

# Plat, Annexation and Zoning Committee Minutes

June 1, 2011

10:05 to 11:00 a.m.

Council Chambers, 140 W. Pine

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

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

**Others Present:** Jennifer Clary, Janet Rhoades, Jim Nugent, Janna Betty Moser, Jeremy Betty, Julie Betty, Vincent Moser, Eileen Kelly, Jim Betty, Sarah Melville, Deni Forestek

## I. Approval of Minutes

The minutes of May 25, 2011 were approved as presented

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

Eileen Kelly, 1815 S 10<sup>th</sup> Street W, wanted to know how to go about stopping a project in her neighborhood. The project is at 1840 S. 11<sup>th</sup> Street W and is proposed to demolish existing buildings and build a duplex. She felt they did not need another duplex on the block. Chair Jaffe explained that she would need to start with OPG and her Ward Councilman, Ed Childers.

## III. Staff Announcements

## IV. Consent Agenda Items

## V. Regular Agenda Items

1. Consider a request to adopt an [ordinance](#) to rezone property located at 1500 39<sup>th</sup> Street from RM1-35 (Residential, 43 multi-dwellings per acre) & RT2.7 (Residential, 16 dwellings per acre) to B1-1 (Neighborhood Business) and RM1.5 (Residential, 29 multi-dwellings per acre). ([memo](#)) —Regular Agenda (Janet Rhoades) (Referred to committee: 05/23/11) **HELD IN COMMITTEE**

This agenda item is a pre-public hearing and not an action item. Janet Rhoades presented the staff report. ([Click here for the PowerPoint presentation](#)) Highlights included:

- The property is at 39<sup>th</sup> and Russell and presently zoned RT2.7 and RM1-35
- For the purposes of simplification, the property has been designated Subject Property One and Subject Property Two.
- The requested zoning for Subject Property One would be to B1-1, which is the lowest intensity commercial zoning designation. This rezoning would increase residential density from 16 to 43 dwelling units per acre and the maximum building height to 40 feet.
- The requested zoning for Subject Property Two would be to RM1.5, which would increase density from 16 to 29 dwelling units per acre and height to 45 feet.
- This proposed rezoning is compliant with the Growth Policy that states new land development should be encouraged immediately adjacent to where urban services and employment centers exist.
- The Planning Board recommended approval.

Jenn Clary, Encompass Design, added some information which included:

- This is a rezone, therefore they do not have a site plan. They have looked at possible footprints, parking, landscaping, and traffic patterns in the area.
- On the southern two parcels, they would like to create a small coffee, ice cream or sandwich shop on the first floor and apartments upstairs.

- On the northern parcels, they would like to have apartments with parking and landscaping. These properties would not have access into Mission Court.

Public comment included:

- Sarah Melville, who owns one of the buildings that are going to be rezoned, distributed a [packet of information](#) to the Committee members. She stated she found out about this a few days ago and is hoping City Council can put off a vote until she could put together a legal protest. She felt this was not handled properly since she did not receive a notice from the City.

Chair Jaffe clarified that a property rezone in the City of Missoula needs to be City Council initiated or have a request from 35% of the property owners; it is not required that every owner of every property be a part of this. The notification process states that the applicants need to notify surrounding property owners. Ms. Melville indicated she received a certified letter and refused delivery.

Questions and comments from Committee members included:

- Renee Mitchell asked if every resident within 150 feet of the properties were notified. Fifteen property owners received certified letters. Why was Ms. Melville not notified? The address database OPG uses is from the state. Councilwoman Mitchell felt that OPG should make sure the databases they use are up-to-date.
- Pam Walzer asked how many dwelling units could physically exist on the properties when one takes landscaping, setbacks and parking into consideration? The most dwelling units that could be put on all the parcels would be 33.
- Jon Wilkins felt that since there is no site plan, the worst case scenario needs to be considered and this does not sound like a good idea.
- Dick Haines wondered what happens to the people who now live in the homes that are on these parcels? Jim Betty, the owner of the properties, explained that they would stay during the first few years of the transition and he would hope to incorporate the present renters into the new configuration.
- Lyn Hellegaard felt that the entire project raised concerns for her. The neighborhood is single-story homes, apartment units are only two stories, and the church is two and half stories. There is already parking concerns in the neighborhood. The land behind the gas station that Ms. Rhoades referred to as a park is actually wetlands. There was not adequate infrastructure to support this project. She did not feel this project was an enhancement to the neighborhood and does not meet the criteria and staff and the Planning Board should not have recommended approval.

Mr. Betty explained that in October, when he first began planning this project, he contacted Ms. Melville and offered to purchase her property. Jenn Clary pointed out that Ms. Melville was contacted via phone by Mr. Betty and that he explained in detail what he planned to do; this protest was not until after the Planning Board recommendation. Ms. Melville clarified that Mr. Betty did not offer to purchase the property, he offered to trade her another property. When she asked if he planned to develop the property, he explained he wanted to give it to his children. She felt he deceived her and this is why she refused any correspondence from him.

## **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. 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)

3. Ongoing discussion of City planning issues with members of the Planning Board.—Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)
4. 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)
5. 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)
6. 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)
7. 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](#)) – Regular Agenda (John Newman)
8. 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)

#### VIII. Adjournment

The meeting adjourned at 11:21 a.m.

Respectfully Submitted,

***Deni Forestek***

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.***