

## 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: **508 3rd Street W – Thornton Building Rezone from C1-4 to C1-4 / AR Adaptive Reuse Overlay**

4. Name(s) of Applicant: **University Avenue Developers, LLC**  
Mailing Address: **300 University Avenue, Missoula, MT 59801**  
Telephone Number: **(312) 403-4033**  
Email Address: **jessedodson@gmail.com**

5. Name(s) of Owner of Record: **David Jolles**  
Mailing Address: **7105 Devonshire Lane**  
Telephone Number: **(406) 728-3344**  
Email Address:

6. Name and Company of Representative: **Jesse Dodson, University Avenue Developers, LLC**  
Mailing Address: **300 University Avenue, Missoula, MT 59801**  
Telephone Number: **(312) 403-4033**  
Email Address: **jessedodson@gmail.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

Date

4.20.20

Owner's Signature

Date

3/27/20

Representative's Signature

Date

4.20.20

**B. SUBJECT PROPERTY INFORMATION**

General location of subject property and address (if address has been assigned): 508 S. 3<sup>rd</sup> Street W.

Legal Description - complete and unabbreviated:

Township, Range, Section(s): **Section 21, Township 13 North, Range 19 West, P.M.**

Subdivision, Lot(s), Block(s): **Knowles Addition #1, Lot 11, Block 32**

Tract(s), COS#: **N/A**

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: **04-2200-21-4-31-04-0000**

**C. ZONING AND GROWTH POLICY INFORMATION**

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

	Zoning	Current Land Use
Adjacent (North)	<b>C1-4 Neighborhood Commercial / Design Excellence Overlay Corridor Typology 2</b>	<b>Mixed Use and Single Dwelling</b>
Adjacent (South)	<b>C1-4 Neighborhood Commercial / Design Excellence Overlay Corridor Typology 2</b>	<b>Multi-Dwelling Residential</b>
Adjacent (East)	<b>C1-4 Neighborhood Commercial / Design Excellence Overlay Corridor Typology 2</b>	<b>Office</b>
Adjacent (West)	<b>C1-4 Neighborhood Commercial/Design Excellence Overlay Corridor Typology 2</b>	<b>Single Dwelling</b>

2. What is the current zoning of the property (including intensity designator)? **C1-4 Neighborhood Commercial / Design Excellence Overlay Corridor Typology 2**

3. What is the requested zoning for the property (including intensity designator)? **C1-4 Neighborhood Commercial / AR Adaptive Reuse Overlay**

4. What is the applicable comprehensive plan and land use designation for the property? **The applicable regional plan is the Our Missoula 2035 Regional Growth Policy, which recommends a land use designation of Neighborhood Mixed-Use.**

5. What is the intended use for the property? **The use of the property will remain multi-dwelling residential, with a proposed increase in dwelling units from 16 to 22. The multi-dwelling building that will remain is a contributing building to the McCormick Historic District on the National Register of Historic Places, is eligible for individual listing on the National Register of Historic Places, and is listed on Missoula's Local Inventory of Historic Resources. The building will be restored, utilizing the Secretary of the Interior's standards for historic building rehabilitation.**

**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 of the property to the /AR Overlay aligns with the Chapter 3 Livability goals of the Our Missoula 2035 Growth Policy, which include: encouraging the preservation of historic buildings, encouraging development that maintains or enhances the character of the community, and supporting sustainable development practices through historic preservation. The increase in allowed density through the /AR Overlay is in keeping with the Growth Policy designation of the property as Neighborhood Mixed-Use, which encourages medium-high density residential development ranging from 12 to 23 dwelling units per acre. The Growth Policy states that medium-high density residential development is encouraged. (P. 119) The requested zoning is also consistent with the growth policy's housing goals including to "develop affordable housing, such as . . . micro-apartments for older adults seeking to downsize" and to "increase the overall supply of decent, safe and affordable homes for renters through . . . improved maintenance of the existing affordable housing stock." The proposed rezoning is in accordance with the intent of the /AR Overlay to facilitate the adaptation and continued use of Historically Significant Buildings in the community.**

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 building will be adequately served by water, sewer and other utilities. The proposed zoning will have minimal impact on motorized transportation system. The building has rights to use 17 parking spaces, including 3 on-site spaces and 14 additional spaces through an existing shared parking arrangement with the neighboring office building to the east. In connection with the proposed zoning, the Applicant is seeking certain exceptions and waivers relating to density and parking as specifically allowed by applicable provisions of the A/R Overlay District and the Zoning Ordinance. Those exceptions and waivers are described in more detail in the attached addendum. The proposal would introduce 6 additional residential uses in an area that has been designated for medium-high residential density. The subject property is in close proximity to bus stops and will generate ridership for the Mountain Line. South 3rd Street West is functionally classified as a minor arterial. South 3rd Street West can handle the additional traffic for the increase in units. There are sidewalks and bike lanes on South 3rd Street West and South 3rd Street West is served by Mountain Line Route 9, which runs inbound and outbound to downtown Missoula.**

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

**The proposed zoning is consistent with the growth policy as stated above. The proposed zoning will allow the renovation and rehabilitation of an apartment building constructed in 1909 - in other words, the existing land use, residential apartments, will continue. Application of the /AR Overlay allows for preservation of a historic resource with increased density in a location well served by infrastructure and facilities.**

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 zoning will promote the public health, safety and general welfare because it will allow the substantial renovation and rehabilitation of a historic apartment building, it furthers the housing goals of the growth policy, and will provide additional needed housing options along the Orange Street and 3<sup>rd</sup> Street corridors. The building will include fire protection and other safety measures as required by the building code. The building will not be enlarged and so there will be no adverse impact to light and air enjoyed by neighboring properites. The proposed zoning not only conserves the value of the building but is necessary to make re-use, renovation and rehabilitation of the building economically viable.**

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

**The proposed zoning is consistent with the character of the district. The proposed zoning allows the current use - residential apartments - to continue in the existing building, as renovated, with the inclusion of 6 additional units through the partitioning and reconfiguring of existing units. The essential character of the district - a mix of residential and commercial uses along the Orange Street and 3<sup>rd</sup> Street corridors - will not change in any way as a result of the proposed zoning.**

**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.

## **ADDENDUM TO REZONING APPLICATION**

### **508 S. 3<sup>rd</sup> Street West**

This Addendum is submitted with the application by University Avenue Developers, LLC (the “Applicant”) to rezone the property located at 508 S. 3<sup>rd</sup> Street West (the “Property”) to the /AR Adaptive Use Overlay. The Applicant is seeking certain approval of certain standards under Title 20 Zoning Code relating to residential density and parking. As described below, these standards are specifically authorized by the provisions of Title 20 Zoning Code.

#### **Density**

The Applicant is seeking to rezone the Property to the /AR Adaptive Use Overlay for the specific purpose of qualifying for Section 20.25.035.H.1.b, which provides that projects in the /AR Adaptive Use Overlay “may exceed the maximum density established by the underlying zoning district for the parcel, so long as the added density is allowable by building code.” The Applicant intends to rehabilitate the existing 16-unit building on the Property. The Property consists of approximately 6,500 square feet of site area. Under the current standards in Title 20 Zoning Code, the Property would be allowed only six units. Having been constructed in 1909, the existing 16-unit building is a legal nonconforming building. The Applicant intends to reconfigure the existing units and increase the total number of units from 16 to 22. This will be done within the existing building envelope without any increase in the footprint, height or massing of the building. Section 20.25.035.H.1.b authorizes this increase in residential density.

#### **Parking**

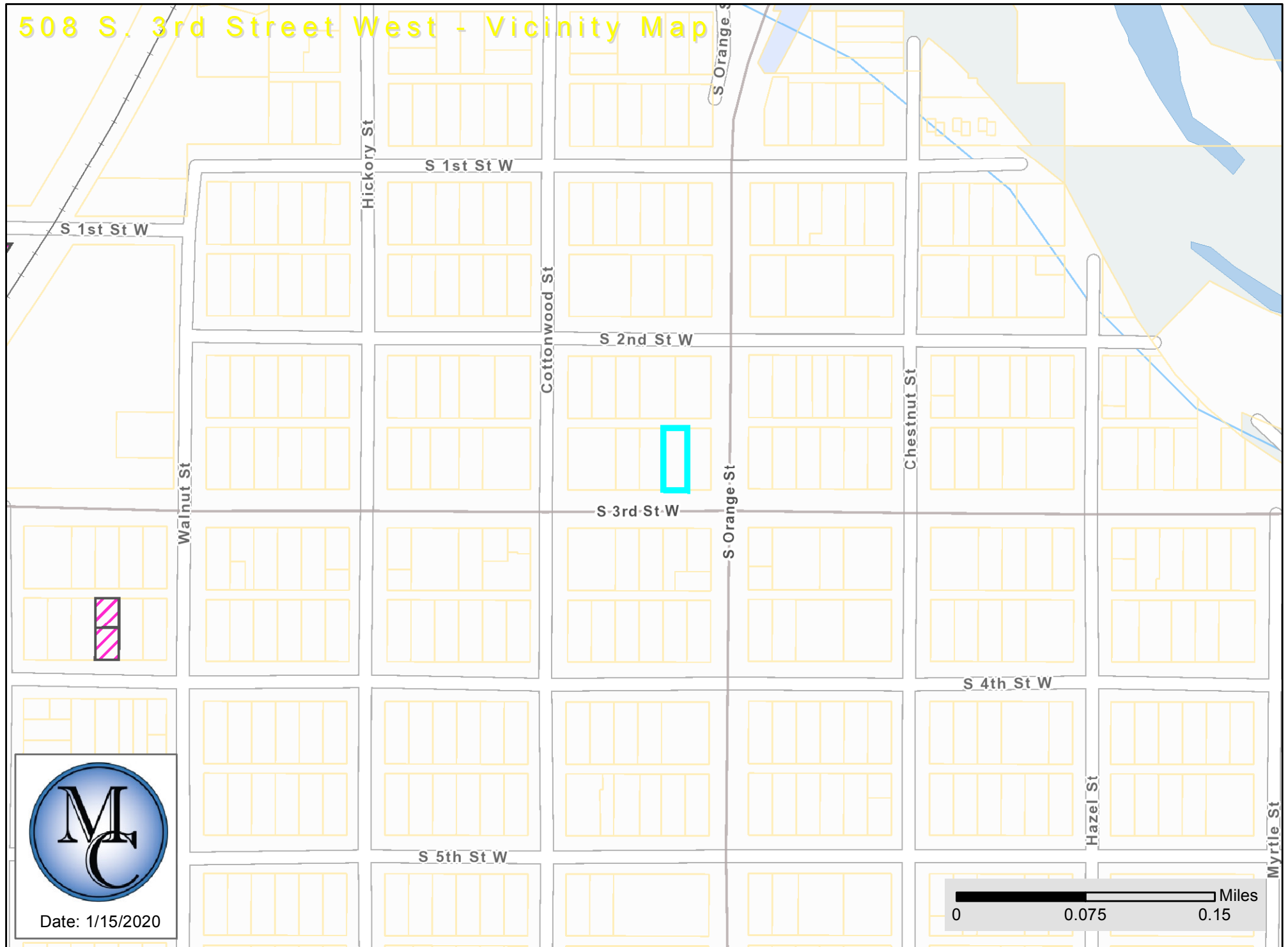
As mentioned above, the Applicant is proposing to add six units to an existing 16-unit building, for a total of 22 units. The Applicant will provide a minimum of 17 off-street parking spaces, through a combination of at least 3 on-site spaces and 14 spaces in an existing parking lot contiguous to the Property at 425 South Orange Street through an existing shared parking agreement. The standard parking ratios in Title 20 Zoning Code would ordinarily require a 1:1 parking/unit ratio. However, Title 20 Zoning Code contains several provisions that each allow reductions in the minimum parking requirements for this project.

First, Section 20-60-010.C.4.c allows the zoning officer, in consultation with the historic preservation officer, to reduce minimum off-street parking ratios for buildings designated as local cultural resources or contributing buildings in National Register Historic Districts. The building is a contributing building in the McCormick District and has been recommended for approval as a local historic resource. It would not be possible to provide additional parking on-site without demolishing the existing building.

In addition, if necessary to further justify the requested reduction in minimum parking requirements, Section 20-60-030.B.3 provides that where an office and a residential use share off-street parking, “the parking requirement for the residential use may be reduced by up to 50%, provided that the reduction does not exceed the minimum parking requirement for the

office use.” The Property has permanent rights to 14 additional parking spaces through an existing shared parking agreement with the owner of the office building at 425 South Orange Street (a copy of this agreement is included with the rezoning application). Finally, Section 20-25-080.D.4.c(2) allows for a reduction of required parking by up to 15% for projects within the Design Excellence Overlay and within 1,250 feet of a transit stop. The Property is within the Design Excellence Overlay and is located within one block of Mountain Line Route 7 and Route 9 stops.

# 508 S. 3rd Street West - Vicinity Map

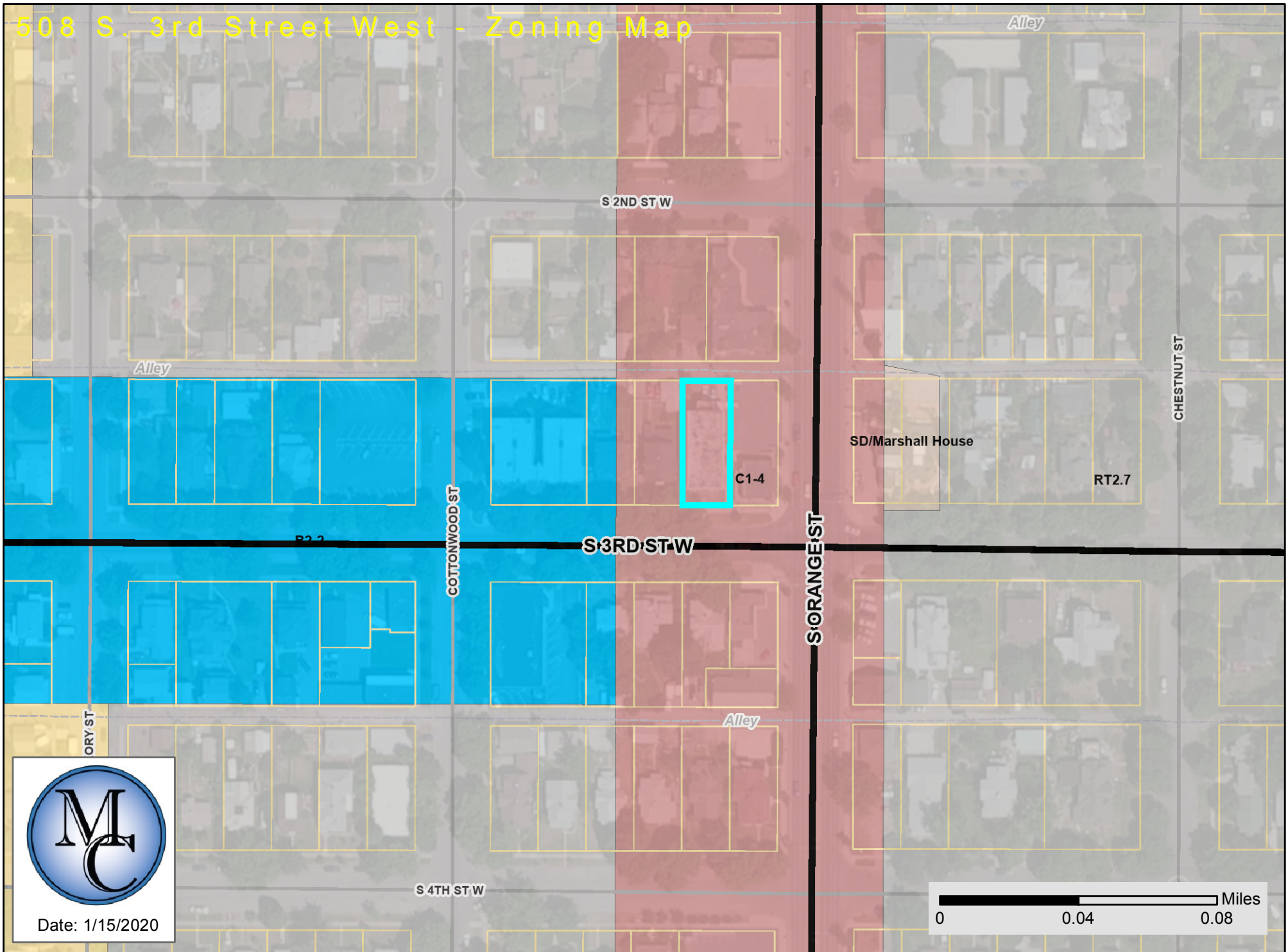


Map Center: X: -114.00422 - Y: 46.86717

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# 508 S. 3rd Street West - Zoning Map

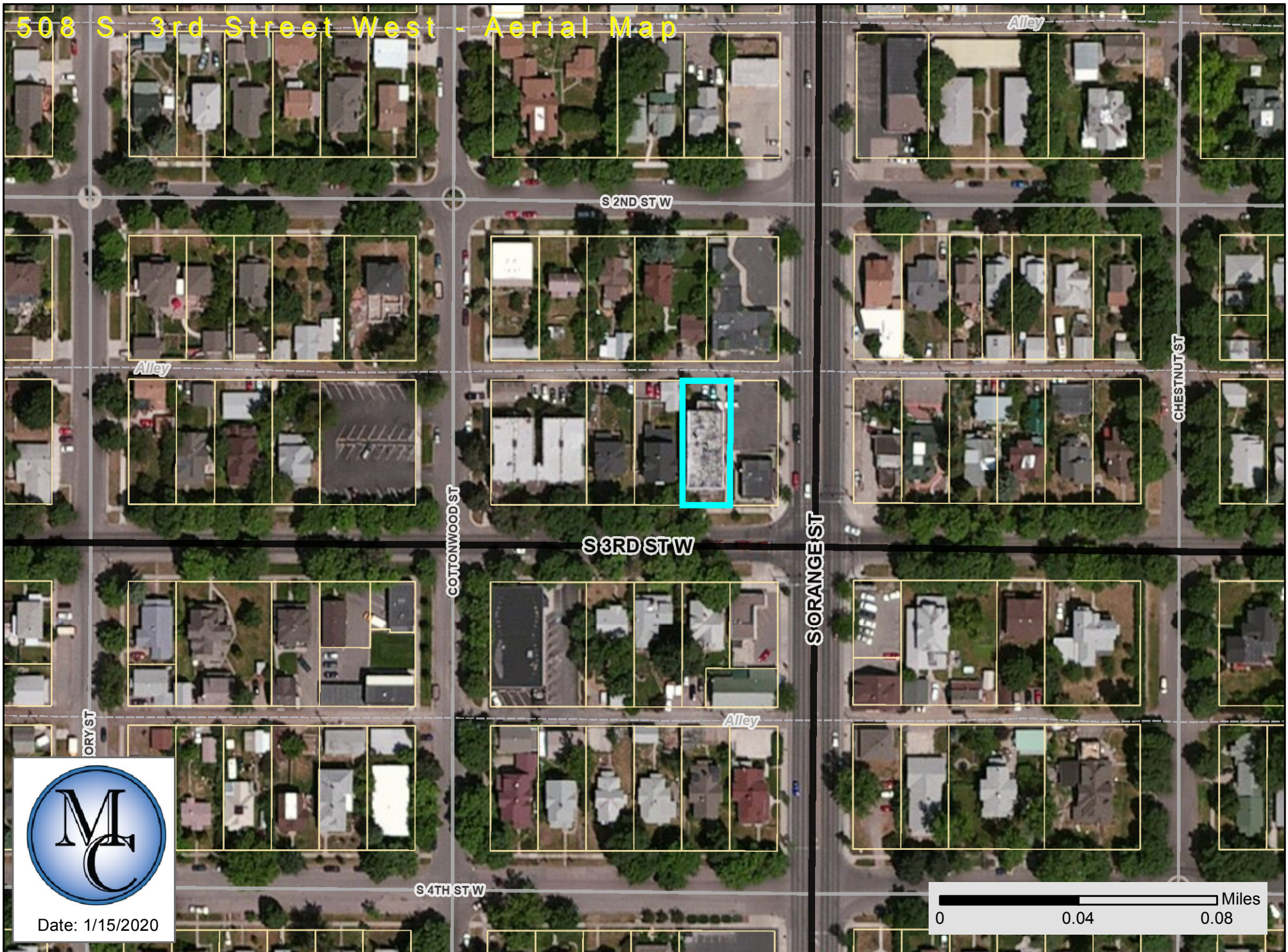


Map Center: X: -114.00422 - Y: 46.86717

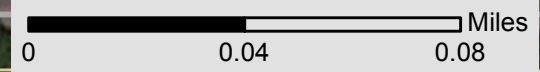
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# 508 S. 3rd Street West - Aerial Map



Date: 1/15/2020



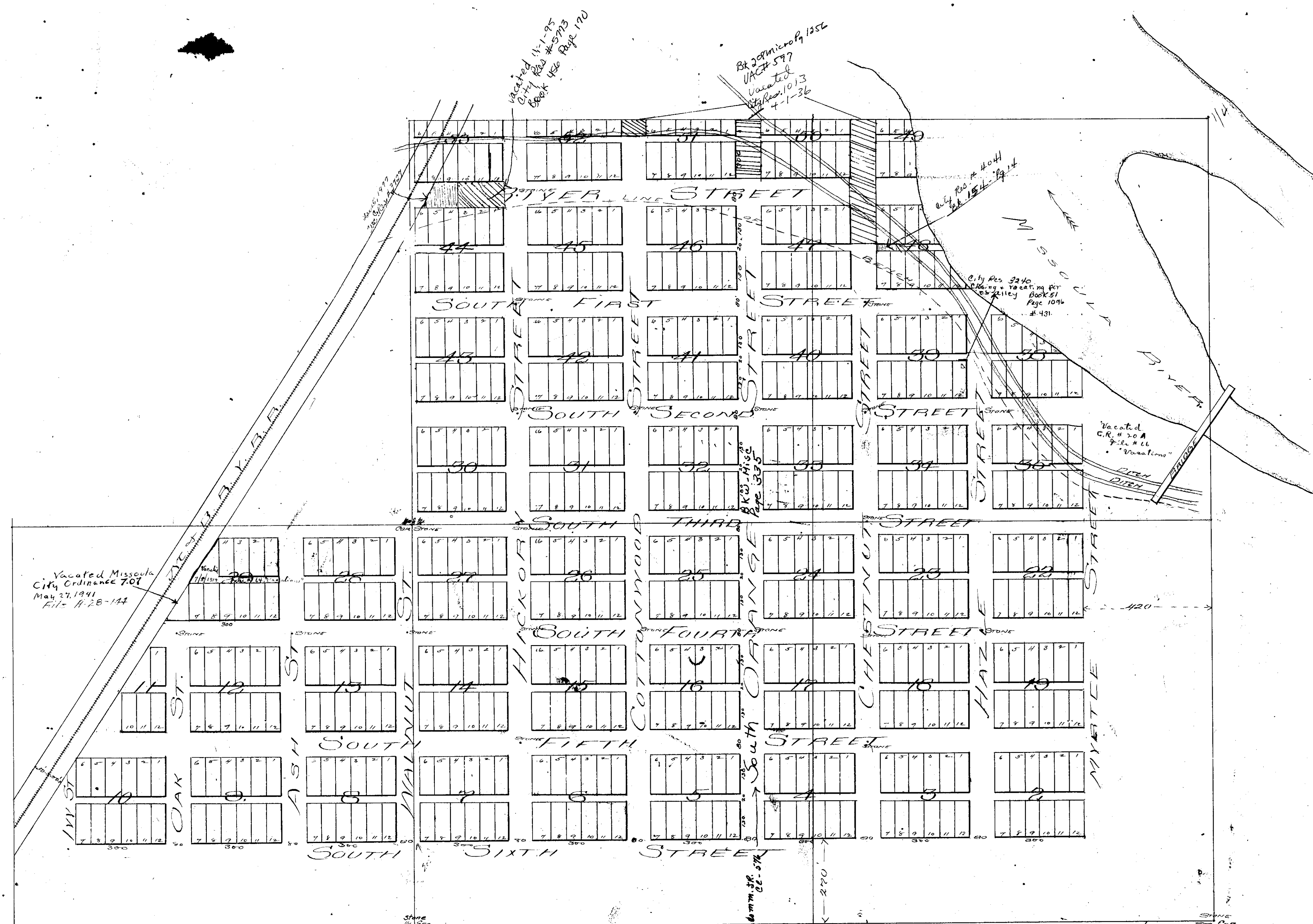
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Land Use Designation - 508 S 3rd St W







Knowly that we do hereby certify that we have caused to be deposited with the said court and entered on the records thereof a return in the form and substance following, to wit: That the largest cleared land in the State of Texas is owned by the Government of the United States and is located in the County of Brewster, Texas. The said land is owned and controlled by the United States of America and the land is included in the public domain of the United States and that the land is subject to the use of the public. Given under my hand and the seal of the said court at Austin, Texas, this 10th day of May, 1906.

cordia to the man of the fields forever  
 Witness our hands and seals this 16<sup>th</sup> day of July A.D. 1889.  
 South Insurance and Co.  
 Geo. H. Hammond and Son  
 William Knowles

[illegible]

Unsubscribed and sworn to before me  
on the 16<sup>th</sup> day of July A.D. 1884. —  
Eust. M. Wall  
Notary Public

[illegible]

Soak the wing and year feathers in hot water and remove  
fat before mentioned. *Great Mistle*  
*Stans Rube*

U.S. Hollibell agent of the City of Mesquite so being informed that the  
incoming mail of Mesquite Station to the City of Mesquite was being carried by the  
desert mail of the Santa Fe Railroad (1889) and was being carried as an addition  
to the desert mail of the Santa Fe Railroad and raised to the profit of the Santa Fe Railroad.

In answer whereof I have Mesquite advised my friend Seguin to go together with  
the mail of the Santa Fe Railroad (1889) and the Santa Fe Railroad (1889).

*A. S. Woodhull*  
*Chm*

STATE OF MONTANA,  
County of Blaine.

*John Hale*

VS. The State of Montana, where  
the Plaintiff claims the above plat  
of land is a full, true and correct copy of the original,  
dated the 27<sup>th</sup> day of January 1925.

TESTED & CORRECTED  
Subscribed and sworn to before me on the 27<sup>th</sup> day of 1925  
at Helena, Montana.  
J. C. and Register of said County of Blaine, Montana.

County of Shoshone } 318  
 County of Shoshone }  
 On the 17th day of July 1889, before the undersigned a notary Public  
 in and for the State of Idaho, the Board of Commissioners of the  
 Board of Commissioners of the County of Shoshone, appeared and  
 acknowledged before me that the same was executed fully and lawfully for the uses  
 and purposes therein expressed.

In witness whereof, Charles Newman, secretary of said Board,  
 signed and sealed this day and year first above written.

Charles Newman, Secy.

County of Shoshone } 319  
 County of Shoshone }  
 On the 17th day of July 1889, before the undersigned a notary Public  
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 acknowledged before me that the same was executed fully and lawfully for the uses  
 and purposes therein expressed.

In witness whereof, Charles Newman, secretary of said Board,  
 signed and sealed this day and year first above written.

Charles Newman, Secy.

PLAT OF  
KNOWLES ADDITION  
TO THE  
TOWNSHIP OF MISSOULA

Received of the  
 County of ...  
 the sum of ...  
 for ...  
 This ...  
 and the seal of the County of ...  
 at ...  
 the ... day of ...  
 19...