

REZONING STAFF REPORT

Agenda item:	Adopt the Heron's Landing Neighborhood Character Overlay Zone and Rezone Heron's Landing Subdivision from RT5.4 Residential RT5.4 Residential with the Heron's Landing Neighborhood Character Overlay
Report Date(s):	8/15/2020
Case Planner:	Dave DeGrandpre, Planning Supervisor
Public Meetings & Hearings:	Planning Board (PB) hearing: 8/18/2020 City Council (CC) 1st reading and referral: 8/31/2020 Land Use & Planning (LUP) pre-hearing: 9/2/2020 City Council hearing: 9/14/2020
Fee Owner:	Mullan Road Partners, LLC 970 W. Broadway Ave., Ste. E #446 P.O. Box 30,000 Jackson, WY 83001
Applicant:	Mullan Road Partners, LLC 970 W. Broadway Ave., Ste. E #446 P.O. Box 30,000 Jackson, WY 83001
Representative:	Ryan Salisbury WGM Group 1111 E Broadway Missoula, MT 59802
Location of request:	North of Mullan Road in the BUILD Grant area, including portions of George Elmer Drive and Chuck Wagon Drive in the Capt. John Mullan Neighborhood Council area and Ward 2.
Legal description:	Tracts 1 and 2 of Certificate of Survey No. 5963 located in the SE ¼ of Section 12 and the N ½ of Section 13, Township 13 North, Range 20 West, P.M.M.
Legal ad:	The legal ad was published in the <i>Missoulian</i> on August 2 nd and 9 th , 2020. The site was posted on August 3, 2020. Adjacent property owners and the physical addresses within 150 feet of the site were notified by certified or first class mail on July 30, 2020.
Zoning:	RT5.4 Residential.
Growth Policy:	<i>Our Missoula: City Growth Policy 2035</i> recommends land use designations of Residential Medium – 3 to 11 Dwelling Units Per Acre.

STAFF RECOMMENDATION

APPROVE 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.

RECOMMENDED MOTIONS

PB p/h:
8/18/20 **APPROVE** the adoption of an ordinance to establish the Heron's Landing Neighborhood Character Overlay District and to rezone Tracts 1 and 2 of COS No. 5963 in the SE ¼ of Section 12 and the N ½ of Section 13, Township 13 North, Range 20 West 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.

**CC first reading:
8/31/20**

[First reading and preliminary adoption] Set a public hearing on September 14, 2020; preliminarily adopt an ordinance to establish the Heron's Landing Neighborhood Character Overlay District and to rezone Tracts 1 and 2 of COS No. 5963 in the SE ¼ of Section 12 and the N ½ of Section 13, Township 13 North, Range 20 West 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, and refer the ordinance to the Land Use and Planning Committee for presentation on September 2, 2020.

**LUP:
9/2/20**

Discussion only – pre-public hearing.

**CC p/h:
9/14/20
May be continued to
9/21/20**

[Second and final reading] (Adopt/Deny) an ordinance to establish the Heron's Landing Neighborhood Character Overlay District and to rezone Tracts 1 and 2 of COS No. 5963 in the SE ¼ of Section 12 and the N ½ of Section 13, Township 13 North, Range 20 West 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

I. INTRODUCTION

Development Services has received an application from Ryan Salisbury of WGM Group, Inc. representing Mullan Road Partners, LLC to establish the Heron's Landing Neighborhood Character Overlay Zoning District and to rezone 72.11 acres located north of Mullan Road and south of the 44 Ranch development from RT5.4 Residential to RT5.4 Residential with a Heron's Landing Neighborhood Character Overlay. Establishment of this district and rezoning of the property is proposed to happen concurrently with preliminary approval of the Heron's Landing Phased Subdivision Plat and Application.

Staff has reviewed the applicant's submittal packet and bases the recommendation of approval on the following findings of fact.

II. REZONING REVIEW CRITERIA

Findings of Fact:

Overlay Districts, General:

1. Overlay district regulations may be established only in accordance with the zoning amendment procedures of Title 20.85.040.
2. Overlay zoning district regulations apply in combination with underlying (base) zoning district regulations and all other applicable regulations of the zoning ordinance. When overlay district standards conflict with standards that would otherwise apply, the regulations of the overlay zoning district govern.
3. After an overlay district is established, the overlay district may be applied to specific property in accordance with the zoning amendment procedures.

Neighborhood Character Overlay Districts:

4. As per Title 20 Section 20.25.040, neighborhood character overlay districts are intended to:
 - A. Recognize and protect the physical character of neighborhoods that exhibit unique development building patterns;
 - B. Encourage neighborhood investment in the form of construction and development that conform to the size, orientation and setting of existing buildings in the neighborhood;
 - C. Implement adopted neighborhood plans;
 - D. Foster development and redevelopment that are compatible with the scale and physical character of original buildings in the neighborhood through the use of development/design standards;
 - E. Ensure a stabilized tax base, and
 - F. Promote natural and cultural assets.

Heron's Landing Neighborhood Character Overlay District:

5. The Heron's Landing Neighborhood Character Overlay District is intended to be 'overlain' on top of the RT5.4 Residential district applied to the Heron's Landing Subdivision.
6. The Heron's Landing Subdivision is a 347-lot residential development planned to be developed in 10 phases over approximately 20 years. The property is located north of Mullan Road and south of the 44 Ranch development. Historically the property has been used for hay and cattle growing. It is undeveloped except for irrigation ditches. To the north, west, and east are residential subdivisions. Planned Collector roadways George Elmer Drive and Chuck Wagon Drive bisect the property. The subdivision is proposed with lot sizes ranging from 1,600 to 16,000 square feet intended to accommodate a variety of housing types ranging from townhomes with up to six attached units to traditional single-unit residences. A new street network is proposed along with landscaped boulevards and sidewalks along street frontages and a 10-foot wide commuter trail that would cross the subdivision. Also planned are a 4-acre central park and several common areas and pedestrian linkages.
7. The RT5.4 Residential district requires a minimum lot size and minimum area per unit of 5,400 square feet. General building standards include 20-foot front and rear setbacks, 7.5 interior lot and 10-foot side street setbacks, and a maximum building height of 35 feet. Detached dwellings and two-unit / townhouse building types are permitted. Mixed-use buildings are also permitted, but few uses other than residential are allowed.

8. The Heron's Landing Neighborhood Character Overlay District does not seek to modify any of the land uses in the RT5.4 Residential district. Instead, the intent is to provide a more diverse variety of lot sizes and building types by:
 - A. Allowing smaller lot sizes and setbacks in specific locations as well as a larger minimum lot size in one location as shown on the application map;
 - B. Allowing lots that front onto a common area and have alley access to be oriented so the building front faces the common area (normally the building front would be oriented toward a street);
 - C. Requiring a main entry of a home to face a street (except for lots that face a common area);
 - D. Allowing up to six-unit townhomes in certain locations (instead of a maximum of two-unit townhomes), and
 - E. Allowing attached garages that are accessed from an alley to be as close as six feet from the alley instead of 20 feet.

Review Procedure

9. To establish a neighborhood character overlay district, the zoning amendment procedures of Title 20 Section 20.85.040 must be followed. The following actions have been or are scheduled to be taken in accordance with the procedural requirements:
 - A. Public hearings are scheduled for August 18, 2020 (Planning Board) and September 14, 2020 with possible extension to September 21, 2020 (City Council).
 - B. Notice of the hearings was published in the Missoulian August 2 and August 9.
 - C. Notice of the hearings was mailed first class to the subject property owner and physical address as well as owners and physical addresses of property within 150 feet of the subject parcels on July 30.
 - D. Notices were physically posted on the subject property August 3.

Criteria to Establish the Heron's Landing Neighborhood Character Overlay District (/NC-HL):

10. Does the area possess urban design, architectural, or other physical development characteristics that create an identifiable setting, character and association?

Yes, the district is intended to be applied to a new urban-scale residential development. Conceptual plans have been drawn for several housing types with architectural features, materials, and colors that are intended to create a unified neighborhood character. The development is planned with entry features along the major transportation corridors. It is also planned to be built around a central park area and include other common areas. Streets are to be lined with landscaped boulevards and sidewalks and include a new trail segment ranging from the southwest to the northeast portions of the subdivision.

11. Is the district a contiguous area of at least five acres?

Yes, the district is planned to span 72.11 acres.

12. Is the zoning is made in accordance with a growth policy.

Yes, for the following reasons:

- A. The Future Land Use Map of the *Our Missoula*, City Growth Policy 2035 provides a designation in this area of Residential Medium Density – 3 to 11 Units Per Acre. The /NC-HL district and Heron's Landing Subdivision provide a density of 4.8 dwelling units per acre.
- B. The Growth Policy cites a 'focus inward' policy that promotes compact and dense development along major transportation corridors. The /HC-HL district would allow for compact development by permitting up to six attached townhouse units and lots as small as 1,500 square feet along George Elmer Drive and Chuck Wagon Drive. These two streets are classified as Collectors and are planned to link Mullan Road with West Broadway and England Boulevard in the future.
- C. The City Growth Policy states Missoula aspires to be a community where members of all income groups can find decent housing and positive steps must be taken to address the availability of safe, affordable housing. By allowing mixture of lot sizes and residential building types, this district would provide for well-built new housing for a variety of income levels.

13. Is the zoning designed to secure safety from fire and other dangers?

Yes, the zoning is intended to be applied to a development outside of a floodplain and outside of the wildland-urban interface. The development is planned with adequate access and circulation and served by City fire and police protection, water and sewer.

14. Is the zoning designed to promote public health, safety, and the general welfare?

Yes, the zoning would be applied to a residential development with a 4-acre central park, streets with sidewalks, close to a regional park, and contain a new trail municipal segment. The development would be served by municipal water and sewer services. Solid waste services are available. Schools are close by. The zoning is intended to allow for a mixture of medium-density residential housing types in a cohesive neighborhood away from hazardous land or any safety dangers.

15. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements?

Yes, the zoning and development would allow access via alleys and streets, include non-motorized facilities, be served by municipal water and sewer, and local schools and parks. Hospitals, shopping, dining, employment, and other services are close by.

16. Would the zoning provide adequate light and air?

Yes, the maximum building height under the zoning is 35 feet and the maximum number of attached homes would be six. There is no reason to believe adequate light and air would not be provided under the zoning.

17. How would the zoning impact motorized and non-motorized transportation?

The area is planned for medium density residential development at a density of 3 – 11 homes per acre. The zoning and subdivision would provide for about 5 homes per acre. Improvements to the intersections of George Elmer Drive and Mullan Road and Chuck Wagon Drive and Mullan Road are planned to alleviate congestion. The subdivision would also provide pedestrian and bicycle facilities to serve the local residents and commuters. Overall, the zoning would have a negligible impact on motorized and non-motorized transportation systems.

18. Would the zoning promote compatible urban growth?

Yes, to the north, east and west are residential subdivisions. Although the zoning would allow a slightly denser development pattern and a larger range of residential building types, the zoning would allow development that is of relatively modest scale (i.e., not high-rises) within a growing residential area.

19. Does the zoning consider the character of the district and its peculiar suitability for particular uses?

Yes, the area is residential in nature and this district would continue that land use. The area is relatively flat, devoid of hazards, is served by transportation, water, sewer, and other municipal infrastructure, and is located in close proximity to employment centers, shopping, dining, and a host of services. Therefore, the zoning is well designed for the character of the district and its peculiar suitability for the proposed land use.

20. Would the zoning conserve the value of buildings and encourage the most appropriate use of land throughout the jurisdictional area?

Yes, the zoning would conserve (i.e., not impact) the value of nearby buildings. Through the growth policy development process the community decided the most appropriate use of land in this area is medium density residential development. The zoning would help to implement that vision.

21. Would the zoning correct an error or inconsistency in the zoning ordinance or meet the challenge of a changing condition?

The zoning would not correct an error or inconsistency in the zoning ordinance. Rather the zoning, by allowing a mixture of lot sizes and housing types, would help to meet the well documented challenge of providing various housing types at different price points in the Missoula area.

22. Is the zoning in the best interest of the City as a whole?

The zoning would allow for a mixture of lot sizes and building types to address a pressing need for housing stock at varying price points. The area is planned for this type of development with adequate transportation, water, sewer, fire and police protection, schools, and other services. The district would be located near shopping, dining, and employment, and be a short distance from the airport and interstate highway. In summary, adoption of the /NC-HL Zoning District is in the best interest of the City as a whole.

23. Are there any recommended district-specific development and design standards?

No, the only recommended development and design standards are the ones proposed by the applicant.

24. Are there any planning and zoning implications related to the designation of the proposed area and application of the district-specific development and design standards?

Other than the provision of more and varied housing in accordance with the growth policy, not other planning or zoning implications are expected.

III. ATTACHMENTS

Please see application materials.

Heron's Landing Neighborhood Character Overlay District

A. INTENT

This overlay district accommodates residential medium density dwelling units within the range of three to eleven dwelling units per acre. It is intended to fit with the already established residential neighborhoods that adjoin the district. The district acknowledges the single dwelling residential building type as the primary use for areas adjoining existing neighborhoods. Housing, including large and small lot single-dwelling and townhouses face streets or shared open spaces. There is easy access for non-motorized connections. The Heron's Landing Neighborhood Character Overlay District enhances the base RT5.4 zoning by:

- Emphasizing the importance of on-street parking on urban collector streets to buffer pedestrians from traffic on the street.
- Integrating the collector streetscape into the neighborhood.
- Expanding the uses to include a contemporary mix of residential uses which will add architectural and socioeconomic diversity to the neighborhood. A blend of building types provides for a range of housing options, accommodating preferences and household size for a range of household characteristics.
- Integrating common areas large and small, as a vital component that improves the quality of the neighborhood. They provide areas for a variety of outdoor activities and user groups including pocket parks for toddlers and parents and a neighborhood park for active outdoor recreation.

B. GENERAL STANDARDS

1. Additional standards

- a. Except as provided in this chapter, all applicable portions of the City of Missoula Zoning Ordinance Title 20 shall apply, including RT5.4, 20.105.20.
- b. Where three or more adjoining lots access an alley and front onto a common area, the front yard property line shall be adjacent to the common area, the rear yard property line shall adjoin the alley, and the remaining are side yard or street side yard property lines as permitted in Table 20.25.040-1 /NC-HL Parcel and Building Standards.
- c. Except for dwellings that face a common area, every residential structure that adjoins a street shall have the main entry facing a street frontage. For corner lots, the main entry shall face one of the streets. The entry must be visible from this street.

C. COMMON AREAS

All accessory structures and uses shall be approved and maintained by the homeowner's association.

D. Lot Designations

Lots are designated within areas defined within the Neighborhood Character Overlay District Map 20.25.040-1 /NC-HL. Applicable standards for each area are defined below.

E. Allowed Uses

Uses identified with a "P" in Table 20.25.040-1 /NC-HL Allowed Uses, are permitted as-of-right in the subject zoning overlay. Uses identified with a "-" are expressly prohibited.

Table 20.25.040-1 /NC-HL Allowed Uses

	Uses Per RT5.4	Three-unit townhomes up to and including six-unit townhomes
Area D	P	-
Area E	P	P
Area F	P	-

F. Parcel and Building Standards

All primary residential structures shall comply with the parcel and building standards of Table 20.25.040-1 /NC-HL Parcel and Building Standards, except as otherwise permitted by Title 20.

Table 20.25.040-1 /NC-HL Parcel and Building Standards

	Minimum Parcel Area	Front	Side (Street)	Side (Interior)	Rear	Maximum Building Height
	Area Sq. Ft	Feet	Feet	Feet	Feet	Feet
Area D	8,500	20	10	5	20 [3]	35
Area E	1,500	11 [1]	10	5 [2]	20 [3]	35
Area F	2,000	11	N/A	5 [2]	20 [3]	35

[1] Lots fronting on George Elmer Boulevard shall have a front yard setback of thirty (30') feet.

[2] Attached units do not require a side-interior setback.

[3] Setbacks may be reduce to six (6') feet for attached garages that are alley loaded.