENT**

   There was no public comment on items not on the agenda.

3. **COMMITTEE BUSINESS**

   3.1 **Rezone - 2920 Expo Parkway - Grant Creek Village**

      Pre public hearing - informational only

      Chair Jordan Hess provided an overview of how the meeting will go, including information that this is pre-public hearing and informational only.

      Heather Harp arrived at 8:25.

      Dave DeGrandpre, Planner with Development Services, presented on the Rezone of 2920 Expo Parkway, submitted by KJA Development.

      Currently there are four zoning districts on the property: R5.4, RM1-35, B2-2, and C1-4. The applicant has requested to rezone the entire property to RM1-45 multidwelling residential.
Mr. DeGrandpre reviewed the surrounding land uses including the topography of the area. Under Missoula’s Title 20, when a property has more than one zone applied to it, the more restrictive zoning is applied. For instance, according to Title 20, the current zoning on the parcel would require that RM 1-35 and R5.4 would apply because they are the most restrictive.

Mr. DeGrandpre further went on to compare the development without a rezone versus with the rezone to give a sense of scale. Under current zoning, there could be 155 single dwelling units on the north parcel and 339 dwelling units on the south parcel. He notes, however, that this does not take into account space for roads, setbacks, and other activity areas.

The developers are requesting to apply RM1-45 to the property. If the entirety of the property is rezoned, it would allow 1,185 dwelling units to be built (again, not taking into account, parking, setbacks, etc). This would roughly double the development capacity of the parcel.

Our Missoula Growth Policy applies two different land use designations to this property. The first designation is Residential High: a designation that allows for multifamily and up to 43 dwelling units per acre. Eighty seven percent of the property is designated Residential High. The remaining percentage is designated as Regional Commercial and Services. This includes larger scale commercial development, appropriate for hotels and larger restaurants.

Heidi West arrived at 8:35.

A committee member asked for clarification on the fact that the 1,185 potential dwelling units is a combination of both parcels. All the residential high density recommended in the existing zoning allows for up to 43 dwelling units per acre.

Mr. DeGrandpre explained why he felt the proposed zoning change to RM1-45 complies with the Missoula Growth Policy. The Growth Policy talks about the goals, policy, and vision for Missoula. Its main thrust is focused inward as opposed to sprawling out among farm land or down the Bitterroot. The Policy encourages infill development and use of existing city services like the Water, Fire, and Street departments. This project would support the existing housing goals because it has the potential to provide significant housing for renters and owners.

On the other hand, there are some services that don’t exist in this area. These include limited neighborhood commercial facilities, parks, trails, and transit. However, the developer can be required to provide transportation improvements during the building permit process.

Mr. DeGrandpre addressed the main concern voiced by the public that this development would increase traffic congestion in the area. He stated that when a building permit is applied for, the City Engineer can require a traffic impact study (TIS), which is what City Engineer Kevin Slovarp did.

Stephen McDaniel, Missoula’s traffic engineer currently contracted through WGM Group, provided a letter dated 8/13/20 (available online) that addresses the fact that there are improvements being made by the Montana Department of Transportation (MDT). These improvements include a right hand turn lane onto the westbound interstate, a southbound...
through-lane onto Reserve, and optimization of the traffic signals. These improvements are expected to be completed this fall. Mr. McDaniels’ letter concluded that this proposal would not have a significant impact on traffic.

The committee asked a couple traffic-related questions which will be addressed later in the meeting.

A committee member asked about the levy in the area and what area is levy protected. Mr. DeGrandpre will provide a floodplain map at the following meeting.

A committee member stated that the traffic study was done based on the first couple of buildings, but wondered about the ultimate impact of the full build-out.

There was also concern over petitioning into the Urban Transportation District, which would mean additional taxes for the residents. There are plans to serve this area in the future, but the plans are contingent upon funding and other priorities. Similarly, there are plans to connect existing trails to those of downtown but the trails are not in place today.

Discussion followed pertaining to the High Residential designation and concern over a potential bottleneck at the interstate.

The City reached out to agencies about public health and safety threats with this proposal. There was no comment from the Department of Emergency Services, while the City Fire Department said they can serve this area, and MDT said that the transportation facilities can safely serve this development as well.

A committee member asked about measures and plans that could be proposed to mitigate the foreseeable traffic impact. Mr. DeGrandpre said that in the short term, there are none. He reiterated that the City of Missoula has the authority to require a TIS during the building permit process.

The committee held concerns that if the measures wait until the permit approval process, it could mean a bigger challenge to the community in the future.

The committee was reminded that the Council cannot condition a zoning.

Stacie Anderson arrived at 8:55.

Mr. DeGrandpre reviewed the Rezone Review Criteria, including compliance with the Growth Policy, public services/transportation, and the distinct character & suitability of uses, among others. He then went on to review the comments and discussion from the Planning Board meeting.

Under Montana law, if protest petitions are signed by 25% or more of the lots or units within 150 feet of the property, a higher threshold of approval is triggered, requiring 2/3 of voting members to approve zone change. In this case, that was triggered, therefore a super majority is required to approve this request.

A committee member asked if wildland firefighters have been consulted regarding this proposal, and it was clarified that neither the Department of Natural Resources and Conservation nor the United States Forest Service have been consulted.

Further committee discussion and questions followed.
The committee asked about the existing population in the area, which Mr. DeGrandpre believes is approximately 800 address points.

Comparing and contrasting RM1-45 to the widely-used zone RM2.7, Mr. DeGrandre stated that RM2.7 is an urban scale residential district and that 2.7 refers to the minimum lot size. This zone would allow all residential building types, including apartments and houses.

The city is moving toward form-based codes so a question arose regarding how the proposed zoning fits into this new code. Form-based code, per Mr. DeGrandpre, refers to the form or architecture of structures and how it blends into the environment and less so about the use itself.

A committee member asked about alternate paths forward that the developer could have selected. There are multiple options for development currently existing on the property. The northern parcel could be developed under the existing R5.4 zoning, which is single unit residential, and can include up to 155 single dwelling units. To develop single family residences, the developer would have to go through a subdivision review process that can take up to one year. It allows impacts to be addressed more thoroughly than the process being looked at right now.

Another option would be a boundary line adjustment, which would follow the zoning to the south. This would allow that area to be developed with commercial or residential.

Ken Ault, owner of 2920 Expo Way and KJA Development, introduced himself and his team, which included architect Mike Morgan, traffic engineer Bob Abelin, and engineer Cody Schwartz.

Mr. Ault talked about his experience with development in Missoula. The proposed zone change from RM1-35 to RM1-45 would give him the ability to offer needed improvements that he's seen in his experience living in his developments. In addition, he stated that by building upward, it creates a lot of green space around the structures, room for on-site amenities, and space for activities. Mr. Ault stated that Missoula needs more units, and in particular, more 3-bedroom apartments. His project will provide this.

Mike Morgan with Hoffman, Morgan, and Associates talked about the feasibility study his firm performed for this project. The study reviewed the land use designation and zoning of the property. The current zone R5.4 is almost all hillside and therefore undevelopable, leaving approximately 24 acres of developable area. The study then looked into infrastructure, which is already in place. In addition, Hellgate Elementary can accommodate an additional 400 students with room to grow. He stated that this area is ready for development.

Mr. Morgan agreed that there are reasons for opposition to this project, and that transportation is a big one, but he wanted to point out that the location of this development will not impact surrounding areas in an adverse way. The current residents to the north would be looking down on the development; there'd be no view blockage.

Cody Schwartz, design engineer for the project, reiterated that the infrastructure is already in place to serve the development, and that they worked with the city on the storm drainage design. In addition, the city has a plan for a new water storage facility in the area.
Bob Abelin with Abelin Traffic Services developed two traffic impact studies for the developer for this project. The results of the study and analysis take into account MDT’s plans for improvements that will add additional southbound through lanes. He reviewed Level of Service Summaries for different intersections and increases in delays at different phases of the project. Mr. Abelin provided a video simulation of vehicles, and the time between traffic signals that illustrates existing issues as well as what it might look like when the project is complete, following MDT’s planned improvements.

Mr. Abelin stated that even with the full build-out, based on the new MDT intersection configuration, a vehicle will never sit through two cycles at the light.

There was a short recess at 10:05.

A committee member asked the developer about his intention to build permanently affordable units. The developer stated that he is not planning any affordable housing units. He said there are many programs available for financing, and that they will be building market value apartments.

Mike Morgan added that the best thing for affordability is to provide enough inventory for the demand, and this project will help with that inventory.

Ken Ault stated that the approximate rent, based on his last project, will be $900 for a 1 bedroom apartment, $1095-1200 for a 2 bedroom apartment, and $1400-1600 for a 3 bedroom apartment.

Mr. Abelin clarified that the traffic data he used was collected in October 2019, while the MDT data was collected in April 2018.

The committee expressed concerns that those numbers might not be representative because during school and the winter ski season, traffic is significantly increased.

Further concerns were expressed that the MDT improvements currently in the works have taken 20 years to implement. The fear is that by the time this development is complete, with the additional traffic, traffic congestion will once again be a problem, despite improvements.

Mr. Abelin noted that flow of traffic will be different with the improvements, which will triple capacity at the intersection. Additional mitigation is not needed at this time.

The committee reiterated their concern that these models only take into account vehicles turning right out of Expo Parkway. Mr. Abelin conceded that that has been the assumption but that the study shows it will still work for that amount of left-turning traffic. In addition, there are opportunities to turn left without using Expo Parkway.

A committee member stated that at some point any transit proposed for the area would have to cross Reserve Street, which has historically been very difficult. Therefore, the city is looking at 10-15 years of single occupancy vehicle use before public transit could be put into place.

The committee discussed the possibility of a wildfire and the danger inherent in having a single ingress and egress in this area, and how this could be addressed. Mr. Abelin suggested talking to MDT about such an emergency situation, perhaps asking for an emergency timing scenario on the traffic signal.
Erin Nuzzon presented on behalf of Friends of Grant Creek and offered her support to maintain the existing zoning. Ms. Nuzzo identified that Grant Creek is a tributary of the Clark Fork River and has an impaired designation by Montana Department of Environmental Quality and Montana Fish Wildlife and Parks. The property is located within the Wildland Urban Interface. Current zoning supports over 500 units. Of the 44 total acres, only 28.5 acres are developable. The rezone would allow for 1,195 units, though the developer is identifying a build out of 950 units.

Friends of Grant Creek asked for shared responsibility to provide housing according to site constraints. They noted that the existing zoning went through a rigorous process and enjoyed public support. In addition, base rent prices have continued to climb with the addition of inventory over the years and that the vacancy rate in 2019 was 5.1%.

RT Cox, retired attorney, reviewed the TIS and the assumptions and data used in the model and identified that the study only included a fifteen-minute intersection review. The intersection light cycle will not change with the addition of lanes; the 130 seconds is required for I-90 ramp traffic flow. Two northbound lanes condense into one lane north of the underpass. This will not be improved by MDT. Additionally, the effect of flooding events has not been studied on Expo Parkway and Stonebridge Road.

Ms. Nuzzo then reviewed the proposed rezone application and the rezone review criteria and stated that the rezone does not address or meet several of the criteria.

Grant Parker with the Rocky Mountain Elk Foundation (RMEF) reviewed the history of the organization, and stated that a big reason the RMEF moved to Grant Creek was because of the character of the area. The RMEF supports the current zoning and opposes the rezone proposal.

Aaron Nielson, attorney with Christian, Samson and Baskett, noted that the RMEF filed a protest petition. He stated that the zoning code is clear and that the applicant holds the burden to comply with all review criteria, not some, and that the applicant has not done this. This isn't the only possible development in the area and there are criteria more important than density alone. An emergency and disaster preparedness plan is critical and is needed before the proposal should be considered.

The Chair noted the Public Hearing has been scheduled for August 24th and closes September 14th. There will be opportunity to comment publicly during meetings, but the use of the Engage Missoula website is encouraged.

The Chair opened for public comment but prioritized those who have not already commented.

Mae Nan Ellingson, a 47-year resident of Grant Creek, opposed the proposal. She cited a failure of process to comply with the Grant Creek Area Plan, and the need for additional entrance/exit out of valley. Ms. Ellingson encouraged the city to take their time, and remember that there are many other housing projects in the works. She conceded that the vacancy rate is real, but that there is a need for single family residences, which can be better preserved via the existing zoning.

The committee asked if presentations from neighboring groups would be worthwhile, to which the Chair said he will work with staff on the structure of future meetings. Another
member would like more information on why the MDT gives lowest priority to the south bound lane, as well as more information on future developments in area.

4. **ADJOURNMENT**

The meeting was adjourned at 11:30 am.