

## Planning Board Summary

### Adopt the Heron's Landing Neighborhood Character Overlay District, Apply the Overlay to Tracts 1 and 2 of COS 5963, and Preliminarily Approve the Heron's Landing Phased Subdivision Plat and Application

#### Planning Board Recommendations:

On Tuesday, August 18, 2020 with 9 members present, the Missoula Consolidated Planning Board voted 8 ayes, 0 nays, and 1 abstention to recommend adoption of the Heron's Landing Neighborhood Character Overlay District and to 'overlay' or apply the new zoning rules onto the base RT5.4 Residential zoning on Tracts 1 and 2 of Certificate of Survey No. 5963 based on the findings of fact in the rezoning staff report.

In separate motions, the Missoula Consolidated Planning Board also voted 7 ayes, 1 nay, and 1 abstention to recommend approval of the 8 variance requests and to preliminarily approve the Heron's Landing Phased Subdivision plat and application subject to recommended conditions based on the findings of fact in the subdivision staff report.

#### Planning Board's Recommended Motions:

##### Zoning

**Approve** the adoption of an ordinance to establish the Heron's Landing Neighborhood Character Overlay District and to rezone the subject property from RT5.4 Residential to RT5.4 Residential with a Heron's Landing Neighborhood Character Overlay District based on the findings of fact in the staff report.

##### Subdivision

1. **Approval** of the variance request to allow the right-of-way width for George Elmer Drive to be 80 feet instead of 90.
2. **Approval** of the variance request to allow the right-of-way width for Chuck Wagon Drive to be 80 feet instead of 90.
3. **Approval** of the variance request to allow Block A on the block length variance exhibit to be longer than 480 feet.
4. **Approval** of the variance request to allow Blocks B, C, D, E, F, G, and J on the block length variance exhibit to be longer than 480 feet.
5. **Approval** of the variance request to allow Block H on the block length variance exhibit to be longer than 480 feet.
6. **Approval** of the variance request to allow Block I on the block length variance exhibit to be longer than 480 feet.
7. **Approval** of the variance request to allow a 10-foot secondary commuter trail within an additional 6 ½-foot easement instead of a sidewalk along portions of Nesting Lane, Heron's Landing Drive and George Elmer Drive.

8. **Approval** of the variance request to allow Heron's Landing Drive, Audubon Loop, and Nesting Lane to have 60-foot rights-of-way instead of 70.
9. **Preliminary Approval** of the Heron's Landing Phased Subdivision plat and application.

**Planning Board's Recommended Conditions of Subdivision Approval:**

The Planning Board recommended the following conditions of approval, as listed in the staff report.

**Streets, General**

1. All street and non-motorized improvements shall be designed and built in accordance with City of Missoula Public Works Standards and Specifications and City of Missoula Subdivision Regulations (except as modified by variance). All plans must comply with Americans with Disabilities Act requirements. All plans must be reviewed and approved by the City Engineer in accordance with City policies. *City Subdivision Regulations Section 3-020.2*
2. The subdivider shall provide a street naming exhibit to be reviewed and approved by Development Services prior to final plat filing of the first phase. *Subdivision Regulations Section 3-020.12*
3. The subdivider shall provide a street signage plan in accordance with the Manual on Uniform Traffic Control Devices to be reviewed and approved by the City Engineer and City Fire Department prior to final plat filing of the first phase. *City Subdivision Regulations Section 3-020.4(H)(2)*
4. The following statement shall appear on the face of each plat, in the covenants, and on each instrument of conveyance:  
"Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future SID/RSID, based on benefit, for the upgrading of streets within this subdivision, including but not limited to paving, curbs and gutters, non-motorized facilities, street widening and drainage facilities" *City Subdivision Regulations Section 5-050.4(M&N)*
5. All proposed rights-of-way shall be dedicated to the public on the face of each plat and approved by the City Engineer. *City Subdivision Regulations Section 3-020.3.B*
6. All proposed easements, except as modified by these conditions, shall be shown on the face of each plat and identified for their width and purpose, including easements for vehicular and pedestrian access, utilities, and irrigation ditches. *City Subdivision Regulations Section 3-060.1*

**Specific Streets**

7. George Elmer Drive through the length of the subdivision shall be improved to Urban Collector (with parking) standards as proposed including two 10-foot drive lanes, 6-foot bike lanes, 8-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks within the existing 80-foot wide right-of-way. All improvements to George Elmer Drive shall be constructed prior to final plat approval of the first east phase or phase W2, W3, or W4, whichever is platted first. *Subdivision Regulations Table .2A modified by variance.*
8. Chuck Wagon Drive through the length of the subdivision shall be improved to Urban Collector (with parking) standards as proposed including two 10-foot drive lanes, 6-foot bike lanes, 8-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks within the existing 80-foot wide right-of-way. All improvements to Chuck Wagon Drive shall be constructed prior to final plat approval of Phase W1, W5, W6 or W7. *Subdivision Regulations Table .2A modified by variance.*

9. Heron's Landing Drive, Nesting Lane, and Audubon Loop shall be designed and built to Low Density Urban Local Street standards including two 10-foot drive lanes, 7-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks within 60-foot rights-of-way. The subdivider shall provide an additional access and utility easement at least one foot wide along the outer edge of the sidewalks and secondary commuter trail along these streets to allow for maintenance. *Subdivision Regulations Table .2A modified by variance, Correspondence with City Engineer.*

#### Drainage

10. The subdivider shall submit complete grading and drainage plan prior to final plat approval of the first phase showing proposed grades of streets, proposed drainage facilities, and a storm water pollution prevention plan for all lots, blocks, and other areas meeting Montana DEQ standards and subject to approval of the City Engineer. All drainage facilities shall be constructed in accordance with the approved plan and accommodate the planned runoff from all upgradient phases. *City Subdivision Regulations Section 5-020.11*

#### Transit

11. The subdivider shall petition for the property to be included in the Missoula Urban Transportation District prior to final plat filing of the first phase. *City Subdivision Regulations Section 3-010.7 and 3-020.1, City of Missoula Annexation Policy*

#### Water System and Sewer System

12. The subdivider shall submit plans for water supply and sewage disposal for review and approval of the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of the first phase. Construction of all water supply and sewer systems shall be in accordance with City policies. *City Subdivision Regulations Sections 3-070.01 and 3-070.04*

#### Solid Waste

13. The subdivider shall submit plans for solid waste disposal for review and approval of the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of the first phase. *City Subdivision Regulations Sections 3-070.01*

#### Parkland

14. The subdivider shall meet the parkland dedication requirement as depicted on the Phasing Plan Exhibit and on the Parkland Dedication Exhibit of the application by providing 5.14 acres of dedicated common area to be maintained by the Heron's Landing Homeowners Association. *City Subdivision Regulations Section 3-080.3.A*
15. The subdivider shall draft an agreement for review and approval of the Parks and Recreation Department and City Attorney to provide for the dedication of land and/or payment of money prior to final platting of each phase. The agreement shall provide for different circumstances including where more than the required land is dedicated per phase, where an insufficient amount of land is dedicated per phase and cash is also required to make up for the insufficient amount of land, and where refunds may be issued by the City when more land is dedicated than needed to meet the dedication requirement. The agreement shall be submitted, reviewed and approved prior to final plat filing of the first phase. *City Subdivision Regulations Section 3-080.6*

16. When cash is proposed to be provided instead of land, the amount shall be equal to the fair market value of the amount of land that is statutorily required to be dedicated for that phase. The fair market value shall be determined by a Montana certified general real estate appraiser, hired and paid by the subdivider. Fair market value means the value of the unsubdivided, unimproved land based on the zoning designation that applies to the property at that time. The City reserves the right to require a separate appraisal for each phase. *City Subdivision Regulations Section 3-080.7*
17. The subdivider shall submit a park and common area landscape and maintenance plan and a boulevard landscaping plan to be reviewed and approved by the City Parks and Recreation Department prior to final plat filing of the first phase. *City Subdivision Regulations Section 5-050.4*

#### Covenants, Conditions, and Restrictions

18. Final covenants, conditions, and restrictions meeting the requirements of City Subdivision Regulations Section 5-020-14.K shall be submitted for review and approval prior to final plat filing of the first phase. *City Subdivision Regulations Section 5-020-14.K*

#### Non-Motorized Transportation Facilities

19. The subdivider shall provide five-foot sidewalks along all street frontages (except for where the Secondary Commuter Trail is to be located) and at the proposed mid-block locations depicted on the circulation plan exhibit. The subdivider shall provide a 10-foot Secondary Commuter Trail in the locations, dimensions, and within the rights-of-way and easements proposed in the preliminary plat phased subdivision submittal and approved by City Council. All sidewalk and trail plans, including specifications for ADA accessibility and safe street crossings, shall be reviewed and approved by the City Engineering and Parks and Recreation departments prior to approval of the first phase. Construction of the non-motorized transportation facilities shall occur as proposed in the application submittal and as required to serve each phase. *City Subdivision Regulations Section 3-020.15 and Table .2A*

#### Fire Protection

20. The subdivider shall provide plans for address signage and a fire hydrant plan for review and approval prior to final plat filing of the first phase. All approved fire protection improvements shall be installed in accordance with the approved plans. *City Subdivision Regulations Section 3-010.1.F*

#### Noxious Weeds

21. The Weed Management and Revegetation Plan for Heron's Landing shall be appended to the covenants, conditions and restrictions. The subdivider shall provide evidence of plan implementation and noxious weed control prior to final plat filing of each phase. *City Subdivision Regulations Section 5-020.14.K*

#### Airport Influence Area

22. Each final plat shall include the following statement:  
This property is in the airport influence area and subject to the requirements of the Airport Influence Area Resolution. The Heron's Landing Subdivision may also be within an extended approach and departure zone for a proposed second runway as shown in the Airport Authority's 2004 plan and lot owners should be aware of the resultant safety risk. Lot owners should consult the airport layout plan and any relevant documents to determine the status of the proposed runway location at the time of purchase. *City Subdivision Regulations Section 3-010.2*

## Easements

23. Each final plat shall show utilities within easements and public rights-of-way for review and approval by the City Engineering Division prior to final plat filing of each phase. *City Subdivision Regulations Section 3-060.*

## Zoning

24. The Heron's Landing Neighborhood Character Overlay Zoning District shall be adopted concurrent with City Council approval of the subdivision request based on the findings.

## **Planning Board Discussion:**

Planning Board discussion included the following:

- The application does not adequately address impacts to wildlife and wildlife habitat and the natural environment. We have lost too much agricultural land already. Habitat for bird species was not adequately considered.
- Frustration that the Mullan Area Master Plan is moving forward at the same time as this application and uncertainty whether this application complies with the plan.
- Airport officials recently spoke to the board about NOT wanting a lot of wildlife in the area.
- This is not sprawl. The City is developing and connecting transportation corridors to serve this growth. Development here makes sense if there is a growth boundary.
- If we are going to develop this area it should be denser.
- On balance, this project complies with the growth policy, a plan developed through a robust public outreach process. This project would help to address housing needs.
- Farmland should be more strongly incorporated into this project. An acre or 1.5 acres can feed a lot of people. The subdivider is encouraged not to eliminate the irrigation ditch.

See the Planning Board Minutes for further Planning Board discussion.