

## Plat, Annexation and Zoning Committee Minutes

June 09, 2010

10:05 am – 12:00 pm

Missoula City Council Chambers, 140 W. Pine Street

**Members Present:** Bob Jaffe (Chair), Ed Childers, Lyn Hellegaard, Roy Houseman, Dick Haines, Renee Mitchell, Stacy Rye(11:05), Dave Strohmaier, Pam Walzer, Jason Wiener, and Jon Wilkins.

**Members Absent:** Marilyn Marler

**Others Present:** Nina Cramer, Ray Dipasquale, Justin Edgell, Ron Ewart, Dave Gray, Elaine Hawk, John Hendrickson, Carla Krause, Ruth Link, Mary McCrea, Marty Noyd, Jim Nugent, Tim Worley and Shelley Oly

### I. Approval of Minutes

May 26, 2010 not yet approved

June 2, 2010 not yet approved

June 9, 2010 not yet approved

### II. Public Comment on Items not on the Agenda

### III. Staff Announcements

### IV. Consent Agenda Items

- A. Consider a request to approve a Phasing Plan for River Road Meadows Subdivision ([memo](#)).–Regular Agenda (Mary McCrea) (Referred to committee: 06/07/2010) **(REMOVE FROM AGENDA)**

**MOTION:** The Committee recommends the City Council conditionally approve the proposed phasing plan as shown in Attachment D for River Road Meadows Subdivision subject to amendments to the subdivision conditions of approval to specify phasing as shown in Attachment E and in accordance with Article 4-7(2)(A-C) of the Missoula City Subdivision Regulations.

Mary McCrea gave a [power point presentation](#) of the phasing plan request for the property listed as River Road Meadows Subdivision.

- ✓ The subdivision formerly known as Great Spaces was approved on June 11, 2009 subject to 16 conditions of approval.
- ✓ The property is located north of River Road, west of Russell Street and south of the Clark Fork River.
- ✓ Due to the economic climate the applicant requested to submit the final plat in two phases.
  - Phase 1 included Lot 1 and the final plat would be submitted by June 11, 2012.
  - Phase 2 included Lots 2 and 3 and the final plat would be submitted by June 11, 2013.
- ✓ Staff provided recommendations for amendments to the Conditions of Approval to specify which conditions would be met at which phase and those are found in Attachment E.
- ✓ No adverse agency comments were received.
- ✓ City Engineering recommended road and shared driveway improvements be installed to the northern boundary of Lot 1 prior to Phase 1 final plat approval and the remainder of the shared driveway improvements installed prior to Phase 2 final plat approval. Those amendments are included in the amendments to Conditions of Approval No.4.

- ✓ Staff recommended conditional approval of the proposed phasing plan as shown in Attachment D subject to amendments to the subdivision conditions of approval to specify phasing as shown in Attachment E.

Ron Ewart stated he was in agreement with the recommended changes to the Conditions of Approval

Councilman Wiener asked how large the lots were and did the applicant intend to build houses on the lots. Ms. McCrea replied Lot 1 was 12, 551 square feet, Lot 2 was 20,164 square feet and Lot 3 was 24, 433 square feet. Mr. Ewart responded the owners intended to build homes on the lots.

Councilman Childers made the **motion** to approve the phasing plan. The vote was unanimous and would go on the Consent Agenda.

## V. Regular Agenda Items

- A. Petition #7653 to annex the portion of Montana Rail Link Right-of-Way generally located from the Van Buren Street and I-90 Interchange to the East Missoula and I-90 Interchange, including the portions of East Broadway and I-90 Rights-of-way adjacent ([memo](#)).—Regular Agenda (Carla Krause) (Referred to committee: 06/07/2010) (**HELD IN COMMITTEE**)

Carla Krause stated this was a petition method of annexation that consisted of the railroad right-of-way, the East Broadway right-of-way and the I-90 right-of-way and pointed out some of the reasons behind this boundary and method of annexation:

- This type of annexation method was based upon the existing petition for obtaining sewer service for a portion of the railroad property.
- The 2003 legislature required that any annexation include the full width of public streets or roads inclusive of the right-of-way.
- The City's jurisdiction for this portion of road would be a public benefit and there is a legal interest in that roadway because of the city sewer interceptor that was installed in East Broadway right-of-way.
- The annexation does not change any street maintenance; the MDT would continue to maintain East Broadway through contract with the City. MDT and the MRL maintain their own right-of-ways.
- There is no change of ownership because the deeded parcels or right-of-ways remain in the deeded ownership.
- Right-of-ways are not zoned so there is no public hearing.
- Annexation without zoning does require the Council to adopt the Resolution of Annexation.
- MDT and MRL are comfortable with the annexation and staff supported the annexation.

Councilman Strohmaier remarked that the response to the fatalities that occurred last winter was to improve the pedestrian safety on East Broadway. He pointed out that the best way to gain some control over what happens on that section of roadway was to annex it into the city limits.

There was much discussion on the issues of connectivity and safety:

- ✓ Would MDT still maintain the grassy knoll on either side of the interstate? Ms. Krause replied that the MDT would retain responsibility for the I-90 right-of-way including the borrow ditches on either side and the City would continue to maintain East Broadway.
- ✓ What was the next step for improvements?
- ✓ Once this portion of roadway is annexed, connectivity could be made via trails or sidewalks. Ms. Krause stated that Doug Harby could provide a copy of the preliminary design.

- ✓ What are the projected costs and has the County been approached to complete the path? Ms. Krause replied she did not know whether the County was approached but she would provide an estimate of the project along with the design and a list of funding sources.
- ✓ Would SID's pay for the curbs and sidewalks?
- ✓ Do not see any benefits for annexing this portion of roadway.

The floor was open for public comment

Nina Cramer stated that she is actively involved with the East Missoula Community Council and stressed that this organization was actively working with the County to obtain outside funding for improvements along Highway 200 through East Missoula and safe pedestrian bicycle facilities. Ms. Cramer pointed out there was another fatality along Highway 200 prior to the fatality last winter along the East Broadway corridor. She added that with the new subdivisions being built and the inclusion of sewer into East Missoula there has been more and more traffic along Highway 200 and the East Broadway corridor. The East Missoula Community Council did receive word from the County Public Works director that there was some federal funding available to pursue some of the projects that have been put forth.

Ms. Krause reiterated this was a matter of extending the City's legal jurisdiction to the East Broadway right-of-way and MDT, MRL and federal funding are not being excluded.

- ✓ Every land use along the East Broadway right-of-way was already annexed into the City of Missoula.
- ✓ Would like to have Greg Roberts and Doug Harby come to PAZ for further discussion because both Mr. Roberts and Mr. Harby are applying for the same grant and we do not want anything to jeopardize one or both of the grants.

**B. Sussex School (1800 South 2<sup>nd</sup> Street West) Conditional Use request ([memo](#)).—Regular Agenda (Tim Worley) (Referred to committee: 06/07/2010) (REMOVE FROM AGENDA)**

Tim Worley stated this was a pre-public informational item and gave a [power point presentation](#) of the conditional use request for the property listed as Sussex School located at 1800 South 2<sup>nd</sup> Street West:

- The property is located at the corner of South 2<sup>nd</sup> Street West and Garfield Street.
- This proposal involved the replacement of the existing Zip building and garage with two new buildings that include six classrooms, restrooms and a kitchen.
- The changes are located on the north side of the current school complex.
- The Zip building would be broken into two buildings, Zip East and Zip West and parking to the north and east of the buildings.
- The zoning was annexed into the City in 1996 for mixed use. The current zoning is RM2.7 (residential multi dwelling).
- Staff felt this request addressed appropriate performance standards with appropriate setbacks.
- The existing parking lot had 17 required spaces located on the northeastern side of the property.
- Two teacher positions would be added with the extension of the property so the parking would increase to 19 spaces. The parking would involve 8 onsite spaces and 12 shared parking spaces across the street on Garfield Street.
- This located was slated for improvements related to the URD-II.
- The improvements include improvement to pedestrian facilities, street crossing and traffic circulation.
- A landscape plan was required because of the increase of parking as required in Title 20 which included a proposal for increase landscaping, retention of existing landscaping along the northern edge of the school and signed off by a landscape architect.

- Two public comment letters were received asking that the irrigation facilities that cut through the school property not alter connections with other irrigation facilities and that the maple trees along the northern property boundary be preserved during the expansion process.
- Staff recommended approval subject to a condition of compliance with Title 20 when the building permit comes in.

The floor was open for discussion:

1) Councilwoman Mitchell had two questions; would the request to maintain the drainage ditch could be accomplished during this expansion. Mr. Worley replied that he was not sure but the neighbor to the north did hold water rights and as a water right holder he has to be able to obtain the irrigation water for his property. Would the teachers and the mobile home park residents be competing for the parking spaces along Garfield Street? Mr. Worley understood that there was plenty of onsite parking for the residents of the mobile home park. Marty Noyd addressed the concerns of the irrigation ditch, the trees and the parking spaces:

- The concerns with the irrigation ditch had been addressed with the neighbor to the north by engaging the WGM group to relocate the irrigation ditch and or provide a new ditch to ensure that water would be provided.
- The building have been moved where possible an additional 10-feet to preserve the trees and accommodate the existing landscape.
- MRA was assisting with parking on Garfield Street by installing additional parking on South 2<sup>nd</sup> Street West and there were ample angle parking spaces inside the mobile home park.

There was a lot of discussion concerning the parking facilities at the school:

- ✓ How did this work when the Sussex School was not included in the MRA district.. Mr. Worley was unsure how this worked when the Sussex School was not in the MRA district but pointed out that the MRA was approached to extend their improvements.
- ✓ What were the parking requirements for the school parking lot? Mr. Noyd replied the parking was primarily for the teaching staff. At peak times there are approximately 22 teachers on staff per day at the school and there would be 8 parking spaces in the parking lot including an ADA accessible parking space.
- ✓ Does the school have a non-motorized transportation plan? Mr. Noyd replied there were numerous children that rode the Mountain Lion bus to and from school, a teacher escorted the children to and from the bus stop which is a block away from the school and a large majority of students and teachers rode bicycles to school. There are numerous bike racks at the school and bike storage was allowed that was accessible from the basement of the main administrative building. The bus stop was at 2<sup>nd</sup> and Caitlin and an additional stop was on the south side of 3<sup>rd</sup> Street, across from Caitlin. Mr. Worley added bike parking would be required onsite per Title 20 for long term and short term parking.

Chair Jaffe wanted to have something in writing concerning the preservation the trees during the construction process. Luke Phinny replied one protective measure was to install an orange construction fence at the dripline of the trees to prevent any storage of materials, parking or compaction due to machinery use around the tree root areas. He added there was a combination of different types of trees and some selective culling would take place but those trees would be replaced with Montana and North American native trees.

**C. Consider amendments to the Title 20 Missoula City Zoning Ordinance, Chapter 20.110, Section .050 “Setbacks” as shown in Attachment 2 ([memo](#)) ([updated memo 06/04/10](#)).—  
Regular Agenda (John Newman) (**REMOVE FROM AGENDA**)**

John Newman described possible changes to the Planning Board's recommended [language](#) in the Title 20, Chapter 20.110, Section .050 “Setbacks” Amendment. Mr. Newman had been

asked to explore limitations on widths of front-loading garages. There was much discussion concerning the garage requirement:

- The front door should be visible by having the front door flush with the garage or set back no farther than a few feet from the garage. Mr. Newman replied that was a change that could be pursued. He added there were examples of other neighborhoods that had setbacks of 4-6 feet.
- This was one way to address the portion of the house that addresses the street without limiting the ability to configure the rooms within the house.
- Did the Planning Board recommend any changes? Mr. Newman replied they did not.
- Regulations may not be embraced by everyone in the community but they do serve a purpose. Neighborhoods that exclude themselves from the rest of the world by having the majority of neighborhood interaction in the backyard may not be the best for the rest of the community.
- This was a planning issue but just because Missoula is ‘unique’ is not a prerequisite for bad planning.
- Snout houses are neither unsafe nor unfriendly for neighborhoods.
- This was not a zoning issue as much as it was an issue of compliance.

The floor was open for public comment

Elaine Hawk went through the process involved for developing the proposed language and recommended approval for the MBIA proposed revisions. She added that the trend was moving toward smaller lots and more efficient building styles and the snout-house type of design was not something that the market wanted. Missoula builders have met the demands of the Missoula industry by building desirable homes and creating desirable neighborhoods.

Ruth Link relayed the importance of having a housing choice and reminded the committee that the Housing Needs Survey stated that smaller, single family lots are needed. She noted that having a regulation that limited the width of the house with a garage complicated those housing needs even further.

Justin Edgell stated the snout house filled a need in Missoula because the lots are small and the homes are not that expensive. The garage setback was an issue with a few people on the Committee but not for the whole of Missoula.

David Gray remarked that Title 20 protected all existing neighborhoods from the excessive garage widths in building facades. The snout-house type of design could be found in newer subdivision on the fringe of the city. He added that he hoped the Committee would keep the 20-foot setback for the garages.

Ray Dipasquale mentioned concerns about some of the existing homes in the Canyon River project and the surrounding neighborhood. He stated that most of the existing homes are in violation of the 40% rule. This community was built to have the bulk of the interaction between the houses primarily in the rear yards of the property. In order to comply with the regulations the existing community would need to be altered. He asked how to address this type of situation in a neighborhood that already had architecture standards and parameters set up that would now be in violation. Chair Jaffe asked what would be in violation. Mr. Dipasquale replied garages in excess of the 40% rule. Mr. Newman stated a solution would be a PUD instead of separate variances.

John Hendrickson remarked that this was one example of a subdivision that was already platted and configured accordingly and the market would dictate what would get built. He added the builders are conscious of what was being built and strive to build quality homes.

## **VI. Items to be Removed from the Agenda**

## **VII. Held in Committee or Ongoing in Committee**

1. Annexation. (see separate list at City Clerk’s Office for pending annexations) (Ongoing in Committee)
2. Update the Rattlesnake Valley Comprehensive Plan Amendment ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 04/02/07)

3. Request to rezone the property legally described as Lot 3 of Scott Street Lots Subdivision, located in Section 16, T13N, R19W, P.M.M. form D (Industrial) to I-1 (Light Industrial), based on the finding of fact and conclusions of law. ([PAZ 05/21/08](#)) (Returned from Council floor: 6/2/08)
4. Ongoing discussion of City planning issues with members of the Planning Board.—Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)
5. Discuss the implications of the Sonata Park court case ([memo](#)).—Regular Agenda (Bob Jaffe) (Referred to committee: 03/08/10)
6. Discussion of OPG's [task list](#) and workload.—Regular Agenda (Mike Barton) (Referred to committee: 06/12/06)
7. [Resolution](#) to adopt the revised City Council draft of the City [Subdivision Regulations](#) articles 1 through 9, dated April 30, 2010 as amended by the Planning Board. ([memo](#)) ([PAZ 06/02/2010](#)) (Returned from Council floor: 06/07/2010)

### **VIII. Adjournment**

The meeting adjourned at 12:00 pm

Respectfully Submitted,

**Shelley Oly**  
Administrative Secretary  
Office of Planning and Grants

***The recording of these minutes is available in the City Clerk's Office (for up to three months after approval of minutes). These minutes are summary and not verbatim.***