



MISSOULA

COMMUNITY PLANNING, DEVELOPMENT AND INNOVATION

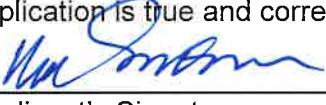
435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX: (406) 552-6053

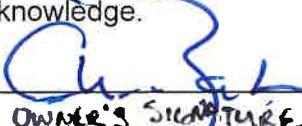
CITY REZONE APPLICATION

A. GENERAL INFORMATION

1. Submit the completed application with all attachments by email to the City Zoning Desk at ZoningDesk@ci.missoula.mt.us
2. Once the application is deemed complete by CPDI, Development Services and the applicant has paid the rezoning fee the rezone proposal will be scheduled for public hearings at Planning Board and City Council.
3. Name of proposed Rezone: **RT5.4 Residential (Two-Unit Townhouse) /NC-Aspire Subdivision**
4. Name(s) of Applicant: **Meadow Creek Group, LLC**
Mailing Address: **1500 Willow Pass CT, Concord, CA 94520**
Telephone Number: **(925)-685-0110**
Email Address: **mevans@denovahomes.com**
5. Name(s) of Owner of Record: **Meadow Creek Group, LLC & RCS LLC**
Mailing Address: **1500 Willow Pass CT, Concord, CA 94520 & 418 Laura Louise Ln Bozeman MT 59718**
Telephone Number: **(925)-685-0110 / (406)-522-9900 & (406) 206-5526**
Email Address: **mevans@denovahomes.com & chad@randashautomt.com**
6. Name and Company of Representative: **Brian Throckmorton, PE of 406 Engineering, Inc**
Mailing Address: **1201 South 6th Street West, Suite 102 Missoula, MT 59801**
Telephone Number: **406-317-1131**
Email Address: **briant@406eng.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


Owner's Signature

12-26-23
Date


Owner's Signature

Date

02-16-2024


Representative's Signature

Date

B. SUBJECT PROPERTY INFORMATION

General location of subject property and address (if address has been assigned): 110 Sommers Street Missoula, MT 59802 and 885 Speedway Ave. Missoula, MT 59802

Legal Description - complete and unabbreviated: Tracts 1, 2, 3, 4, and 5 of Certificate of Survey No. 6629, located in the NE ¼ of Section 24, Township 13 North, Range 19 West and the NW ¼ of Section 19, Township 13 North, Range 18 West, Principal Meridian Montana, Missoula, Montana.

Tracts 7 and 8 of Certificate of Survey No. 5298, located in the NE ¼ of Section 24, Township 13 North, Range 19 West, Principal Meridian Montana, Missoula, Montana.

Tract A of Certificate of Survey No. 6338, located in the NW ¼ of Section 19, Township 13 North, Range 19 West, Principal Meridian Montana, Missoula, Montana.

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: **04-2200-24-1-06-20-0000, 04-2200-24-1-06-10-0000, 04-2200-24-1-06-14-0000, 04-2200-24-1-06-15-0000, 04-2200-24-1-06-21-0000, 04-2200-24-1-06-11-0000, 04-2200-24-1-06-17-0000, 04-2201-19-1-01-04-0000**

C. ZONING AND GROWTH POLICY INFORMATION

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

	Zoning	Current Land Use
Adjacent (North)	Water's Edge Special Zoning District, R Residential	Detached houses
Adjacent (South)	R Residential	Right-of-way
Adjacent (East)	Resource and Open Land	River
Adjacent (West)	R Residential	Detached houses

2. What is the current zoning of the property (including intensity designator)? **R Residential**

3. What is the requested zoning for the property (including intensity designator)? **RT5.4 Residential (Two-Unit Townhouse) /NC-Aspire Subdivision**

4. What is the applicable City Growth Policy (comprehensive plan) and land use designation for the property? **Residential Medium Density - 3 to 11 units per acre**

5. What is the intended use for the property? **Mix of single family and multi family residential dwellings**

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 amendment is consistent with MCA § 76-2-304:
 - a. Whether the zoning is made in accordance with a growth policy; **Yes. City Growth Policy designates this area as Residential Medium Density 3-11 dwelling units per acre. This project has a density of 7.1 D.U. / Acre which is within the proposed Residential Medium Density Parameters.**
 - b. Whether the zoning is designed to secure safety from fire and other dangers; **Yes, the zoning is in conformance with the Missoula 2035 Growth Policy. Furthermore, all proposed buildings will be designed, inspected, and constructed to meet Missoula Building Codes for fire safety and other dangers.**
 - c. Whether the zoning is designed to promote public health, public safety, and the general welfare; **Yes, the proposed zoning will improve public health and safety by providing ample and safe transportation routes for nonmotorized and motorized travel in the area. The property is also located near emergency services that will provide quick emergency response times and quick access to hospitals in Missoula.**
 - d. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; **The zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The Highway 200 transportation corridor near this property will facilitate efficient and adequate travel for future residents. The multiple access points to Highway 200 provide adequate motorized transportation**

to and from the property. The zoning is designed to facilitate the adequate provision of water and sewer as public water and sewer mains already exist for this property. The City of Missoula Public Works department has stated there is adequate capacity to serve this property. Public transit opportunities for this area are offered by Mountain Line. Discussions with the Missoula County Schools Superintendent have revealed that there is ample room in the school system for students of all ages. These schools provide adequate facilities for school-aged children. The zoning is designed to facilitate the adequate provision of parks as the property is adjacent to the existing Canyon View Park.

- e. Whether the zoning considers the reasonable provision of adequate light and air; **The zoning provides for reasonable provision of light and air through setback requirements and will be similar to existing setbacks for homes in the area.**
- f. Whether the zoning considers the effect on motorized and nonmotorized transportation systems; **The proposed zoning for this property considers the effect on both motorized and non-motorized transportation systems. East Missoula is lacking in non-motorized transportation systems. There are isolated areas of sidewalks abutting streets and a small portion of a riverside trail in the Water's Edge Subdivision. Once approved, this zoning amendment will require any vertical construction per City of Missoula Codes to construct non-motorized pedestrian facilities as well as an extension to the existing trail system in East Missoula providing pathways for pedestrians to and from the subject property. The property is also located adjacent to the core of East Missoula, which puts it in close proximity to major streets and intersections that provide efficient access to motorized transportation systems without overcrowding streets.**
- g. Whether the zoning considers the promotion of compatible urban growth; **The proposed rezone request will continue the promotion of compatible urban growth. The subject property is located adjacent to multiple residential properties. The proposed rezone of the property is consistent with the character of the East Missoula area. The rezone would encourage development to expand the existing residential area and would allow for multi-dwelling buildings.**
- h. Whether the zoning considers the character of the district and its peculiar suitability for particular uses; **Yes, the proposed zoning is appropriate for residential uses and the rezone is in accordance with the character of East Missoula. The proposed residential use of the property is not unconventional for the area.**

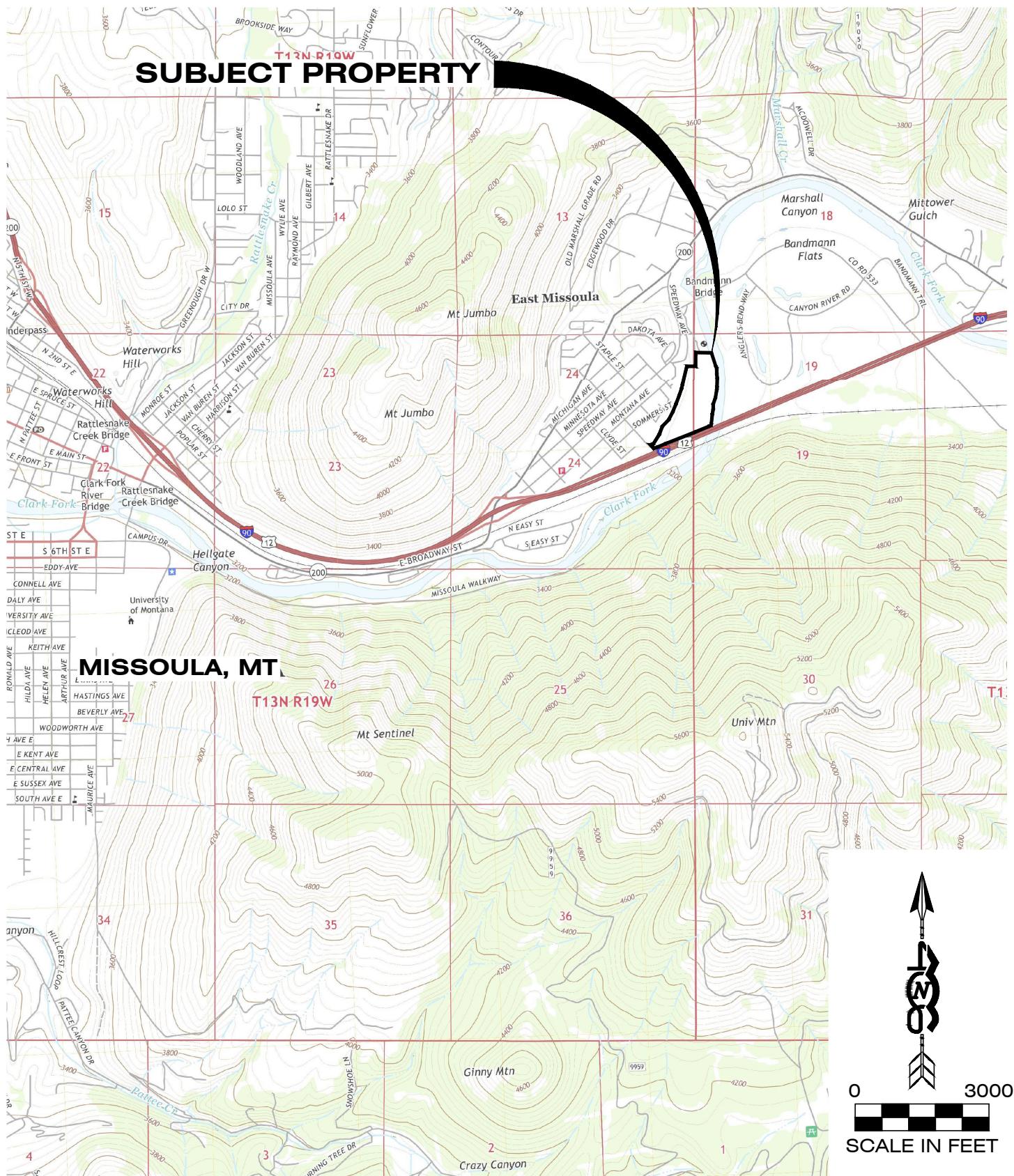
- i. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area. **No existing buildings are located within the proposed zoning amendment. Housing has become a critical bottleneck in Missoula and this inherently is the most appropriate use of the land**
2. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition; **This proposed zoning does not correct inconsistency in the zoning ordinance.**
3. Whether the proposed zoning amendment is in the best interests of the city as a whole. **Yes, the proposed zoning amendment is in the best interests of the City. The proposed residential use of the property will help with the current house shortage Missoula is experiencing.**

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.
- The current plat** of the subject property.

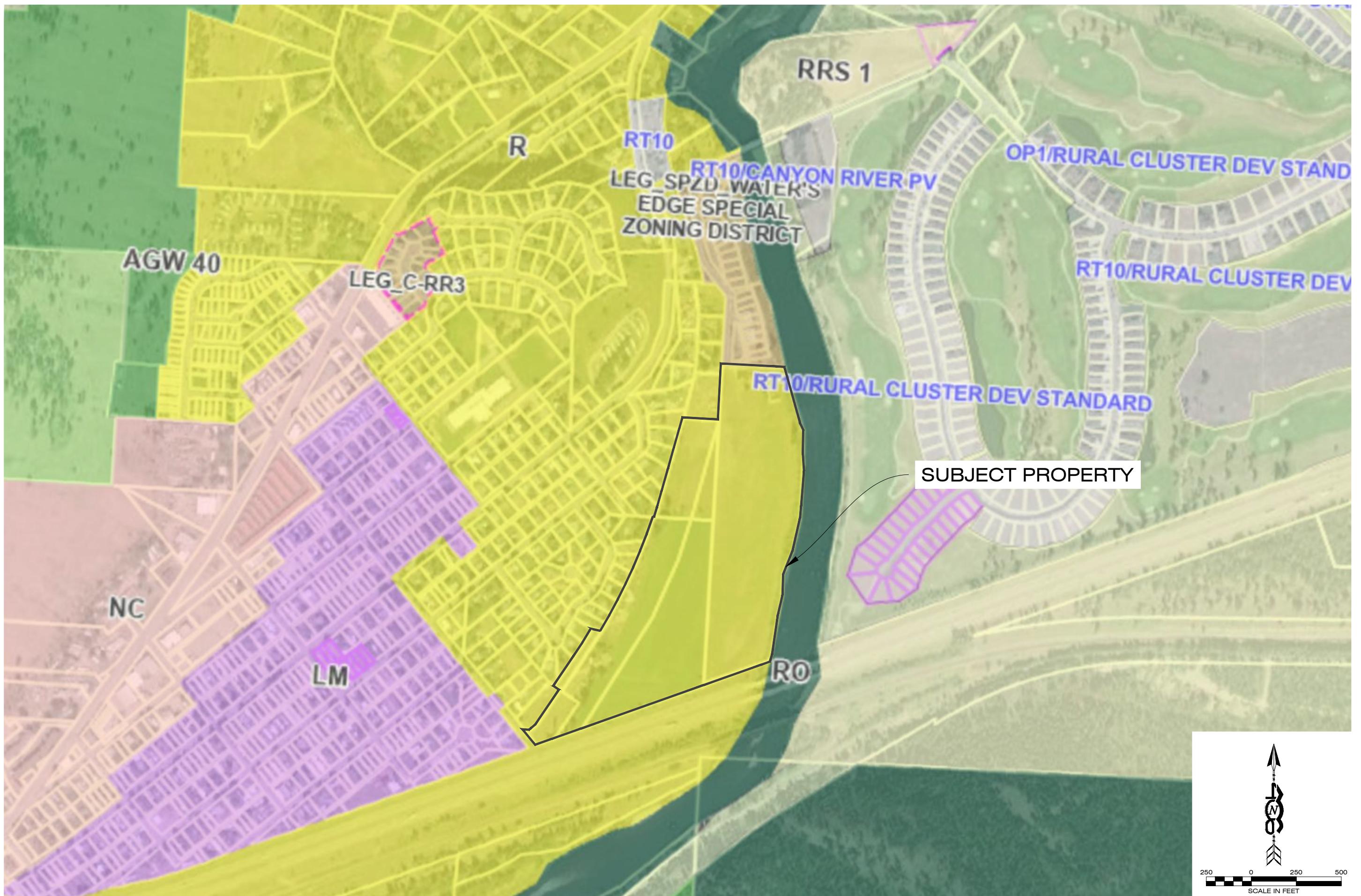
SUBJECT PROPERTY



The logo for 406 Engineering. It features the number '406' in a large, stylized, blocky font where the '4' and '0' are connected. To the right of '406' is the word 'ENGINEERING' in a bold, sans-serif font. Below 'ENGINEERING' is the company's service line: 'CIVIL ENGINEERING' and 'LAND USE CONSULTING', each on a new line.

USGS VICINITY MAP
ASPIRE SUBDIVISION
SEC. 19, T.13N, R.18W, AND
SEC. 24, T.13N, R.19W, P.M.M.
MISSOULA COUNTY, MONTANA

PRO#:21-001
TAB: USGS
DRAFTER:AJ
DATE: APRIL 2023
SHEET 1 OF 1





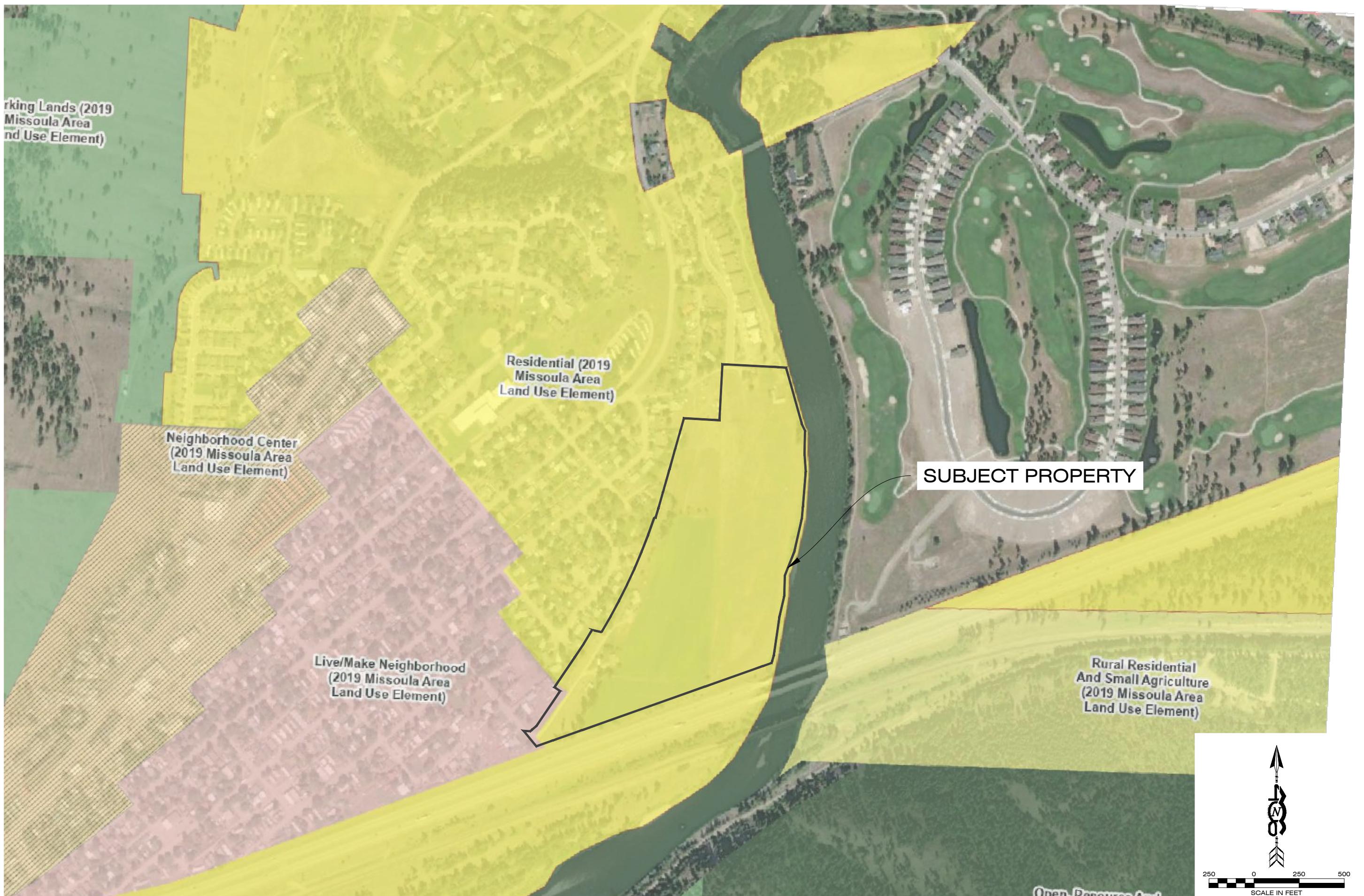
DESIGNED: _____
DRAFTED: AJ
CHECKED: _____
DATE: DEC. 2022

LOCATION: PARCEL TRACTS 1-5 OF COS 6629
SEC. 24, T. 13N, R. 13W, P.M.M.
MISSOULA COUNTY, MONTANA
PREPARED FOR: DENOVA HOMES

PROJECT NAME: ASPIRE SUBDIVISION
SHEET TITLE: AERIAL VICINITY MAP

406 PROJECT NO.
21-001
SHEET:
DWG LOCATION: C:\USER\BAL\EX406\406 ENGINEERING - DOCUMENTS\406 WORK1\PROJECTS\2021\PROJECTS\21-001\DENOVA

1 OF 1



406 ENGINEERING
CIVIL ENGINEERING
LAND USE CONSULTING
1201 S 8th St. W.
Kalispell, MT 59801
(406) 317-1131
www.406engineeringinc.com

DESIGNED: _____
DRAFTED: AJ
CHECKED: _____
DATE: DEC. 2022

LOCATION: PARCEL TRACTS 1-5 OF COS 6629
SEC. 24, T. 13N, R. 15W, P.M.M.
MISSOULA COUNTY, MONTANA
PREPARED FOR: DENOVA HOMES

PROJECT NAME: ASPIRE SUBDIVISION
SHEET TITLE: COMPREHENSIVE PLAN MAP
SHEET NO.: 21-001
DRAWING LOCATION: C:\USERS\BALAJAD\406 ENGINEERING - DOCUMENTS\406 WORK\PROJECTS\2021\PROJECTS\21-001\DENOVA

1 OF 1
SCALE IN FEET
0 250 500

CERTIFICATE OF SURVEY

TO SHOW THE RELOCATION OF COMMON BOUNDARIES,
LOCATED IN SECTIONS 13 & 24, T.13N., R.19W., AND
SECTIONS 18 AND 19, T.13N., R.18W., P.M., M.,
MISSOULA COUNTY, MONTANA.

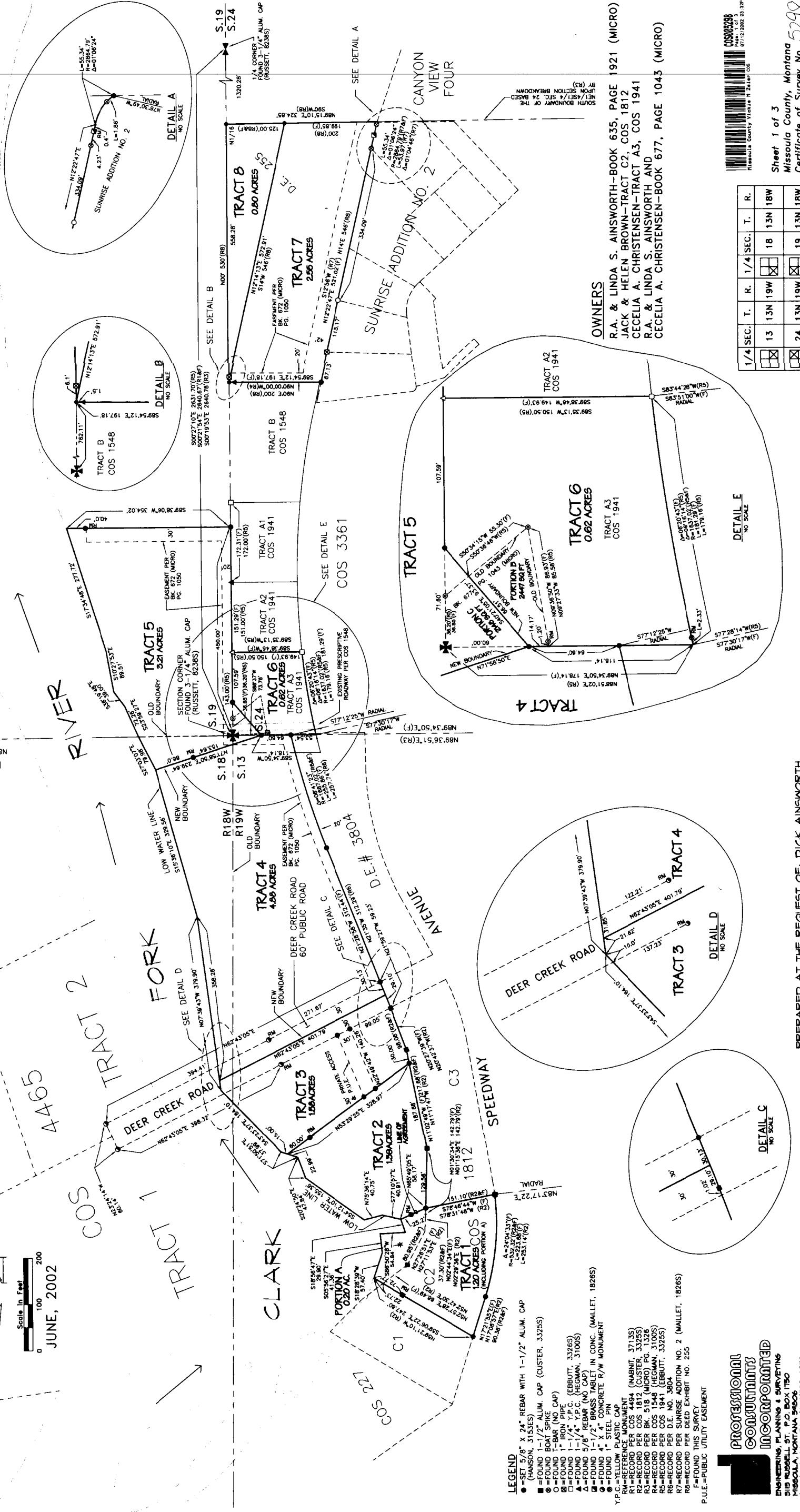
COS 4494

Scale in Foot
0 100 200

JUNE, 2002

SURVEYOR'S NOTE:
The corner common to Sections 18 & 19, T13N, R19W was originally monumented with a stone. All surveys using this corner prior to 1988 indicate that a stone was found in this location and used for said surveys as the section corner.
A Corner Recording Form filed in 1985 (from a survey done in 1988) by Thomas L. Russett, Montana Registered Land Surveyor No. 8236, with Triangulation Engineering (filed in Book 458 at Page 885, Micro Records of Missoula County) indicates that in 1988 an Original stone with proper markings was found, and that the "Stone has been locally accepted as section corner".
The Corner Form also states that the surveyor "Set: 3-1/4" alum. cap (as described on a 2-1/2" by 30" alum. pipe, adjacent to the W. side of the stone." And the sketch of the aluminum cap on the form indicates that the cap was stamped on the section corner. This suggests that Mr. Russett left the stone in its original position, and set the aluminum cap along side the stone as a reference monument to the actual corner stone.
Unfortunately, the cap is NOT stamped "Ran" as the sketch on the Corner Form indicates, and surveys made since 1988 have used the aluminum cap other than the stone. To find the stone in place, just below the surface of the ground, and bearing S45°E, 0.50 feet from the aluminum cap.
Adjacent monuments from surveys made prior to 1988 were found to the section corner as well. This suggests that the aluminum cap might actually occupy the position of the original stone, rather than being on the Corner Form by Mr. Russett. As the existing monuments from previous surveys in this area fit the aluminum cap, and as the aluminum cap has been used as the section corner by surveyors since 1988, I have concluded to accept the aluminum cap as the true position for this section corner.

SECTION CORNER FOUND STONE
S.17 —
S.20 —
S.18 —
S.19 —
BASIS OF BEARING N89.18.36E 5165.03(R14P)



BOUNDARY RELOCATION TRACTS 3 & 4 - RETRACEMENT TRACTS 7 & 8

We hereby certify that the purpose of this survey is to show a retracement of two existing Tracts of land (Tracts 7 and 8) and the relocation of common boundaries (Tracts 3 & 4), therefore this division of land is exempt from review as a subdivision pursuant to Section 76-3-103 (3) and Section 76-3-207 (1) (g), M.C.A., to wit: divisions made outside platted subdivisions for the purpose of relocating common boundary lines between adjoining properties.

Dick Ainsworth
Dick Ainsworth

STATE OF MONTANA
COUNTY OF MISSOURA }ss

This instrument was acknowledged before me on 12/10/02 by Richard A. Ainsworth and Linda S. Ainsworth.



Notary Public for the State of Montana
Residing at Missoula
My Commission expires 12/31/2003

I hereby certify that the attached plat represents a survey performed under my supervision, and substantially completed on 12/10/02 herein.

Thomas M. Harrison
Thomas M. Harrison, PLS
Professional Land Surveyor
Montana Registration No. 3153ES

MISSOURA COUNTY SURVEYOR

Ed Russell
Ed Russell, S.A.C.

MISSOURA CITY/COUNTY SANITARIAN

NOTES:

FINAL APPROVAL OF SURVEY GRANTED BY:

Thomas M. Harrison
Thomas M. Harrison, PLS
Professional Land Surveyor
Montana Registration No. 3153ES

MISSOURA COUNTY SURVEYOR

Ed Russell
Ed Russell, S.A.C.

MISSOURA CITY/COUNTY SANITARIAN

NOTES:

This certificate of survey was reviewed for adequate access, installation of utilities, compliance with zoning, comprehensive plan or availability of public services; nor does this approval oblige Missoula County to provide road maintenance, dust control or other services. This certificate shall not be available as a recording reference for any transfer of Portion A, B, or C, subsequent to that transfer necessary to complete the boundary relocation indicated herein.

SURVEYOR'S NOTE:

The corner common to Sections 18 & 19, T13N, R18W, and Sections 13 & 24, T13N, R19W was originally monumented with a stone. All surveys using this corner prior to 1988 indicate that a stone was found in this location and used for said surveys as the section corner.

A Corner Recorrdation form filed in 1995 (from a survey done in 1988) by Thomas L. Russett, Montana Registered Land Surveyor No. 8238, with Triangle Engineering (filed in Book 458 at Page 885, Micro Records of Missoula County) indicates that, in 1988 an "Original stone with proper markings" was found, and that the "Stone" has been locally accepted as section corner.

The Corner Form also states that the surveyor "Set: 3-1/4" alum. cap as described on a 2-1/2" by 30" alum. pipe, adjacent to the W. side of the stone. And, the sketch of the aluminum cap on the form indicates that it was stamped as an "RM" (reference monument) to the section corner. This suggests that Mr. Russett left the stone in its original position, and set the aluminum cap along side the stone as a reference monument to the actual corner stone.

Unfortunately, the cap is NOT stamped "RM" as the sketch on the Corner Form indicates, and surveys made since 1988 have used the aluminum cap as the corner rather than the stone. I do find the stone in place, just below the surface of the ground, and bearing S45E, 0.50 feet from the aluminum cap.

Adjacent monuments from surveys made prior to 1988 were found to fit the aluminum cap quite well. This suggests that the aluminum cap might actually occupy the position of the original stone, rather than being an "RM" to the section corner as noted on the Corner Form by Mr. Russett. As the existing monuments from previous surveys in this area fit the aluminum cap, and as the aluminum cap has been used as the section corner by surveyors since 1988, I have concluded to accept the aluminum cap as the true position for this section corner.

CS0005298
Page 1 of 3
07/12/2002 3:32P
Missoula County, Montana, CO.

SAC - BK 684 Pl. 1966
SPA - BK 684 Pl. 1967
QCD - BK 684 Pl. 1968
BK 684 Pl. 1969
BK 684 Pl. 1970

Sheet 3 of 3
Missoula County, Montana
Certificate of Survey No. 5298

1/4 SEC.	T.	R.	1/4 SEC.	T.	R.
<input checked="" type="checkbox"/>	13	13N 19W	<input checked="" type="checkbox"/>	18	13N 18W
<input checked="" type="checkbox"/>	24	13N 19W	<input checked="" type="checkbox"/>	19	13N 18W

PREPARED AT THE REQUEST OF: DICK AINSWORTH
FCI PROJECT NO. 6406-00 Z78-72

PROFESSIONAL
CONSULTANTS
INCORPORATED
ENGINEERING, PLANNING & SURVEYING
5115 RUSSELL ST., P.O. BOX 1750
MISSOULA, MONTANA 59806
(406)722-1800 FAX (406)722-0216

