



**DEVELOPMENT SERVICES**




435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX: (406) 552-6053

**CITY REZONE APPLICATION**

**A. GENERAL INFORMATION**

1. One submittal packet is required for Completeness/Sufficiency Review.
2. Once the application is deemed complete by Development Services (DS), the application fee and 27 submittal packets shall be submitted or 15 submittal packets for Planning Board and staff if an electronic submittal packet is also submitted meeting the electronic packet submittal guidelines. The packets submitted for governing body review must be exactly the same as the packet that was deemed complete.
3. Name of proposed Rezone: **Canyon East Phase 10 Rezone**
4. Name(s) of Applicant: **Wesmont Investments, LLC c/o Perry Ashby**  
Mailing Address: **5668 Lichenstone Lane, Florence, MT 59833**  
Telephone Number: **(406) 728-7200**  
Email Address: **perrya@q.com**
5. Name(s) of Owner of Record: **Wesmont Investments, LLC c/o Perry Ashby**  
Mailing Address: **5668 Lichenstone Lane, Florence, MT 59833**  
Telephone Number: **(406) 728-7200**  
Email Address: **perrya@q.com**
6. Name and Company of Representative: **Territorial-Landworks, Inc. c/o Paul Forsting, AICP**  
Mailing Address: **1817 South Ave W, Suite A, Missoula, MT 59801**  
Telephone Number: **(406) 721-0142**  
Email Address: **paulf@territoriallandworks.com**
7. Does the applicant(s) whose signature(s) are included below own at least 35% of the area or number of the parcels included within the area proposed to be rezoned? (Requirement of Title 20, 85.050(A)) **Yes**
8. If the applicant is someone other than the property owner, the owner must also sign the application in the space provided below.

Certification: I hereby certify that the foregoing information contained or accompanied in this application is true and correct to the best of my knowledge.

	member <b>Wesmont Inv. LLC</b>	<b>12/5/16.</b>
Applicant's Signature		Date
	member " "	<b>12/15/16</b>
Owner's Signature		Date
		<b>1/25/17</b>
Representative's Signature		Date

**B. SUBJECT PROPERTY INFORMATION**

General location of subject property and address (if address has been assigned): **4949**

**Storehouse Way, Missoula, MT 59802, approximately 1.5 miles west of Reserve Street on the north side of Expressway Boulevard and Wheeler Drive located in Missoula County, Montana**

Legal Description - complete and unabbreviated: **A PORTION OF LOT 1A OF CERTIFICATE OF SURVEY NO. 5437, WHICH IS A PORTION OF LOT 1 OF GREEN ACRES, PHASE 2, A RECORDED SUBDIVISION, LOCATED IN THE NW 1/4 OF SECTION 6, T.13N., R.19W., P.M.M., MISSOULA COUNTY, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1A, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID LOT 1A, S89°24'30"W, 153.03 FEET; THENCE LEAVING SAID SOUTH LINE, N0°00'46"W, 115.42 FEET; THENCE N89°59'14"E, 153.02 FEET TO THE EAST LINE OF LOT 1A OF CERTIFICATE OF SURVEY NO. 5437; THENCE ALONG SAID EAST LINE, S0°00'47"E, 113.86 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 17,543 SQUARE FEET, MORE OR LESS.**

Township, Range, Section(s): **T13 N, R20 W, S01**

Subdivision, Lot(s), Block(s): **Canyon East Phase 10**

Tract(s), COS#: **COS # 5437**

Bearings & Distances Descriptions (if boundaries of proposed rezone are not exactly the same as the boundaries of the property legally described above): **N/A – Legal Description provided above.**

Geocode: **04-2200-06-1-01-03-0000**

**C. ZONING AND GROWTH POLICY INFORMATION**

1. Complete the following table (where applicable, indicate Unzoned):

	Zoning	Current Land Use
Adjacent (North)	<b>Canyon East Special District – Subdistrict 3</b>	<b>Residential – Townhouse Buildings</b>
Adjacent (South)	<b>C2-4/AI &amp; C-I1</b>	<b>Commercial – Financial Services and Building Materials Supplier</b>
Adjacent (East)	<b>Windsor Park Special District</b>	<b>Residential – Single Family Homes</b>
Adjacent (West)	<b>Canyon East Special District – Subdistrict 3</b>	<b>Residential - Existing townhouses</b>

2. What is the current zoning of the property (including intensity designator)? **Canyon East Special District – Subdistrict 4.**

3. What is the requested zoning for the property (including intensity designator)? **The applicant is requesting to revise aspects of the existing Canyon East Special District – Subdistrict 4. The applicant is requesting that multi-family be added to the permitted uses within this subdistrict. The applicant is also requesting that the setbacks for this subdistrict be restated and revised as discussed in this application.**

**In addition, the proposed rezone incorporates several of the multi-family design standards from Missoula’s Title 20 Zoning Ordinance into the Canyon East Special Zoning District. These revisions will ensure the proposed multifamily building(s) will be consistent with other new multifamily buildings that are constructed in Missoula.**

**Lastly, there are some minor revisions included related to the zoning parking requirements. These revisions are intended to clarify where the required parking spaces will be located within the limited area that makes up Subdistrict No. 4.**

4. What is the applicable comprehensive plan and land use designation for the property? **The 2035 Our Missoula City Growth Policy recommended land use designation for the property is Residential Medium with 3-11 units per acre density.**
5. What is the intended use for the property? **The intended use for the property is multi-family residential. The property is currently approved for residential/commercial live-work units. Live/work units may be constructed but it is more likely that a multi-family residential building(s) will be constructed.**

**The applicant constructed a live/work building as part of the adjacent Canyon Creek Village development. This building is located on the corner of Kendrick Place and Bordeaux Boulevard which is approximately 0.30 miles northwest of the subject property. The applicant found that there is limited demand for this type of building. There is a much greater demand for multi-family structures. The applicant worked with the County Commissioners to modify the Canyon Creek Village zoning district to allow multi-family residential structures in addition to live/work buildings. Per this application, the applicant is requesting the same zoning modifications be allowed for the Canyon East Special Zoning District.**

#### **D. RESPONSES TO REVIEW CRITERIA REQUIRED BY STATE LAW & THE CITY OF MISSOULA TITLE 20 ZONING ORDINANCE**

**Review Criteria.** Provide a response to the following review criteria for rezone requests.

1. Whether the zoning is made in accordance with a growth policy;  
**The current land use designation per the 2035 Our Missoula City Growth Policy is “Residential Medium” which permits a residential density between three (3) and eleven (11) dwelling units per acre. The current density of the Canyon East subdivision is 9.35 dwelling units per acre. The addition of nine (9) additional dwelling units, as requested, would bring the project total to 9.95 dwelling units per acre which is below the eleven (11) dwelling unit threshold. The proposed modifications will be in accordance with the growth policy.**
- 2a. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements
- 2b. Whether the zoning considers the effect on motorized and non-motorized transportation systems;  
**The Canyon East Subdivision is designed to facilitate the adequate provision of transportation, water, sewerage, and parks and provides for motorized and non-motorized transportation. The property is served by public sewer and water. The subdivision provides on-site roads, non-motorized facilities, dedicated park land and common area. No adverse impacts on schools were identified at the time of the subdivision approval.**
3. Whether the zoning considers the promotion of compatible urban growth;  
**The proposed zoning modifications will continue the promotion of compatible urban growth. The subject property is located directly adjacent to a block of two-unit townhouse buildings. The townhouses are located along the north side of Deveraux Place. Similar two-unit townhouses are located on the south side of Deveraux Place east of the property. The applicant has approval to construct these same two-unit townhouses on the lots within Phases 8 & 9 of the Canyon East Subdivision. These are the vacant lots directly west of the subject property. This proposed multi-family building will provide a buffer zone between the surrounding houses and the adjacent commercial uses.**

**The applicant has approval to construct multi-family buildings on the vacant lots along Kendrick Place. These lots are approximately 0.30 miles northwest of the subject property.**

The buildings will provide a transition from the Canyon Creek Village homes and the adjacent Missoula Development Park light industry use.

Additional multi-family buildings exist along the north side of Calistoga Lane. These buildings are located approximately 0.4 miles northwest of the property. These buildings act as a buffer between the homes within the Canyon Creek Village and Interstate 90 (I-90). Another row of multi-dwelling buildings exist along Potter Park Loop which is the northern segment of the adjacent Windsor Park development. These buildings are located approximately 0.3 miles northeast of the property. These building also serve as a buffer between I-90 and the adjacent homes. Lastly, a large multi-family apartment complex (Crestview) is located approximately 0.4 miles southeast of the subject property.

The proposed residential multi-family building will be cohesive with the existing neighborhood. This building will provide a buffer between the surrounding single family and two-unit houses and the existing commercial uses along Wheeler Drive. This is similar to the buffers provided by the multi-family buildings located in the proximity of this property.

The proposed zoning revisions include clarifications regarding the setback designations. The proposed revisions clarify that Subdistrict #4 has no applicable rear yard setbacks. They have no rear yard setbacks because Missoula's Title 20 Zoning Ordinance defines the lots as "through lots" with public right-of-way on multiple sides. This results in the lots having multiple fronts and no rear yard setbacks.

The existing rear yard references have been removed and the description of the front yard setbacks have been expanded. The proposed front setback to Wheeler Drive is 3' which will make it identical to the adjacent Canyon East – Subdistrict #3 setback for this same street. This will create a continuous building setback line for the Canyon East structures facing Wheeler Drive.

- 4a. Whether the zoning is designed to promote public health, public safety, and the general welfare;
- 4b. Whether the zoning is designed to secure safety from fire and other dangers;
- 4c. Whether the zoning considers the reasonable provision of adequate light and air;
- 4d. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area;

**The proposed revisions to the zoning subdistrict are consistent with the subdivision and zoning approval for the Canyon East Subdivision. This subdivision was designed to promote public health and safety, and secure safety from fire and other dangers. The Missoula City Police Department and Missoula City Fire serve the subdivision. Fire hydrants provide water supply for fire protection. City sewer and Mountain Water serve the subdivision.**

The parcel and building standards of the Canyon East Special Zoning District provide setbacks and maximum height standards that provide for adequate light and air and will conserve the property value of buildings. In addition, the proposed rezone incorporates several of the multi-family design standards from Missoula's Title 20 Zoning Ordinance into the Canyon East Special Zoning District.

- 5. Whether the zoning considers the character of the district and its peculiar suitability for particular uses;  
**Yes, the area is suitable for residential uses and the zoning is in accordance with the character of the district. As discussed in detail in this application, there are several multi-family buildings within a half mile of this property. The proposed residential use of the project is not peculiar. The project is in close proximity to similar uses and the character of the building is consistent with the area.**

## E. ATTACHMENTS

As separate attachments (8.5" x 11" or 11" x 17"), provide the following materials with the site clearly identified. Where appropriate, required information may be combined as long as the information is clearly presented. Please check the box if the material is included in the packet. If the material is not included in the submittal packet, please note "N/A".

- A vicinity map** showing the subject property and the area within 300 feet of the subject property. **A vicinity map is attached.**
- A Zoning map** of the subject property and vicinity (showing the existing zoning district), extending at least 300 feet from the property boundaries. **A Zoning map is attached.**
- An aerial photo** of the subject property and vicinity extending at least 300 feet from the property boundaries. **An aerial photo is attached.**
- A Growth Policy/Comprehensive Plan map** of the subject property and vicinity extending at least 300 feet from the property boundaries for the applicable comprehensive plan, clearly showing the land use designation of the subject property and surrounding properties. **A Growth Policy/Comprehensive Plan map is attached.**
- The current plat** of the subject property. **The current plat of the subject property is attached.**