

Plat, Annexation and Zoning Committee Minutes

January 5, 2011

11:05am – 12:00 noon

Missoula City Council Chambers, 140 W. Pine Street

Members Present: Bob Jaffe (Chair), Ed Childers, Dick Haines, Marilyn Marler, Renee Mitchell, Stacy Rye, Dave Strohmaier, Pam Walzer, Jason Wiener and Jon Wilkins.

Members Absent: Lyn Hellegaard

Others Present: Amy Fisher, Doug Harby, Paul Hintz, Todd Klietz, Jim Nugent, Janet Rhodes, Jason Rice, and Shelley Oly

I. Approval of Minutes

[December 15, 2010](#) approved as presented.

II. Public Comment on Items not on the Agenda

III. Staff Announcements

Todd Klietz announced that FEMA will hold a meeting in the Council Chambers room on Thursday, January 20, 2011 beginning at 5:00pm to talk about changes in the county with regard to the floodplain maps.

Some difference between old and new floodplain maps include:

- Grant Creek area new floodplain maps recognize the cottonwoods levee that protects the condominiums and the Rocky Mountain Elk Foundation located in that area.
- The California levee and downtown levee are more visible in the new floodplain map and show the properties that are being protected by the levees.
- The South hill area new floodplain maps shows the floodplain areas are under City Park ownerships and no longer residential ownerships.

The general public can find out whether or not their property is in the floodplain by going to the floodplain webpage and clicking on the link that directs the public to the index page. This link then brings up the entire county and shows which maps apply what portion of the county. The floodplain maps for the city can be located by zooming in on the City of Missoula. Then look for the particular location which shows the map number for that location and view the particular link page.

Questions included:

- What about the fact that the Milltown dam has been removed? Milltown was exempt from the floodplain however the Montana Department of Justice has agreed to reflect the changes for the removal of the Milltown dam.
- Do the maps understate the flood risk? There is a requirement to build two feet above the 100 year flood elevation to alleviate the flood risk.

IV. Consent Agenda Items

- A. Consider a request for a phasing plan creation for Conall Grove Subdivision. ([memo](#)) – Regular Agenda (Janet Rhoades) (Referred to committee: 01/03/2011) (**REMOVE FROM AGENDA**)

MOTION: The Committee recommends City Council conditionally approve the proposed phasing plan as shown in Attachment C for Conall Grove Subdivision subject to amendments to the subdivision conditions of approval to specify phasing, as shown in Attachment D as amended by PAZ and in accordance with Article 4-070.2(A-C) of the Missoula City Subdivision Regulations.

Janet Rhoades explained that this was a request to create a phasing plan for Conall Grove Subdivision:

- Conall Grove Subdivision was located north of 3rd Street on Grove Street.
- Grove Street is the primary access but the lots would access off of Red Osier Way.
- Lots 4 & 5 would be in Phase 1. Lots 1, 2, 3, 6, & 7 would be in Phase 2. The applicant requested a shared driveway for Red Osier Way in Phase 1 instead of completing the full subdivision requirements. This was not possible because the road is a city right-of-way and needed to be constructed within the public standards for roads.
- Staff recommended amending Condition No. 3 to reflect the City Engineer's recommendation to install a paved turn around and a barricade to prevent access to undeveloped portions.
- A compromise was made between the City Engineer and the applicant's representative during Phase 1:
 - The turn around would be eliminated because the lots were within the 150-feet of Grove Street.
 - Sidewalks would extend to the main primary pedestrian entrance (front door).
 - Sewer and water mains would be installed.
 - In Phase 2 the road would continue and the sidewalks would be completed.
 - The representatives are in agreement with the City Engineer's recommendations.

Questions and comments from the Committee:

- 1) Would sidewalks be required for all of Grove Street in Phase 1? The Territorial Landworks representative stated they were not opposed to install sidewalks and curbs along the whole Grove Street frontage. Only the requirements requested for each phase need to be completed and the installation of sidewalks for all of Grove Street was not required in Phase 1. The Committee can amend this requirement so that everything including Lot 3 goes prior to Phase 1.
- 2) Can the status of revising the conditions of subdivision be changed in a phasing amendment? The preliminary plat conditions are supposed to be the conditions at the time of the final plat. If there are minor adjustments because of the phasing plan it would be the Council's option to amend them. Staff stated that Council could amend the conditions to specify that the sidewalks adjacent to the whole property adjacent to Grove Street would need to be done before Phase 1
- 3) Will there be three lots in the final plat of Phase 1? In a phased subdivision Phase 1 only shows up at the time of final plat the rest of the phases are generally shaded in gray and are considered a remainder parcel not lots.
- 4) Do the sidewalks go up to the vehicle or pedestrian main entrance of the home? The sidewalks would serve the main primary entrance and the road, curb and gutter would extend 150-feet from Grove Street.
- 5) Who would be responsible for the maintenance of the sidewalks? The property owner would be responsible.
- 6) What was the zoning for this subdivision? The zoning designation is RT10 which is four dwelling units per acre.

- 7) Is the Committee comfortable with extending the phasing plan out to 2018. This extension is not out of the realm of what other applicants are requesting.
- 8) Councilman Childers sent out an email questioning who would be responsible for the sidewalk improvements for Phase 2. The fees would be the responsibility of the property owners.

Councilwoman Rye made the **motion** to approve the proposed phasing plan as shown in Attachment C for Conall Grove Subdivision and be conditionally approved subject to the amendments to the subdivision conditions of approval to specify phasing in Attachment D in accordance with the subdivision regulations including the language that specifies that the sidewalk continues onto Lot 3 to the north in Phase 1 and the driveways on Red Osier Way be within 150-feet and that sidewalks and boulevard sidewalks on the north and south sides respectively continue from Grove Street to the primary entrance of each lot. The vote was unanimous and would go under the Consent Agenda.

V. Regular Agenda Items

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. Consider a resolution of intention to annex City and UM properties located in the southeastern quadrant of the City and schedule a public hearing in accordance with Montana Code Annotated Part 44 government lands method of annexation. ([memo](#))—Regular Agenda (Carla Krause) (Referred to committee: 10/25/10)
6. Consider a request to rezone property at 620 Addison and 826 Kern. ([memo](#))—Regular Agenda (Tim Worley) (Referred to committee: 11/22/10)
7. Discuss Russell & 3rd land use and zoning visioning and update. ([memo](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 10/25/10)

VIII. Adjournment

The meeting adjourned at 11:50am

Respectfully Submitted,

Shelley Oly

Recording 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.