

Plat, Annexation and Zoning Committee Minutes

July 29, 2009

9:05 am – 10:00 am

Missoula City Council Chambers, 140 W. Pine Street

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

Members Absent:

Others Present: Earl Allen, Ana Aronofsky, Gary Bakke, Jim Blo, Sarah Busey, Lane Coddington, Phyllis Erck, Steve Hellegaard, Gary Hughes, Linda Lennox, Laval Means, Eric Midtlyng, Roger Millar, Stephanie Millar, Jim Nugent, Joe Parchek, Howard Reinhard, Brent Robison, Monte Turner, Tom Zavitz, Lewis YellowRobe, and Shelley Oly

I. Approval of Minutes

[July 22, 2009](#) (am meeting) approved.
[July 22, 2009](#) (pm meeting) approved.

II. Public Comment on Items not on the Agenda

III. Staff Announcements

IV. Consent Agenda Items

V. Regular Agenda Items

1. An [ordinance](#) repealing Title 19 Zoning Code in its entirety and adopting Title 20 Missoula City Zoning Ordinance and an [ordinance](#) repealing Title 2.84, the Historic Preservation Committee in its entirety. ([memo](#)) ([PAZ](#)) ([Staff Report](#)) ([Potential List of Issues](#)) —Regular Agenda (Laval Means) (Returned from Council floor: 06/22/09)

Chair Jaffe announced the discussion for the morning PAZ meeting would be on sign issues not related to electronic signs.

Laval Means gave a brief introduction to the non electric issues and provided some background on those issues and gave a [power point presentation](#). The regulations pertaining to signs are found in Chapter 20.75, the definitions regarding signs are in the terminology chapter at the back of the book, the regulations pertaining to on-premise signs are found in Chapter 19.90, and the regulations for off premise signs and billboards are found in Chapter 17.76. Planning Board's recommendations for Title 20 sign chapter are:

- ✓ Reorganize the chapter and update terminology.
- ✓ New regulations for dynamic display signs.
- ✓ New regulations for bus stop bench and shelter signs.
- ✓ Update of prohibition of billboards.

Laval Means stated there was a suggestion to add the following language to the non electronic sign regulations: Prohibit the illumination of signs outside after business operating hours under prohibition section 20.75.030. Not more than 30% of any individual window may be covered under section 20.75.070, and strike the word *unreasonable* in the variance sign section 20.75.130. Staff concurred with this recommendation.

- Planning Board's recommendation was to prohibit dynamic display billboards and clarify the dates of prohibition.

- The suggested change was to rename this sign section “Billboards”, combine prohibition statements for all districts and not allow existing billboards to be relocated into Commercial or Industrial districts.

Ms. Means went through the chapter on signs on bus stop benches and shelters.

- ✓ Planning Board recommendation was at the request of Mountain Line to keep the signs to offset the costs and maintenance of the shelter and benches.
- ✓ This was consistent with existing County regulations.
- ✓ Allow off premise signs.
- ✓ Limitations on size and location of bus stop signs.

After Hours Illumination of Non-Dynamic Display Signs:

Chair Jaffe asked is this language came from the Planning Board. Ms. Means stated the suggestion was from the public to amend the language in the draft.

Marilyn Marler made the motion to prohibit the illumination of outside signs after the close of business hours.

There was discussion on the after hours illumination motion:

- ❖ Illuminated signs provide for security, the signs deter people from lurking around the building. Did not see the reason to deter businesses from advertising their business.
- ❖ Who would enforce this regulation and what penalties would be enforced if the regulations were not adhered to? Ms. Means stated the enforcement was on a complaint driven basis. The sign officer would follow up on a complaint with the person who issues the complaint and then check on the business.
- ❖ Was there an actual clause in the draft that stated what the penalties were? Ms. Means replied there was not.
- ❖ What were the advantages to the City to turn off the sign illumination at night? Ms. Means replied this would help to be in compliance with the Outdoor Lighting Ordinance. The effort from the Outdoor Lighting Ordinance was to control the degree of light that was directed into the night skies.
- ❖ Most business are open at least 12 hours during the day so why have the intrusive lighting at night. Ms. Rye called for the question, it failed.

The floor was opened for public comment:

Linda Lennox (EPCON Signs) stated that this using illuminated signs at night was a form of advertising for the business after hours. The business owner invests a lot of money in those signs and those signs should be able to advertise. She asked what happens when different businesses have different closing times or are open 24 hours a day. She asked if it was fair to the business that had to turn off their signs earlier than a competitor. She added that allowing signs in commercial areas does not affect the dark skies in the residential areas. Providing the sign lightening was also a safety issue and provided for sidewalk illumination. Ms. Lennox felt the lighting of the non dynamic sign should be at the owners' discretion.

Phyllis Erk (Ruby's) commented that the signs affect businesses as a whole. Many hotels and motels attract the drive by customer because of the illuminated signs advertising vacancies and then stay to shop. She felt it would not be in the City's best interest to deter the flow of money into Missoula.

Lane Coddington (SAVE) was part of the Dark Skies Initiative and felt the signs should be turned off because the illumination of signs affected not only Missoula but the whole valley.

Earl Allen felt the issue was one of safety especially for the Police Department. He was also concerned with different businesses located in one building and the added expense it would take to rewire the signage for the different hours for each business.

Joe Parchek commented that turning off the signage after hours was a huge safety issue. He added that the lighting of the after hours signs provided illumination for the security camera that

many buildings have installed. It also gave a chance for the small business to compete with the bigger businesses.

Gary Hughes wondered if the lights on the 24 hour atm's would be affected if this regulation passed.

Gary Bakke (Chamber of Commerce) presented some [comments](#) to the Committee and stated the definition of hours of operation was vague and unclear which made it easy for the businesses to skirt around the issues of hours of operation. He also wondered if this regulation would affect the interior signs that shone outward.

Discussion continued on after hour signage:

- ✓ The after hour business issue was very complicated and did not see this as requirement to bring both Ordinance into congruent.
- ✓ The question was asked how much money in revenue had been raised from violations. Mr. Millar replied no money was raised from the violations.
- ✓ How would Title 20 change this issue? Mr. Millar explained people are not charged for investigation of complaints or zoning enforcement. If the person chose to come into compliance that person would go through the zoning compliance process and obtain a ZCP permit. If that person chose not to comply the sign would be taken down. If the person refused to comply the issue would be brought before the City Attorney and could end up in the courts. This was done on a case by case basis.
- ✓ The goals and aims of this ordinance need to be reviewed. It would be beneficial to separate the commercial districts and the residential districts.

Chair Jaffe called for the question, it passed.

The **motion** to include the new restriction to prohibit the illumination of outside signs after the close of business hours failed with 2 votes of 'aye' and 11 votes opposed. (Mr. Strohmailer, Mr. Wiener, Ms. Rye, Mr. Jaffe, Mr. Hendrickson, Mr. Wilkins, Ms. Hellegaard, Mr. Haines, Ms. Mitchell, and Mr. Childers)..

Signs on Bus Stop Benches and Shelters

Stacy Rye made the **motion** to allow Mountain Line to keep the static signage in the shelters and on the bus stop benches.

Ms. Means stated this language was already in the Planning Board's recommendation and is already in the draft.

There was discussion on the bus stop benches and shelters signage:

- ☞ Elderly and disabled people need those covered shelters.
- ☞ These signs are a source of revenue for Mountain Line and the funding is needed to maintain those benches and shelters. This is one way to obtain those funds.
- ☞ How is the size of the signs regulated and how do those sizes compare with an on-premise sign in a similar zoning district. Ms. Means stated the draft ordinance limited the size of the sign in a shelter not to exceed 32 square feet in area. The permitted signs for businesses vary depending on each district and a different size restriction for either a wall or ground sign. Stephanie Millar thought the size was a general size and did not refer specifically to Mountain Line. She added that the bench backs were approximately 5-feet wide by 2-feet high. Ms. Means stated that signs on the benches are restricted to the side of the bench back rest or shelter that faced the public right of way.
- ☞ Could the buses have signage on them? Ms. Means replied that under the definition of mobile billboard the signage on the busses would be permitted. She added she would clarify this.

Dave Strohmaier made a **motion** to amend section 20.75.070J to prohibit signs on bus stop benches and shelters to insert the word “*not*” and strike points one through five which are the standards that the bus stop signage would need to comply with.

There was discussion on the motion:

- ✧ It was not fair to have signs on the benches for a single organization. Signs should be allowed for any business.
- ✧ Missoula In Motion (MIM) had some ads on the benches that promoted public transit and that type of signage should be allowed.
- ✧ There could be a more creative approach through the Public Art Committee if businesses wanted to sponsor public art projects on the bus shelters around town and then there would be someone deciding what type of display would be allowed and then the business that sponsored that shelter could have a small plaque installed.
- ✧ There is no other method for upkeep for these shelters and allowing signage is a way to support the upkeep.
- ✧ The elderly and disabled in the community need these shelters especially during the inclement weather.

The floor was opened for public comment

Stephanie Millar stated that Mountain Line was agreeable to Ms. Marler’s suggestion. Mountain Line was always looking at various methods to maintain the existing facilities. This would be an opportunity to partner with some other members of the community to sponsor those signs and give Mountain Line resources to maintain or replace shelters and benches when the need arose.

Sarah Busey stated this was a win-win situation. She pointed out that in other cities the Public Art project added ambiance to the City.

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. Discuss council’s interest in pursuing a negotiated settlement over disputed trail conditions for Clark Fork Terrace No. 2 Subdivision ([memo](#)).—Regular Agenda (Mayor Engen/Jim Nugent) (Referred to committee: 02/25/08)
4. 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)
5. Correct the conflict in the height calculation regulations, between written language (a building envelope shall be established by showing the maximum vertical height allowed by zoning from finished grade) and the drawing on [page 151](#) of the [Zoning Ordinance](#).—Regular Agenda (Ed Childers) (Referred to committee: 3/27/06)
6. Ongoing discussion of City planning issues with members of the Planning Board.—Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)
7. Discussion on assuring the currency of growth policy amendments ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 09/08/08)
8. Consider an interim emergency ordinance for proposed amendments to the City Zoning Ordinance, Chapter 19.90 Signs ([memo](#)).—Regular Agenda (Tom Zavitz) (Referred to committee: 12/15/08)
9. Consolidated Public Review Draft of the Missoula City Zoning Ordinance submitted by Duncan Associates to the Missoula Consolidate Planning Board for its review and recommendation ([memo](#)).—Regular Agenda (Roger Millar) (Referred to committee: 02/09/09)
10. Discussion of OPG’s [task list](#) and workload ([Urban Initiatives work plan](#)).—Regular Agenda (Mike Barton) (Referred to committee: 06/12/06)
11. Develop policies and procedures regarding ag land mitigation ([memo](#)).—Regular Agenda (Lyn Hellegaard) (Referred to committee: 06/01/09)

12. Resolution to adopt the [Missoula Greater Downtown Master Plan](#) as an attachment and an amendment to the Missoula County Growth Policy. ([memo](#)) ([PAZ](#)) (Returned from Council floor: 7/27/2009)

VIII. Adjournment

The meeting adjourned at 10:00 am

Respectfully Submitted,

Shelley Oly
Administrative 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.