

## REZONING STAFF REPORT

<b>Agenda item:</b>	Adopt the Remington Flats Neighborhood Character Overlay Zone and Rezone Tract 9 of COS No. 3176 from RT5.4 Residential to RT5.4 Residential with the Remington Flats Neighborhood Character Overlay
<b>Report Date(s):</b>	9/9/2020
<b>Case Planner:</b>	Dave DeGrandpre, Planning Supervisor
<b>Public Meetings &amp; Hearings:</b>	<b>Planning Board (PB) hearing:</b> 9/15/2020 <b>City Council (CC) 1st reading and referral:</b> 9/21/2020 <b>Land Use &amp; Planning (LUP) pre-hearing:</b> 9/30/2020 <b>City Council hearing:</b> 10/5/2020
<b>Fee Owner:</b>	Zootown Investments, LLC 2336 Aspen Grove Missoula, MT 59801
<b>Applicant:</b>	Denali Development, LLC 2336 Aspen Grove Missoula, MT 59801
<b>Representative:</b>	Brian Throckmorton 406 Engineering 1201 S. 6 <sup>th</sup> Street, W., #102 Missoula, MT 5980
<b>Location of request:</b>	Mullan Master Plan Area west of Reserve Street and immediately north of the 44 Ranch Subdivision in the Capt. John Mullan Neighborhood Council area and Ward 2.
<b>Legal description:</b>	Tract 9 of COS No. 3176 in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M.
<b>Legal ad:</b>	The legal ad was published in the <i>Missoulian</i> on August 30 and September 6, 2020. The site was posted on August 31, 2020. Adjacent property owners and the physical addresses within 150 feet of the site were notified by certified or first class mail on August 31, 2020.
<b>Zoning:</b>	RT5.4 Residential.
<b>Growth Policy:</b>	<i>Our Missoula: City Growth Policy 2035</i> recommends a land use designation of Residential Medium – 3 to 11 Dwelling Units Per Acre.

### STAFF RECOMMENDATION

**APPROVE** adoption of an ordinance to establish the Remington Flats Neighborhood Character Overlay District and to rezone the subject property from RT5.4 Residential to RT5.4 Residential with a Remington Flats Neighborhood Character Overlay District based on the findings of fact in the staff report.

### RECOMMENDED MOTIONS

<b>PB p/h:</b> <b>9/15/20</b>	<b>APPROVE</b> the adoption of an ordinance to establish the Remington Flats Neighborhood Character Overlay District and to rezone Tract 9 of COS No. 3176 in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West from RT5.4 Residential to RT5.4 Residential with a Remington Flats Neighborhood Character Overlay District based on the findings of fact in the staff report.
<b>CC first reading:</b>	[First reading and preliminary adoption] Set a public hearing on October 5, 2020; preliminarily adopt an ordinance to establish the Remington Flats Neighborhood Character Overlay District and

<b>9/21/20</b>	to rezone Tract 9 of COS No. 3176 in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West from RT5.4 Residential to RT5.4 Residential with a Remington Flats 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 30, 2020.
<b>LUP: 9/30/20</b>	Discussion only – pre-public hearing.
<b>CC p/h: 10/5/20 May be continued to 10/19/20</b>	[Second and final reading] (Adopt/Deny) an ordinance to establish the Remington Flats Neighborhood Character Overlay District and to rezone Tract 9 of COS No. 3176 in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West from RT5.4 Residential to RT5.4 Residential with a Remington Flats Neighborhood Character Overlay District based on the findings of fact in the staff report.

## **I. INTRODUCTION**

Development Services has received an application from Brian Throckmorton of 406 Engineering representing Denali Development, LLC to establish a Remington Flats Neighborhood Character Overlay Zoning District and to rezone 20.01 acres located in the Mullan Master Plan Area and immediately north of the 44 Ranch Subdivision from RT5.4 Residential to RT5.4 Residential with a Remington Flats Neighborhood Character Overlay. Establishment of this district and rezoning of the property is proposed to happen concurrently with preliminary approval of the Remington Flats 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.

#### **Remington Flats Neighborhood Character Overlay District:**

5. The Remington Flats Neighborhood Character Overlay District is intended to be 'overlain' on top of the RT5.4 Residential district applied to the Remington Flats Subdivision property.
6. Remington Flats is a 152-lot residential subdivision planned to be developed in 7 phases over approximately 7 years. The property is located in the Mullan Master Plan Area immediately north of the 44 Ranch development. Historically the property has been used for hay and cattle growing. It is undeveloped except for a small irrigation ditch segment in the southwest corner. To the north is agricultural land, to the west is vacant Missoula Airport Authority land, and to the east is agricultural land where a multi-dwelling and mixed-use subdivision is in the early stages of review. The subdivision is proposed with lot sizes ranging from 1,986 to 5,161 square feet intended to accommodate single-unit detached homes and two- and three-unit townhomes. Urban Collector roadway Chuck Wagon Drive is planned along the west property boundary. A new public street network is proposed along with landscaped boulevards and sidewalks that would connect with existing and planned development.
7. Building standards for the RT5.4 Residential district 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 Remington Flats 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 slightly denser development pattern and more diverse variety of building types by:
  - A. Allowing up to three-unit townhomes instead of limiting development to two-unit structures; and
  - B. Reducing front setbacks to 10 feet (except for garages, which would remain set back at least 20 feet to accommodate driveway parking) and reducing interior side setbacks from 7.5 to 5 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 September 15, 2020 (Planning Board) and October 5, 2020 with possible extension to October 19, 2020 (City Council).
  - B. Notice of the hearings was published in the Missoulian August 30 and September 6.
  - 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 August 31.
  - D. Notices were physically posted on the subject property August 31.

#### Criteria to Establish the Remington Flats Neighborhood Character Overlay District (/NC-RF):

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

Somewhat. If future development of the property occurs as provided under the base zoning and /NC-RF overlay, the district will provide a new urban-scale residential neighborhood with a larger variety of dwellings than currently allowed under the RT5.4 Residential base zoning. The NC-RF district would allow traditional detached single-unit homes, two-unit townhomes, and three-unit townhomes on a variety of lot sizes. The lots would all front on city streets with boulevards and sidewalks and connect to adjoining established and planned development. Overall, this subdivision would be likely to blend in with the single-unit structures on larger lots to the south and multi-dwelling and mixed-use development that is planned to the east.

The /NC-RF overlay does not include traditional or character-based architectural standards other than allowing garages and carports to occupy any percentage of the building front facades. Because most of the lots are not planned with alley access, this is likely to result garages occupying a large percentage of building fronts and street fronts. This is a development style that some communities are seeking to move away from, but the developers have indicated is often preferred by consumers.

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

Yes, the district is planned to span 20.01 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-RF overlay and Remington Flats Subdivision provide a density of 7.6 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-RF district would allow for compact development by permitting up to three attached townhouse units and lots as small as 1,986 square feet to be served by planned Urban Collector Chuck Wagon Drive along the west property boundary and the existing nearby Urban Collector George Elmer Drive approximately 650 feet to the east. These two streets are planned to link Mullan Road (south) with West Broadway (north) and England Boulevard (east) 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 greater diversity 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 streets with sidewalks and within ¼ mile of a neighborhood park. 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 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 adequate vehicular and pedestrian access, 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 three. 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 7.6 homes per acre. Improvements to the intersections of George Elmer Drive / Mullan Road and Chuck Wagon Drive / Mullan Road are planned to alleviate congestion and through the subdivision review process, this subdivision would contribute to those improvements. The subdivision would also provide pedestrian facilities to serve the local residents. 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 south is a residential subdivision and to the east is a planned multi-dwelling and mixed-use development. Although the zoning would allow a slightly denser development pattern and a larger range of residential building types than directly to the south, 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 variety 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-RF Overlay District is in the best interest of the City as a whole.
23. Are there any recommended district-specific development and design standards?  
None are recommended, although architectural treatments such as articulated front entryways, window treatments, building materials, front porches, and other elements of traditional neighborhood design could be added to the project covenants to help create an attractive neighborhood as it develops.
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, no other planning or zoning implications are expected.

### **III. ATTACHMENTS**

Please see the application materials.

## Remington Flats Subdivision

### Neighborhood Character Overlay:

#### A. Purpose:

The Remington Flats Neighborhood Character Overlay District is intended to create a variety of housing options serving households with diverse incomes within a newly planned subdivision. The District will allow a mixing of different socioeconomic households to create a more diverse and rounded community.

#### B. Applicability:

- a. The standards apply to property legally described in the ordinance and in the location Map.
- b. Unless specifically addressed in the overlay, all applicable Title 20 zoning ordinances regulations and all standards for zoning district RT5.4 Residential apply.

#### C. Location:

Remington Flats Subdivision, see Map

#### D. Parcel and Building Standards:

- a. Setbacks
  - i. The minimum setback requirements of the RT5.4 Residential zoning district apply, except as follows: front set back shall be 10-feet from any building component including porches except for the street side of any garage shall be a 20-foot set back from the property line; interior side setbacks shall be 5-feet minimum.
- b. Residential Building Types
  - i. Detached house, two-unit townhouse and three-unit townhouse are permitted in the overlay with each unit on its own platted lot within the subdivision

#### E. Allowed and Prohibited Uses:

Per Title 20 City Zoning Ordinance Standards

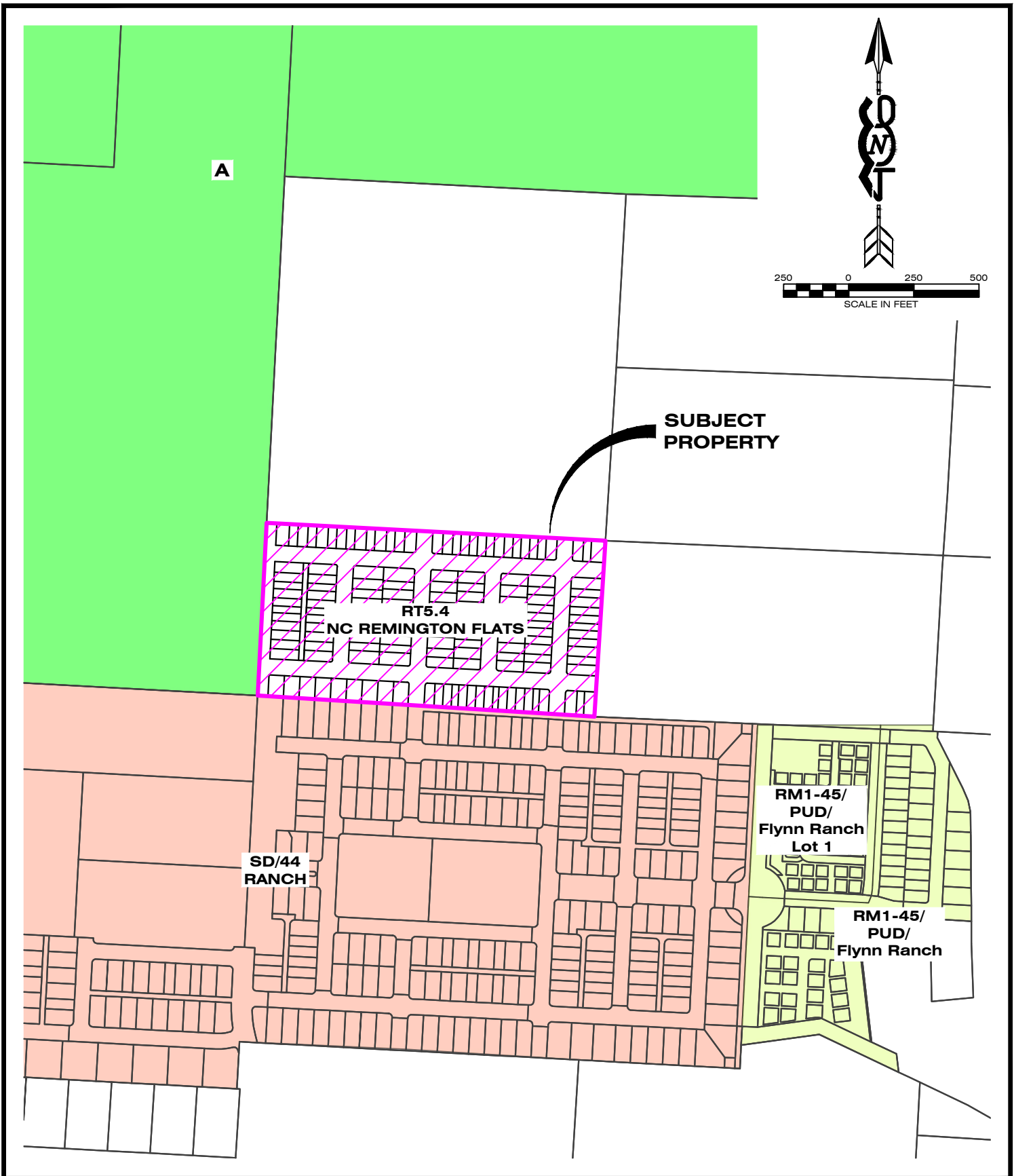
#### F. Parking:

Per Title 20 City Zoning Ordinance Standards

#### G. Townhouse Standards:

Townhouse standards apply per Title 20 City Zoning Ordinance Standards except as follows:

- a. Parking and Access requirements per Title 20 shall apply except as follows; garage or carport width shall have no maximum or percentage of facade for each dwelling unit; there shall be no minimum distance requirements between driveways of each unit though an effort shall be made to maximize on street parking.



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NEIGHBORHOOD CHARACTER OVERLAY  
REMINGTON FLATS SUBDIVISION  
PARCEL 9 OF COS 3176  
SECTION 12, T13N, R20W, P.M.M.  
MISSOULA COUNTY, MONTANA

PROJECT: 18-007  
TAB: AERIAL  
DRAFTER: AJ  
DATE: 01/10/20  
SHEET 1 OF 1