

## Plat, Annexation and Zoning Committee Minutes

July 14, 2010

11:05 am – 12:00 pm

Missoula City Council Chambers, 140 W. Pine Street

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

**Members Absent:** Ed Childers

**Others Present:** Gary Bakke, Ruth Link, Laval Means, Jim Nugent, Tim Worley, Tom Zavitz, and Shelley Oly

### I. Approval of Minutes

[June 30, 2010](#) approved as presented.

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

### III. Staff Announcements

### IV. Consent Agenda Items

### V. Regular Agenda Items

- A. Consider an ordinance rezoning property on the University of Montana campus legally described as SE ¼ SE ¼ of Section 22, Township 13 North, Range 19 West, P.M.M. from R8 (Residential, 8,000 sq. ft. per dwelling unit) to OP-3 (Public Lands and Institutional) ([memo](#)).—Regular Agenda (Tim Worley) (Referred to committee: 06/28/10)(**REMOVE FROM AGENDA**)

Tim Worley stated this [presentation](#) was a pre-public hearing informational item. The proposal was to rezone a parcel on the Northeast side of the UM Campus from R8 (residential) zoning to OP3 (Public lands and institutional district) zoning. Mr. Worley noted that the current zoning district was R8 residential and had an 8,000 square foot minimum lot size. The OP3 district promoted public and civic uses including colleges and was the dominant zoning on the UM Campus. He pointed out that currently most construction projects needed to go before the City Board of Adjustment (CiBOA) and rezoning this parcel to OP3 would negate the need to go before the CiBOA. Mr. Worley remarked the rezone would make this parcel consistent with the majority of the UM Campus. The Planning Board found the proposed OP3 zoning was consistent with the Comprehensive Plan Land Use Designation. He explained that one agency comment that did not get put into the staff report was from the Historical Preservation Director, Philip Maechling. Mr. Maechling had noted that because this was a zoning and not associated with any particular permit historic preservation issues would be evaluated by himself and HPO at the state level.

Jerry Ballas commented that he did not know why the parcel was zoned R8 when the rest of the zoning was OP3 to the west, comparable County zoning to the south and OP1 zoning on Kim Williams trail. Zoning from R8 to OP3 would allow the planning documents to be more consistent and viable to the community. The University does work with the City of Missoula to improve community issues and it was important for the community and the City to work together.

**B. Consider maintenance amendments to Title 20, Missoula City Zoning Ordinance ([memo](#)).—Regular Agenda (Tom Zavitz) (Referred to committee: 06/28/10) (**HELD IN COMMITTEE**)**

Tom Zavitz stated this [presentation](#) was a pre-public informational item with the public hearing set for August 2, 2010. Mr. Zavitz gave a brief overview of the Title 20 maintenance process and reiterated that the intent of the maintenance package was to take care of clarification, omissions and corrections with Title 20 and any substantive change would be treated separately.

Mr. Zavitz gave two examples associated with omissions and clarifications:

- There was Research Service described in the Use Chapter that did not carry over the parking calculation for the research service as a result that portion was brought back to the Parking Chapter.
- In the Landscaping Chapter there was an exception for CDB and the statement was moved to the proper location so the entire Landscaping Chapter was not applicable to CDB.

There were questions from the Committee:

- ✓ Under the Planning Board motions Attachment B #3 it addressed trees being required every 20-feet and wondered if this was just for parking lots. Mr. Zavitz replied that when a buffer was required between 2 properties that were different uses such as commercial and residential there were three options for buffering. One option in the original draft was a fence with a 6-foot landscape buffer. The Planning Board made a motion to eliminate the landscape portion but keep the trees.
- ✓ Did the Planning Board specify certain types of trees or how close the trees should be planted to the fence? Mr. Zavitz responded no but that this question would be taken into consideration.
- ✓ There was an exception to the rule that the access has to come from the alley unless approved by the City Engineer. Planning Board added language that specified the conditions or constraints that the City Engineer had to find. How does this get documented during the approval process? Mr. Zavitz explained that this could be reviewed during the permitting process.
- ✓ Would the person issuing the permit be checking to see if the constraint was physical or topographical? Mr. Zavitz indicated in the affirmative.
- ✓ Please review the overlay districts because in 20.25 that addressed miscellaneous instead of overlay districts. Laval Means replied that there was a reference to overlays in several chapters. Overlays could be applicable over the top of any of the base zoning districts but there were no cross references to those chapters. There was a cross reference to the Miscellaneous Section; however the miscellaneous section currently addressed unzoned lands. The suggestion was to strike the Miscellaneous Section and cross reference it with the Overlay district.
- ✓ Councilwoman Rye would like Title 20 to have a placeholder for affordable housing in the future. Ms. Means answered this was possible to do.
- ✓ Was there any chapter that addressed the sound barrier when there was a change in a business and that business was adjacent to a residential area? Mr. Zavitz replied that could be addressed in the Buffer Chapter.
- ✓ Was anything addressed to alert neighbors prior to a structural change in a business? Mr. Zavitz stated that some changes are addressed during conditional use approvals. Chair Jaffe pointed out that there were noise ordinances and lighting ordinances that could address these questions.

## **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)

## **VIII. Adjournment**

The meeting adjourned at 11:45 am

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.***