

## **Plat, Annexation and Zoning Committee Minutes**

January 20, 2010

10:35 am – 12:00 pm

Missoula City Council Chambers, 140 W. Pine Street

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

### **Members Absent:**

**Others Present:** Denise Alexander, Thelma Baker, Mike Barton, Mike Bouchee, John DiBari, Doug Harby, Nancy Harte, John Newman, Jim Nugent, Rick Wishcamper, and Shelley Oly.

### **I. Approval of Minutes**

January 6, 2010 approved as presented.

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

### **III. Staff Announcements**

### **IV. Consent Agenda Items**

### **V. Regular Agenda Items**

#### **A. Ongoing discussion of City planning issues with members of the Planning Board.— Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06) **HELD IN COMMITTEE****

John DiBari was the Planning Board representative that spoke about the ongoing discussions of City planning issues. Chair Jaffe stated that in the past the Planning Board members presented an update on the communication issues or any other topics dealing with the functioning of the Board. Mr. DiBari wanted to know if the members of City Council were satisfied with the way Planning Board deliberated on the issues and how the motions and recommendations were made and whether the Planning Board provided the Council members with enough information to make informed decisions.

Councilman Strohmaier inquired what issues the Planning Board was working since the slow down of subdivision. Mr. DiBari stated the Planning Board agenda was filled with Title 20, the Down Town Master Plan, the Historic Preservation Ordinance, various regulatory and planning issues, the Seeley Lake area plan and subdivisions and annexations in the county. But the most recent issue the Planning Board was working on was the Seeley Lake Plan.

Councilman Wiener stated that Planning Board input in the context of the Title 20 rewrite was very helpful. He pointed out that many of the council members had training on crafting findings of fact and conclusions of law and it would be helpful to have the Planning Board members take this training also. Chair Jaffe added that Title 20 was vetted so thoroughly through the Planning Board and the public it then allowed the Council the ability to focus more on the relevant issues instead of the process.

Councilman Wilkins felt the Planning Board was the most important advisory board. He pointed out the ability to have citizens' participation in all discussions.

John DiBari stated that with regard to Title 20 Planning Board left some placeholder chapters and he wanted to check about those. Chair Jaffe responded there was a referral in to the Committee of the Whole (COW) about goal settings with the outcome of that decision being discussed in various committees.

Councilman Wiener wondered if Planning Board would be interested in generating suggestions for solutions as well as evaluating proposals. Mr. DiBari wondered if there was any opportunity for the Planning Board to get ahead of issues and take on a more active role. Chair Jaffe stated it was common for the committees to have discussions and then direct staff to formulate different proposals and that could be an area Planning Board may be interested in.

In regard to new appointments to the Planning Board, John DiBari stated the Board would like to have the Clerk's office start the recruiting process earlier so that appointments can be made, and then the appointees could have an opportunity to attend some meetings to gain knowledge about how to interact with the Board and make more informed decisions. Councilman Strohmaier pointed out that he would like to activate his referral related to board and commission appointments and advertising for those. Councilman Wilkins wanted to discuss the fact that individuals applying for various positions on the different boards should be required to attend a couple of meetings to understand the process. Chair Jaffe replied that attendance of meetings cannot be a requirement prior to appointment but that could be added as part of the interview questions.

John DiBari took this opportunity to announce the reappointed members to the Planning Board; Jen Cleary as Chair, Heidi Kendall as Vice Chair and Tim Ibey as County BCC appointee and the newest appointee is Carol Evans. He felt if the recruitment process was started earlier, then members that did not get reappointed could be notified in advance through a formal letter thanking them for their service. Chair Jaffe noted that starting the recruitment process earlier would solve the problem of expired positions.

John DiBari brought up issues that the Planning Board was interested in:

- Explore the relation between land use and transportation planning and work to develop some in-house capacity to do some transportation modeling.
- The importance of input by planning staff to the Planning Board for long range planning activities.

He shared what Karen Hughes from Rural Initiatives has on their calendar for the coming year:

- ✓ February: the growth policy amendments related to sand and gravel resources and the wildland-urban interface, update local documents in regard to changes in State law, take the Seeley Lake Regional Plan to County Commissioners.
- ✓ March: amendment and implementation associated with the north Lolo planning area, public hearing associated with updates to County Regulations associated with sand and gravel resources and wildland-urban interface.
- ✓ April: public hearing for subdivision revisions.

Councilman Strohmaier asked whether the Planning Board had the ability to place items on the agenda of their own accord. Denise Alexander stated that in accordance to the bylaws, the Chair can place items on the agenda. Mr. DiBari asked for suggestions to draft a list of items that could be discussed when Planning Board has the extra time. Chair suggested a list could be drafted through the COW or PAZ discussions.

**B.** An ordinance to rezone property located at 1311 E. Broadway known as the former Missoula Athletic Club site. The property is currently zoned OP-3 (Public Lands and Institutional) and is proposed to be zoned C1-3 (Neighborhood Commercial, Intensity Designator-3). The property is legally described as Lot 2B of Gateway Gardens No. 1 Lots 1B and 2B and is located in Section 23, T13N, R19W P.M.M. (memo) (PAZ)  
(Returned from Council floor: 01/11/10) SilverTip Apartment Summary **REMOVE FROM AGENDA**

**MOTION:** The committee recommends the City Council approve the rezoning request of property located at 1311 E. Broadway and legally described as Lot 2B of Gateway Gardens No. 1 Lots 1B and 2B Subdivision in Section 23 of Township 13 North, Range 19 West, P.M.M. from OP-3 (Public Lands and Institutional) to C1-3 (Neighborhood Commercial, Intensity Designator-3).

This rezoning was brought back from the Council floor by Councilman Haines. He had a number of concerns:

- This project would generate increased traffic. John Newman stated there has been no discussion with the State Department of Transportation but he showed [data of trip counts](#) that shows an average annually daily traffic count on East Broadway and the maximum over a 12-year period is 9600 trips per day, corresponding to the years when the Athletic Club was operating. Based on the use generated by this property the project would add approximately 773 trips per day to that road and that was within the range of traffic which can be handled by this road as a minor arterial. There would be a right turn only lane into the property and a left turn on to head west East Broadway.
- Is this a State right of way? Mr. Newman replied this was a State highway easement and a County right-of-way. Doug Harby shared this was a State easement on railroad right-of-way. It is still in the County. The highway is City property up to the west property line of this project. Public Works anticipates annexing the rest of the road and once that was done Public Works would request traffic studies and required improvements. The goal was to bring the annexation of the road before City Council before construction began. The payment of the upgrade was the responsibility of the developer. Public Works stated they would work with Montana Department of Transportation (MDT) on required improvements. Mr. Newman stated there were no comments from MDT.
- What impact would this project have in tax revenues for the City of Missoula. Mike Bouchee with the Rocky Mountain Development Group stated this property currently has two hundred thousand dollars in accrued and unpaid back real property taxes that would be paid at closing and then as a private developer would be paying the real property taxes as well as the income taxes from the project itself.
- Would there be lesser taxes paid from this type of lower income units development or would more taxes be generated by high end development there. Mr. Bouchee stated he could not answer that question right now nor did he know what the current tax levied on the property.
- Is it realistic to build that kind of investment with the current economy? Mr. Bouchee felt it was a wise investment for the community and related that he had been working with the Housing Authority and other non profits that develop affordable housing. Because this project does not have any low income housing tax credit financing but has a Neighborhood Stabilization Program Grant (NSPG) the developer was able to expand the tenant base.
- What is the impact on the City of Missoula if this project failed? Mr. Bouchee replied the City of Missoula has no financial obligations with this project. John Newman added that, despite what could happen with this private investment rezoning this property to C1-3 is more appropriate than the current zoning designation and gets the zoning closer to the Comprehensive Plan Compliance.
- What type of input has been received from neighboring residences? Mr. Bouchee replied there have been numerous discussions and show of support from the neighbors surrounding this project.

The floor was opened for discussion.

1) Councilman Wilkins asked whether the City of Missoula was going to hold a lien on this property. Nancy Harte stated the purpose of the lien was to guarantee that the land or property did not get sold at a future date before the goal of getting affordable housing build. It does not tie the property to any financial responsibility to the City. Councilman Wilkins also had

numerous concerns with the road safety. He asked whether the six units are ADA compliant and whether the housing authority will purchase those units for one million dollars. Mike Bouchee replied there had been preliminary discussion with Lori Davidson and the Housing Authority board about the potential for 20 replacement housing units at the project and to bring fifty thousand dollars of financing per unit base totaling one million dollars. The six units are the number of units required for CDBG and NSP guidelines for ADA compliance. Mike Barton explained the Housing Authority was disposing of some of the older units and is under contract with HUD to develop additional units. Some of those units could develop in partnership with RMDG at this site. The Housing Authority needed to replace 40 units and 20 of those units could be replaced by cooperating with the Rocky Mountain Developers. He added that the Housing Authority units would be affordable in perpetuity. With regard to the lien; if this project goes through with assistance from the city through the NSP, the City will own a piece of it and even if the project failed the City would own a portion of this site. Chair Jaffe asked if the City of Missoula would have any obligation back to the federal grant on any of the 5 million dollars of public monies going into the project. Mr. Barton replied yes, in seeing that the monies be used for the intended purposes.

- 2) Councilwoman Rye asked about the comment that Parks and Rec made about trail easement in conjunction with the rezone. John Newman stated that parkland dedication could only be a condition in an overlay. He stated there was a 20-foot pedestrian easement that existed on the property. She asked whether the trail would be constructed with this project. Mr. Bouchee stated there have been discussions about the desire to have the trail system and are RMDG is committed to working with Parks and Rec on this trail. Mr. Newman presented a [powerpoint presentation](#) of the 1311 E. Broadway rezone area.
- 3) Councilwoman Mitchell asked what other groups were in support of this project. Mike Bouchee replied that President Dennison wrote a letter of support and the University is in full support of this project. These units would also available for students.
- 4) Many of the members were in support of this motion.

The floor was open for public comment

Thelma Baker is the owner of two townhouses in Cobblestone and the Thunderbird and Canyon Motel. She was very concerned about the amount of time it takes her guests to get in and out of her establishment, the traffic noise and the many accidents that have occurred on this highway. She explained that the road narrow in front of the Albertsons grocery store and becomes a bottleneck eastbound.

Councilman Strohmaier made the motion to approve the rezoning. He pointed out this was a good contribution to offset the need for diverse housing. East Broadway is deficient and lacking in pedestrian infrastructure but once that portion of the road is annexed there are ways to help mitigate the traffic and infrastructure.

The motion to rezoning property located at 1311 E. Broadway and legally described as Lot 2B of Gateway Gardens No. 1 Lots 1B and 2B Subdivision in Section 23 of Township 13 North, Range 19 West, P.M.M. from OP-3 (Public Lands and Institutional) to C1-3 (Neighborhood Commercial, Intensity Designator-3). passed with 8 votes of aye, 3 votes of no (Renee, Mitchell, Jon Wilkins and Dick Haines) and 1 abstention (Lyn Hellegaard).

## **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. Discussion of OPG's [task list](#) and workload ([Urban Initiatives work plan](#)).—Regular Agenda (Mike Barton) (Referred to committee: 06/12/06)
5. An [ordinance](#) amending Missoula Municipal Code Title 20, the Missoula City Zoning ordinance and establishing Chapter 20.30 entitled "is pressure about the overthrow of the stock a Historic Preservation." ([PAZ](#)) (Returned from Council floor: 11/23/09)
6. An [ordinance](#) amending Missoula Municipal Code Title 20, the Missoula City Zoning ordinance - and establishing Chapter 20.30 entitled "Historic Preservation." ([PAZ](#)) (Returned from Council floor: 11/23/09)
7. Review all changes from Title 19 to Title 20 regarding housing design standards ([memo](#)).—Regular Agenda (Lyn Hellegaard) (Referred to committee: 01/11/10)
8. Review Plat, Annexation and Zoning referrals. ([memo](#)) – Regular Agenda (Marty Rehbein) (Referred to committee: 01/11/10)
9. Review Title 20 sign ordinance to address prior commitments to business community ([memo](#)).—Regular Agenda (Lyn Hellegaard) (Referred to committee: 12/21/09)

## **VIII. Adjournment**

The meeting adjourned at 12:04 p. m.

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.***