



DEVELOPMENT SERVICES

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CONDITIONAL USE STAFF REPORT & REFERRAL

Agenda item:		Referral – Staff Report for 365-375 Scott Street Group Living Conditional Use	
Report Date(s):		9/10/2020	
Case Planner:		Kaitlin McCafferty, Associate Planner	
Report Reviewed & Approved By:		Mary McCrea, Permits and Land Use Manager	
Public Meetings & Hearings:		Land Use & Planning (LUP) pre-hearing: 9/16/2020 City Council hearing: 9/21/2020	
Applicant & Owner:		1029 W Pine Partnership (Jerry Dirnberger) 601 South Ave W Missoula, MT 59801	
Representative:		Jules Landis 2291 W Broadway Suite 4	
Location of request:		The subject property is located at 365-375 Scott Street Neighborhood Council: Northside/Westside Ward: Ward 1	
Legal description:		Lot A in Block 46 of WJ McCormick’s Addition located in Section 21, Township 13 North, Range 19 West, P.M.M.	
Legal ad:		The legal ad was published in the <i>Missoulian</i> on 9/6/2020 and 9/13/2020. The site was posted on 9/4/2020. Adjacent property owners within 150 feet of the site were notified by certified mail on 8/17/2020.	
Growth Policy:		The applicable regional plan is the Our Missoula: City Growth Policy 2035 which recommends a land use designation of Urban Center. The applicable vicinity plan is the Joint Northside/ Westside Neighborhood Plan 2000 and the 2006 Update which recommends a land use designation of City Center.	
Zoning:		C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay – Downtown Gateway	
	Surrounding Land Uses		Surrounding Zoning
North:	Single and Two-unit Residential		C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay – Downtown Gateway
South:	Hotel and Restaurant		C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay – Downtown Gateway
East:	Vacant, Parking Lot, and Grocery Store		Broadway Scott Gateway, Sub District A and B
West:	Warehouse		C1-4 Neighborhood Commercial / DE-D Design Excellence Overlay – Downtown Gateway

I. RECOMMENDED MOTION

Approval of the Group Living Conditional Use request located at 365-375 Scott Street, in accordance with Missoula City Zoning Ordinance, Title 20, Sections 20.10.020D, 20.40.110, 20.85.070, and 20.105.020.B.1, based on the findings of fact in the staff report and subject to the conditions of approval.

II. CONDITION(S) OF APPROVAL

1. The Group Living Conditional Use at 365-375 Scott Street shall comply with all applicable portions of Title 20. 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. In order to comply with Title 20 Section 20.40.070.B the applicant shall restrict density to one (1) resident per bedroom suite and shall provide a copy of the lease agreement with the density restriction, subject to review and approval of Development Services, prior to building permit approval.

III. INTRODUCTION

The City of Missoula Development Services has received a conditional use request from Jules Landis of In2itive Architecture on behalf of Jerry Dirnberger of 1029 W Pine Partnership for a Group Living use at 365-375 Scott Street. The applicant proposes two (2) Group Living structures, containing forty-six (46) bedroom suites and shared kitchen and gathering spaces.

The subject property is zoned C1-4 Neighborhood Commercial/DE-D Design Excellence Overlay: Gateway. According to Title 20, Section 20.10.020, a Group Living use requires conditional use approval to operate in the C1-4 zoning district. Title 20 defines Group Living as "Residential occupancy of a dwelling by other than a "household," typically providing communal kitchen/dining facilities".

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 property is located at 365-375 Scott Street, at the corner of Scott and Pine Streets. The property is currently vacant.
2. The project, titled Ponderosa Village, will consist of two buildings with a total of forty-six (46) bedroom suites. Each building has twenty-three (23) bedroom suites, a communal kitchen on the ground floor and communal living/lounging areas on each floor. The project includes a large central outdoor gathering space.
3. The subject property is legally described as Lot A in Block 46 of WJ McCormicks Addition located in Section 21, Township 13 North, Range 19 West, P.M.M.
4. The subject property has frontage on Scott Street, functionally classified as a Major Collector, and also has frontage on Pine Street, classified as a Local Street.
5. There is currently curb, gutter and sidewalk along Scott Street, but no curb, gutter and sidewalk along Pine Street. No designated bike lanes exist on these frontages.
6. 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.
7. The subject property is within an established service area for Missoula hospitals and the City Fire and Police Departments.

Growth Policy and Zoning:

8. The 2035 Missoula City Growth Policy is the applicable regional plan and recommends a Land Use designation of Urban Center, which supports a concentration of high intensity commercial, retail, arts and entertainment, and high density residential.
9. The applicable vicinity plan is the Joint Northside/Westside Neighborhood Plan 2000 and the 2006 Update which recommends a Land Use designation of City Center.
10. The subject property is zoned C1-4 Neighborhood Commercial – DE-D Design Excellence Overlay: Gateway.
11. Pursuant to Table 20.10-1 “Uses Allowed in Business and Commercial Districts” of the Title 20 Zoning Code, a Group Living use requires conditional use approval to operate in the C1-4 zoning district.
12. Surrounding uses to the North are residential, and to the South, East and West are commercial uses.
13. The minimum parcel area in the C1-4 Neighborhood Commercial zoning district is 3,000 square feet per parcel. Allowable density is calculated per Title 20, Section 20.40.070 Use and Specific Building Standards for Group Living uses which allows 2.7 residents per 1,000 square feet of parcel area in the C1-4 zoning district. The subject property is 17,477 square feet, allowing for forty-seven (47) residents. Forty-six (46) bedroom suites are proposed, and one resident would be permitted per bedroom suite.
14. In order to comply with Title 20 Section 20.40.070.B requirements on density, staff recommends a condition of approval requiring the applicant to limit density to one (1) resident per bedroom suite and provide a copy of the lease agreement that includes this restriction prior to building permit approval.
15. The new Group Living structures will be required to meet all Title 20 zoning and Missoula Municipal Code requirements at the time of building permit approval, per condition of approval #1.

Parking and Access

16. Per Title 20.60.020, Table 20.60-1, the required parking for a Group Living use is two (2) spaces per building, this project includes two (2) buildings, thus requiring four (4) parking spaces. The applicant's site development plan indicates eleven (11) off-street vehicular parking spaces.
17. 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.
18. The applicant's site development plan shows the addition of curbside sidewalk along the subject property's frontage along Pine Street. Conformance with engineering standards will be confirmed at the time of building permit approval.
19. Title 20, Table 20.60-2 outlines the bicycle parking requirements, but does not list any requirements for a Group Living use; however, the applicants site development plan indicates forty-eight (48) covered bike parking stalls on the West side of the parcel.

Conditional Use Review

20. 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.
21. The Group Living use will comply with all applicable Title 20 regulations if conditions of approval #1 and #2 are imposed. Compliance with zoning, engineering, fire and building code will be confirmed prior to building permit approval per condition of approval #1.

22. The Group Living use in this location will not compromise the public convenience or the general welfare of the neighborhood or community. Existing roads can accommodate the additional traffic generated by the use. The site is served by City Fire and City Police. Condition of approval #2 restricts the density to the amount allowed by zoning.
23. The Group Living use has compatible operating characteristics as other residential uses in the surrounding area.
24. Any outdoor lighting for this project will be required to meet the Missoula Outdoor Lighting Ordinance standards.
25. Any signage associated with this project will be required to meet all applicable standards as outlined in Title 20, Chapter 20.75.
26. The Group Living use is served by motorized and non-motorized infrastructure that can accommodate the increase in traffic generated by the use.
27. The subject property is adjacent to multiple bus routes and one block away from established bike lanes.

Conclusions of Law:

1. Whether the proposed use complies with all applicable standards of the Title 20 Zoning Ordinance;

1. The Group Living use is permitted as a conditional use in the C1-4 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 and #2.

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 Group Living use in this location will not compromise either public convenience or the general welfare of the neighborhood or community. Condition of approval #2 restricts the density to the amount allowed by zoning.
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 Scott Street, a collector street. The existing and future sidewalks adjacent to the subject property will meet current ADA standards.
3. The Group Living use is proposed in an area that is already served by City of Missoula police and fire protection.
4. The Group Living use will provide attainable, convenient housing close to public transit.

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 proposed Group Living use is similar in design and scale to the Residential and Multi-Family uses to the North of the property.

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 Group Living use has compatible operating characteristics similar to other residential uses in the surrounding area.
2. The Group Living use will be required to conform to the regulations described in the Missoula Outdoor Lighting and Missoula Noise Ordinances.
3. The surrounding road infrastructure is adequate to handle the additional traffic that will be generated by the Group Living 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).

4. The Group Living will not have adverse impacts on traffic safety or comfort, regardless of the model of transportation.
5. 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 the use.
6. The subject property has existing sidewalk along the Scott Street frontage. The applicant will add sidewalks along the Pine Street frontage, improving safety for pedestrians.
7. The Group Living Use is proposed on a parcel that is served by four (4) bus routes, all available at the Main Transfer Center.
8. Bike routes are established one block from the subject parcel.

VI. AGENCY COMMENT

Missoula Valley Water Quality District: no comment provided

Health Department - Air Quality Division: The Air Program at the Missoula City-County Health Department has no comments on the proposed 365- 375 Scott Street Condition Use application. Benjamin Schmidt, Air Quality Specialist.

Missoula County – Emergency Management: Emergency Management has no comment and will defer to Police and Fire. Adriane Beck, Director, DES Coordinator

Missoula Urban Transportation District: no comment provided

City Parks & Recreation: no comment provided

Office Of Housing & Community Development: Thank you for the opportunity to provide agency comment on the conditional use request at 365-375 Scott Street. The Office of Housing and Community Development met early and often with Mr. Dirnberger and his development team in the formation of this project. As stated in the application, the proposed use meets an urgent need in the City of Missoula (and specifically in the urban core) for diverse housing types that Missoulians can afford. Furthermore, this site is close to transit and a variety of services, allowing tenants the option to forgo the costs of owning a vehicle.

We commend Mr. Dirnberger for bringing a relatively new and creative housing type to the market, a housing type that is naturally more affordable due to size and shared use. This development is in alignment with the recommendations found in our adopted housing policy, A Place to Call Home, and we recommend support of the conditional use request. - Eran Pehan, Director Office of Housing and Community Development

City Attorney: no comment provided

Missoula Redevelopment Agency: The following are MRA's comments to the Conditional Use Permit Application for 365-375 Scott Street:

The site is currently overgrown and vacant. The property, up until a year ago, was a light industrial/commercial property used for large equipment storage in a Quonset hut, and the remainder of the site is largely gravel and overgrown with native and non-native vegetation. The Quonset hut has since been removed from the site. This project will redevelop the entire site (over 17,000 square-feet) with the construction of the two housing complexes and a landscaped plaza area between the buildings, landscaping throughout the remainder of the site, installation of curb/gutter and boulevard sidewalk in the public right of way on Pine Street. The improvements together

eliminate the current visual blight of the site and improve the public right of way on Pine St, which currently lacks curb/gutter and sidewalk.

MRA has promoted higher density living close to the urban core for many years. The investment in this property, through owner equity and available financing, along with TIF assistance for public improvements, allow this project and others like it to be economically or financially feasible. This project is projected to provide the neighborhood with an excellent model of a group living community with the ability to de-emphasize vehicle travel through use of the existing public transportation, trail networks, and TIF funded public improvements associated with this project.

The project fits well with the goals of the URD II Plan and the MRA Sidewalk Program in that it reduces blight, promotes housing of an affordable nature, and completes right of way improvements in Pine Street with the installation of curb/gutter and boulevard sidewalk. – Tod Gass Project Manager, Missoula Redevelopment Agency

City Police: no comment provided

City Fire: Fire has no concerns or comments related to this conditional use request at 365-375 Scott St. Adam Sebastian, MFD-Asst. Fire Marshal

Montana Department of Transportation: I do not have any MDT related comments or concerns at this time. Glen Cameron

City Stormwater Division: no comment provided

City Wastewater Division: no comment provided

City Water Division no comment provided

VII. ATTACHMENTS: