

Plat, Annexation and Zoning Committee Minutes

November 2, 2011

10:15 a.m. – 11:15 a.m.

City Council Chambers, 140 W. Pine Street

Members Present: Bob Jaffe, Ed Childers, Dick Haines, Lyn Hellegaard, Renee Mitchell, , Dave Strohmaier, Pam Walzer, Jason Wiener, Jon Wilkins, Cynthia Wolken

Members Absent: Marilyn Marler, Stacy Rye

Others Present: Laval Means, Tom Zavitz, Jim Nugent, Pat Little, Bobbi Day

I. **Approval of Minutes** – the minutes of [October 26, 2011](#) were approved as presented.

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

III. **Staff Announcements**

IV. **Consent Agenda Items**

A. Amendments to Article 3, Subdivision Design Standards, Section 3-020 Streets, Access, and Transportation, of the Missoula City Subdivision Regulations ([memo](#)) – Tom Zavitz
(HELD IN COMMITTEE)

MOTION: The Committee recommends that City Council adopt a resolution of intent to adopt for amendments to Article 3, Subdivision Design Standards, Section 3-020 Streets, Access and Transportation of the Missoula City Subdivision Regulations and to set a public hearing for November 28, 2011.

Tom Zavitz explained that the Committee's action was to set a public and approve a Resolution of Intent to Adopt. Background on the amendments ([presentation](#)):

- When Title 20 and the City Subdivision Regulations went through the update process it was realized that some amendments were outside the scope of work and were set aside until last year.
- The process to amend Section 3-020 started about a year ago with listening sessions with agencies, the development community and other interested parties.
- An early draft was developed with direction from the listening sessions and forwarded to Planning Board.
- Planning Board held several public hearings and made amendments to the draft.
- The amended draft has been forwarded to City Council with Planning Board recommendations.
- The main focus of the project was to reorganize the chapter, add consistency and clarification since other agencies had different standards.
- Table 2a combined specifications from six different tables throughout the chapter. Other agencies will use this table.
- The secondary focus included creating standards for both private and public roads, eliminating the distinction between the Urban Growth Area and outside the Urban Growth Area, changing the street calculation from the number of dwellings to trips per day, and exploring narrow street options.
- Planning Board recommended amendments included disallowing short-court options, restricting cul-de-sac and other dead-end street options, disallowing private streets, adding a Homezone/Woonerf street type option, off-site connections to trails option, and new standards that over ride Fire Standards Code.

- Staff will meet with some agencies on the recommended new standards to make sure these options will be safe and consistent with fire code standards.

Questions and issues that were brought up included:

1. Using driveways rather than a collector road. Driveways do not have a length restriction and can have two dwellings on a shared driveway.
2. Councilwoman Mitchell requested a change in the Purpose statement so that future unique situations would not conflict with the city's streets regulations. There was discussion on whether a change could be made to the draft prior to the public hearing and Councilwoman Mitchell made a motion to strike out "as outlined" through "Resolution 7473" in the Purpose statement. After discussion on the motion the vote failed with a tie vote.
3. Discussion items for the pre-public hearing committee meeting: width of neighborhood streets and parking concerns on short courts.
4. Why did Planning Board recommend banning short courts or did they consider alternate ideas such as woonerfs? Planning Board felt short courts were not good for communities, In some places a short court was similar to woonerf and created a dead-end situation. The Board wanted to get away from recommending dead-end type streets. The fire restrictions did play a role in the recommendation.

Tom Zavitz reported that additional comments were still coming in so more attachments would be added to the referral memo.

Councilwoman Waltzer made a motion to adopt the Resolution of Intent and to set the public hearing for November 28, 2011. The motion passed unanimously and will go on the Consent Agenda.

Chair Jaffe asked committee members to review the materials and email staff questions and concerns for discussion.

V. Regular Agenda Items

- A. Discuss clarifications to the regulations for non-conforming uses and structures in Title 20, Missoula City Zoning Ordinance, especially pertaining to 20.80.040 Nonconforming Uses, 20.110.050 C3 Exceptions to Side Setbacks, and 20.80.030 Nonconforming Structures. ([Memo](#))—Regular Agenda (Tom Zavitz) (Referred to committee: 08/22/11) **(HELD IN COMMITTEE)**

Tom Zavitz reminded the Committee where it was in the discussion, specifically, expanding dwellings in side yards or rear yards. Currently, Title 20 allows adding onto a nonconforming structure. The issue of adding height has been problematic for staff to determine. ([Presentation](#))

The Committee focused its discussion on horizontal additions.

1. If the property next door was also nonconforming then there could be a safety issue with fire codes. A blanket rule should not be made that covered all nonconforming structures; they needed to be considered on a case-by-case basis. Permit horizontal expansion except in cases where the dwelling was located within 3 feet of the property line.
2. The Board of Adjustment would not be a good forum to review these cases because the Board would have to deny the request. They should be reviewed on a case-by-case basis for those less than 3 feet from the property line. A hardship would have to be shown that was attached to the lot. Something less than 3 feet could also impact the neighbors so more review should be done such as that by the Design Review Board. Less than 3 feet could also be restricted by other agency codes.

3. Q: Would there be an issue if a legal nonconforming structure was added onto that met zoning? A: There would be no issue.
4. Some kind of review should be done but not by administration.
5. For consistency look at the lot line house option. The language in the lot line house section should help.

The Committee will work on motion language next time. Mr. Zavitz noted the three issues and that staff will come back with proposed language that covered all three together.

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: 01/10/2011)

VIII. Adjournment

The meeting adjourned at 11:20 a.m.

Respectfully Submitted,

Bobbi Day

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.