



## Missoula Consolidated Planning Board Minutes

September 15, 2020, 6:00 PM

Virtual Meeting: Live Stream and On Demand: <http://www.ci.missoula.mt.us/webcasts>

YouTube Live Stream and On Demand:

<https://www.youtube.com/channel/UC5fnfMPFGSk8Gwq6F5UoqGg>

Live call in phone numbers: 1 (253) 215-8782 1 (888) 475-4499 (landlines only) Meeting ID: 960 049 3694

Voting members present: Dave Loomis, Josh Schroeder (Conservation Dist Appt), Neva Hassanein (Mayor appointee), Peter Bensen (County Appt), Vince Caristo (City Appt)

Regular member(s) absent: Andy Mefford, Caroline Lauer (City Appt), Sean McCoy (County Appt), Shane Morrissey, Stephanie Potts

### 1. Call to Order

Mr. Caristo called the meeting to order at 6:03 p.m.

### 2. Roll Call

Donna McCammon called the roll.

### 3. Approval of Minutes

Mr. Schroeder moved, and Ms. Hassanein seconded the approval of the September 01, 2020 Missoula Consolidated Planning Board minutes as submitted. With a voice vote of all ayes the minutes were approved.

### 4. Public Comment

No public comment(s).

### 5. Staff Announcements

5.1 Written follow-up of rezone of property located at 508 S 3rd St. West to apply the /AR Adaptive Reuse Overlay.

5.2 Mullan Area Master Plan and Zoning Code available for review

### 6. Public Hearings

6.1 Remington Flats Subdivision and Rezoning (City - Dave DeGrandpre)

<https://www.youtube.com/watch?v=sILLZzEzLkI>

Mr. DeGrandpre, City Development Services, received a request from Brian Throckmorton, P.E., 406 Engineering, representing Zootown Investments, LLC to rezone the subject property located west of Reserve Street 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.

Remington Flats is a 152-lot major subdivision planned to be constructed in seven phases on 20.01 acres. The landowner has petitioned City Council to annex the tract of land into the city limits and apply an initial zoning of RT5.4 Residential. Neighborhood character overlay districts are permitted in Title 20; they are overlaid, or set on top of, the baseline zoning. The standard RT5.4 Residential district limits residential development to single- and two-unit houses and townhouses. The proposed Remington Flats Neighborhood Character Overlay would allow for up to three attached townhouse units and allow for 10-foot front setbacks instead of 20-foot front setbacks, except for front-loaded garages. Concurrently, the landowner seeks to subdivide the property and rezone it by adding a Remington Flats Neighborhood Character Overlay District.

The property is located in the Mullan Master Plan area. It has been historically used for grazing and hay production. Surrounding land uses and zoning are:

North: Agriculture, C-RR1 Rural Residential (County)

South: Residential, 44 Ranch Special District

East: Agriculture, C-RR1 Rural Residential

West: Airport, C-RR1 Rural Residential

The 2035 Our Missoula City Growth Policy Future Land Use Map provides a land use designation in this area of Residential Medium – 3 to 11 dwelling units per acre. The proposed density of the subdivision is 7.6 dwelling units per acre. The proposed lot sizes range from 1,986 to 5,191 square feet. The total plotted area of the subdivision is 13.02 acres out of the 20.01 acres, with the remainder in dedicated rights-of-way. The parkland dedication requirement is 1.43 acres. Cash in lieu of parkland is proposed.

Chuck Wagon Drive, a planned Urban Collector, is proposed to extend north from the 44 Ranch Subdivision along the western property boundary. The 80-foot right-of-way for Chuck Wagon Drive ends at the southwestern corner of the property. The subdivider is proposing to build a half-street within the existing dedicated 40-foot of right-of-way along the west boundary. The City hopes / plans to acquire an additional 40 feet of right-of-way from the Missoula Airport Authority (the adjoining landowner) to allow completion of Chuck Wagon Drive along the property and further north. Urban Local streets are proposed to be built and connect to the existing 44 Ranch Subdivision to the south and a forthcoming subdivision to the east. Street frontages are designed with landscaped boulevards and sidewalks. All new homes are planned to connect to City water and sewer. The applicant requests four variances. Two of the variances are for block lengths and two are for right-of-way widths. Mr. DeGrandpre provided subdivision and rezoning review criteria findings of fact, and conditions of subdivision approval in the attached staff reports.

Parking was discussed; the zoning requires two off-street parking spaces per lot. Mr. DeGrandpre stated that over two parking spaces per lot were available. Comments from the Police Department suggested that parking may become an issue over time due to limited lot size and the reliance on automobiles in this location.

Mr. DeGrandpre stated that the property is located near the airport, which is in opposition to this project due to potential incompatibilities including aircraft noise, possible electronic interference and potential for interaction between aircraft and wildlife, among other potential negative impacts. Although the Growth Policy calls for this property to be developed, and there are already existing developments in the vicinity, there is a proposed second runway with an expanded arrival and departure area which would potentially go over the subject property. The recommendations in the staff report include a statement on the plat notifying lot purchasers of potential extended arrival and departure area and potential for noise. This would also be placed in the covenants along with an avigation easement.

The soils in this location are identified as prime agricultural soils by the Natural Resources Conservation Service (NRSC); however, this property is planned for residential use. There is a small irrigation section on the property and water rights associated with the property will be severed. There is no critical wildlife habitat here nor nearby public lands. Impacts of stormwater were studied and it was determined that a 100-year flood event could be groundwater within 9-feet of ground surface; therefore, the developer will be putting in the covenants that there be no basements, and slab-on-grade or crawl-spaces are recommended to prevent flooding. The application states that this proposal will add between 31-76 students and the school can support this anticipated population.

Mr. DeGrandpre provided information on the four variances:

1. variance request to allow the block for Lots 1–9 to be longer than 480 feet to match the existing road network
2. variance request to allow the block for Lots 122–135 to be longer than 480 feet to match the existing road network
3. variance request to allow Winchester Drive, Browning Road, Tenderfoot Way, Ruger Road, and Riata Road to be built within 64-foot rights-of-way instead of 70
4. variance request to allow Chuck Wagon Drive to be built as a half-street Urban Collector (with parking) within a 40-foot right-of-way width instead a full street section built within a 90-foot right-of-way

Conditions of Approval recommended by Staff:

- Half-street improvements for Chuck Wagon Drive
- Other streets built to city standards
- Contributions for Chuck Wagon Drive / Mullan Road and George Elmer Drive / Mullan Road intersections
- Connect to City water and sewer
- Cash in lieu of parkland
- Petition into Missoula Urban Transportation District
- Avigation easement and airport influence area statement

Comments from Brian Throckmorton and Sean Amundson, 406 Engineering provided additional information. Location and context were provided along with current photographs of the site and surrounding area. The old Grant Creek creek bed runs across the property, but once that was diverted it went dry and now used for farming. An overview of existing utilities was provided demonstrating locations of water and sewer lines. This neighborhood will be a transition between 44 Ranch and the higher density areas to the north and east. Remington Flats will provide 7.6 lots per acre, in line with the proposed density. Mr. Throckmorton explained efforts to maximize parking. Example housing types were displayed. The developer is a builder, with intention to build out a large percentage of the lots; this is a local developer, living within the community. Phasing and traffic flow were outlined. Typical roadway cross-sections were provided along with the proposed Chuck Wagon Drive half-street.

Parking was detailed along with limitations and advantages front-loading and alley - loading garages. Mr. Throckmorton stated that most home buyers prefer a yard in the back, not a garage. The developer has worked to stay with front loading garages except on collector streets, like Chuck Wagon Drive, where they do not want residents to back out into traffic. He calculates 545 total parking spaces, on-street and off-street, which is approximately three and a half parking spaces per household.

They would like the cash-in-lieu for parkland go to the existing 44-Ranch Park; although that is out of their hands.

406 Engineering agrees with most items on the staff report, with the following exceptions:

- Item 7 - Street lights on Chuck Wagon
- Item 9 - Improvements to Chuck Wagon Drive and Mullan Road intersection
- Item 10 - Additional cost to help pay for Mullan Area BUILD projects associated with BUILD grant

Mr. Throckmorton and Mr. Amundson thanked Planning Board members for their consideration.

#### **PUBLIC COMMENT OPEN [6:54 p.m.]**

No public comment received during the Planning Board Meeting.

#### **PUBLIC COMMENT CLOSED [6:59 p.m.]**

#### **PLANNING BOARD COMMENTS/QUESTIONS**

Mr. Bensen asked about the annexation conversations on this property and was there a more suitable zoning option utilizing the Mullan Area Master Plan. He would prefer city-wide standards as opposed to using an overlay and feels that overlays can be over-used and undermine current zoning. Mr. Throckmorton stated that the city preference is to do an overlay instead of a Planned Unit Development (PUD). RT2.7 provides for a base density of 11, which they did not want to exceed. RT5.4 provides for a maximum density

of 8, and they were seeking a density between these two, and went with an overlay instead of a PUD.

Mr. Loomis asked for clarification on the following:

- Burden of requirements to future residents beyond ordinary Special Improvement Districts (SIDs). i.e. - Monies for future build-out of Chuck Wagon Drive
- How the owners are to consult with airport authorities in the future and the "hold harmless" clause
- High groundwater precludes basements, or a certain depth to groundwater needs to be proven if planning a basement. He felt that these need to set as conditions between the developer and city council.
- The garages on the small lots have the appearance of massive amounts of garage doors; which is against what the city had envisioned in their design guidelines. He would like to see the impact reduced and favors rear loading garages.
- This is getting ahead of Mullan Area Master Plan and sets an uncomfortable precedence.

Mr. Throckmorton stated that groundwater would be addressed within the covenants for the subdivision, by not allowing basements. The city was concerned about this and extensive groundwater studies, models, and test pits were dug in this area. They have agreed to the condition that the plat will state that no basements are allowed, it will also be in the covenants. Only slab-on-grade or crawl spaces will be allowed so there will not be any issues with flooding. Lots further to the east probably could have had basements, but to be safe and keep consistency throughout the development they decided against it. He agreed with Mr. Loomis that a facade of garage doors is not attractive; however, most homeowners value having a backyard. With the front-loading garages there is also more off-street parking, as owners can park in front of the garage whereas there are only 10-foot setbacks for alley-load garages. Mr. DeGrandpre stated that it is important to inform new homeowners of the potential conflict with airport noise and safety issues, but also to protect the airport and the city from potential lawsuits. It has been done in earlier subdivisions, and this is the area that is planned for growth.

Mr. Caristo asked about clarification about rear-setbacks and alley-load garages. Mr. DeGrandpre stated that when there is an attached garage, it has to be set back at least six feet from the rear property line. Backing out, into the alley, which is typically a 20-foot wide space, allows for a 26-foot wide area which will accommodate most vehicles in maneuvering out of a garage. Mr. Caristo noted that this is an auto-oriented neighborhood and much of the street front would be garage doors. Mr. Throckmorton stated that the renderings exhibited previously did not in any way suggest the dwellings that would actually be constructed. The garage will be back further as the neighborhood character overlay states a 10-foot setback on the house, and a 20-foot setback on the garage. The house, not the garage, will be the most forward-facing structure with this neighborhood character overlay.

Ms. Hassanein overall supports the project and the density; however, she is concerned about the reliance on automobiles as the Mullan Master Plan emphasizes multi-modal transportation opportunities. Mr. Throckmorton stated that Mullan Road is not optimal for bicyclist, but there are plenty of internal streets, sidewalks, and boulevards for children to

travel to local parks and commute within the development. It does not make a lot of sense to plan local bicycle trails until they are connected to a larger bicycle network. Chuck Wagon Drive will have bike lanes on both sides of the street, along with a ten-foot boulevard and sidewalk. In the future, as Chuck Wagon Drive grows, the city may consider changing the sidewalks to bike paths, which would connect to Mullan Road. Ms. Hassanein stated that the Mullan Plan envisions a trail along the irrigation ditch, so bike traffic would be separate from Mullan Road.

Ms. Hassanein stated that one of the challenges of the Planning Board is that several subdivision proposals have come before the board before the Mullan Area Master Plan is approved. She hopes that the plan and the associated zoning will reflect a different approach to transit ultimately. She understands that this project transpired before the Mullan Area Plan comes into place; but would like more insight on how the developer sees this project meshing with the larger plan. Mr. Throckmorton sees this area as a transition point. To the north and east will be multi-story apartment buildings, and this neighborhood will be the transition point between much higher density residential apartment buildings and 44 Ranch, which has larger lot sizes. Ms. Hassanein asked how far this property is from the creek, as it currently flows and are there concerns about how this project may impact the restoration of Grant Creek? She asked for more details on the dry creek bed on the property. Mr. Throckmorton stated that back in the 1960s Grant Creek was diverted; so the movement of water had been changed for such a long period of time that it no longer follows the old Grant Creek trail per the groundwater study and groundwater modeling they had done. There is not an underground river, but this is more of a topography depression which is now a hay field. The water has been diverted so far upstream from this location that it is not an issue. Grant Creek is approximately half mile away from the edge of the property.

Mr. Bensen stated he was torn; because of the use of an overlay with the intention to create density and the traffic improvements would not be keeping up with the proposed residential housing construction. He recalled from a presentation from City of Missoula Parks and Recreation that cash in lieu monies could not be allocated to specific parks. Ms. Hassanein concurred.

Mr. Schroeder stated he was included to support the proposal and would encourage the developer to create a vision for the neighborhood and craft a sense of place. By using the park at 44 Ranch it becomes an extension of that community. He asked about diversity of product type and asked for the developer's vision on that and how they proposed to craft a sense of place. Mr. Throckmorton stated that diversity would come from single-family housing along the southern portion, and properties would be customized, not "cookie cutter" with only a limited number of builders and/or available building plans.

Mr. Caristo asked for an explanation of the three-unit homes, each on their own lot, allowed by the overlay. Mr. DeGrandpre explained that up to three units could be attached to each other, but they would be on individual lots. Currently RT5.4 only allows for two units to be attached.

Mr. Caristo noted that Missoula County's BUILD grant application to make up the remaining \$10M for infrastructure build-out was not successful. He asked how much of the transportation system depends on the grant. Mr. DeGrandpre had spoken briefly with Jeremy Keene, director of Public Works, and Bill Nichol, the Chief Administrative Officer,

and there is disappointment and possible solutions are in the works. It may mean a longer time frame to accomplish the vision, but it is too early to tell. They hope that over the next four to six weeks a plan will be developed.

Mr. DeGrandpre reminded board members that this subdivision application is vested; it was submitted and deemed sufficient to be reviewed under the rules in effect today, whereas the Mullan Area Master Plan has not been adopted and cannot be used as a basis for conditions of denial.

Ms. Hassanein made the recommended motions, seconded by Mr. Bensen.

### **DISCUSSIONS ON THE MOTIONS**

Mr. Bensen asked for explanation on the start date for subdivision applications. Mr. DeGrandpre explained there would be an initial scoping meeting with the City, where the developer would provide preliminary drawings and maps and the City would provide initial feedback. The developer would then submit a pre-application with more detail than the previous submittal and a very similar process would take place with that. The developer then would submit a preliminary plat application, the staff would do a checklist review on it to ensure all the elements are there. The clock has not started yet. Once it is determined all the elements are there, Development Services will do a sufficiency review. The application will be reviewed with a fine-tooth comb to determine if the application is at the level of detail and supporting documentation where it can be evaluated under the rules in effect. Once the application has been determined to be sufficient for review, the clock starts. Mr. Bensen asked how this interconnects with a project underway, like the Mullan Area Master Plan. Mr. DeGrandpre stated that developers have been asked to coordinate with the city and the county. Mr. Throckmorton stated that they worked with DJ&A to discuss their project and how it works in conjunction with the BUILD grant, and potential stormwater. Their pre-application meeting was June 2019, where they had originally considered this project being a TED. On the advice of the mayor and city officials they submitted a subdivision proposal and not a TED proposal. Mr. Bensen appreciated the clarification.

Mr. Caristo stated he would support this; it connects well with the development to the south, it has good street connectivity, and the density is roughly the same.

Mr. Schroeder felt that garages are important to people in Montana during the winter months. He would like to see the fostering of connections between neighbors with rear-loading garage situations, and found the current market demands interesting.

Ms. Hassanein did not like the car-orientation of the project. She does not fully believe the claims about the market; oftentimes these are not accurate claims. She will support it, with caveats.

Mr. Loomis will support the rezoning, as he feels the density and location are appropriate. However, he is disappointed that they did not have more information on the subdivision itself; i.e. - the layout and the car intensity. He will be voting no on the subdivision approval request, and yes on the zoning request. He feels City Council, Development Services and the developers should tighten up the subdivision. Ms. Hassanein stated that certain review criteria need to be considered with a subdivision request; she asked Mr. Loomis if he felt these criteria were not sufficiently met. She stated that she agreed with Mr. Loomis, as she did not feel agriculture land loss was not

mitigated. Mr. Loomis stated that the subdivision design met most, but not all, of the subdivision criteria, and on that basis he felt it should be denied. He did not feel his questions were addressed regarding the airport influence nor funding for subdivision half-roads. Although the developer does not own half of the area for the roadway, Mr. Loomis stated that it was the city's responsibility to address it. Mr. Throckmorton asked Mr. Loomis what he would propose they change or do differently should the board deny this proposal. Mr. Loomis stated that the effects of public health and safety in the airport influence area would be #1. Mr. Throckmorton stated that the aviation easement had to be legally included on every piece of property in the area. Mr. Loomis stated that it wasn't a question to the developers, but to the City for not getting it together ahead of time. Mr. Loomis had issue with the incomplete parts with the City and Airport zone, then the subdivision design itself, which he feels is auto centric.

**Moved by:** Neva Hassanein

**Seconded by:** Peter Bensen

APPROVE 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.

AYES: (5): Dave Loomis, Josh Schroeder, Neva Hassanein, Peter Bensen, and Vince Caristo

ABSENT: (5): Andy Mefford, Caroline Lauer, Sean McCoy, Shane Morrissey, and Stephanie Potts

**Vote results: Approved (5 to 0)**

**Moved by:** Neva Hassanein

**Seconded by:** Peter Bensen

Preliminary Approval of the Remington Flats Phased Subdivision plat and application based on the findings of fact and subject to the recommended conditions of approval in the staff report.

Approval of the variance request to allow the block for Lots 1–9 and Lots 122-135 to be longer than 480 feet.

Approval of the variance request to allow Winchester Drive, Browning Road, Tenderfoot Way, Ruger Road, and Riata Road to be built within 64-foot rights-of-way instead of 70.

Approval of the variance request to allow Chuck Wagon Drive to be built as a half-street Urban Collector (with parking) within a 40-foot right-of-way width instead a full street section built within a 90-foot right-of-way.

AYES: (3): Josh Schroeder, Peter Bensen, and Vince Caristo

NAYS: (2): Dave Loomis, and Neva Hassanein

ABSENT: (5): Andy Mefford, Caroline Lauer, Sean McCoy, Shane Morrissey, and Stephanie Potts



**Vote results: Approved (3 to 2)**

**7. Communications and Special Presentations**

No communications nor special presentations.

**8. Committee Reports**

Mr. Bensen is unable to attend the September 24, 2020 TPCC meeting and an alternate will attend in his place.

**9. Old Business**

Mr. DeGrandpre stated that last night City Council took the Planning Boards' recommendation and did not approve the rezoning at 2920 Expo Parkway in the Grant Creek area.

**10. New Business and Referrals**

No new business nor referrals.

**11. Comments from MCPB Members**

Mr. Caristo appreciates the board member engagement and reminded members that staff is available to provide more information and provide presentations.

Mr. Loomis thanked staff and Mr. DeGrandpre for their good work.

Ms. Hassanein was concerned about the lack of leadership at City Development Services. She feels that strong planning department leadership is essential at this critical time. Mr. DeGrandpre stated that director interviews are being conducted. Development Services with the city is undergoing a re-alignment in order to provide more timely and effective services to the community.

Mr. Bensen felt the board had gotten better at talking through issues and new members were participating.

Ms. Hassanein felt that excellent public process went into the Growth Policy, yet it was not translated into zoning so the board continues to see rezoning requests in accordance with the Growth Policy. She encouraged local governments to rezone in accordance with the Growth Policy.

**12. Adjournment**

Mr. Caristo adjourned the meeting at 8:27 p.m.