

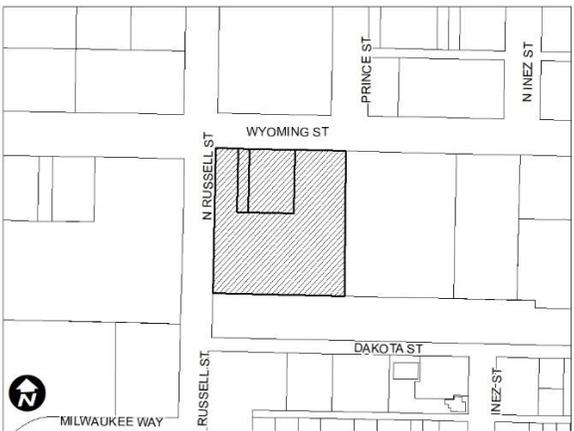


**DEVELOPMENT SERVICES**

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**BOARD OF ADJUSTMENT PUBLIC FORUM**

<b>Agenda item:</b>	Public forum for Missoula County regarding the modification and expansion of an off-street parking area surrounding two existing buildings that house the Missoula County Elections Office and Missoula County Emergency Operations Center on the parcel locate	
<b>Report Date:</b>	2/17/2021	
<b>Case Number:</b>	2021-MSS-BRD-00002	
<b>Case Planner:</b>	Emily Gluckin Associate Planner	
<b>Report Reviewed &amp; Approved By:</b>	Mary McCrea Permits and Land Use Manager	
<b>Public hearing date:</b>	February 24, 2017	
<b>Applicant:</b>	Missoula County	
<b>Location of request:</b>	140 N. Russell Street  Lots 1-20 and vacated portions of Prince Street, Dakota Street, and adjacent alley less MDT right-of-way in Block 13 of Eddy Addition in Section 21, Township 13 North, Range 19 West, P.M.M.	
<b>Legal notification:</b>	The legal ad for the February 24th, 2021 public hearing was published in the Missoulian on February 7th and February 14th, 2021. First class mailings were sent to adjacent property owners on February 9th, 2021. Property was posted on February 9th, 2021.	
<b>Zoning:</b>	C2-4 Community Commercial /DE-C/Node Design Excellence Corridor Typology 1 Node /NC-SR Southside Riverfront Neighborhood Character Overlay	
	<b>Surrounding Land Uses</b>	<b>Surrounding Zoning</b>
North:	Plant/Landscaping Retail	County Zoning: Z.D. 6
South:	Park/Open Space	OP3 Public Lands and Institutional
East:	Medical Office	B2-2 Community Business /NC-SR Southside Riverfront Neighborhood Character Overlay
West:	Building/Construction Material Retail	C2-4 Community Commercial /DE-C/Node Design Excellence Corridor Typology 1 Node /NC-SR Southside Riverfront Neighborhood Character Overlay
<b>STAFF RECOMMENDATION</b>		
None		
<b>RECOMMENDED MOTION:</b>		
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

Missoula County proposes to expand the off-street parking area on the subject property containing the Missoula County Elections Office and the Missoula County Emergency Operations Center located at 140 N. Russell Street. Two existing buildings currently exist on the parcel and will remain following the expansion. Missoula County is requesting exemptions from the zoning regulations of the Design Excellence Overlay that pertain to the site layout, parking lot placement, and landscaping design.

## 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

140 N. Russell Street is in the C2-4 Community Commercial zoning district and is within both the Design Excellence Corridor Typology 1 /Node Overlay District and the Southside Riverfront Neighborhood Character Overlay District. The parcel currently contains an existing office building and a converted warehouse building used for election events that are both part of the Missoula County Elections Center. A Design Excellence Review (2020-MSS-DER-00007) and a subsequent building permit (2020-MSS-COM-00147) were approved in 2020 for adaptive modification of the warehouse building and the addition of surface landscaping to the site. The applicant has proposed changes to the previously approved plans that require a new review.

The proposed redesign includes the expansion of the surface parking on the site to include a total of one hundred and two (102) vehicle parking spaces, which exceeds the required vehicle parking. The existing parking lot at the corner of Russell and Wyoming will be reconfigured to remove the existing one-way access to Wyoming Street. Access to the site will be provided from Russell Street and Wyoming Street to the east.

The revised site layout does not comply with the Build-to Width standard of Design Excellence Corridor Typology 1 (Title 20.25.082.B.1.b/c) that requires a 75% build-to width along the primary street (Russell) and a 55% build-to width along the secondary street (Wyoming). When an initial phase of development does not propose buildings that meet the build-to width, applicants must designate a reserve area along the street frontage for future phases that would allow the project to comply in the future. The reserve area must include the entire property frontage along a primary or secondary street for a depth of sixty (60) feet, and must not include vehicular parking areas, as described in Title 20.25.080.C.3.c. The subject proposal does not provide reserve areas and locates parking within 60 feet of the street frontage.

The parking lot on the southern portion of the property contains three parallel drive aisles, which triggers the Design Excellence Overlay standards for interior parking lot landscaping (20.25.080.C.3.g). This standard requires a nine-foot wide landscaped area between rows of parking that is continuous for the length of the adjacent rows of parking and planted with 2 trees and 12 shrubs per 1,000 square feet of landscaped area. This landscaping is not provided as part of this proposal.

Perimeter parking lot screening is required in the Design Excellence Overlay when vehicular use areas are located within 60-feet of a street property line, and must be provided in the form of a landscape hedge, wall, grade change, or landscape berm. Continuous perimeter parking lot screening is not provided between the parking areas facing Russell Street and Wyoming Street.

Missoula County 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 standards found in the sign ordinance for signs in a residential zoning district, 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**

<b>In favor:</b>	0
<b>Not in favor:</b>	0
<b>No Response:</b>	12
<b>Total:</b>	12

**VI. COMMENTS FROM CITY AGENCIES**

<b>Fire Department:</b>	No comment received at time of staff report
<b>Police Department:</b>	No comment received at time of staff report
<b>Historic Preservation:</b>	No comment received at time of staff report
<b>Parks Department:</b>	No comment received at time of staff report
<b>Office of Neighborhoods:</b>	No comment received at time of staff report
<b>City Public Works:</b>	No comment received at time of staff report
<b>Missoula Redevelopment Agency:</b>	No comment received at time of staff report
<b>City-County Health Department:</b>	No comment received at time of staff report
<b>Water Quality District</b>	No comment received at time of staff report
<b>Missoula Urban Transportation District:</b>	No comment received at time of staff report
<b>Mobility &amp; Infrastructure Planning:</b>	The Transportation Division commented in support of closing the access on Wyoming Street and recommended that the access on Russell Street be right in/right out only and that the landscaping surrounding the Russell Street access be reviewed for visibility. Transportation also raised questions regarding the proposed bicycle parking.

**IV. ATTACHMENTS:**

A.	Application Packet
B.	Public Comment – N. Carey