



**DEVELOPMENT SERVICES**

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**CONDITIONAL USE STAFF REPORT & REFERRAL**

<b>Agenda item:</b>	Referral and Staff Report - Group Living Conditional Use for Hogan Senior Living at 228, 234, & 246 South 6th Street West	
<b>Report Date(s):</b>	5/10/2021	
<b>Case Planner:</b>	Kaitlin McCafferty, Associate Planner	
<b>Report Reviewed &amp; Approved By:</b>	Mary McCrea, Permits and Land Use Manager	
<b>Public Meetings &amp; Hearings:</b>	<b>City Council Meeting:</b> 5/10/2019 <b>Land Use &amp; Planning (LUP) post-hearing:</b> 5/12/2021	
<b>Applicant &amp; Owner:</b>	Mike Robinson, Managing Member, Hogan Senior Living LLC 1316 Murray Street Missoula, MT	
<b>Representative:</b>	Colin Lane, MMW Architects 125 W Alder Street Missoula, MT	
<b>Location of request:</b>	The subject property is located at 228, 234, & 246 South 6th Street West Neighborhood Council: Riverfront Ward: Ward 3	
<b>Legal description:</b>	Lots 7, 8, and 9 in Block 2 of Knowles Addition #1 located in Section 21, Township 13 North, Range 19 West, P.M.M.	
<b>Legal ad:</b>	The legal ad was published in the <i>Missoulian</i> on 4/25/2021 and 5/2/2021. The site was posted on 4/23/2021. Adjacent property owners within 150 feet of the site were notified by certified mail on 3/29/2021.	
<b>Growth Policy:</b>	The applicable regional plan is the Our Missoula: City Growth Policy 2035 which recommends a land use designation of Residential Medium High Density: 12 to 23 dwelling units per acre.	
<b>Zoning:</b>	RT2.7 Residential 2.7 (two-unit/ townhouse)	
	<b>Surrounding Land Uses</b>	<b>Surrounding Zoning</b>
North:	Religious Assembly (First Presbyterian Church)	RT2.7 Residential 2.7 (two-unit/ townhouse)
South:	Public / Civic (Missoula County Public Schools Administration Building)	OP3 Open Space Public Lands and Institutional
East:	Religious Assembly (playground and parking lot)	RT2.7 Residential 2.7 (two-unit/ townhouse)
West:	Residential (detached single family dwelling)	RT2.7 Residential 2.7 (two-unit/ townhouse)

**I. RECOMMENDED MOTION**

**Approval** of the Group Living Conditional Use request for Hogan Senior Living located at 228, 234, & 246 S 6th Street West, 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 228, 234, & 246 S 6th Street West 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 provide an executed affidavit restricting density in compliance with Title 20, Section 20.40.070.B, filed with the County Clerk and Recorder, subject to review and approval of City Attorney and Development Services, prior to building permit approval.
3. In order to comply with Title 20, Section 20.01.060.B and Missoula Municipal Code (MMC) 12.28.110.A, the applicant shall locate any landscaping, guardrails, patios or other objects at thirty (30") inches or more above grade outside of the visibility triangles at the corner of Hazel and South 6<sup>th</sup> Street West and at the west side of the driveway approach on South 6<sup>th</sup> Street West, subject to review and approval of City Engineering, prior to building permit approval.
4. In order to with Title 20, Section 20.01.060.B and MMC 12.10.180, the applicant shall eliminate the driveway approach to South 6<sup>th</sup> Street West unless one of the two (2) driveway approaches to the parking lot to the east is eliminated, subject to review and approval of City Engineering, prior to building permit approval. A maximum of two (2) driveway approaches are allowed to South 6<sup>th</sup> Street West between Hazel Street and Myrtle Street.
5. In order to comply with Title 20, Section 20.01.060.B, the applicant shall retain and provide a tree protection plan for the one (1) Kentucky Coffeetree located in front of 228 S 6th Street West, subject to review and approval of City Parks and Recreation and City Engineering, prior to building permit approval.
6. In order to comply with Title 20, Section 20.01.060.B and MMC 12.48.060.A, the applicant shall provide a boulevard landscaping plan for boulevards on Hazel Street and South 6<sup>th</sup> Street W adjacent to the subject property, subject to review and approval of City Parks and Recreation, prior to building permit approval. Except for the Kentucky Coffeetree, which must be retained and protected, all other boulevard street trees are to be removed by a licensed arborist. Boulevard widths must meet current dimensions. New boulevard trees shall be Class 2 Street trees, from the Missoula Approved Street Tree list, to be placed at 30' on-center along the street frontages.

### III. INTRODUCTION

The City of Missoula Development Services has received a conditional use request for a Senior Group Living structure to be located at 228, 234, & 246 S 6th St W in Missoula. This Hogan Senior Living project consists of one (1) building with thirty-six (36) bedroom suites in the project, comprised of thirteen (13) one-bedroom suites and twenty-three (23) studio suites with communal kitchen, dining, and living spaces. The project's intent is to create attainable, accessible housing for seniors, and the facility will apply for an age restriction of 55+ under the Housing for Older Persons Act of 1995 (HOPA).

The subject property is zoned RT2.7 Residential (two-unit/ townhouse). According to Title 20, Section 20.05.020, a Group Living use requires conditional use approval to operate in the RT2.7 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 246, 234, and 228 South 6<sup>th</sup> Street West, at the corner of Hazel Street and South 6<sup>th</sup> Street West.
2. The project, titled Hogan Senior Living, consists of one building with thirty-six (36) bedroom suites in the project, comprised of thirteen (13) one-bedroom suites and twenty-three (23) studio suites with communal kitchen, dining, and living spaces.
3. The subject property is legally described as Lots 7, 8 and 9 in Block 2 of Knowles Addition #1 located in Section 21, Township 13 North, Range 19 West, P.M.M.
4. The subject property has frontage on Hazel Street, functionally classified as a Local Street, as well as South 6<sup>th</sup> Street West, classified as a Minor Arterial.
5. There is currently curb, gutter, and sidewalk along South 6<sup>th</sup> Street West and Hazel. South 6<sup>th</sup> Street West has designated bike lanes. Designated bike facilities are not present on Hazel Street.
6. The subject parcel 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.
8. The subject property has sight visibility triangles at the corner of Hazel Street and South 6<sup>th</sup> Street West and at the west side of the driveway approach on South 6<sup>th</sup> Street West, as documented in Chapter 9.5 Intersection Sight Distance, in the American Association of State Highway and Transportation Officials (AASHTO); A Policy on Geometric Design of Highways and Streets.
9. In order to comply with Title 20, Section 20.01.060.B and the Missoula Municipal Code (MMC) 12.28.110.A City Engineering recommends a condition of approval prohibiting objects on public or private property that exist at thirty (30") inches or more above the established top-of-street grade within the sight visibility triangle. This recommendation is included in a condition of approval.
10. City Engineering advised the applicant of the following requirements that will be required at the time of building permit approval:
  - a. Any trees included in the boulevard landscaping plan associated with this project will need to be located outside the visibility triangle, subject to review and approval by City Engineering.
  - b. Any boulevard landscaping plans must avoid conflict with utility line locations, subject to review and approval by City Engineering.
11. City Parks and Recreation has identified a Kentucky Coffeetree located in front of 228 South 6<sup>th</sup> Street West that should be preserved. The tree is very small but is one of Missoula's slowest growing species, and holds a high value for its climate resilience, it's carbon sequestration potential and aesthetic value.
12. Staff recommends a condition of approval requiring the applicant to retain the Kentucky Coffeetree and provide a tree protection plan for the tree prior to building permit approval.
13. Except for the Kentucky Coffeetree, City Parks and Recreation recommends the other boulevard street trees to be removed by a licensed arborist, boulevard widths to meet current dimensions, and for new boulevard trees to be Class 2 Street trees, selected from the Missoula Approved Street Tree list, to be placed at 30' on-center along the street frontages. This has been included in a condition of approval requiring City Parks and Recreation approval of a boulevard landscaping plan prior to building permit approval.
14. The project will be served by Sacajawea Park. The nearest Class 1 trail (Milwaukee Trail) is 6 blocks to the North of the project location. The described project and planned services indicate future residents are likely to be capable and desirous of using public recreation services and facilities. As such, City Parks and Recreation staff stated that the project is subject to payment of Park Impact Fees.

### **Growth Policy and Zoning:**

15. The 2035 Our Missoula City Growth Policy is the applicable regional plan and recommends a Land Use designation of Residential Medium-High Density, which supports a density of 12 to 23 dwelling units per acre. The use is identified for areas close to the core of the community and where city services and infrastructure are readily available but the pattern of existing development is less intense than primary multi-dwelling building.
16. The 2035 Our Missoula City Growth Policy states, "Emphasis should then be on creating a range of opportunity for affordable housing development for the workforce, lower income residents, and seniors."
17. The subject property is zoned RT2.7 Residential (two-unit/ townhouse). Pursuant to Table 20.05-1 "Uses Allowed in Residential Districts" of the Title 20 Zoning Code, a Group Living use requires conditional use approval to operate in the RT2.7 zoning district.
18. While focused on seniors, the project will not provide healthcare services like a nursing home or assisted living facility. The project complies with the Group Living definition on Title 20.105.020 and is not a Community Residential Facility or a Healthcare facility.
19. The surrounding use to the North and East is Religious Assembly (First Presbyterian Church to the North and its surrounding playground and parking lot to the East.) To the South is the Missoula County Public School administration building, and to the West is a residential single dwelling.
20. The minimum parcel area in the RT2.7 Residential 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 RT2.7 zoning district. The subject property is 19,471.32 square feet, allowing for fifty-one (51) residents. Thirty-six (36) bedroom suites are proposed, comprised of thirteen (13) one-bedroom suites and twenty-three (23) studio suites.
21. 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 provide an executed affidavit restricting density in compliance with Title 20, Section 20.40.070.B, filed with the County Clerk and Recorder, subject to review and approval of City Attorney and Development Services, prior to building permit approval.
22. The new Group Living stricture 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**

23. 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 is one (1) building, thus requiring two (2) vehicle parking spaces. The applicant's site development plan indicates six (6) off-street vehicular parking spaces.
24. According to Title 12 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 plan shows one (1) accessible pick-up/drop-off space. The provision of these spaces in compliance with federal and local regulations will be verified by City Engineering, prior to building permit approval, as described in condition of approval #1.
25. The applicants site development plan shows boulevard sidewalk along the subject property's frontage along Hazel and South 6<sup>th</sup> Street West. Conformance with engineering standards will be confirmed at the time of building permit approval.
26. 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 six (6) short-term spaces provided near the building entry and indoor storage provided for secure long-term storage, located in the basement. The short term and long term bike storage proposed by the applicant complies with Title 20 standards

27. Public Works and Mobility staff expressed concerns on the accessibility of basement storage for senior residents, questioning their ability to bring bicycles up and down stairs and to lift them from a storage unit hanger. Public Works and Mobility staff recommend the applicant consider locating the long term bike parking within a secure and covered bike storage area located on the main level or exterior of the building.
28. City Engineering commented that any driveway approaches to the right-of-way will be required to meet Missoula Municipal Code (MMC) 12.10.170A and 12.10.180A, and are subject to approval of the City Engineer.
29. City Engineering commented that any driveway approaches shall be located with access from the alley, when and where an alley is available per (MMC) 12.10.180.E.1. The applicant's site plan shows access from the alley to both the proposed parking lot and to a cross-access easement that serves the ADA van-accessible space.
30. City Engineering commented that the new driveway approach to South 6<sup>th</sup> Street West cannot be approved unless one of the two (2) existing driveway approaches to the parking lot at the east end of the block is eliminated. City Engineering recommended the applicant establish connectivity between the cross-access easement and the parking lot on the east end of the block. A condition of approval prohibits the new driveway approach to South 6<sup>th</sup> Street West unless one of the two existing driveway approaches is eliminated prior to building permit approval.

#### **Conditional Use Review**

31. Title 20. Section 20.85.070(H) 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.
32. The Group Living use will comply with all applicable Title 20 regulations if the conditions of approval are imposed. Compliance with zoning, engineering, fire and building code will be confirmed prior to building permit approval per condition of approval #1.
33. The Group Living use in this location will not compromise 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.
34. The Group Living use has compatible operating characteristics as other residential uses in the surrounding area.
35. Any outdoor lighting for this project will be required to meet the Missoula Outdoor Lighting Ordinance standards.
36. Any signage associated with this project will be required to meet all applicable standards as outlined in Title 20, Chapter 20.75.
37. Any fences associated with this project will be required to meet Missoula Municipal Code (MMC) 12.31.060. and 12.31.070.
38. All storm water shall be retained on-site per Missoula Public Works Standards and Specifications Manual Requirements Chapter 6.2.1.H.1.a
39. All boulevards associated with this project will contain grass and trees required to meet Missoula Municipal Code (MMC) 12.48.060.A.
40. The Group Living use is served by motorized and non-motorized infrastructure that can accommodate the increase in traffic generated by the use. Condition of approval #3 protects visibility triangles from obstruction.

41. The subject property is adjacent to multiple bus routes and established bike lanes.

**Conclusions of Law:**

Conditional use applications may be approved by the City Council only when Council determines that the applicable review criteria, in bold below, have been satisfied:

- 1. Whether the proposed use is in accordance with the Growth policy and complies with the Title 20 Zoning Ordinance**
  1. The Group Living use complies with the 2035 Our Missoula City Growth Policy Residential Medium-High land use designation and the goals and objectives of the Growth Policy that recommends increased density in areas close to the core of the community where city services and infrastructure are available and a range of opportunity for residential development for the workforce, low income residents and seniors.
  2. The Group Living use is permitted as a conditional use in the RT2.7 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 the recommended conditions of approval.
- 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;**
  3. 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.
  4. Development allowed by the requested conditional use will be served by adequate existing public facilities and services, as the subject property has frontage on Hazel Street, a Local Street, as well as South 6th Street West, a Minor Arterial. The existing and future sidewalks adjacent to the subject property will meet current ADA standards.
  5. The Group Living use is proposed in an area that is already served by City of Missoula Police and Fire protection.
  6. The Group Living use will provide convenient housing for seniors close to public transit and essential services, including dense commercial areas of the Hip Strip, Downtown and Orange Street.
- 3. Whether the proposed use is compatible with adjacent properties and uses in terms of physical elements such as open space design, screening and buffering and any applicable use specific standards and any other elements considered important by City Council;**
  7. The proposed Group Living use is similar in design and scale to the surrounding area which includes a diverse mixture of single dwelling residential and commercial, multi-dwelling, religious assembly and mixed-use buildings. Surrounding structures vary from single story to over four stories.
  8. Compliance with the boulevard landscaping standards and the City Parks and Recreation Design Manual will be confirmed prior to building permit approval if City Council imposes conditions #5 and #6.
- 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;**
  9. The Group Living use has compatible operating characteristics similar to other residential uses in the surrounding area.
  10. The Group Living use will be required to conform to the regulations described in the Missoula Outdoor Lighting and Missoula Noise Ordinances.
  11. 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) and will functional and safe in terms of pedestrian, bicycle and vehicular access, parking, loading and servicing;**

12. Compliance with all applicable sections of Missoula Municipal Code Title 12 Streets, Sidewalks, and Public Places Ordinance will be confirmed prior to building permit approval if City Council imposes conditions #3 and #4.
13. The Group Living use will not have adverse impacts on traffic or comfort, regardless of the model of transportation.
14. 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.
15. The subject property has existing boulevard sidewalks along the Hazel Street and the South 6<sup>th</sup> Street West frontages. The applicant will be required to replace any sidewalks in disrepair and to provide ADA improvements, improving safety for pedestrians.
16. The Group Living Use is proposed on a parcel that is served by two (2) Mountain Line bus routes, Route 7 and 8.
17. Bike routes are established on the South 6<sup>th</sup> Street West frontage.

**6. Whether the proposed use will not impede the orderly development and improvement of the surrounding properties for uses permitted in the district; and**

1. The Group Living use is a single residential structure with multiple bedroom suites and communal living, dining and living facilities. As with other permitted uses in the RT2.7 Residential zoning district, the Group Living use will comply with Title 20 zoning standards in Section 20.05.050 for parcel and building standards. In addition, the Group Living use will comply with Section 20.40.070 for use and specific building standards for Group Living uses.
2. Compliance with all applicable sections of the Title 20 Zoning Ordinance will be confirmed prior to building permit approval if City Council imposes the recommended conditions of approval.

**7. Whether the proposed use and development properly addresses open space, light and protection of natural features.**

1. As with other permitted uses in the RT2.7 Residential zoning district, the Group Living use will comply with Title 20 zoning standards in Section 20.05.050 for parcel and building standards. The parcel and building standards include setback requirements and maximum height standards to ensure adequate open space and light.
2. If City Council imposes condition of approval #5 the applicant will be required to retain and protect the existing Kentucky Coffeetree located in front of 228 S 6<sup>th</sup> Street West as recommended by City Parks and Recreation.

**VI. AGENCY COMMENT**

**Missoula Valley Water Quality District:**

**Health Department - Air Quality Division:**

**Missoula County – Emergency Management:**

**Missoula Urban Transportation District:**

**City Parks & Recreation:** Thank you for the opportunity to comment on this Conditional Use permit. The Parks Department has reviewed the project, and has the following comments.

- The proposed 55+ adult independent living facility will be served by Sacajawea Park. The nearest Class 1 trail (Milwaukee Trail) is 6 blocks to the North of the project location. The described project and planned services indicates future residents are likely to be capable and desirous of using public recreation services and facilities. As such, the project would be subject to payment of Park Impact Fees.
- After inspecting the trees on site, there is really only one that would be a benefit to preserve. There is a Kentucky coffee tree located in front of 228 S. 6th Street W. Please see the attached tree report and map of existing trees. The tree is very small but is one of our slowest growing species. This is a species of tree that we will be adding to our plant propagation program and ball and burlap nursery as it is a very high value tree for its climate resilience, it's carbon sequestration potential and aesthetic value.

At this time, I would like to require that tree protection standards are put in place for this tree only. The remaining trees can be removed as they are in poor condition and would be of little to no benefit the community if they were retained.

As for a replacement plan, the boulevards will support class 2 trees and need to be reforested with appropriate species from the Approved Street Tree List, planted on 30' centers. This neighborhood has a character of mature, class 2 trees lining the boulevard and the reforestation plan for this project must match that. –Neil Miner, Parks and Trails Design/Development Manager

**Office Of Housing & Community Development:** Thank you for the opportunity to provide comment on the Hogan Senior Living Conditional Use Request. This project proposes to create living space for 36 Missoula residents aged 55 or older in a group living environment that is centrally located. The creation of this type of housing fills a key need in our housing market. Missoula's Consolidated Plan for HUD-funded Programs specifies the need this way: "By 2025, it is forecasted that 22% of Montana's entire population will be over 65. Senior households are typically smaller than the average household, creating an additional demand for smaller housing units that can accommodate those who live alone or with one other person. As additional housing units are constructed, attention should be placed on the accessibility and functionality of housing for seniors. Specific priorities include: centralized locations (near services and health facilities), wheel-chair access, low-maintenance, and single-story housing."

The project description notes that the site is located within walking distance to many essential services with good transit connectivity. Adding additional residences at attainable prices for Missoula's older adults in a group living context will greatly expand the diversity of home types available to Missoulians who would like to downsize but still age in place in the community. We would like to note that typically we refer to prices that are affordable up to 120% of the Area Median Income as "attainable" and we would encourage the developer to further define what an attainable price means to them through this process. City Housing Programs staff are always available to help define pricing based on area incomes.

The Housing Programs staff in CPDI appreciate the opportunity to comment. – Montana James, Deputy Director Community Development Division

**City Attorney:**

**Missoula Redevelopment Agency:**

**City Police:**

**City Fire:**

**Montana Department of Transportation:**

**City Stormwater Division:**

**City Wastewater Division:**

**City Water Division**

**Neighborhood Council (NC):**

**VII. ATTACHMENTS:**

1. Application
2. City Parks and Recreation Existing Trees Spreadsheet
3. Public Comment
4. Frequently Asked Questions Document