

Plat, Annexation and Zoning Committee Minutes

March 2, 2011

10:10 a.m.

City Council Chambers, 140 W Pine

Members Present: Bob Jaffe, Cynthia Wolken, Jason Weiner, Dave Strohmeier, Ed Childers, John Wilkins, Lynn Hellegaard, Renee Mitchel

Members Absent: Dick Haines, Stacy Rye, Marilyn Marler

Others Present: Janet Rhoades, Ken Jenkins, Jamie Hoffman, Jim Nugent, Robin Spaziani, Dax Kuehn, Rod Austin, Amy Fisher, Nathan Sann, Jeremy Waterson, Paul Chamberlin, Kim Walterskirchen, Bobbi Day, and Deni Forestek

I. **Approval of Minutes** - the minutes of [February 9, 2011](#) were approved as presented.

II. **Public Comment on Items not on the Agenda** - None

III. **Staff Announcements** - None

IV. **Consent Agenda Items**

V. **Regular Agenda Items**

- A. Consider a request to adopt an ordinance to rezone property located at 217 & 235 Catlin Street and 1715 Trail Street from RM2.7 (Residential 2.7 multi-dwelling) to RM1-45 (Residential 1 multi-dwelling). ([memo](#))—Regular Agenda (Janet Rhoades) (Referred to committee: 02/14/11) **HELD IN COMMITTEE**

Janet Rhoades informed the Committee that this was a pre-public hearing item and that no decisions needed to be made today. She highlighted the following items in her [staff report presentation](#):

- The property is located near the intersection of 3rd Street and Russell Street on Catlin Street and Trail Street.
- The applicant's rezoning request from RM2.7 to RM1-45 was for residential and multi-family development. This density would be 43 dwelling units per acre; the current zoning allows 16 dwelling units per acre.
- Two comp plans apply to this area. Staff not only looked at the land use map but also the goals and objectives. No density was specified for this area.
- The recently approved expansion of the Milwaukee trail would front the property to the north.
- Staff recommended approval of the rezoning based on nine criteria. Public comment was not one of those criteria but Council could take public comment into consideration when making its decision.
- Planning Board recommended denial of the rezoning request on a 6 to 2 vote. Some of the reasons included excess traffic, traffic impact to the neighborhood, traffic pressure to nearby intersections, lacking access for emergency vehicles, no play area for children, and it was not the right time or place for this project. They acknowledged that there were good arguments for the project such as the location near alternate transportation services, providing housing near services and the appropriateness of the density for this area, but felt that the arguments against the rezone outweighed the arguments for it. (See the [Planning Board summary](#) for more detail.)
- Options that City Council could consider were either to approve or deny the rezoning request. It could not conditionally approve the rezoning request. A legal protest has

been filed; this means that there has to be a super majority of those present and voting to approve the rezoning request.

Ken Jenkins with Territorial Landworks [presented additional information](#) on the request.

- Keep in mind that this project was a city-wide issue because there was a housing need.
- The reason for the request was to build 71 units to keep the project economical and feasible.
- The legal protest of 60% was only nine people that did not want the project. There would be 71 people that would get housing.
- There were traffic problems all over Missoula; this area was not a problem just to this neighborhood. Improvements to this neighborhood's intersections would happen when 3rd Street and Russell Street have been improved.
- The project will be near the trail once it has been expanded making non-motorized transportation available. A person could live here and not need a car.

Jamie Hoffman, Hoffman Architects, spoke about affordable housing and the development concept to address neighborhood concerns on this project.

- More parking would be provided than required by the RM1-45 zoning.
- The RM1-45 zoning would allow for 91 units per acre; this design would only be for 71 units.
- Even though the design shows two accesses, it would be most logical for the tenants to use the one onto Catlin.
- The buildings would be scaled down going west with the 3-story buildings on Catlin.
- If the project is approved a deed restriction will be put in place to restrict the density from going up.
- The affordable housing report showed that there was an insufficient supply of multi-family properties in Missoula. Growth projections show a shortfall in housing, especially in multi-family housing.
- There was also a lack of available property already zoned for placement and price. Most available property was zoned commercial.

Chair Jaffe opened up the floor for public comment.

Nathan Sann: the son of the investor lives at 3rd Street and Davis Street. He found the property and suggested to his father to purchase the property to develop for multi-family housing. It would be an opportunity for the community to be connected to trails and other nearby services. It would not be cost effective to build at a lower density. They proposed a higher quality complex with higher density to make it affordable. They did not want to exploit anything or ruin the neighborhood.

Dax Kuehn: lives in the neighborhood and owns a business in this area. He had concerns because of the high density multi-family project that was against what the River Road Neighborhood Council had envisioned. They had concerns because of adding traffic onto Catlin Street. The neighborhood council that represents over 2,000 members voted unanimously against this project because of traffic concerns. Catlin and Wyoming Streets were terrible to drive on because of the parked cars. Adding more people from a multi-family development would increase the problem (parking and traffic), especially with the Sussex School traffic. Thirty-two units would be okay, but 71 units were too many. Planning Board also voted against this project. OPG staff can not take public comment into account but Council members could.

Jeremy Waterson: felt this was an instance of over-fill and suggested that if the developer could not make money at the present zoning, he should not have purchased the property. Council was voting on the rezone issue and not the proposed project. If 92 multi-family units were added, it would triple the density of the neighborhood on one parcel. Currently there were no sidewalks in the neighborhood so when sidewalks did get built it would make the

road even narrower. The three-story building would be the largest one west of Catlin Street. There was also no place for children to play and nothing in the neighborhood for them. If developed at 16 units there would be more open space and a place for children to play. Where would all these people come from and where would they work?

Paul Chamberlin: lives on Trail Street and felt the rezoning request was inappropriate. It did not fit in with the character of the neighborhood. The traffic and parking was already out of control with the nearest park was too far away. This many units was not necessary and there was no guarantee that the owner was not going to rezone the property and then turn around and sell it. Other builders have been able to make a return on investment without higher density.

Kim Walterskirchen: opposed the rezoning. Infill was reasonable but not when it doubled or tripled the density. Sixteen units was appropriate zoning for this area and should be left in place. He showed some [examples of what these buildings](#) would look like in this area, the current houses around the property, and a map showing the number of units around the property along with the upcoming units.

Committee members asked questions and requested information:

1. What is the history on how zoning came about? Ms. Rhoades will prepare this information for the public hearing.
2. Since there was no statutory deadline to make a decision on this item it will be coming back to Committee so that Councilwoman Marler can participate.
3. Where was the nearest city park in this area? Le Frey Park is about ½ mile and Bently Park is about ¾ mile. What about Emma Dickenson's property, especially once the trail goes through? Was Sussex School playground open after school hours? Ms. Rhoades will get the answer to these questions.
4. The housing reports showed a shortage of 3-bedroom apartments. What size apartments were needed most?
5. When did the architect become involved with the project? Mr. Hoffman was retained by the owner to respond to expressed concerns and protest regarding the project design.
6. Have any steps been taken to ensure this project was affordable? There were no tax credits or subsidy for this project so the rents would be market rates.
7. Elaborate on Planning Board's sentiment that this was the right place but not the right time. On page 30 of the Planning Board minutes, Mr. DiBari talked about the timing and suggested that planning drive development, not development driving planning.
8. It would be helpful to have examples of areas in town already built to the proposed density so Council could get a visual feel.
9. Need to understand more about the multi-family requirements (green space, parkland, and parking).
10. Impact fees would be imposed. What kind of revenue would there be and would it be sufficient to upgrade the transportation system?
11. In looking at the Growth Policy Amendment map it shows 2400 additional units in this area and the current zoning permits 5,020 units. Was this comparison correct given the current build out? What is the true estimate of capacity of developable land?
12. Where was the URD 2 boundaries, did it include this property? Ms. Rhoades will verify the boundary.
13. There seems to be a conflict with the community's idea of growth and what the market supports. There did not seem to be very much data to support this and Council would like more information.
14. Traffic lights will be coming as Russell Street gets built which will help this neighborhood.
15. What is the cost per square foot of a parcel compared to those on the Champion Mill site? Provide more information on market conditions and what was expected on the Champion site.

16. Mr. Hoffman was asked to provide more examples of 35-45 units per acre developments. He will email a list of projects and addresses for Council.
17. What were the market rates for two and three bedroom units? A survey was done showing unit sizes, vacancy rates, rents, ect. Mr. Hoffman will email this survey to Council.
18. Are the multi-family units accommodating everyone or just the student population? Could the University supply housing?

Ms. Rhoades asked Committee members to email her if they wanted other information so she could be prepared at the public hearing. The public hearing on this item will be held March 7, 2011.

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. 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)
6. Amendments to Article 9, Public and Private Improvements of the Missoula City Subdivision Regulations. ([memo](#))—Regular Agenda (Jen Gress) (Referred to committee: 02/07/11)

VIII. Adjournment

The meeting adjourned at 12:05 noon

Respectfully Submitted,

Deni Forestek/Bobbi Day
Recording Secretaries
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.