



MEMO No. 1

TO: Design Review Board
DATE: February 1, 2022
FROM: Madson Matthias, Community Planning, Development & Innovation
RE: **1841 South 7th St W – Alternative Compliance for Multi Family Activity Area**

The City Attorney reviewed the actions taken by the Design Review Board at their meeting on January 12, 2022 and found that because they did not follow proper procedure on the motion, the vote may not be valid because there was no second on the motion. Moreover, even if the motion was valid, because it failed, the City Attorney concluded that the DRB did not take "action to approve, approve with modifications or conditions or deny the application". The failed motion meant no final action occurred, and thus they essentially tabled the project. The request for Alternative Compliance for the Multi-dwelling Activity Area at 1841 South 7th Street West will be a continuation of the public hearing from January 12th. The public record on eScribe will remain the same with any additional comment received added to the record. The DRB will be required to approve, approve with modifications, or deny the application in accordance with 20.85.080.G, MMC.

Title 20, Section 20.85.080.G.2 requires that the applicant receive a letter documenting the Design Review Board's decision and states "The Design Review Board's decision must be supported by written findings of fact." Board members voting in favor of denial are required to state their reasons for their vote tied to the criteria found in Title 20 Section 20.85.080.H.1.a-d and the criteria specific to Alternative compliance found in 20.85.080.H.2.a & b. Those reasons will be the written findings of fact documenting their decision.

The specific question the Design Review Board will vote on is focused on the multi-dwelling activity area standards and whether the applicant's proposal for alternative compliance does a good or better job of meeting the overall intent of the subject regulations and the zoning ordinance as a whole than would strict compliance with the standard from which relief is sought. It is important to remember that the parcel of land is designated by the [Our Missoula City Growth Policy](#) as Residential High which equates to development greater than 24 dwelling units per acre. The Growth Policy was approved by City Council in 2015. The property is zoned RM1-45 Residential (multi-dwelling) that allows density up to 43 dwelling units per acre. The parcel is approximately 15,071 square feet and would allow up to 15 dwelling units per the zoning.

The existing motion recommended by Staff is as follows:

APPROVAL of the request for exceptions to Title 20, Section 20.65.020.C.1.b the common recreation area must be contiguous, Title 20, Section 20.65.020.C.1.b.1 the common area must be centrally located, and Title 20, Section 20.65.020.C.1.b.3 the common recreation area must have a length no more than two times it's width, with a width that is no less than 40 feet, subject to the recommended condition of approval, based on the findings of fact in the staff report and testimony heard at the public hearing.

Recommended Conditions:

Plans for the common recreation area submitted at the time of building permit application shall comply with all applicable portions of Title 20 and shall substantially conform to the plans submitted at the time of Design Review Board review, subject to review and approval by Development Services and Parks and Recreation, prior to building permit approval.

If the motion for approval fails the board should proceed with a motion for denial in compliance with Section 20.85.080.G.2 that requires the board to act to approve, approve with modifications or conditions or deny the application. Board members voting affirmatively to deny the application must state reasons based on the review



COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

435 RYMAN | MISSOULA, MT 59802-4297 | 406.552.6630 | FAX 406.552.6053

criteria in Section 20.85.080.H.1 and 2 which will be the findings of fact for the decision provided in writing to the applicant as required per Section 20.85.080.G.2.

The motion for denial would be as follows:

DENIAL of the request for exceptions to Title 20, Section 20.65.020.C.1.b the common recreation area must be contiguous, Title 20, Section 20.65.020.C.1.b.1 the common area must be centrally located, and Title 20, Section 20.65.020.C.1.b.3 the common recreation area must have a length no more than two times it's width, with a width that is no less than 40 feet, subject to the recommended condition of approval, based on the findings of fact in the staff report and testimony heard at the public hearing.