

## Plat, Annexation and Zoning Committee Minutes

February 2, 2011

11:05am – 12:00 noon

Missoula City Council Chambers, 140 W. Pine Street

**Members Present:** Bob Jaffe (Chair), Ed Childers, Dick Haines, Lyn Hellegaard, Marilyn Marler, Stacy Rye, Dave Strohmaier, Pam Walzer, Jason Wiener, Jon Wilkins and Cynthia Wolken.

**Members Absent:** Renee Mitchell

**Others Present:** Gary Bakke, John Hendrickson, Laval Means, John Newman, Jim Nugent and Shelley Oly

### I. Approval of Minutes

[January 05, 2011](#) approved as presented.

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

### III. Staff Announcements

### IV. Consent Agenda Items

- A. Discuss Russell & 3<sup>rd</sup> land use and zoning visioning and update. ([memo](#))—  
Regular Agenda (Bob Jaffe) (Referred to committee: 10/25/10) **(REMOVE FROM AGENDA)**

**MOTION:** To refer to the Planning Board the potential map amendment and text amendment related to the Southside Riverfront Character Overlay south of the river as outlined in the staff presentation.

John Newman continued the previous discussion of potential changes to the zoning along the Russell Street Corridor and the South Side Riverfront Character Overlay. Staff would like some direction on how to proceed. He showed a potential map amendment to the NC-SP Overlay with most of the areas zoned as C2-4 (light industrial and commercial) that could be included if the boundaries of the overlay were expanded:

- ✓ Most of the properties are zoned commercial.
- ✓ The used car lot at the corner of Russell and Dakota is zoned M1R-2 (limited industrial/residential) could be included.
- ✓ The properties on Wyoming, Catlin, and Montana Street are similar to the properties to the east and are zoned C2-4.
- ✓ The properties on Philips Street adjacent to the corridor are zoned C1-4.

The future overlay was juxtaposed over the current overlay to demonstrate what the future Southside Riverfront Overlay could look like.

Questions and comments from the Committee:

- 1) Would the expanded overlay make the structures non-conforming on the parcels located between the river and Broadway on the northside of the river? The height limit for the overlay district is 45 feet and the buildings likely conform to maximum front yard setback requirements..
- 2) Could that area to the north be zoned now for future use?

- 3) The properties identified would be well served by the overlay. What kind of support do we have from property owners that are currently affected by the overlay? That question could be apart of the discussion processes in the future.
- 4) This process should not explore the areas across the river. The section of Broadway and Russell to the north should have its own process in the future. The focus should be on the discussion on the Russell street frontage and the effect of the redevelopment on Russell Street and on the adjacent properties.
- 5) Appropriate properties that are off Russell Street should be included to see if they would be well served by the overlay.
- 6) The proposal by the Farran Group for the Intermountain site is currently within the overlay but does not meet some of the goals that the overlay was trying to achieve. How can the language in the Southside Overlay be changed to address entrances that face the street? That is a very preliminary proposal. The idea of the overlay was to keep the parking in the back of businesses and the Farran Group project would propose a boundary line relocation that would change one of the lots to create a flag lot. That change could result in parking that would front on Russell Street.
- 7) Would like to utilize the map amendment process, including the properties that are south of the river with the possible exclusion of the Good Food Store lot. Staff could provide a strikeout version of the overlay with a new map.
- 8) What would happen to the buildings already included in the overlay if there were a change of setbacks or a change in height limitation?
- 9) It would be helpful to be acquainted with what people had already discussed and the past decisions made. Staff explained that the current boundary of the Southside Riverfront plan grew out of a need to address unzoned land in conjunction with the MRA.

Staff explained that non conforming uses would not be created. If the parcels were in lawful existence prior to the adoption of the overlay in March 2000 then those parcels are classified as permitted uses as opposed to legal non-conforming uses.

Mr. Newman spoke about potential text amendments to the following provisions in the NC-SR Overlay:

- Front setbacks may not exceed 60 feet in depth.
- Buildings may not exceed the maximum height limit of the underlying zoning district or 45 feet whichever is less.
- If the use was in lawful existence prior to March 2000 then it was considered a permitted use. A permitted use could be expanded.
- The replacement by a use of similar or less intensity.
- Light and heavy equipment sales/rentals if permitted in 2000 can still remain.
- Taking cues from other districts and overlays such as the pedestrian overlay and the mill site special zoning district.
- The neighborhood councils would be a primary contact during this process.
- The direction staff would take would depend on whether the focus was on a map amendment process, text amendment process or a combination of both.

Councilman Wiener made a **motion** to refer to the Planning Board the potential map amendment and text amendment related to the Southside River front Neighborhood Character Overlay, south of the river as outlined in the Staff presentation. The vote was unanimous and would go on the Consent Agenda.

## B. Regular Agenda Items

### V. Items to be Removed from the Agenda

Please remove **No.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) and **No 6** Consider a request to rezone property at 620 Addison and 826 Kern. ([memo](#))—Regular Agenda (Tim Worley) (Referred to committee: 11/22/10) from the Held in Committee list.

### VI. 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. Resolution repealing resolution No. 7404 and declaring the annexation of Lots 53 and 54 Dinsmore's Orchard Homes No. 5 null and void. ([memo](#))—Regular Agenda (Jessica Miller) (Referred to committee: 01/10/11)

### VII. 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.***