



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: **Hartman Project**
4. Name(s) of Applicant: **Ken Duce**
Mailing Address: **51199 AVENIDA HERRERA LA QUINTA, CA 92253-3035**
Telephone Number: **4065461785**
Email Address: **kencathyduce@yahoo.com**
5. Name(s) of Owner of Record: **Ken Duce**
Mailing Address: **51199 AVENIDA HERRERA LA QUINTA, CA 92253-3035**
Telephone Number: **4065461785**
Email Address: **kencathyduce@yahoo.com**
6. Name and Company of Representative: **Thomas Winter**
Mailing Address: **235 E Front St Missoula MT**
Telephone Number: **4067631805**
Email Address: **tawinter@me.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.

<i>Kenneth Duce</i>	5/10/24
Applicant's Signature	Date
<i>Kenneth Duce</i>	5/10/24
Owner's Signature	Date
<i>[Signature]</i>	5/9/24
Representative's Signature	Date

B. SUBJECT PROPERTY INFORMATION

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

515 Hartman St, Missoula MT 59802

Legal Description - complete and unabbreviated:

MCWHIRK ADDITION, S22, T13 N, R19 W, BLOCK HRT, Lot 1, COS 4136

Bearings & Distances Descriptions (if boundaries of proposed rezone are not exactly the same as the boundaries of the property legally described above):

Geocode: 04-2200-22-2-13-01-0000

C. ZONING AND GROWTH POLICY INFORMATION

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

	Zoning	Current Land Use
Adjacent (North)	RM1-35	Residential
Adjacent (South)	OP1	Public Park
Adjacent (East)	RM1-35	Residential, Townhouse
Adjacent (West)	RM1-35	Residential

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

RM1-35

3. What is the requested zoning for the property (including intensity designator)?

Rezone from RM1-35 to CBD-3 with a Design Excellence
Overlay

4. What is the applicable City Growth Policy (comprehensive plan) and land use designation for the property?

Urban center

5. What is the intended use for the property?

Multifamily residential with majority of units (>50%) meeting formal definition of permanently affordable for residents whose incomes fall below 80% of the area median income as determined by HUD.

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, the area is designated “Urban Center” along with the majority of the downtown core. The other parts of the core are currently zoned CBD. That zoning would allow this project as of right.

b. Whether the zoning is designed to secure safety from fire and other dangers;

All appropriate fire safety and other safety considerations will be addressed in permitting and design phase. The current street layout and upgrades to adjacent streets (paid for with Front Street URD funds in previous years) accommodate fire crew access. If more changes are needed we will work with officials to ensure they occur.

c. Whether the zoning is designed to promote public health, public safety, and the general welfare;

Yes. The project will ensure housing for a number of those thousands of community members currently experiencing housing insecurity - a known social determinant of health.

The project will expand access to lower income Missoulians to walkable neighborhoods, a known positive determinant of good health outcomes, especially for the growing elderly population.

The project will ensure public safety by contributing to the city’s efforts to decrease the number housing insecure and unhoused community members subjected to the vagaries of sleeping in insecure surroundings.

The project will serve the general welfare as part of our city’s response to the unprecedented housing crisis, one exacerbated greatly by the our city government’s acknowledged history of socioeconomic segregation through discriminatory zoning and the failure of numerous city-led initiatives to decrease housing insecurity and homelessness (which according to scholars is nearly triple that of nearby metropolitan areas).

The project will also serve the general welfare in furthering the city’s plans to mitigate the climate crisis by decreasing vehicle miles traveled, decreasing pressure for growth in the dangerously fire-prone urban/wildland interface, and decreasing the need for greenfield development on sensitive habitats to accommodate our growing population.

d. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

Transportation: A city-funded public bus stop is within one block. The riverside bike/walk trail is 200 yards to the south. And the city's efforts to increase walkability will be well-served by the parcel's location in the urban core.

Water and sewer: There is adequate infrastructure to support this zoning change largely due to the good efforts off the Missoula Redevelopment agency in the Front Street URD. Water and sewer were both upgraded in recent years and to our knowledge have capacity to handle increased use.

Schools: A change in zoning will facilitate more intensive use and value creation at this site, leading to higher tax receipts to support our public schools.

Parks: This zoning change will allow more community members the opportunity to enjoy the underutilized Kiwanis Park (which is slated for public and private investment in the coming years) and the city and state's decades-long efforts to beautify and restore the Clark Fork River.

Recent and upcoming investment in the Clark Fork River's banks through open space bonding will also see greater public benefit through greater utilization, as more Missourians will be able to avail themselves of these amenities due to their proximity.

Library: The parcel is within 2 blocks of the community's multi-million dollar investment in our new public library. The library was designed with the express purpose of multi-modal access. Rezoning this parcel will allow more working class Missoulians to live within year-round walking distance of this community resource, and will allow for greater utilization of the library as a public space freely available to all.

- e. Whether the zoning considers the reasonable provision of adequate light and air;

Light and air will be adequately provided for. It is bounded on two sides by Hartman Street, a public right of way. Kiwanis Park, a public open space which will provide southern exposure to light in winter and summer, is adjacent.

- f. Whether the zoning considers the effect on motorized and nonmotorized transportation systems;

Multi-modal transportation options are abundant in the area - there are few areas in the state of Montana with better transit options: The parcel is within two blocks of three bus stops. It is adjacent to the Riverfront Bike/Walk trail. It is 1.5 blocks from the city and federal government's ongoing investment in the Front Street corridor redesign. It is walkable and bike-able to a major grocery store, pharmacy, hardware store, and all major employers in the city, including the University of Montana and St. Patrick's Hospital. It is located in the center of the cultural, entertainment, and economic hub of the region - downtown Missoula.

- g. Whether the zoning considers the promotion of compatible urban growth;

The parcel is located within the growth policy's "Urban Center" designation, along with the rest of the downtown core.

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

Per the growth policy, the district is described as the downtown or urban core, where a mix of residential and commercial/cultural activity has been evident since the founding of the city.

- i. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area.

The parcel is currently occupied by two small single-family structures in a poor state of repair, constructed on bare ground above the frost line. The city has spent decades building up the infrastructure of the surrounding area in order to accommodate greater and more intensive community investment in these lands through tax monies spent on roads, bridges, sidewalks, sewer, and other infrastructure disproportionately spent on the Downtown core, and in the most recent decades through the efforts of the MRA and its Front Street Urban Renewal District.

Missoula is a growing urban area with an unprecedented housing crisis garnering national headlines. Our community has most recently invested in a new public library two blocks to the north, and open space bond to enhance the Clark Fork River banks 200 yards to the south, and has been awarded federal grant money to revamp the Front Street corridor for more intensive and safer multimodal use. The area is designated as “downtown core” in the master plan and the property is adjacent to CBD zoning though its connection to Kiwis Park and the recent construction of multifamily in the area, including Roam Student housing. The value of buildings is best conserved and land best used through a rezone of 515 Hartman two accommodate more living spaces within our city.

2. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition;

The parcel is adjacent (via Kiwanis Park) to CBD zoning, which represents a relatively new change in Missoula’s zoning. Numerous multifamily properties exist within a 1-2 block radius of the parcel, their size and density predating current zoning and at variance with it. The majority of uses in the immediate vicinity are in fact high density. It is difficult to do justice to the issue of changing conditions in this paragraph as they are so dire and so deeply affect members of our community who are otherwise unable to raise their voices. This includes the record number of community members with stable incomes yet still experiencing housing insecurity (who would benefit from more permanently affordable housing units, and more housing units within walking distance of the University and downtown employers) and the shamefully record-breaking numbers of community members forced into shelters and living on the streets due to worsening inequality and a deliberate policy of forestalling affordable homebuilding for the last 40 years. These community hardships are changing conditions, as are the city’s new goal of mitigating the impact of the climate crisis through encouraging growth in built-up areas away from the urban/wildland interface.

3. Whether the proposed zoning amendment is in the best interests of the city as a whole.

The city does not have enough housing to accommodate a growing population and worsening inequality. We do not believe it is controversial to note that the best interest of the city as a whole is to ensure members of the city have place to sleep. Missoulians face an acute need for

housing affordable to those who make local wages, which our project would provide by being >50% affordable units. The median home price in Missoula rose 158% from 2012-2022 while the area median income increased only 59% in that same time. The rental vacancy rate has not surpassed 4% since 2018. There is not enough housing in general. But there is not enough housing *at all* for those who live and work here and who derive their incomes from the contributions of their work in our city. These are not anecdotes, these are truths grounded in the hard math provided by various civic organizations in our community and the city government itself. We are happy to make this background information available to the reader on request.

Couple the above with the city's large investments in the immediate area through road improvements, the new library, adjacent bus stops, refurbishing Kiwanis Park, and riverbank restoration and it is clear that more intensive use of this area is not only warranted but necessitated to create the return on investment the taxpayers expect.

Furthermore, the city of Missoula government's use of three decision lenses to guide its strategic goals - climate and resilience, equity, and housing - are all satisfied by our proposed project, as should be clear from our answers above. We believe a rezone of 515 Hartman to accommodate multiple affordable housing units is in the best interest of the city of Missoula and its people.

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.

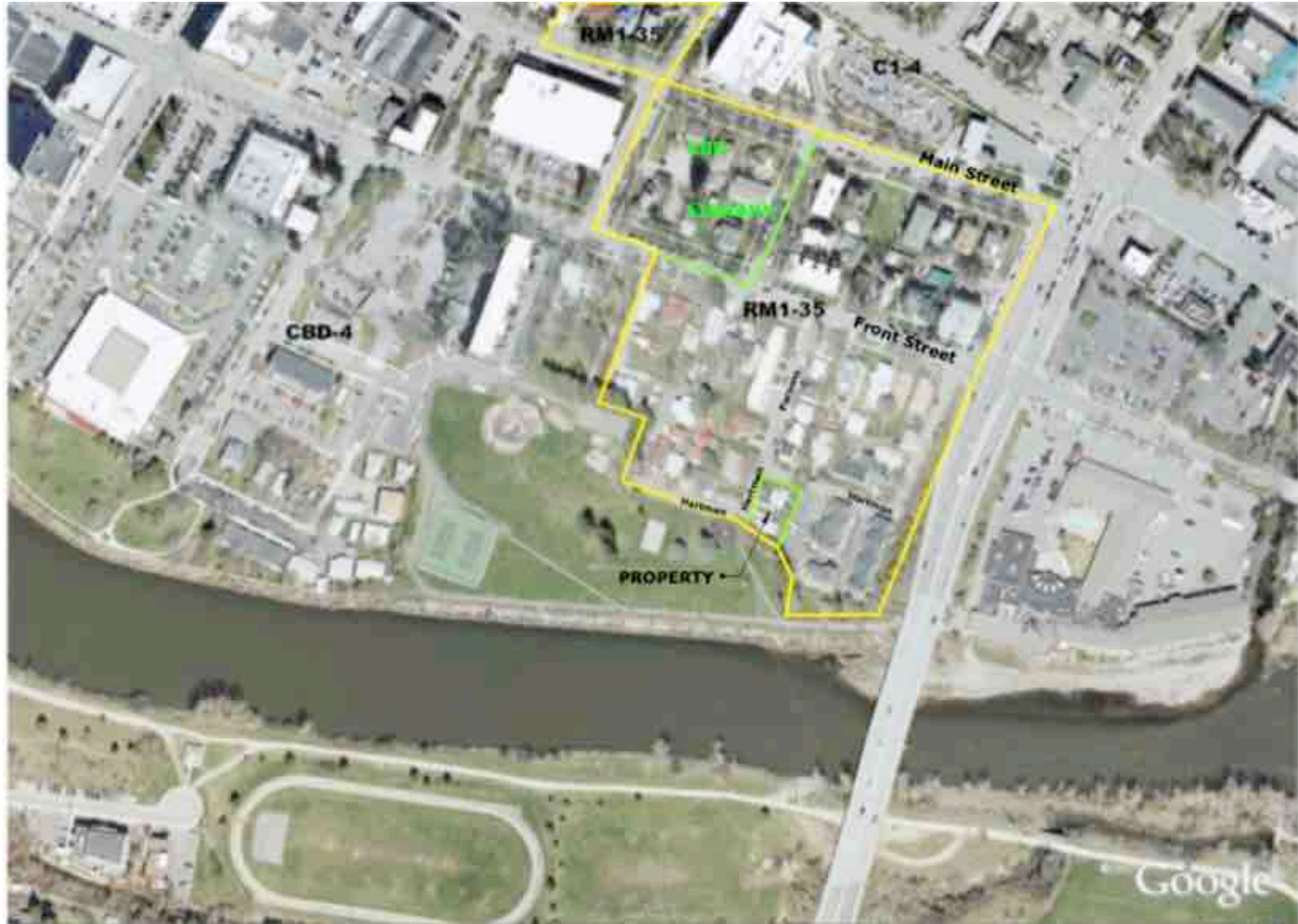
A Growth Policy/Comprehensive Plan map of the subject property and vicinity extending at least 300 feet from the property boundaries for the applicable comprehensive plan, clearly showing the land use designation of the subject property and surrounding properties.

The current plat of the subject property.

Please see 2 attached documents.



515 HARTMAN





RM1-35

CBD-4

CBD-4

C1-4

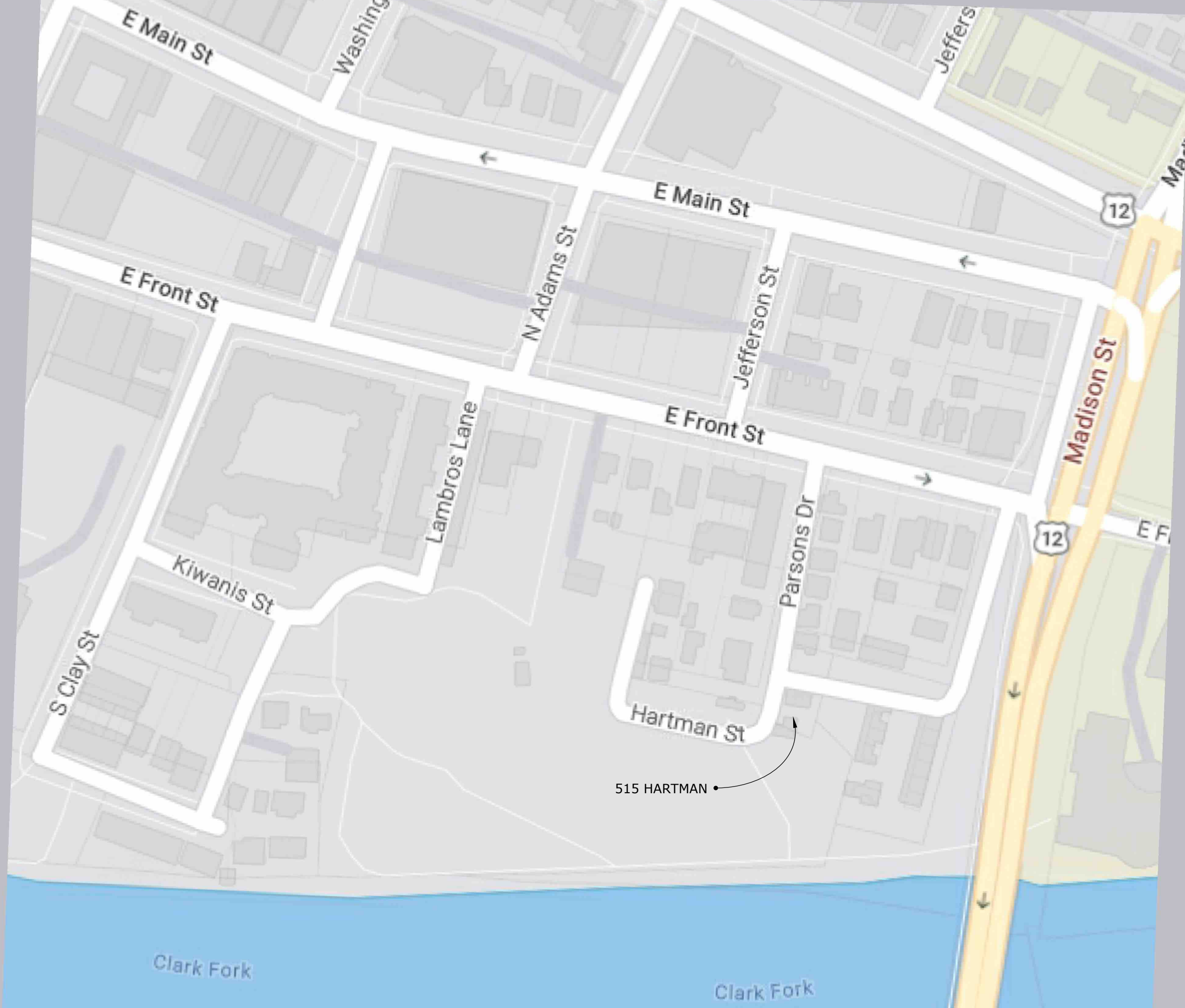
RM1-35

B2-2

OP1

515





E Main St

Washing

Jeffers

12

E Main St

E Front St

N Adams St

Jefferson St

Madison St

E Front St

Lambros Lane

Kiwanis St

S Clay St

Parsons Dr

Hartman St

515 HARTMAN

Clark Fork

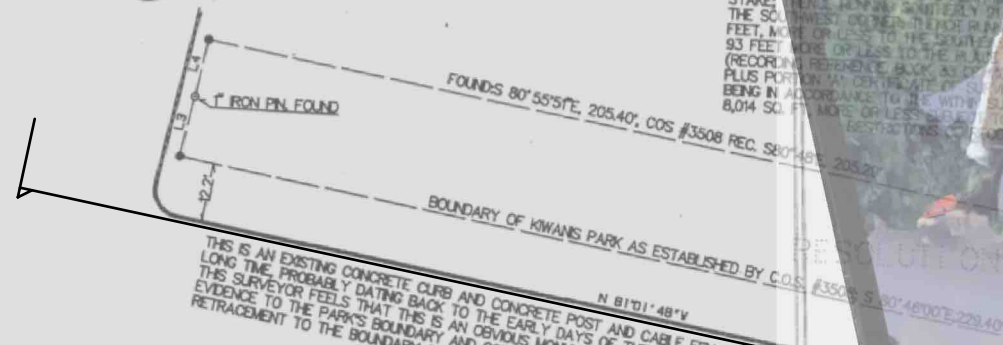
Clark Fork

CERTIFICATE OF SURVEY

OF McWHIRK'S ADDITION TO THE CITY OF MISSOULA, MONTANA, BEING THE
LOCATED WITHIN THE SW1/4 SECTION 22, TOWNSHIP 13 NORTH, RANGE 18 WEST, PRINCIPAL MERIDIAN MONTANA FOR THE PURPOSES OF RELOCATING A COMMON BOUNDARY LINE BETWEEN
ADJOINING PROPERTIES IN A MANNER THAT THE CURRENT AND FUTURE OCCUPATIONS WILL

NOTE: THE REFERENCE TO "HARTMAN BLOCK OF McWHIRK'S ADDITION" IS A CALL FOUND IN THE COONEY DEED AND OTHER DEEDS IN THE IMMEDIATE AREA. THIS IS AN INFERENCE TO A SUBDIVISION, HOWEVER NO RECORDING OF SUCH A SUBDIVISION EXISTS.

4136



LEGAL DESCRIPTION

PORTION 'A'

A PARCEL OF LAND WITHIN THE SW1/4 SECTION 22, TOWNSHIP 13 NORTH, RANGE 18 WEST, PRINCIPAL MERIDIAN MONTANA, MORE PARTICULARLY BEING WITHIN PARCEL 4, CERTIFICATE OF SURVEY NUMBER 3508 FILED OF RECORD WITH THE CLERK AND RECORDER OF MISSOULA COUNTY, MONTANA, DESCRIBED AS PORTION 'A', CERTIFICATE OF SURVEY NUMBER 4136, BEING SURVEYED AND MONUMENTED ACCORDING TO THIS REFERENCED CERTIFICATE OF SURVEY, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND/OR APPARENT, CONTAINING 1507 SQUARE FEET, MORE OR LESS.

LANDOWNERS STATEMENT:

WE, SCOTT G. COONEY, KIMBERLY COONEY AND THE CITY OF MISSOULA, ACTING THROUGH ITS MAYOR, DANIEL KEARNS AND APPROVAL OF THE CITY COUNCIL, DO CERTIFY THAT THE PURPOSE OF THIS SURVEY IS TO RELOCATE THE BOUNDARY BETWEEN OUR ADJOINING PROPERTIES AND THAT THE SURVEY IS THEREFORE CONDUCTED PURSUANT TO SECTION 78-3-207, MCA. AS PER INTENTIONS STATED UNDER THE PURPOSE OF SURVEY STATEMENT NOTED ON THE FACE OF THIS C.O.S. FURTHER, THE CITY OF MISSOULA HAS MADE TO CORRECT ERRORS IN CONSTRUCTION WHERE BUILDINGS OR STRUCTURES MAY ENDOUR UPON THE NEIGHBORING PROPERTY PURSUANT TO SECTION 78-3-207, MCA.

SCOTT G. COONEY
KIMBERLY COONEY
STATE OF MONTANA
DATE: 9/2/92

Daniel Kearns
Kimberly Cooney
STATE OF MONTANA
DATE: 9/2/92



ON THIS DATE, 9/2/92, AT MISSOULA, MONTANA, BEFORE ME A NOTARY PUBLIC FOR THE STATE OF MONTANA, PERSONALLY APPEARED SCOTT G. COONEY AND KIMBERLY COONEY KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

IN WITNESS WHEREOF, I AFFIX MY HAND AND SEAL THE DAY FIRST WRITTEN ABOVE.

DANIEL KEARNS, MAYOR, CITY OF MISSOULA

CHARLES C. STEARNS, FINANCIAL CLERK, CITY OF MISSOULA

DATE: 9/29 1992

DATE: 9/29 1992

THIS CERTIFICATE OF SURVEY SHALL NOT BE AVAILABLE AS A REFERENCE DESCRIPTION IN ANY SUBSEQUENT TRANSFER OF PROPERTY DESCRIBED HEREIN AS PORTION 'A'.

LEGEND:

- = FOUND 1-1/4" Y.P.C. MCCARTHY 44885
- = FOUND 1-1/4" Y.P.C. SORENSON 47375
- = FOUND 1/4" IRON PIN
- = SET: 1-3/8" YELLOW PLASTIC CAP ON 3/4"x24" REBAR (MT 2345ES)

FINAL APPROVAL OF THIS C.O.S. HAS BEEN GRANTED BY:

MISSOULA COUNTY CLERK
MISSOULA CITY COUNTY SHERIFF

SURVEYOR'S CERTIFICATE

I, GORDON E. SORENSON, A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF MONTANA DO CERTIFY THAT THIS C.O.S. IS A TRUE REPRESENTATION OF A SURVEY CONDUCTED BY ME IN THE MONTHS OF APRIL AND JULY, 1992.

GORDON E. SORENSON
2345 ES

DATE: 9/2/92

SURVEY PERFORMED FOR:
SCOTT COONEY, (AN OWNER OF RECORD)

GORDON SORENSON ENGINEERING
2810 GUNSHOOT COURT
MISSOULA, MT 59801
(406) 549-0893
JULY 1992

PURPOSE OF SURVEY:

TO RELOCATE A COMMON BOUNDARY BETWEEN ADJOINING PROPERTIES THAT ARE, AT LEAST PARTIALLY, WITHIN A DEED REFERENCED SUBDIVISION (HARTMAN BLOCK OF McWHIRK'S ADDITION), HOWEVER, ALL TRACTS ARE DECEDENTS OF METES AND BOUNDS DESCRIPTIONS AND THERE IS NO RECORDED PLAT BY THAT NAME, HENCEFORTH NO PLAT TO AMEND, THEREFORE THIS SURVEY IS INTENDED TO COMPLY WITH THE PROVISIONS PURSUANT TO SECTION 78-3-207-(1)-(c), MCA.

1/4	SEC.	T.	R.
	22	13N	18W

Subd. (cos) checklist #1206
See City Resolution
Recorded Book 359
micro page 880

4136

SHEET 1 OF 1

COS # 4136

Scale 1" = 20'

LEGEND

- FOUND 3/8" REBAR W/ YPC MKD "2345ES"
- FOUND 1" IRON PIN
- FIRE HYDRANT
- POWER POLE
- SANITARY SEWER LINE
- GAS LINE
- WATER LINE
- RECORD FROM C.O.S. 508
- MANHOLE
- OWNED BY R & L TRUST MISSOULA, MT 59802

PORTION 'A' IS AN AREA THAT HAS BEEN USED AS THE YARD OF THE RESIDENCE OF COONEY, WHICH THE SURVEY OF LOCATED WITH THE CREATION OF C.O.S. #3508 HAS LOCATED THE BOUNDARY BETWEEN THESE PARCELS AS OUTLINE OF THE HOUSE STRUCTURE FROM THE TRACT ON WHICH IT SITS. THE HOUSE ITSELF IS LOCATED ON THE TRACT, BUT IT DATES BACK TO THE EARLY DAYS OF THE PARK. FURTHER, A WHITE CARBAGANA HEDGE STANDS TO THE SOUTH OF THE CURB TO DENY READY INGRESS OR EGRESS WITH THE PARK. IT IS A BARRIER TO PUBLIC USE OF THIS AREA HEREIN SURVEYED AS PORTION 'A'.

Parcel B1
OWNER: Robert W. Balch
520 HARTMAN ST.
MISSOULA, MT 59802



TERRITORIAL ENGINEERING AND SURVEYING INC.
P.O. BOX 3851
MISSOULA, MT 59806 (406)721-0142

McWhirk Addition, Hartman Block
#10 Parsons ST.
Parcel D2
OWNER:*

McWhirk Addition, Hartman Block
#11 Parsons ST.
Parcel C
OWNER:

MOSSY ROCK ADDITION Supplemental Data Sheet

McWhirk Addition, Hartman Block
520 Hartman ST.
Parcel B1
OWNER: Robert W. Balch
520 HARTMAN ST.
MISSOULA, MT 59802

McWhirk Addition, Hartman Block
Parcel D1
430 & 430 1/2 HARTMAN
OWNER:



Scale 1" = 20'



McWhirk Addition, Hartman Block
Parcel W1

Addum: S 21 HARTMAN TOWNHOUSES
EDGEWATER

OWNER: EDGEWATER TOWNHOUSES HOMEOWNERS ASSN.
P.O. BOX 9181
MISSOULA, MT 59807

LEGEND

- FOUND 5/8" REBAR W/YPC MKD "2345ES"
- FOUND 1" IRON PIN
- FIRE HYDRANT
- POWER POLE
- SANITARY SEWER LINE
- GAS LINE
- WATER LINE
- CURB
- MANHOLE
- OWNED BY: R & L TRUST
800 CITY DRIVE
MISSOULA, MT 59802

HARTMAN ST

KIWANIS PARK
CITY of MISSOULA

TERRITORIAL ENGINEERING AND SURVEYING INC.
P.O. BOX 3851
MISSOULA, MT 59806 (406)721-0142

EF

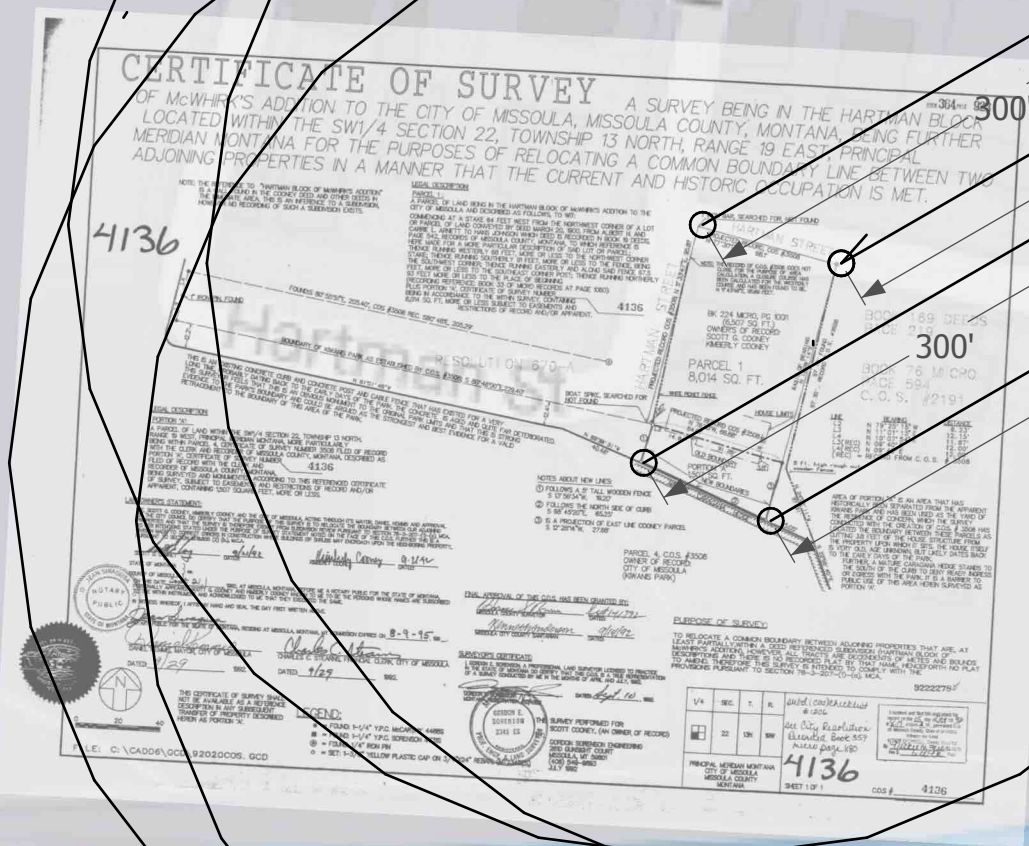


Parsons Dr

Jeffrey

Clark Fork

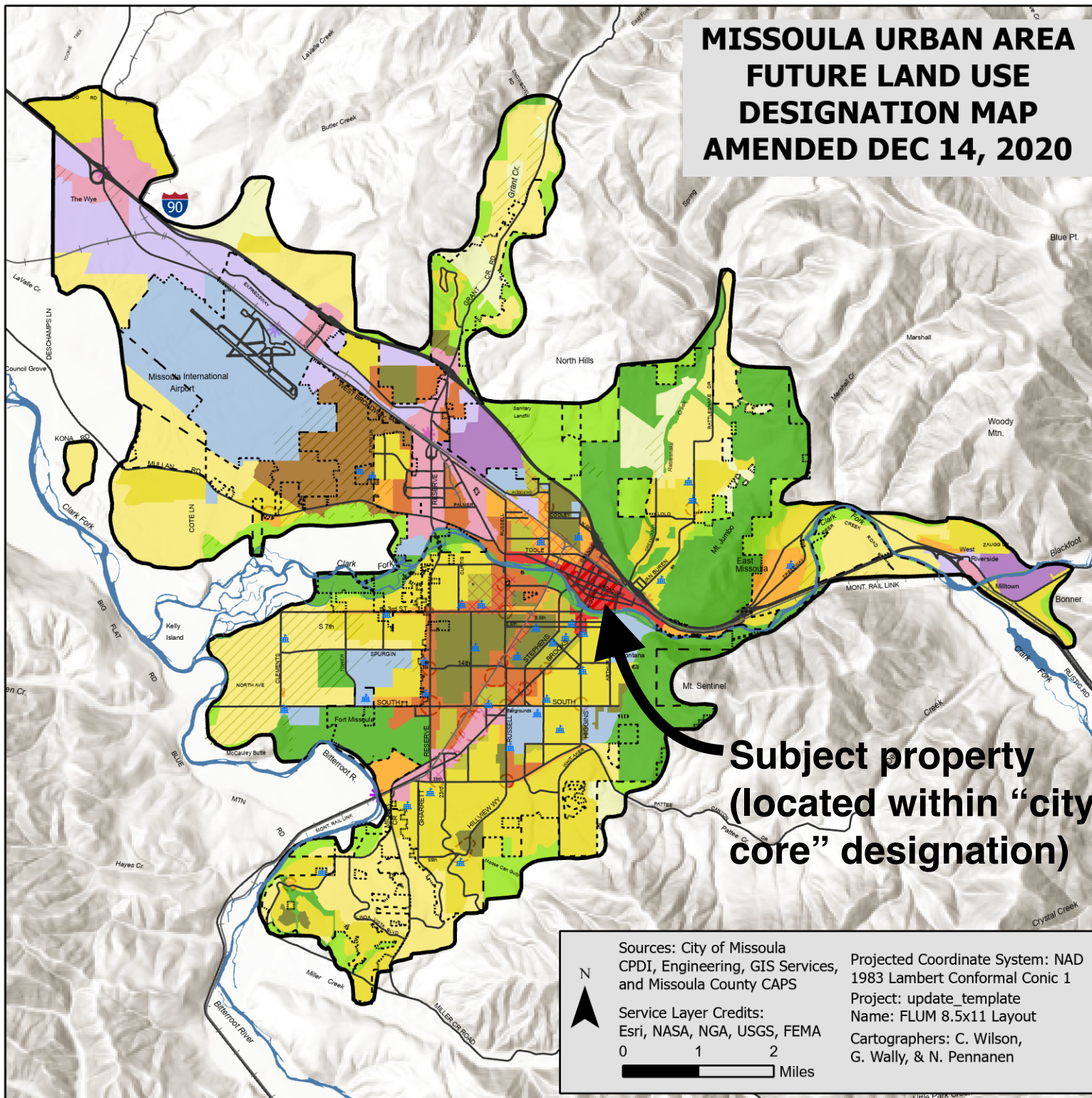
Clark Fork







MISSOULA URBAN AREA FUTURE LAND USE DESIGNATION MAP AMENDED DEC 14, 2020



- City Limits
- Growth Policy Boundary
- Schools
- Land Use**
 - Community Mixed Use
 - Neighborhood Mixed Use
 - Urban Center
 - Regional Commercial and Services
 - Open and Resource
 - Parks and Open Lands
 - Public and Quasi-Public
 - Residential High Density - Greater than 24 units per acre
 - Residential Medium High Density - 12 to 23 units per acre
 - Residential Medium Density - 3 to 11 units per acre
 - Residential Low Density - 1 to 2 units per acre
 - Residential Rural - Less than 1 unit per 2 acres
 - Sxwtpqyen (S-wh-tip-KAYN) Neighborhoods
 - Industrial Light
 - Industrial Heavy
- Overlays**
 - City Core
 - Cottage Industry
 - Urban Agriculture
 - Node Development
 - ✳ Gateways

Sources: City of Missoula
CPDI, Engineering, GIS Services,
and Missoula County CAPS

Service Layer Credits:
Esri, NASA, NGA, USGS, FEMA
0 1 2
Miles

Projected Coordinate System: NAD
1983 Lambert Conformal Conic 1
Project: update_template
Name: FLUM 8.5x11 Layout
Cartographers: C. Wilson,
G. Wally, & N. Pennanen

