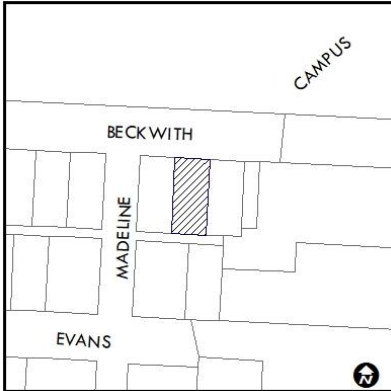




DEVELOPMENT SERVICES

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BOARD OF ADJUSTMENT PUBLIC FORUM

Agenda item:	Public forum for the University of Montana regarding the removal of housing to expand a parking lot onto the residentially zoned parcel located at 907 E. Beckwith Ave.		
Report Date:	9/16/2020		
Case Number:	2020-MSS-BRD-00011		
Case Planner:	Emily Gluckin Associate Planner, Development Services		
Report Reviewed & Approved By:	Mary McCrea Permits and Land Use Manager, Development Services		
Public hearing date:	September 23, 2020		
Applicant:	University of Montana		
Location of request:	907 E. Beckwith Avenue Lots 3 and 4 of Block 48 of Hammond Addition #3 in Section 27, Township 13 North, Range 19 West, P.M.M.		
Legal notification:	The legal ad for the September 23 rd , 2020 public hearing was published in the <i>Missoulian</i> on September 6 th and September 13 th , 2020. Certified mailings were sent to adjacent property owners on September 8 th , 2020. The property was posted on September 8 th , 2020.		
Zoning:	R5.4 – Residential		
		Surrounding Land Uses	Surrounding Zoning
	North:	University of Montana	OP3 Public Lands and Institutional
	South:	Single Dwelling Residential	R5.4 Residential /NC-UD University District Overlay
	East:	Multi-Dwelling Residential	R5.4 Residential /NC-UD University District Overlay
	West:	Parking Lot	R5.4 Residential /NC-UD University District Overlay
STAFF RECOMMENDATION			
None			
RECOMMENDED MOTION:			
Not applicable. State law indicates the Board of Adjustment has no power to deny the proposal but shall act only to allow a public forum for comment.			

I. INTRODUCTION

The University of Montana proposes to remove existing housing in order to expand an existing parking lot located at 901 E. Beckwith Ave onto the property at 907 E. Beckwith Ave. The parking lot will provide parking for the use by the University of Montana. A detached single-dwelling residence currently exists on the subject property and will be demolished as part of the parking lot expansion. The University of Montana is requesting exemptions to the zoning requirements pertaining to non-accessory parking in a residential district, including the use of the parcel as a parking lot for a non-residential use, the placement of the parking lot, and the landscaping requirements for parking lots.

II. STATE LAW

Part 4 of Title 76, MONTANA CODES ANNOTATED, Planning and Zoning, Section 76-2-402 reads as follows:

Local zoning regulations - Application to agencies. Whenever an agency proposes to use public land contrary to local zoning regulations, a public hearing, as defined below, shall be held.

- (1) The local Board of Adjustment, as provided in this chapter, shall hold a hearing within 30 days of the date the agency gives notice to the board of its intent to develop land contrary to local zoning regulations.
- (2) The board shall have no power to deny the proposed use but shall act only to allow a public forum for comment on the proposed use.

"Agency" is defined as a board, bureau, commission, department, an authority, or other entity of state or local government.

III. DISCUSSION

907 E. Beckwith Ave is in the R5.4 Residential zoning district and is within the University District Neighborhood Character Overlay District. A parking area for the University currently exists on the parcel to the west of the subject property that is proposed to be extended to the east to create seventeen (17) additional parking spaces and a U-shaped drive aisle that will connect to the existing access points on Madeline Ave.

Non-accessory parking is parking that is not accessory to a primary use located on the same parcel. Non-accessory parking is defined as parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants or visitors to a particular use, but rather available to the public-at-large, and is not a permitted use in the R5.4 district per Title 20.05.020.F. According to Title 20.60.040.C.2.b, off-site parking must be located on a parcel zoned for the same or more intense use group. The University of Montana is classified as a public/civic use, which is a more intense use group than residential household living.

According to Title 20.25.072.D.2, parcels may not be combined or expanded to create a parcel that exceeds 65 feet in width or 8,450 square feet in area. Expanding the parking lot onto 907 E. Beckwith Ave creates a zoning parcel that is 15,600 square feet in area.

The proposed parking area will be located approximately three (3) feet from the front property line on E. Beckwith Ave, and the majority of the parcel will be paved. Per Title 20.60.040.B, parking in a residential district may not be located in a front setback, and no more than forty percent of the front yard area may be paved. The parking lot will be located in the front setback area and eighty-five (85) percent of the front yard area will be paved.

The proposed parking area does not include a minimum of ten percent interior parking lot landscaping as required by Title 20.65.040.C, which must be provided through landscape islands or landscaped areas between six and fifteen feet in depth bordering paved parking areas.

The proposal does not include perimeter parking lot landscaping, which must be provided through a combination of berms, planting, walls, or fences that result in a continuous buffer of at least 36" along the parking area frontage per Title 20.65.050.C.1.

Per Title 20.65.060.B, a buffer is required when nonresidential development occurs on parcels abutting residential districts or parcels used for residential purposes. The subject property abuts a residentially zoned parcel to the east, and the proposal does not comply with the required standards for buffers.

The University of Montana is considered a governmental agency and as such is exempt from local zoning regulations. A governmental agency that proposes a development that does not meet the letter of the Zoning Ordinance is required by State statute 76-2-402 to go to the Missoula Board of Adjustment for a public forum. The purpose is to provide notice to the public and allow for comment. Because the applicant is not meeting the zoning standards outlined above, they are required to hold a public forum.

As stated in Montana Codes Annotated, the Board has no power to deny the proposal, but shall act only to allow a public forum for comment.

IV. NOTICE

Notices of this Public Forum have been published in the Missoulian and sent out to applicable City departments as well as to adjacent property owners within a 150-foot radius for comment. Notice has also been posted on the property.

V. COMMENTS FROM ADJACENT PROPERTY OWNERS

In favor:	0
Not in favor:	0
No Response:	8
Total:	8

VI. COMMENTS FROM CITY AGENCIES

Fire Department:	No comment received at time of staff report
Police Department:	No comment received at time of staff report
City Attorney:	No comment received at time of staff report
Parks Department:	No comment received at time of staff report
Office of Neighborhoods:	No comment received at time of staff report
City Public Works	The Storm Water Utility recommended that the applicant's plans should consider the presence of a seasonal spring that occasionally floods the area where the project is located. See attached.
Missoula Redevelopment Agency:	No comment received at time of staff report
Office of Housing and Community Development:	The Office of Housing and Community Development stated that the demolition of an existing home for the construction of parking spaces does not align with the city's housing and transportation goals. They recommend that the applicants preserve and relocate the home rather than demolish the building. See attached.
City-County Health Department:	No comment received at the time of staff report
Water Quality District:	No comment received at the time of staff report
Missoula Urban Transportation District:	No comment received at the time of staff report
Historic Preservation Office:	The Historic Preservation Office stated that the proposed project does not fit with the historic character of the neighborhood, does not adhere to the City Growth Policy's goals of reducing auto-dependency, and reduces the existing housing stock in high-demand location. The HPO recommends either relocating the existing structure or a full deconstruction rather than demolition. See attached.

IV. ATTACHMENTS:

A.	Application Packet
B.	Agency Comment – Office of Housing and Community Development
C.	Agency Comment – Historic Preservation
D.	Agency Comment – Storm Water Utility