

## Plat, Annexation and Zoning Committee Minutes

May 18, 2011

10:11 a.m. – 11:00 a.m.

City Council Chambers, 140 W Pine

**Members Present:** Bob Jaffe, Ed Childers, Dick Haines, Lyn Hellegaard, Renee Mitchell, Stacy Rye, Pam Walzer, Jon Wilkins

**Members Absent:** Dave Strohmaier, Cynthia Wolken, Marilyn Marler, Jason Wiener

**Others Present:** Ann Cundy, Jim Nugent, John Newman, Mike Barton, Michael Tree, Jerry Ford, John Wolverton, Ellen Buchanan, Deni Forestek

### I. Approval of Minutes for [May 11, 2011](#)

The minutes were approved with the following correction on page 1 to the motion for the Larson Addition Subdivision:

“...installation southeast of Grant Creek is completed with Phase 2.”

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

### III. Staff Announcements

### IV. Consent Agenda Items

- A. A resolution to adopt the 2011 Missoula Active Transportation Plan as an amendment to the Missoula County Growth Policy and set a joint public hearing with the Missoula County Board of County Commissioners to review the Plan. ([memo](#))—Regular Agenda (Ann Cundy) (Referred to committee: 05/09/11) **HELD IN COMMITTEE**

#### Resolution of Intent

**MOTION: The Committee recommends the City Council set a special joint public hearing date of June 13, 2011 with the Missoula County Board of County Commissioners to review the Plan.**

Pam Walzer made a motion to untable this item. The motion passed by majority vote with Ed Childers opposing.

Ed Childers was not ready to remove this item from the table because he felt it needed more discussion. He did not feel the Committee received enough information regarding the Sonata Park decision and wanted to avoid future problems with the Growth Policy as a companion to planning documents. Chair Jaffe felt that setting a public hearing would give the governing bodies an opportunity to review, revise, or amend the Missoula Active Transportation Plan.

Mr. Barton explained that staff continue to analyze this document and found that adoption of the MATP would not advantage or disadvantage the local government or applicants. There were some adjustments that needed to be made to the outdated pieces of the Growth Policy; however, the MATP did not affect any of those sections.

Councilman Childers supported active transportation but not to the exclusion of driving a car; he felt supporting a plan that excluded vehicles would cause problems.

[Ann Cundy presented information on the Active Transportation Plan that included:](#)

- Active transportation equaled human powered transportation focusing on facilities and programs for active transportation
- The plan included on and off street bike/ped facilities and programs that supported that system.
- The present MATP was 10 years old and needed updated to create a current policy and planning document to illustrate how the active transportation infrastructure would fit in future transportation plans.
- The MATP will be used as a resource document, an advisory document for the MPO, and evidence of community support and commitment to Missoula's sustainability.
- The plan would be a resource to advise the MPO if grant opportunities became available.

Pam Walzer made the motion that City Council set a public hearing on June 13, 2011. The motion passed unanimously. Chair Jaffe requested that the city attorney be prepared for questions regarding the Sonata Park decision.

- B.** Ordinance amending the text of the Southside Riverfront Neighborhood Character Overlay as described in section 20.25.060 of the Title 20 Missoula City Zoning Ordinance ([memo](#)). (John Newman) **HELD IN COMMITTEE**
- C.** Ordinance to rezone certain properties to be included in the Southside Riverfront Neighborhood Character Overlay as described in Section 20.25.060 of the Title 20 Missoula City Zoning Ordinance. ([memo](#)) – Regular Agenda (John Newman) **HELD IN COMMITTEE**

**MOTION: The Committee recommends that City Council set a public hearing on June 13, 2011 to consider an ordinance amending the text of the Southside Riverfront Neighborhood Character Overlay and to rezone certain properties to be included in the Southside Riverfront Neighborhood Character Overlay as described in Section 20.25.060 of the Title 20 Missoula City Zoning Ordinance.**

John Newman distributed hard copies of the [staff-recommended ordinance](#) and reviewed each of the five changes to the text amendments.

1. Change the date to reflect whatever date the Ordinance was adopted.
2. Change the front yard setback from 60' to 40'.

Discussion:

- How would a business use that front yard setback if it could not park in that space? It could be used for display purposes or perhaps a patio for restaurants.
  - Was there a minimum setback? Some areas adjacent to residential might have a minimum setback.
  - Could the property owners who wanted this go to the Board of Adjustment and apply for the variance?
  - What kind of public notification would this have to be since it was such a big zoning change?
  - Was this change reverting Title 20 to Title 19 with spot zoning?
  - Amendments could be done at the public hearing.
3. Change the maximum height from 45' to 65'. Right now the area is mixed from 45' to 125' and this would compromise the playing field.
- Discussion:
- After listening to public comment on the Trail Street rezone, it seemed that the neighborhood would like to see it left at 45'.
  - Sixty-five feet would be better for the Russell Street corridor.
  - Higher buildings might be a good idea east of Catlin. Mr. Newman pointed out that the Planning Board had some of those same concerns and the Board's suggestions would be ready by public hearing.

4. Allowed Uses would change so that commercial and industrial uses that were listed as prohibited uses but were in existence on the effective date of the ordinance would be considered legal nonconforming.
5. Add casinos as a primary use to the list of prohibited uses in this area.

Jerry Ford expressed his concerns regarding the changes, citing that parking should be permitted in front of businesses and that legal nonconforming uses should be permitted.

Councilman Childers made a motion to set the public hearing for June 13, 2011. The motion passed unanimously.

#### **VI. Items to be Removed from the Agenda**

1. Update committee regarding Russell Street zoning project. ([memo](#))—Regular Agenda (John Newman) (Referred to committee: 05/09/11)

#### **V. 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. Resolution to annex and incorporate within the boundaries a certain parcel of land described as Linda Vista 12<sup>th</sup> Supplement, and zone the property Miller Creek View addition planned unit development with the underlying zoning of R-215 residential in the city all located in Section 13, Township 12 North, Range 20 West, P.M.M. ([memo](#))—Regular Agenda (Jessica Miller) (Referred to committee: 04/11/11)
7. Review Montana Supreme Court Decision in Heffernan vs. Missoula City Council (Sonata Park Subdivision). ([memo](#))—Regular Agenda (Dave Strohmaier) (Referred to committee: 05/09/11)

#### **VI. Adjournment**

The meeting adjourned at 11:00 a.m.

Respectfully Submitted,

***Deni Forestek***

Recording Secretary

Office of Planning and Grants