January, 2020

To whom it may concern.

I am requesting to rezone my property located close to downtown Missoula. I would like to upgrade the subject property from it's semi rundown condition to a fresh, modern appearance. It makes sense to increase the density at the same time. This redevelopment project will further enhance the neighborhood, which is already on the upswing. And increased density will help support businesses in the downtown area, as well as be compatible with urban growth Missoula is experiencing.

Sincerely,

Kelly Castleberry

MISSOULA
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: **Toole Street Rezone - RT2.7 to B2-2**

4. Name(s) of Applicant: **Kelly Castleberry**
   Mailing Address: **P.O. Box 726, Missoula, MT 59806**
   Telephone Number: **406-546-9105**
   Email Address: **montanaimages@yahoo.com**

5. Name(s) of Owner of Record: **738 Toole LLC, 730 Toole LLC, 724 Toole LLC**
   Mailing Address: **P.O. Box 726, Missoula, MT 59806**
   Telephone Number: **406-546-9105**
   Email Address: **montanaimages@yahoo.com**

6. Name and Company of Representative: **Kelly Castleberry**
   Mailing Address: **P.O. Box 726, Missoula, MT 59806**
   Telephone Number: **406-546-9105**
   Email Address: **montanaimages@yahoo.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.

Applicant's Signature — Date 1/6/20

Owner's Signature — Date 1/6/20

Representative's Signature — Date

B. SUBJECT PROPERTY INFORMATION

General location of subject property and address (if address has been assigned): 724, 730 and 738 Toole Avenue
Legal Description - complete and unabbreviated: 738 Toole: COS 6698, Lot 11; 730 Toole: COS 6698; Lot 13; and 724 Toole: SCHOOL ADDITION, S16, T13 N, R19 W, BLOCK 15, Lot 14 - 15
Township, Range, Section(s): **Township 13 North, Range 19 West, Section 16**
Subdivision, Lot(s), Block(s): **School Addition, Block 15, Lots 11-15**
Tract(s), COS#:
Bearings & Distances Descriptions (if boundaries of proposed rezone are not exactly the same as the boundaries of the property legally described above): **N/A**
Geocode: **724 Toole: 04-2200-16-4-05-03-0000; 730 Toole: 04-2200-16-4-05-02-0000; 738 Toole: 04-2200-16-4-05-01-0000**

C. ZONING AND GROWTH POLICY INFORMATION

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

	Zoning	Current Land Use
Adjacent (North)	**RT2.7 Residential**	**Residential**
Adjacent (South)	**M1R-2 & B2-2 / DE Overlay Typ. Downtown North**	**Park**
Adjacent (East)	**RT2.7 Residential**	**Residential**
Adjacent (West)	**M1R-2 / DE Overlay Typ. Downtown North**	**Multi-dwelling residential**

2. What is the current zoning of the property (including intensity designator)? **RT2.7 Residential (two-unit/townhouse)**

3. What is the requested zoning for the property (including intensity designator)? **B2-2 Community Business**

4. What is the applicable comprehensive plan and land use designation for the property? **The applicable comprehensive plan is the Our Missoula 2035 City Growth Policy, which classifies these properties as Neighborhood Mixed Use. Neighborhood Mixed Use areas have a mix of neighborhood-serving commercial uses and medium-high residential density. B2-2 is a corresponding zoning district.**

5. What is the intended use for the property? **Residential development**

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;
Yes, the B2-2 zoning designation is one of the districts that corresponds to the Neighborhood Mixed Use land use designation in 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;

2a. There's an existing tranportation network, including local streets and sidewalks. Any new development on these parcels will be connected to both City Water and City sewer. Little McCormick Park is across Toole Street to the south of these parcels. Lowell Elementary is within 1/3 of a mile of this site.

2b. The existing street network can handle the small increase in density that redevelopment of this parcel will add to traffic. Mountain Line bus routes are within one block of the subject property. Routes 2 & 3 run on Spruce St. and cross Toole Ave. at the Scott St roundabout. There is an existing sidewalk network in the area, and redevelopment of the parcel will likely include installation of sidewalk along the Milton Street frontage.

3. Whether the zoning considers the promotion of compatible urban growth;

The B2-2 Community Business zoning permits compatible urban growth, similar to what already exists in this area. The reason for this rezoning is to allow slightly higher density on these parcels, but the use will still be residential, as is true for the rest of this block. There are other recent instances of higher density projects in the immediate area, such as the new aprtments across Milton at 812 Toole.

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;

4a. Any new development will be built in compliance with all applicanble standards and regulations designed to promote and protect public health, safety and welfare.

4b. The site is already served by City Police and City Fire.

4c. The zoning includes provisions for setbacks and height limits that preserve adequate light and air space between structures.

4d New develpoment will create structures of greater value than existing structures, which will pose no negative impact to neighboring existing residences.

5. Whether the zoning considers the character of the district and its peculiar suitability for particular uses;

The neighborhood where the subject properties are located has a residential character, and the intended redevelopment will keep that residential character. This zoning would also allow small neigborhood-serving businesses on this site, but if redeveloped with any commercial uses in the future, the scale and scope of the permitted uses would still be compatible with the development pattern in 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".

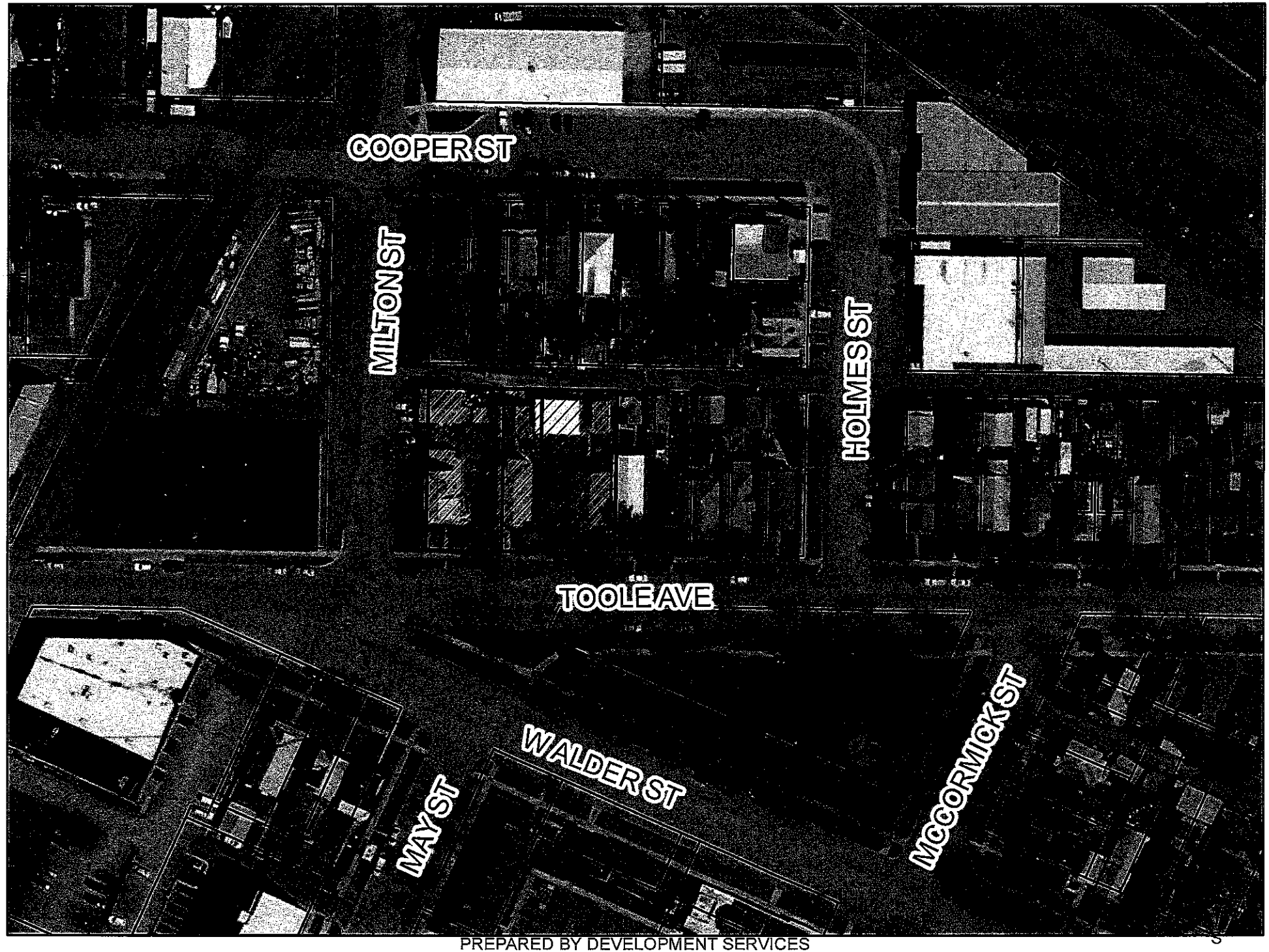
☒ **A vicinity map** showing the subject property and the area within 300 feet of the subject property.

☒ **A Zoning map** of the subject property and vicinity (showing the existing zoning district), extending at least 300 feet from the property boundaries.

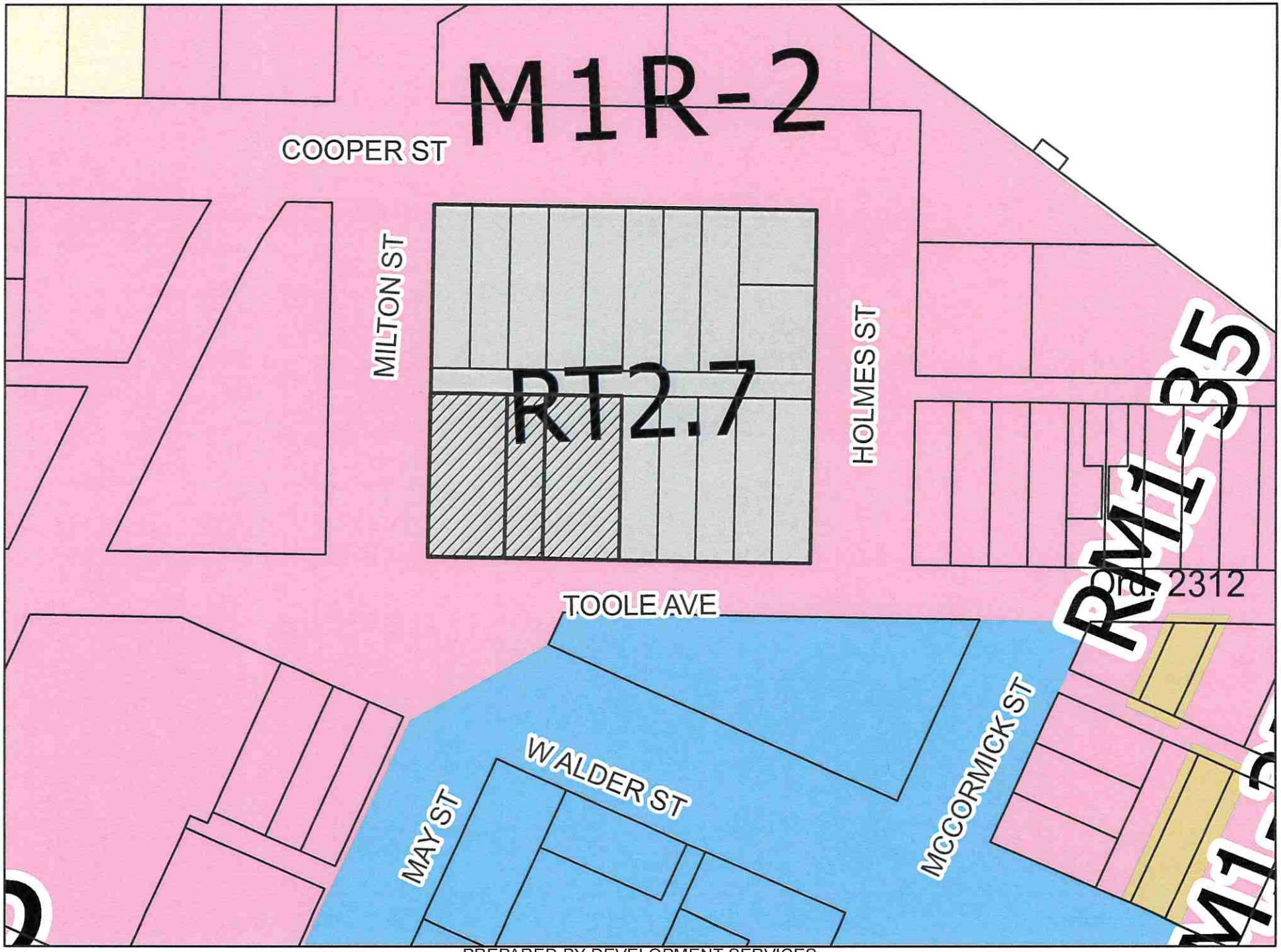
☒ **An aerial photo** of the subject property and vicinity extending at least 300 feet from the property boundaries.

☒ **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.

Toole Street Rezone - Aerial Map

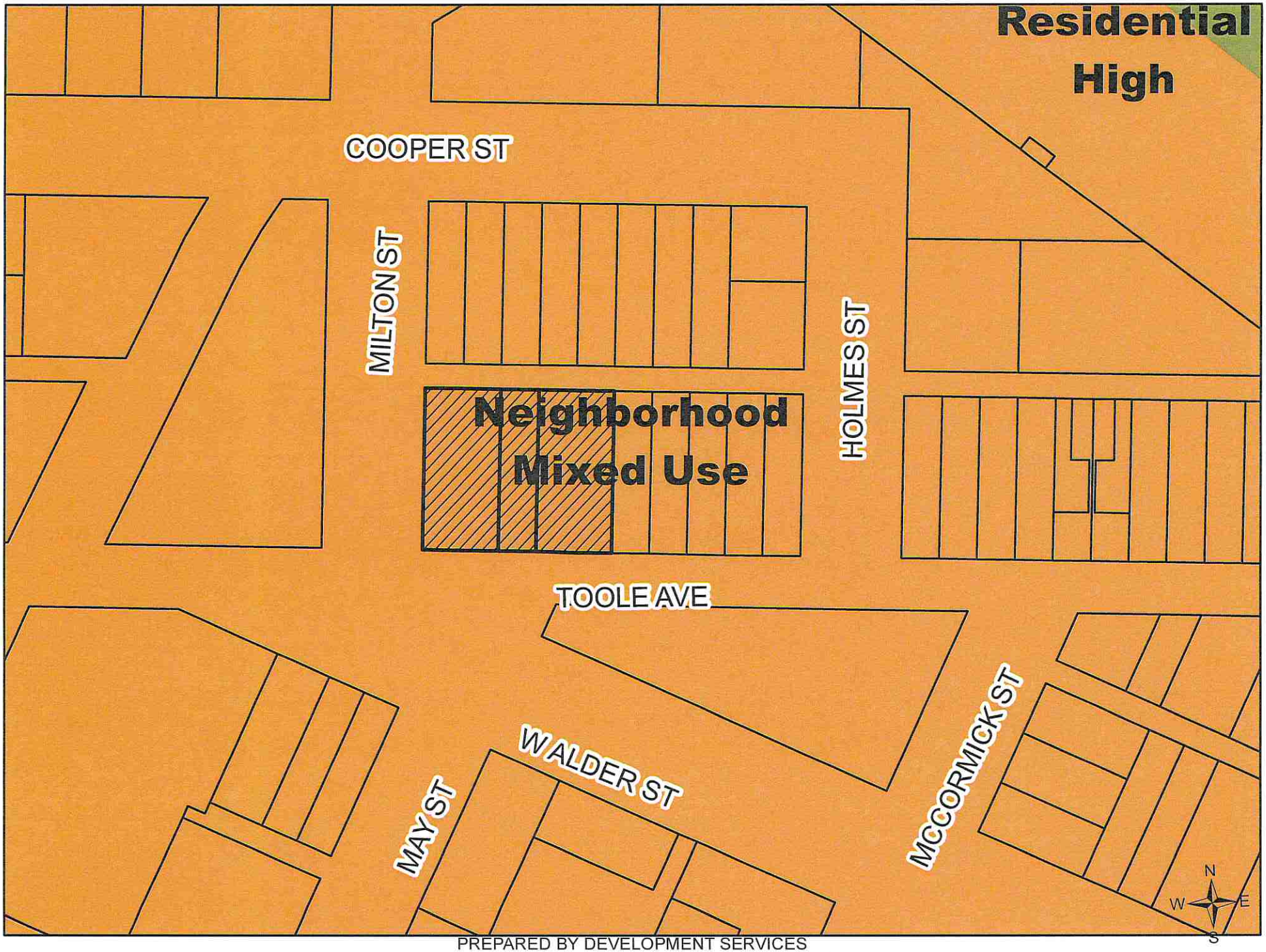


Toole Street Rezone - Zoning Map



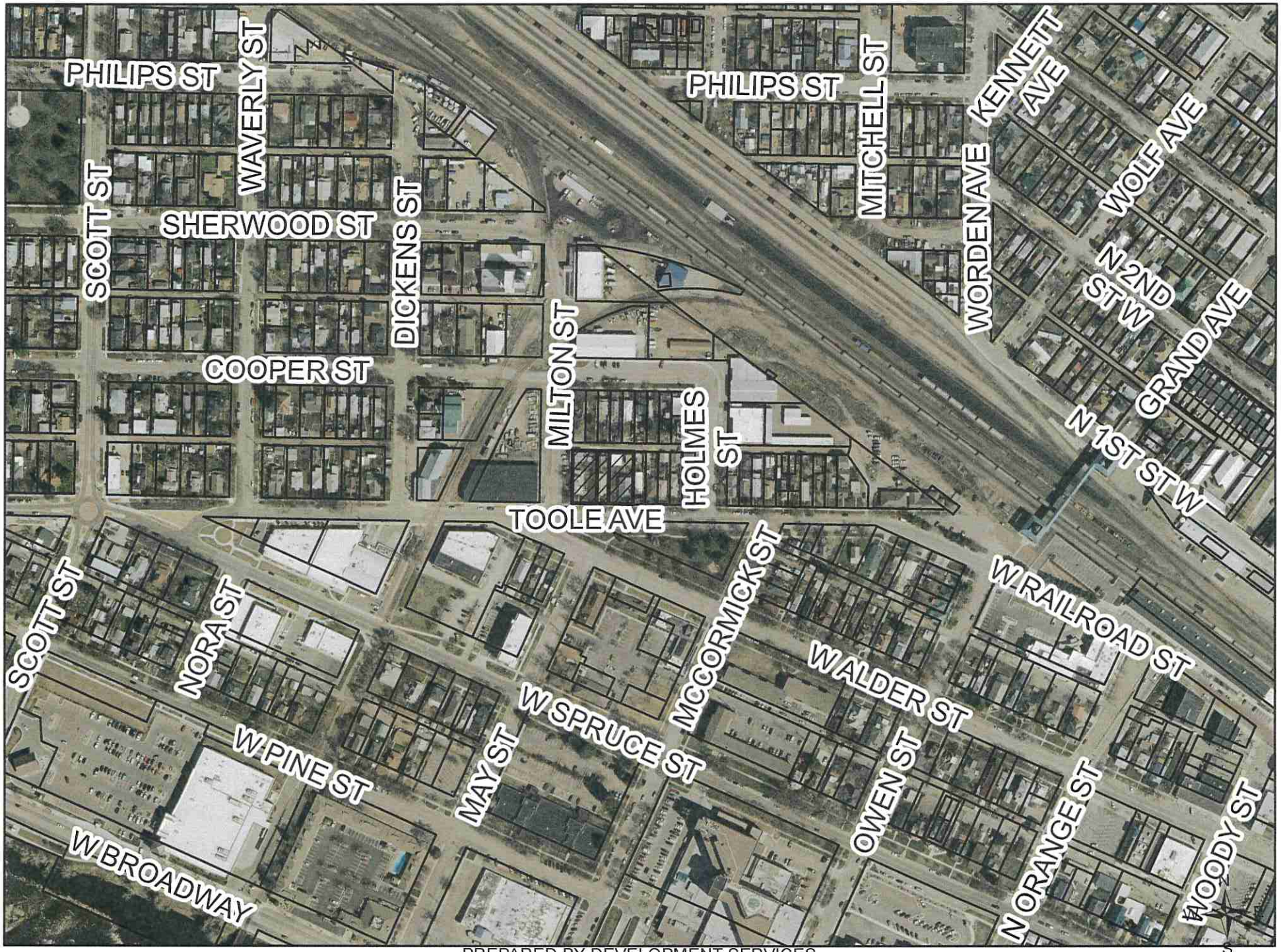
PREPARED BY DEVELOPMENT SERVICES

Toole Street Rezone - Land Use Map



PREPARED BY DEVELOPMENT SERVICES

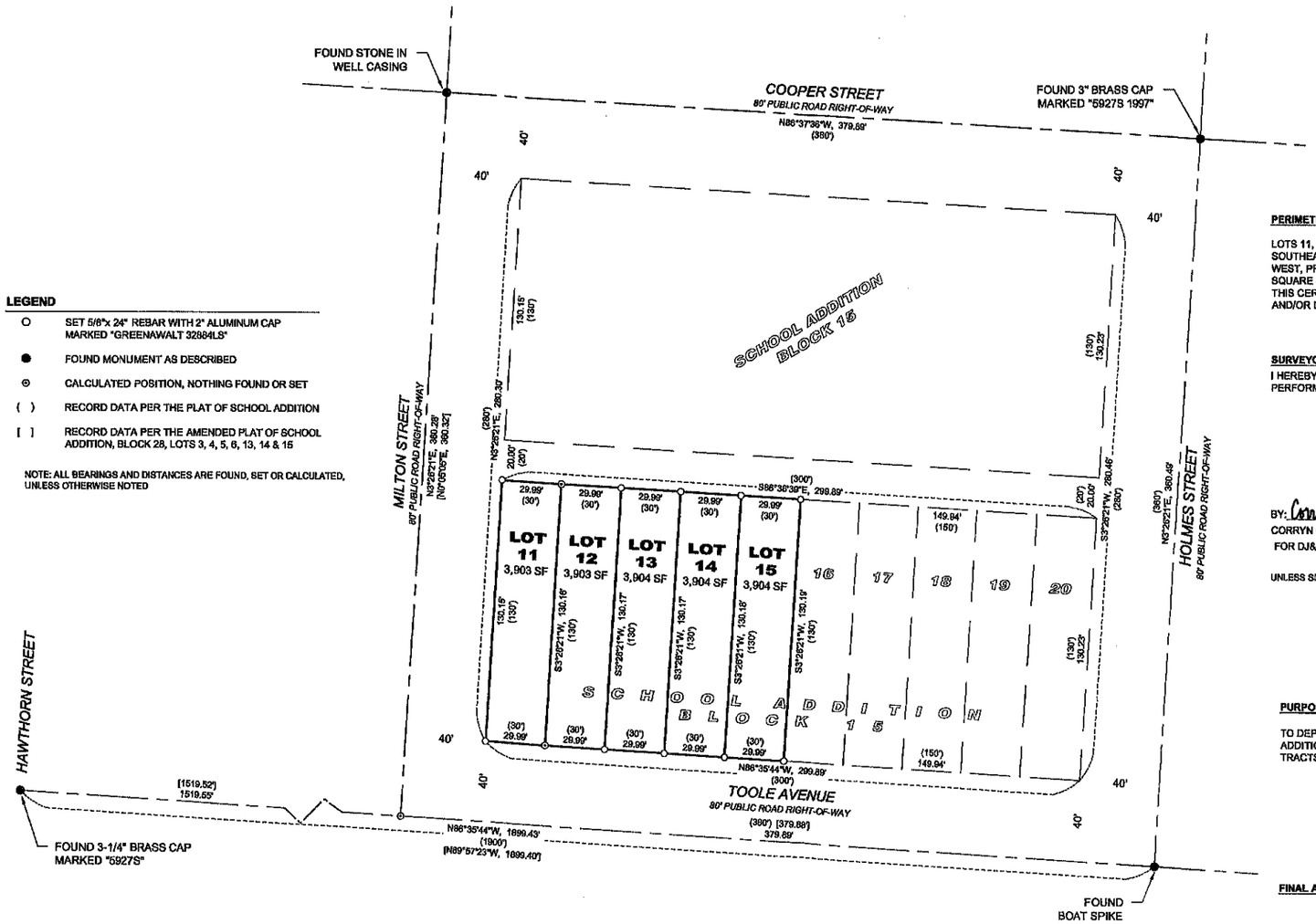
Toole Street Rezone - Vicinity Map



PREPARED BY DEVELOPMENT SERVICES

CERTIFICATE OF SURVEY

LOCATED IN THE SE 1/4, SECTION 16, T. 13 N., R. 19 W., P.M.
CITY OF MISSOULA
MISSOULA COUNTY, MONTANA



LEGEND

- ○ SET 5/8"x 24" REBAR WITH 2" ALUMINUM CAP MARKED "GREENAWALT 32884LS"
- ● FOUND MONUMENT AS DESCRIBED
- ⊙ CALCULATED POSITION, NOTHING FOUND OR SET
- ( ) RECORD DATA PER THE PLAT OF SCHOOL ADDITION
- [ ] RECORD DATA PER THE AMENDED PLAT OF SCHOOL ADDITION, BLOCK 28, LOTS 3, 4, 5, 6, 13, 14 & 15

NOTE: ALL BEARINGS AND DISTANCES ARE FOUND, SET OR CALCULATED, UNLESS OTHERWISE NOTED

PERIMETER LEGAL DESCRIPTION

LOTS 11, 12, 13, 14 AND 15, IN BLOCK 15 OF SCHOOL ADDITION, LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 16, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MISSOULA COUNTY, MONTANA, CONTAINING 19,518 SQUARE FEET, MORE OR LESS, BEING SURVEYED AND MONUMENTED ACCORDING TO THIS CERTIFICATE OF SURVEY, SUBJECT TO ALL EASEMENTS AND/OR RESERVATIONS AND/OR DEDICATIONS EXISTING, SHOWN OR OF RECORD.

SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT THIS CERTIFICATE OF SURVEY REPRESENTS A SURVEY PERFORMED BY ME DURING THE MONTH OF APRIL, 2019.

MONTANA
CORRYN L. GREENAWALT
No. 32884LS
LICENSED PROF. LAND SURVEYOR

BY: Corryn Greenawalt 4/26/19
CORRYN GREENAWALT, PLS 32884 — DATE
FOR DJ&A, P.C.

UNLESS SIGNED, SEALED AND DATED, THIS IS A PRELIMINARY CERTIFICATE OF SURVEY

PURPOSE OF SURVEY

TO DEPICT THE RETRACEMENT OF LOTS 11 THROUGH 15, BLOCK 15 OF SCHOOL ADDITION, PURSUANT TO 76-3-404 M.C.A., AND IS NOT INTENDED TO CREATE NEW TRACTS OR AGGREGATE EXISTING TRACTS OF RECORD.

FINAL APPROVAL OF THIS CERTIFICATE OF SURVEY HAS BEEN GRANTED BY:

Laurie Hamm, PLS 4-29-19
MISSOULA COUNTY - DEPARTMENT OF PUBLIC WORKS — DATE

R.S. 4-30-19
MISSOULA CITY - COUNTY HEALTH DEPARTMENT — DATE

COS006698 Pages:1 Fee:$27.50
05/02/2019 08:27:01 AM Certificate Of Survey
Tyler R. Gernant, Missoula County Clerk & Recorder
SAC B: 1011 P: 917

CERTIFICATE OF SURVEY NO. 06698 06698

DJ&A
ENGINEERS
PLANNERS
SURVEYORS

BASIS OF BEARING
MONTANA STATE PLANE
NAD83(2011)
GRID NORTH

0 40 80
SCALE IN FEET

OWNERS OF RECORD

738 TOOLE, LLC - LOTS 11 & 12
730 TOOLE, LLC - LOT 13
724 TOOLE, LLC - LOTS 14 & 15

COMMISSIONED BY

KELLY CASTLEBERRY

1/4	SEC.	T.	R.
	16	13 N.	19 W.

SHEET 1 OF 1

COUNTY OF MISSOULA

PRINCIPAL MERIDIAN, MONTANA

HD-7536