

## Plat, Annexation and Zoning Committee Minutes

August 18, 2010

10:35 am – 12:00 pm

Missoula City Council Chambers, 140 W. Pine Street

**Members Present:** Ed Childers, Lyn Hellegaard, Roy Houseman, Dick Haines, Marilyn Marler, Renee Mitchell, Stacy Rye, Dave Strohmaier, Pam Walzer, Jason Wiener, and Jon Wilkins.

**Members Absent:** Chair Jaffe

**Others Present:** Mike Barton, Ruth Link, Jim Nugent, Janet Rhoades, Jim Salisbury, Kevin Slovark, Jeff Smith, Hilary Schoendorf, Rice Williams, Tim Worley and Shelley Oly

### I. Approval of Minutes

[August 04, 2010](#) approved as presented.

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

### III. Staff Announcements

Councilman Wiener facilitated the meeting because Chair Jaffe was absent.

### IV. Consent Agenda Items

### V. Regular Agenda Items

- A. A request for a conditional use for the Good Shepherd's Preschool located at 2425 39<sup>th</sup> Street ([memo](#)).—Regular Agenda (Tim Worley) (Referred to committee: 08/16/10)  
**REMOVE FROM AGENDA**

Tim Worley gave a [power point presentation](#) and stated this was a pre-public hearing informational item. The conditional use request came from Matt and Stacy Anderson. The proposal was for a daycare center and by definition in Title 20 a daycare center has thirteen or more enrollees:

- ✓ This proposal was for twenty-one enrollees.
- ✓ The pre-school is located at 2425 39<sup>th</sup> Street with Meadow Hill Middle School to the south of the proposed conditional use and Safeway across the street on 39th.
- ✓ The location is zoned RT10 which is 4 du/acre.
- ✓ There was an existing ranch style house to be used for the pre-school.
- ✓ The site layout will be required to comply with Title 20 to include parking, landscaping and screening.
- ✓ The site plan called for one of three access parking points to be closed with defined ingress and egress into the site and five proposed parking spaces with landscaping.
- ✓ City Engineering stated they would evaluate the traffic flow once the permit was presented to Public Works.
- ✓ The dimensions of the parking and the pin-down curbs may change on the site plan (with pin-downs to be eliminated).
- ✓ Staff recommended approval of the condition once the permit complied with Title 20.

The floor was open for discussion:

- Would there be a fence? Mr. Anderson replied that there was an existing fence with proposed additional fencing on the southwest corner of the property.
- There was a concern with making a left hand turn out of the driveway onto 39<sup>th</sup> Street. Mr. Worley responded there would be no incentive to drop off children directly off from 39<sup>th</sup> Street. Drop off of children would occur closer to the building.

- Some Committee members would rather have the access to Reserve Street on the side.
- There was concern that the landscaping on the corner of Reserve Street and 39<sup>th</sup> not block views of oncoming traffic at the intersection. Mr. Worley replied that Public Works had no problems with restrictions for the ingress and egress. Mr. Worley recommended having a right out onto 39<sup>th</sup> to keep people from entering into the pre-school via 39<sup>th</sup> Street.
- Councilwoman Rye suggested the right turn via 39th not be a condition. Councilman Wilkins suggested the need for a right hand only turn because of the traffic congestion during the peak traffic peak hours.
- Not sure if the proposed site was big enough to accommodate both ingress and egress via Reserve Street.
- Some Committee members requested a larger site plan for the public hearing on Monday night.

Mr. Worley stated he would draft two possible conditions before Monday night to include limited access to Reserve Street and right-out only access via 39<sup>th</sup> Street.

- B. Consider a request for an “Enterprise Commercial” conditional use for property located at 3620 Mullan Road (Carmike Cinemas) and zoned C1-4, Neighborhood Commercial. ([memo](#)) – Regular Agenda (Hilary Schoendorf) (Referred to committee: 08/16/10)**REMOVE FROM AGENDA****

Hilary Schoendorf gave a [power point presentation](#) and stated that this was a pre-public hearing informational item:

- Carmike Cinemas was applying for a conditional use for an enterprise commercial use. Enterprise commercial use is defined in Title 20 as any commercial use that exceeds 30,000 square feet in size.
- The Carmike currently has 10 large format screens with 1,314 seats and 232 on-site parking spaces. The proposal was to add 2 large format screens, 800 more seats and 200 on-site parking spaces.
- The subject property is zoned C1-4, neighborhood commercial zoning and is surrounded by commercial zoning districts.
- The Carmike Cinemas is located between Clark Fork Lane to the west, North Reserve to the east and Union Pacific to the north.
- Points of entry into the cinemas are from Union Pacific, Reserve Street and two access points from Mullan Road with no access to signalized intersections.

Councilman Strohmaier asked about the outline of the road on the powerpoint that connected the roundabout. Hilary Schoendorf stated the road was through easements but did not connect with Carmike property. Kevin Slovarp agreed and explained the area was private property and there were no easements for a road.

- Exiting points from Carmike are right in or right out onto North Reserve, the Treasure State parking lot turning left onto Clark Fork Lane and the two exit points onto Mullan Road.
- Between lots 3 and 4 of the Payne Subdivision was a 45-foot private access easement that has not been constructed with a 30-foot road that abuts the Carmike parking. The subdivider provided an improvements agreement for construction of the road and walkway however, the improvements agreement has been extended until January 2011.
- Staff recommended as a condition of approval the requirement of the access road to be constructed before the opening of Carmike Cinema’s new addition.
- Staff recommended approval of the enterprise commercial conditional use with the recommended changes in the staff report.

The floor was open for discussion:

- Councilman Wiener mentioned that Mullan Road and Reserve Street were being reconfigured in the coming year to have two through lanes.
- How would the reconfiguration help the ingress and egress areas and would the access be better through the Treasure State Bank. Kevin Slovarp replied the stretch between Reserve Street and Clark Fork Lane was being studied with the Reserve and Mullan improvements. He added that the Public Works Department anticipated full turning movements in and out of the Carmike Cinema property so there are no changes planned for access on the southside. Jeff Smith indicated there would be no change to the turn lane into Wal Mart or to the through lane onto Mullan Road. These two intersections are classified as low frequency accident intersections and would not be restricting the movement of the two driveways.
- How many additional trips would be generated with the expansion? Mr. Smith replied at least 200 vehicles per show entering or exiting at non peak hours. Ms. Rhoades added the shows would be staggered because of the two new movie screens.
- What is the final configuration on the northern side of Mullan Road at the eastern entrance and exit? Mr. Slovarp replied that the left turn pocket would be eliminated, but there would still be a left turn pocket allowed into the next business to the east of the access road to Mullan Road.
- Was it possible to have an extra condition to require access when Clark Fork Lane is extended to the western boundary? Ms. Rhoades answered no because there is no hook for requiring an access once the expansion of the theater was done.
- Can there be limited access entering to the east and exiting to the west? Mr. Slovarp pointed out that Public Works would not allow two traffic signals that close together. Mr. Smith explained that the western most driveway was the main entrance to the Treasure State Bank. The north driveway is the drive through access for the teller windows. Limiting the access limits impacts the Treasure State Bank and their operations. Jim Salisbury discussed the bank's concern on how this change would impact Treasure State Bank. The main concern would be the visibility of the electronic sign and the bank building. Mr. Salisbury indicated the lighted parking lot would be an improved option. He suggested that there could be some improvements to the bank's parking lot like stop signs and an enhanced speed bump that would help slow the flow of traffic. Mr. Smith stated these improvements could be incorporated into the project.
- What would be shown on the two new screens? Rice Williams stated this addition would house the first open 3D all digital sound and video presentation with steeply rated stadium seating. One screen would be a wall to wall and floor to ceiling and would allow for other presentations besides movies.
- Are there any sidewalks or walkways to connect the new parking lot to the existing building? Mr. Smith indicated there is currently a 5' sidewalk but that would be expanded to a 6' sideway with ADA accessibilities.
- Was it possible to connect the Treasure State Bank parking lot with the back road area of the Carmike. Mr. Smith stated that parking collector separated Treasure State Bank's through traffic from the parking area.

Mr. Williams wondered if the Certificate of Occupancy would affect any of the existing ten cinema screens. Ms. Schoendorf replied the Certificate of Occupancy was for the new addition only. Once the building was completed the Certificate of Occupancy would be issued and the business license could be applied for.

## **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)

#### **VIII. Adjournment**

The meeting adjourned at 11:40 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.***