



February 2, 2024

Revised November 21, 2024

Revised January 3, 2025

**Board of Adjustment**

**City of Missoula**

**435 Ryman St.**

**Missoula, MT 59802**

**Re: Zoning Variance Request per Title 20, Section 20.85.090**

**New Hyatt Place Hotel**

**Missoula, MT**

To Whom it May Concern:

Please find enclosed the revised Project Variance Request related to the proposed new Hyatt Place Hotel project at 220 Expressway, Missoula, MT. This submittal reflects updates to the original February 2, 2024 submittal in response to our meetings with the Community Planning, Development & Innovation Development Services Division representatives and subsequent Scoping Notes issued by that department. In addition to the completed Missoula City Board of Adjustment Application, the revised variance request narrative and related project drawings are also contained herein for your review. The current project drawings included in this submittal are as follows:

- Site Plan
- Grading Plan
- Site Section
- Exterior Elevations
- First Floor Plan and Typical Floor Plan
- Exterior Rendering from the southeast

Please do not hesitate to contact me or Project Owner Derek Ence with any questions you may have in review of our submittal. We appreciate your time and consideration, and are happy to help the process along in any way possible.

Thank you.

KACZMAR ARCHITECTS INCORPORATED

A handwritten signature in black ink, appearing to read 'Christopher J. Kaczmar, AIA'.

Christopher J. Kaczmar, AIA

File: K:\InnTrusted\Missoula\CODE\Variance\Missoula Hyatt Place Zoning Variance Request Letter 24-0202 rev 25-0103.docx

# MISSOULA CITY BOARD OF ADJUSTMENT APPLICATION

February 2, 2024  
Date: Revised November 21, 2024  
Revised January 3, 2025  
Meeting Date: \_\_\_\_\_

Applicant Name: Missoula Expressway Hotel, LLC

2647 E. 14th N., Suite A,

Address: Idaho Falls, ID 83401 Phone (208) 524-5454

Agent Name: Kaczmar architects incorporated

1468 West 9th St., Suite 400

Address: Cleveland, OH 44113 Phone: (216) 687-1555

New Hyatt Place Hotel; 220 Expressway

Project Address/Location: Missoula, MT 59808

Request Type: Zoning Variance Request

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## The following items must be submitted as part of the application:

Legal Description

Lot(s): 26 & 27; Block(s): N/A; Subdivision: Grant Creek Center - Phase II

Section: S07; Township: T13 N; Range: R19 W

COS# 4374 (1994); 5594 (2004)

Zoning: M1-2 Limited Industrial

## 15 PACKETS CONTAINING THE FOLLOWING ITEMS:

- a. Application
- b. Cover Letter
- c. Site Plan/ Landscaping Plan – 11” x 14” or smaller (to scale)
- d. Elevation Drawings – 11” x 14” or smaller (to scale)
- e. Topography Map, if applicable – 11” x 14” or smaller (to scale)
- f. Floor Plan

## **MISSOULA CITY BOARD OF ADJUSTMENT APPLICATION**

### **APPLICANT'S RESPONSIBILITY**

**The burden of proof for an applicable hardship and justification of proposal lies with the applicant. The applicant or the applicant's agent must be present at the meeting. Failure to appear at the meeting is grounds for denial of the variance request.**

### **CHAPTER 20.90.010, BOARD OF ADJUSTMENT, AUTHORITY**

A board of adjustment is established as authorized by §76-2-321 through §76-2-328, MCA. The board of adjustment is responsible for conducting public hearings and making decisions in accordance with the procedures of this zoning ordinance and state law.

### **BOARD OF ADJUSTMENT HAS THE AUTHORITY TO REVIEW:**

1. Variance Requests (Section 20.85.090)
2. Appeals of Administrative Decisions (Section 20.85.100)
3. Special Exceptions (Section 20.75.090) and Sign Variances (Section 20.75.130)

### **VARIANCE APPROVAL**

An approved zoning variance will lapse and have no further effect **2 years** after it is granted by the board of adjustment or 2 years after a final court order is issued (if the variance is the subject of litigation), unless **all** of the following occur:

- a) a building permit has been issued (if required);
- b) a zoning compliance permit has been issued; and
- c) a final certificate of zoning compliance has been issued.

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**I hereby attest that the information on this application form is accurate and complete.**

**Property Owner's Signature**



**Date** Jan. 3, 2025

Kaczmar Architects Inc.

**I, Derek Ence, owner of the said property authorize Chris Kaczmar to act as my agent in this application.**

Purpose: Variance Request to exceed maximum building height limit of 50' to construct a new Hyatt Place hotel. The applicant is requesting a variance of 4'-3" to allow construction of a 53'-9" tall hotel with an insurance of an additional 6" to accommodate final grading, building engineering, and construction tolerances.

Project Address: 220 Expressway  
Missoula, MT 59808

Applicant: Missoula Expressway Hotel, LLC  
Mr. Derek Ence  
2647 E. 14th N, Suite A  
Idaho Falls, ID 83401  
(208) 313-3375 (mobile)  
[derek@enceventures.com](mailto:derek@enceventures.com)

Architect: Mr. Chris Kaczmar  
Kaczmar architects incorporated  
1468 West 9<sup>th</sup> St., Suite 400  
Cleveland, OH 44113  
216-687-1555  
[chris@kaczarch.com](mailto:chris@kaczarch.com)



This narrative discusses a requested variance to codified building height limits for a new four-story Hyatt Place hotel located at 220 Expressway in Missoula, MT. The hotel is planned to be located on Lots 26 and 27 of the Grant Creek Center – Phase II Subdivision.

The M1-2 zoning district Title 20, Section 20.15.040 ordinance establishes a maximum height of 50'-0" for commercial structures in the M1-2 zoning district with the height limit established from the lowest point where the building line meets existing grade to the highest point of the subject building. The applicant is requesting a variance of 4'-3" to allow construction of a 53'-9" tall hotel with an insurance of an additional 6" to accommodate final grading, building engineering, and construction tolerances. To achieve the proposed hotel height of 53'-9", the development team has already proposed a "compacted", reduced-height version of the prototype.

The following information demonstrates that the variance would not be contrary to the public interest and that the request meets the review criteria of Title 20, Section 20.85.090 established by the City of Missoula and the State of Montana:

**1. Owing to special conditions, strict application of one or more standards or requirements of this zoning ordinance would result in unnecessary hardships.**

Strict application of the 50'-0" maximum height restriction would impose unnecessary hardship upon the project. In attempt to comply with the 50'-0" maximum building height restriction, the Project Team evaluated two potential solutions. As detailed below, both options would create undue burden to development on this site.

A. Option – Sunken and Compacted Four-Story Hotel: Re-position the currently proposed compacted-height 53'-9" four-story hotel (dated 11.21.24) several feet further into the ground to achieve an above-lowest existing grade height of 50'-0".

Hardship:

The project site slopes significantly from east to west, i.e. there is over 10'-0" of fall from the northeast corner of the site to the southwest corner of the site. Resolving finished floor elevations and coordination of exit door locations in the current 11.21.24 design will necessitate sizeable retaining walls at both the east and north edges of the site exceeding 600' in length that would require fall protection guardrails. The modifications to the site necessary to successfully execute the 4-story option also include cut areas in and around the Lobby/drop-off/outdoor space at the east end, while the elevated west end of the building will require added fill and exterior landings for several exit doors.

- 1) While possible, sinking the building to a code-compliant depth into the ground to achieve a 50'-0" height would require additional extensive earthwork and retaining walls that would be unattractive and difficult to maintain into perpetuity, thereby rendering this option much more impractical from a development standpoint. Further, "sinking" the building down near Grant Creek is undesirable due to possible conflicts with high groundwater.
- 2) As a part of the project scope, ownership is required by code to extend the Grant Creek Trail the entire north/south length of the property along the east end. The design of the Grant Creek Trail extension would be much less desirable with a sunken building site as the new Grant Creek Trail would be multiple feet above the hotel site. This would require a lengthy retaining wall as well as a fall-protection guardrail, resulting in a less attractive path that is less safe and less accessible to guests and the public.

B. Option – Three-Story Hotel: Design a three-story non-compact prototype Hyatt Place hotel which would comply with 50'-0" maximum height requirement.

Hardship:

The three-story prototype building, including all architectural features required by Hyatt (parapets, etc.), would unduly challenge the project goals of both the developer and the City of Missoula as follows:

- 1) The three-story building would be 62'-1" longer than the four-story option and present 1,500 additional SF in façade, thereby making the structure *more obstructive* to views of the surroundings. Because architectural and engineering efforts to compact/reduce the height of the building would not be necessary in this scenario, the 3-story hotel would be negligibly shorter than the compacted four-story building. Refer to the chart below for comparative size and impact of these options:

	Height from lowest point	Length (South Elevation)	Area of Building Façade
3-story hotel	50'-0"	319'-0"	14,500 SF
4-story hotel	53'-9"	256'-11"	13,000 SF
<b>Difference</b>	<b>3'-9" Shorter</b>	<b>62'-1" Longer</b>	<b>1,500 SF Greater</b>

- 2) The longer three-story building would be much closer to Grant Creek and the trail on the site.
- 3) The three-story building with a significantly larger footprint would make it difficult to meet landscaping and parking requirements mandated by the City.
- 4) The riparian setback area, the requirement for the new Grant Creek trail, and the floodplain all constrain the buildable area of the site and thus constrain the building footprint, making a taller building necessary.
- 5) The three-story building is less attractive from an architectural aesthetics perspective than the four-story alternative.

**Three-Story Hyatt Place**



**Compacted Four-Story Hyatt Place**



**2. The zoning variance is the minimum zoning variance necessary to provide relief from the unnecessary hardships.**

This variance request for a building exceeding the 50'-0" height allowable by code is the only variance required by the proposed 4-story design, dated 11.21.24.

The Project Team has diligently pursued alternative design solutions that would respect the intent of the building code 50'-0" maximum height to the greatest extent possible.

The originally proposed design for the facility, dated 9.22.23, was modeled according to the Hyatt Place prototype brand standards for a four-story hotel, including an Indoor Pool, Full Kitchen, Restaurant, and Bar. The height of this iteration of the hotel was 59'-4" at the east end, and thereby exceeded the 50' maximum allowable by code by over 9'.

In attempt to comply with the 50'-0" maximum building height restriction, the Project Team obtained special permission from Hyatt to redesign and engineer the Hyatt Place prototype four-story building to be compacted down to a height of 50' at the midpoint of the building. Further compression of the building height was not possible due to Hyatt design standards and minimum ceiling height requirements necessary to accommodate the building structural system and its horizontal run of utilities. Thus, the 10.25.23 design reflected the greatest height reduction feasible in a four-story building.

City of Missoula Community Planning, Development & Innovation subsequently clarified that the City measures building height as the vertical distance from the lowest point where the building line meets existing grade to the highest point of the subject building. By this specific definition, the height of the revised four-story building is re-calculated to be 53'-9" (from the lowest existing grade which occurs at the southwest corner of the building to the top of parapet of the four-story building) and therefore exceeds that allowable by code by 3'-9".

As noted in Item 1 above, the Project Team studied two alternative design solutions in attempt to comply with this definition of the 50'-0" maximum building height restriction. Both the Sunken Compacted Four-Story Hotel and the Three-Story Hotel options presented unnecessary hardships.

The conclusion made apparent by those due diligence exercises is that the construction of a four-story hotel is more feasible/practical than that of a three story-hotel in this location, and that the 11.21.24 iteration of the hotel at its current elevation provides a four-story hotel design that best respects the maximum height restriction and offers the most attractive and desirable solution to the developer and the City of Missoula.

**3. The zoning variance is generally consistent with the overall purpose of this ordinance (See 20.01.050).**

According to Section 20.01.050, this zoning ordinance is adopted for the purposes of:

- A. Conforming with MCA § 76-2-304(1) \* (see below);
- B. Protecting and promoting the public health, safety and general welfare;
- C. Implementing the policies and goals contained in the officially adopted Growth Policy and other adopted plans;
- D. Establishing clear and efficient development review and approval procedures; and
- E. Accommodating the orderly and beneficial development in accordance with the preceding purposes.

**\*76-2-304. Criteria and guidelines for zoning regulations.**

- (1) Zoning regulations must be:
  - (a) made in accordance with a growth policy; and
  - (b) designed to:
    - (i) secure safety from fire and other dangers;
    - (ii) promote public health, public safety, and the general welfare; and
    - (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

These criteria above confirm our understanding that the design standards of Title 20 were recently amended in response to SB 407 and City of Missoula Zoning Amendments were effective immediately upon approval on 10.16.23 in order to comply with 2023 State Legislation. SB 407 requires design standards to be limited only to what is necessary for the protection of public health and safety.

A variance which would grant a 4'-3" reprieve from the 50'-0" maximum height restriction will:

- 1) promote growth by accommodating the successful development of the hotel;
- 2) promote health and general welfare as it allows for a better design of the Grant Creek Trail;
- 3) promote health and safety as it eliminates the need for the problematic "sunken" building design and thereby prevents conflicts with high ground water.
- 4) allow the compact building and thereby accommodate the trail and riparian area, which:
  - a) protects water quality; and
  - b) provides active transportation options.
- 5) allow for better implementation of the Safety and Wellness and Environmental Quality goals of the Growth Policy by allowing space for the trail and riparian area while also making the project feasible; and
- 6) will not negatively impact the safety of residents or visitors to the City of Missoula.

In Summary, this zoning variance is consistent with the purpose of the ordinance.

**4. The zoning variance will result in substantial justice being done, considering both the public benefits intended to be secured by this zoning ordinance and the individual hardships that will be suffered if the zoning variance request is denied.**

The Project Team is excited to build this beautiful hotel in Missoula. A variance as requested will offer public benefit and provide a just solution as it would allow a more compact building and thereby better accommodate construction of the new Grant Creek trail extension. Additionally, justice will be served by the variance as it would ensure the building will not experience potential future damage from high ground water otherwise likely with the less desirable sunken building option.

This variance request seems reasonable considering that other hotels, such as the Hilton Garden Inn, at Expressway and N. Reserve far exceed 50'. The Hyatt Place hotel as planned seems very consistent with the surrounding hotels. Further, the hotel will appear shorter and lower than these nearby structures due to the site slope and lower elevation at which it would be built.

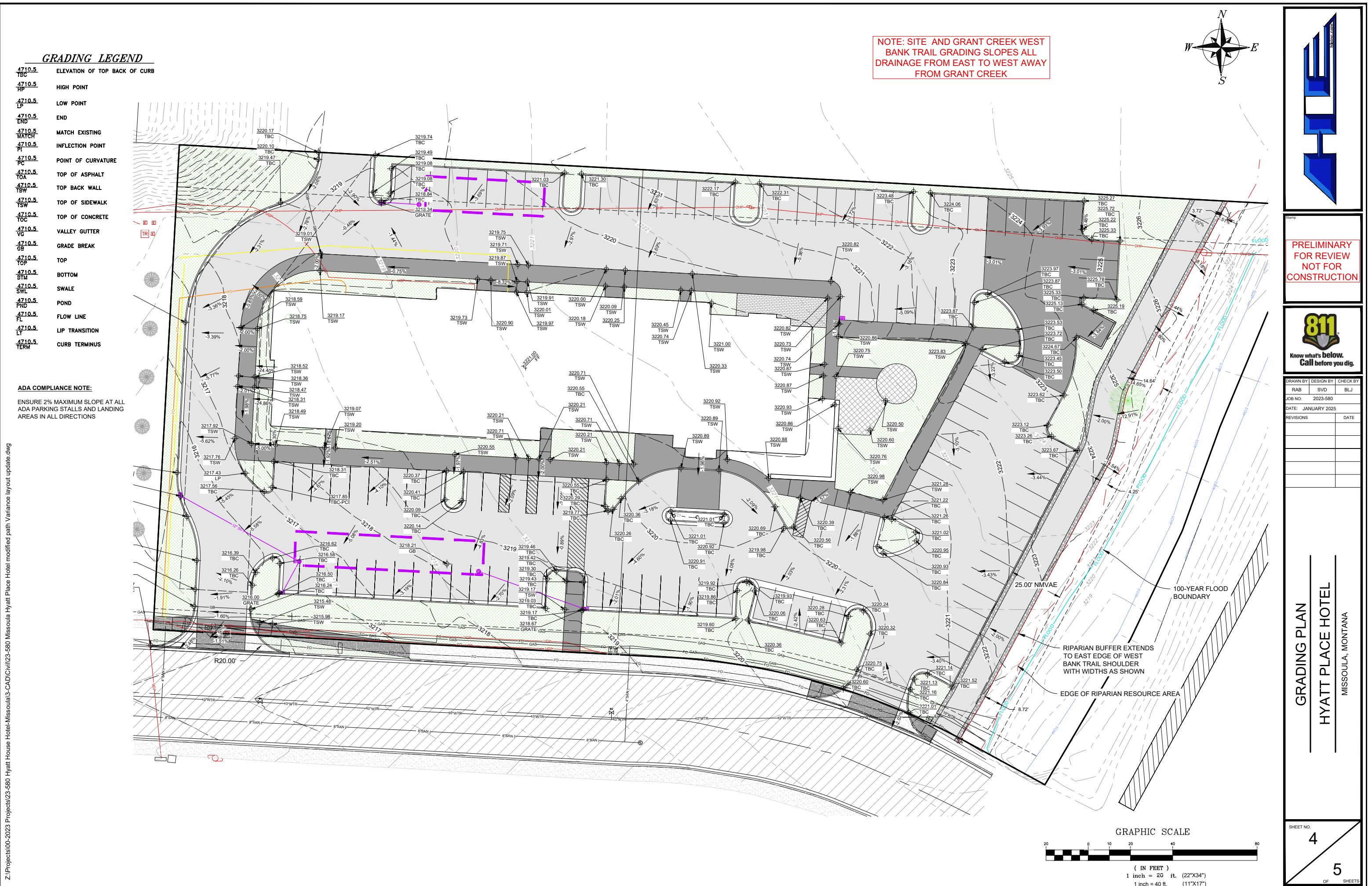
The four-story building, though 3'-9" taller, is 62'-1" less in length and presents 1,500 SF less façade than the than the three-story option. As depicted below, this design therefore obstructs the view much less and also offers a safer approach to the design and construction of the Grant Creek Riparian Area and Trail.

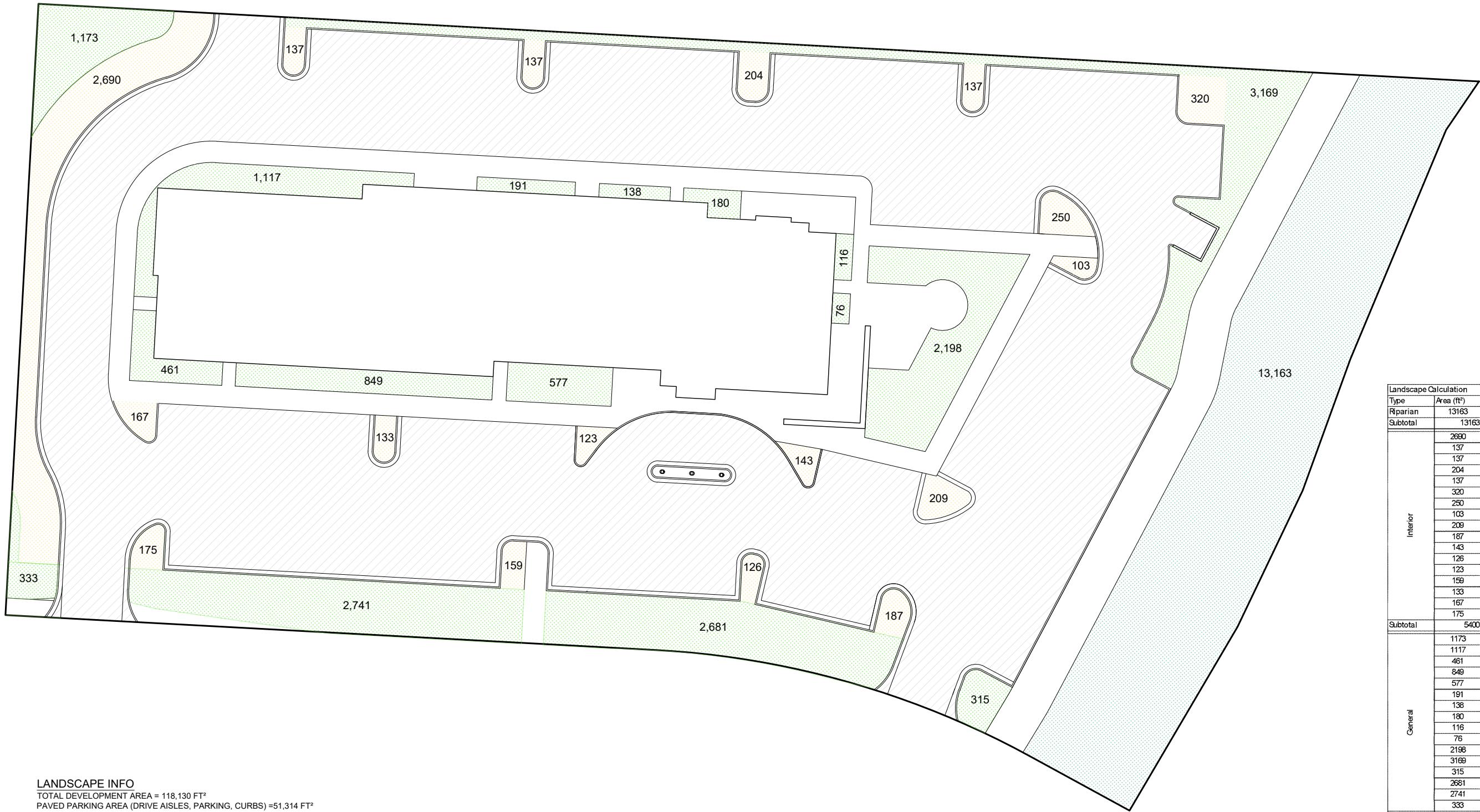


# PROPOSED HYATT PLACE HOTEL

# SITE PLAN







## LANDSCAPE INFO

LANDSCAPE INFO  
TOTAL DEVELOPMENT AREA = 118,130 FT<sup>2</sup>  
PAVED PARKING AREA (DRIVE AISLES, PARKING, CURBS) = 51,314 FT<sup>2</sup>

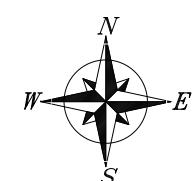
#### LANDSCAPE REQUIREMENTS:

LANDSCAPE REQUIREMENTS.  
TOTAL LANDSCAPE = 23,626 FT<sup>2</sup> (0.20 X 118,130 FT<sup>2</sup>)  
INTERIOR LANDSCAPE = 5,131 FT<sup>2</sup> (0.10 X 51,314 FT<sup>2</sup>)

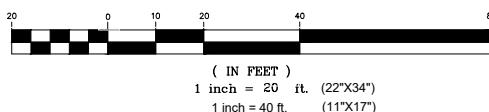
**LANDSCAPE PROVIDED:**

LANDSCAPE PROVIDED:  
TOTAL LANDSCAPE = 34,878 FT<sup>2</sup> (13,163 FT<sup>2</sup> RIPARIAN, 21,715 FT<sup>2</sup> SITE  
INTERIOR LANDSCAPE = 5,400 FT<sup>2</sup>

TOTAL LANDSCAPE = 34,878 FT<sup>2</sup> (13,163 FT<sup>2</sup> RIPARIAN, 21,715 FT<sup>2</sup> SITE  
INTERIOR LANDSCAPE = 5,400 FT<sup>2</sup>

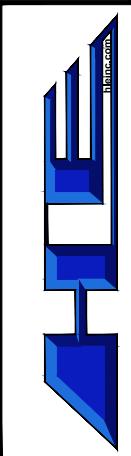


### GRAPHIC SCALE



LANDSCAPE CALCULATIONS

ATT PLACE HOTEL



PRELIMINARY  
FOR REVIEW  
NOT FOR  
CONSTRUCTION



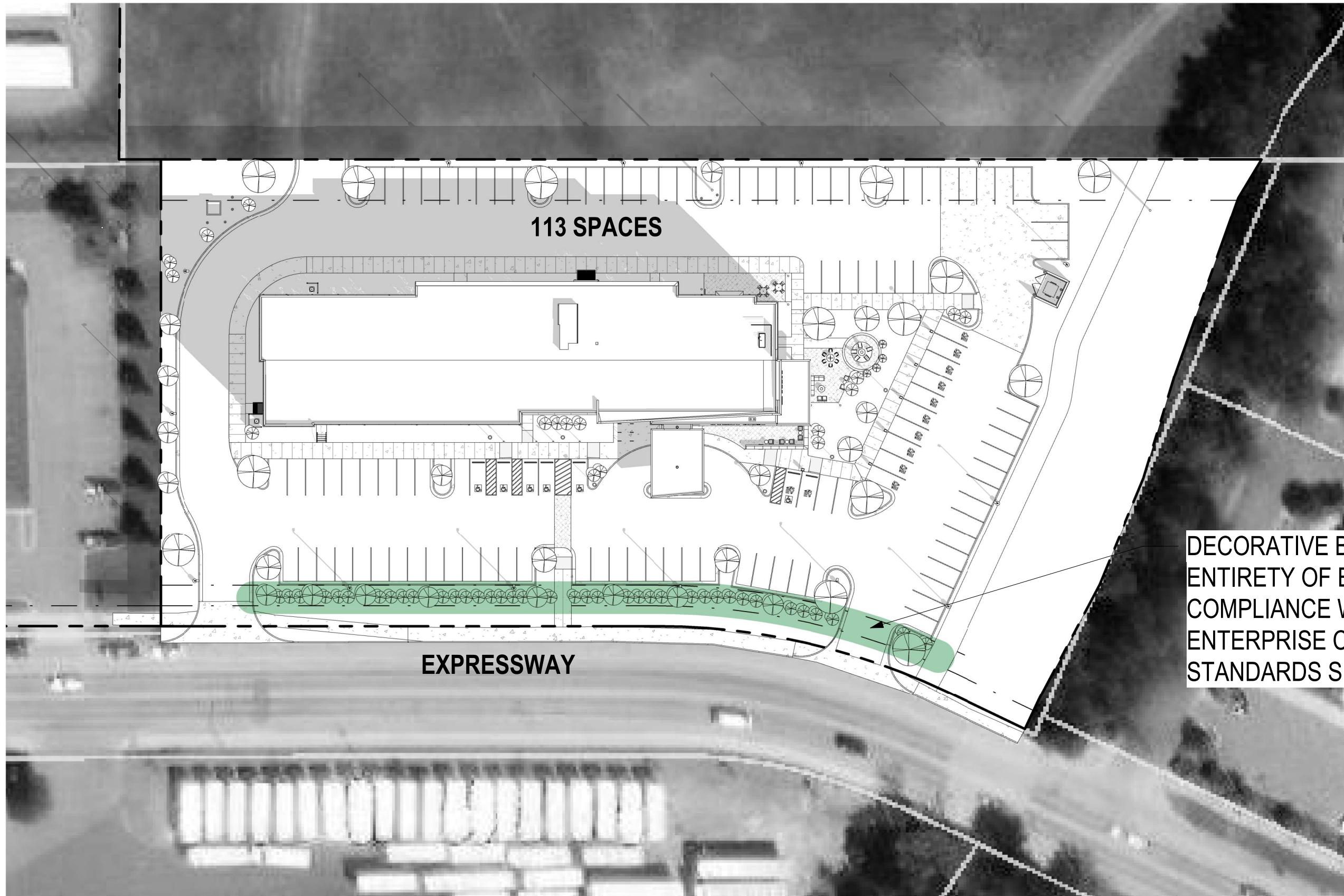
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JOB NO.: 2023-580		
DATE: JANUARY 2025		
REVISIONS		DATE

LANDSCAPE CALCULATIONS  
HYATT PLACE HOTEL  
MISSOULA, MONTANA

SHEET NO. 5 OF 5 SHEETS

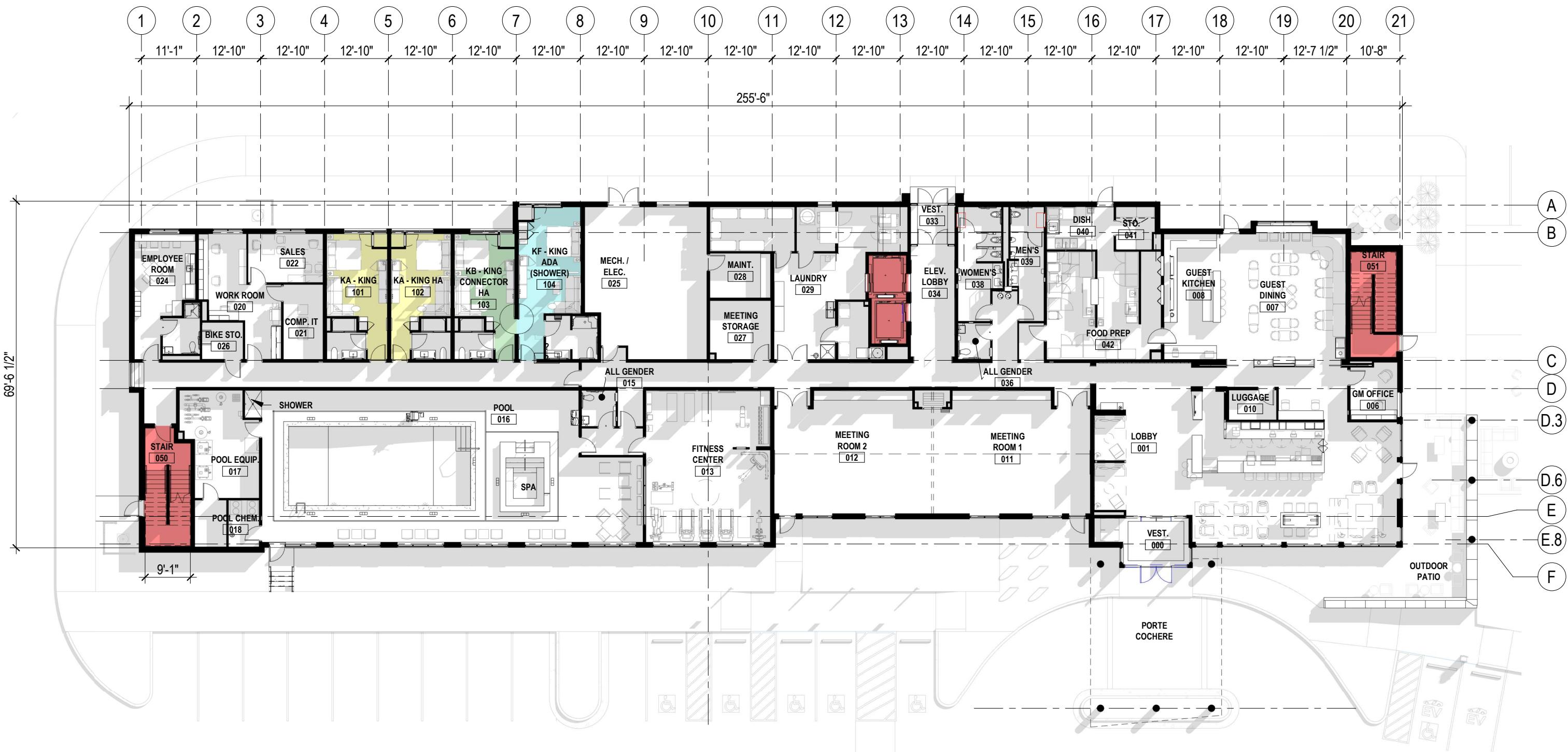
# PROPOSED HYATT PLACE HOTEL

## SITE PLAN



# PROPOSED HYATT PLACE HOTEL

# FIRST FLOOR PLAN



GROUND FLOOR PLAN

SCALE: 1" = 20'-0"

# PROPOSED HYATT PLACE HOTEL

## 2ND - 4TH FLOOR PLAN



01.03.25

102

# PROPOSED HYATT PLACE HOTEL

## EXTERIOR ELEVATIONS

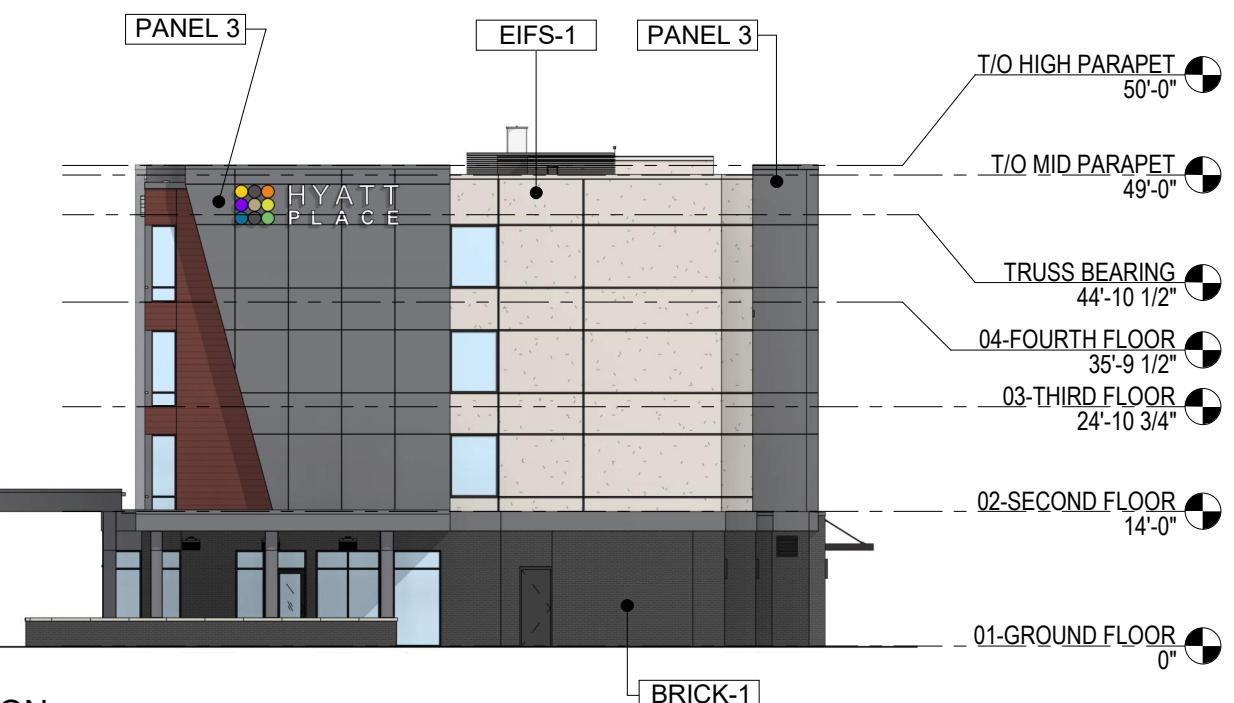


2  
201  
SOUTH ELEVATION

SCALE: 1" = 20'-0"

### MATERIAL LEGEND

ID	MAT	DESCRIPTION	COMMENTS
BRICK-1		FLAT PANEL: COLOR MUSKET GRAY	
EIFS-1		MODULAR BRICK - RUNNING BOND	
EIFS-1		EXTERIOR INSULATION & FINISHING SYSTEM - 2" THICK	REVEALS TO ALIGN WITH WINDOW MULLIONS
EIFS-2		EXTERIOR INSULATION & FINISHING SYSTEM - 2" THICK	REVEALS TO ALIGN WITH WINDOW MULLIONS
PANEL 1		FIBER CEMENT BOARD - HORIZONTAL LINEAR PATTERN	
PANEL 2		FIBER CEMENT BOARD - HORIZONTAL 8" HIGH REVEALS	
PANEL 3		FLAT PANEL: COLOR MUSKET GRAY	
PANEL 4		BRAKE METAL - METAL WRAP	TO MATCH EIFS-2 COLOR

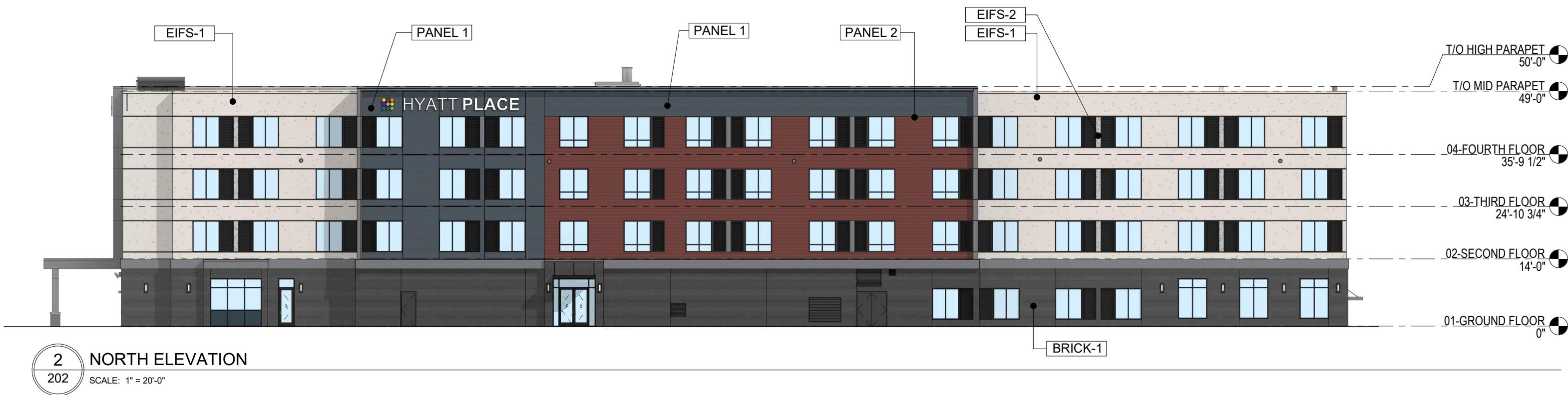


1  
201  
EAST ELEVATION

SCALE: 1" = 20'-0"

# PROPOSED HYATT PLACE HOTEL

# EXTERIOR ELEVATIONS



## MATERIAL LEGEND

ID	MAT	DESCRIPTION	COMMENTS
BRICK-1		FLAT PANEL: COLOR MUSKET GRAY	
EIFS-1		MODULAR BRICK - RUNNING BOND	
EIFS-1		EXTERIOR INSULATION & FINISHING SYSTEM - 2" THICK	REVEALS TO ALIGN WITH WINDOW MULLIONS
EIFS-2		EXTERIOR INSULATION & FINISHING SYSTEM - 2" THICK	REVEALS TO ALIGN WITH WINDOW MULLIONS
PANEL 1		FIBER CEMENT BOARD - HORIZONTAL LINEAR PATTERN	
PANEL 2		FIBER CEMENT BOARD - HORIZONTAL 8" HIGH REVEALS	
PANEL 3		FLAT PANEL: COLOR MUSKET GRAY	
PANEL 4		BRAKE METAL - METAL WRAP	TO MATCH EIFS-2 COLOR

