

FREQUENTLY ASKED QUESTIONS

Group Living Conditional Use for Hogan Senior Living at 228, 234, & 246 South 6th Street West

Q: What is a Conditional Use?

A: For each zoning district the [Title 20 zoning ordinance](#) includes permitted, conditional and prohibited uses. A Conditional Use is a “use that is allowed only if reviewed and approved in accordance with the conditional use procedures of 20.85.070.” A conditional use requires a public hearing and City Council approval in order to receive a building permit in a particular zoning district. The subject property for this project is zoned RT2.7 Residential, which lists “Group Living” as a conditional use.

Q: What does City Council consider in their decision to either approve, approve with conditions or deny a Conditional Use request?

A: Conditional use applications may be approved by City Council only when they determine that the applicable review criteria in Title 20, Section 20.85.070.H.2 have been satisfied. The review criteria are as follows:

- a. The proposed use is in the interest of the public convenience and will not have a significant adverse impact on the neighborhood or community;
- b. The proposed use will not impede the orderly development and improvement of the surrounding properties for uses permitted in the district;
- c. 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;
- d. 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 be functional and safe in terms of pedestrian, bicycle and vehicular access, parking, loading and servicing;
- e. The proposed use is in accordance with the Growth Policy and other relevant adopted plans;
- f. That the site properly addresses open space, light, and protection of natural features; and,
- g. The proposed use is compatible with adjacent properties and uses in terms of physical elements such as open space design, screening and buffering, any applicable use-specific standards and any other elements considered important by the City Council.

In determining whether all applicable review criteria have been satisfied, The City Council may specifically consider agency and public testimony.

Q: What does City Staff consider in making a recommendation for approval, approval with conditions or denial of the conditional use request?

A: City Staff review the conditional use and make a recommendation based on the same review criteria as City Council in 20.85.070.H.2 and compliance with Title 20 zoning standards. The staff report contains the findings of fact and analysis regarding whether the project meets the requirements of Title 20 zoning code.

Q: What is a Group Living use?

A: This project is requesting approval for a “Group Living” use. Title 20, Section 20.105.020.B defines “Group Living” as Residential occupancy of a dwelling by other than a " household ," typically providing communal kitchen/dining facilities. This proposed project includes bedrooms suites that include a small counter and fridge for some food storage/prep, however cooking will occur in the communal kitchen facilities. There are also communal dining and living areas.

Q: Is this project considered a community residential or medical facility?

A: No. This is a general Group Living use and does not include medical staff or care for residents. This project **does not** fall within one of the specific types of Community Residential Facilities listed in Title 20, Section 20.105.020 and in state law MCA 76-2-411 such as a "licensed adult foster care home", "assisted living facility", halfway house, shelter home, district youth guidance home, or a group, foster or other home for developmentally disabled or handicapped persons. Therefore, it is not a Community Residential Facility medical facility or nursing home.

Q: What is the parking requirement? Why is it lower than a typical multi dwelling building?

A: The Title 20 zoning ordinance treats a Group Living use like a single dwelling unit with a lot of bedrooms. There are multiple bedroom suites, however cooking and dining spaces are communal. The parking requirement is 2 spaces per group living structure. The applicant is proposing 6 parking spaces plus one ADA space which exceeds the minimum requirement. In addition, this location is well served by transit.

A multi-dwelling structure is a structure with multiple independent dwelling units and each unit has a separate entrance, and full cooking, bathing and living facilities.

Q: Does zoning or the conditional use process regulate what goes on inside the building such as who can occupy the space, security measures, maintenance, pets, onsite management, visitors, activities, etc?

A: No, the Conditional Use review process only regulates what is covered in the Title 20 zoning ordinance. The owner's lease agreement regulates activities within the building.

Q: The application mentions intent to apply for the Housing for Older Persons Act (HOPA) 55+ age restriction. What are the regulations tied to this? Does the zoning enforce these standards? Is the 55+ age restriction in perpetuity?

A: The age restriction is outside of the scope of zoning and the conditional use review process. Zoning does not regulate age restrictions on leases. The Housing for Older Persons Act (HOPA) 55+ program is a federal program, run by HUD. [Click here for details.](#)

Q: Can this building change uses? If so, what other uses can it be? Do those need approval from council? Can it become a Tavern?

A: The building can apply to change use in the future to any of the permitted uses listed in the Title 20 zoning ordinance for the RT2.7 Residential zoning district. The building can apply to change the use to another conditional use by going through a new conditional use review and approval process.

Taverns are listed as a prohibited use in all the Title 20 residential districts and would not be permitted at this location.

Q: What was the public notification effort for this project?

A: The project was posted on [Engage Missoula](#), the city's interactive public website, and individual letters with details on the project were sent to all property owners located within 150 of the subject parcel. Two posters detailing the project and how to submit comment were posted on the site, and legal advertisements were placed in the Missoulian to notify the community of the proposal.