

Plat, Annexation and Zoning Committee Minutes

February 24, 2010

10:05 am – 11:00 am

Missoula City Council Chambers, 140 W. Pine Street

Members Present: Bob Jaffe (Chair), Ed Childers, Lyn Hellegaard, Roy Houseman (10:40am), Dick Haines, Marilyn Marler, Renee Mitchell, Stacy Rye, Dave Strohmaier, Pam Walzer, Jason Wiener, and Jon Wilkins.

Members Absent: Pam Walzer

Others Present: Earl Allen, Gary Bakke, Mike Barton, Jim Blome, Steve Hellegaard, John Hendrickson, Heather Kinnear, Bob Larson, Roger Millar, Jim Nugent, Dave Sather, George Varichak, Tom Zavitz, and Shelley Oly

I. Approval of Minutes

February 10, 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. Review Title 20 sign ordinance to address prior commitments to business community ([memo](#)).—Regular Agenda (Lyn Hellegaard) (Referred to committee: 12/21/09) **(REMOVE FROM AGENDA)**

Councilwoman Hellegaard brought this referral to the attention of the Committee regarding sign ordinance. She stated the zoning ordinance is ambiguous as regards the issue of mobile signs being allowed on yellow cabs. Councilwoman Hellegaard felt adding the word *any* to the section 20.75.010 concerning general terms for billboards and mobile signs on public transportation vehicles would make the definition clearer. She stated the other issues were window signage not being visible when the windows are tinted, measurement of nits versus candle power with concern to electronic signage and the transition and hold times of electronic signage. Roger Millar stated that, because Councilwoman Hellegaard had not specified the issues to be discussed in her referral and had not raised the issues in conversations or emails with staff prior to the meeting, he was not prepared to speak on the issues of window signs, digital message center and transition and hold times at this time. He added that the digital message issues were discussed extensively when the ordinance was adopted.

There was no administrative ruling necessary because Council's intent had been to include cabs as public transportation. However the language could be modified to specifically list taxi cabs in the text of transportation vehicles. Councilwoman Hellegaard stated it would be better to add to the draft "any public transportation" to cover any future public transportation.

Roger Millar stated Councilwoman Hellegaard had expressed an interest in discussing the expansion of the ability to have mobile billboards. Currently Title 19 & Title 20 allows businesses that use commercial vehicles to advertise on their vehicles and it would not be considered a mobile billboard. However businesses can not use their business vehicles to display advertisements for other business because that would be a mobile billboard and those are not permitted by the ordinance. He explained there were no specific requests to change the language from what was in the ordinance nor was there any substantial language change from what was in Title 19 other than clarifying the language.

Public comment

Gary Bakke agreed with the intent because that would address both motorized and non motorized public transportation such as wheeled vehicles. Roger Millar stated that non motorized transportation was allowed now but the language would be clarified to include non motorized transportation.

Councilwoman Hellegaard was concerned with the visibility of the signage on the interior of the windows now that many businesses were tinting their windows. The section is 20.75.070 C and Mr. Millar read the section. Mr. Millar stated it was the prerogative of the Council to amend the zoning ordinance to extend the signage to the exterior of the windows. The issue was on temporary window signs was that it could be more of a maintenance nuisance. Councilwoman Rye asked if the proposed changes would be brought before the committee at a later date. Mr. Millar explained OPG was working on some Zoning Officer Opinions that would be brought back per the ordinance; which states that the opinions are drafted, the Director of OPG and the City Attorney reviews them and then they are distributed to City Council. None of the Zoning Officer Opinions have been finalized yet. In May 2010 a package will be brought back to the Committee with recommended changes to the zoning ordinance and that exterior window signs can be added to the recommended changes.

Chair Jaffe stated that section C had two parts, the temporary section that prohibited the putting of temporary sign on the exterior and the permanent section that stated that the window signs affixed to the interior of a ground floor exterior window are permitted. He wondered why window signs were treated differently from other signs. Mr. Millar explained that the concerns of permanent window sign on the exterior ground floor window would be if there was any depth to the signage. Chair Jaffe asked when a window sign just became a sign. Mr. Millar assumed there was a different treatment of it because of the window's function as opposed to the wall of a building.

The floor was opened to the public.

Gary Bakke stated that permanent signage listed for hours of operation, when that business was open and if those windows are tinted the signage becomes invisible to the public. A simple fix would be to allow the signage on the interior or exterior on any window as long as it is a clear pane of glass. Another issue is that there are a lot of downtown stores that are located in the basement level of a building. The statement of 'room' eliminates any possibility of signage for a lower level business. A simple fix for this would be to strike out *room* and add the word *building*, so that the signage must be on the businesses building. Mr. Bakke pointed out there was an issue with the temporary signs because many business support local events such as Grizzly athletics or display seasonal signs. He suggested rethinking that section. Mr. Millar stated there should be certain restrictions when allowing permanent signs to be affixed to exterior of the window.

Councilman Strohmaier asked how the basement business applied to the window signs paragraph because the sign could be affixed to the wall of the exterior of the building. Mr. Millar mentioned that there was a whole section of the ordinance 20.75.080 on Signs for Business That Lack Street Frontage and he read that section. Mr. Millar stated there was provision for basement businesses. Mr. Bakke asked what about businesses without an exterior wall to put up a sign. Mr. Millar replied then the business owner could apply for a variance. The ordinance did have variance language in place for site specific instances where hardships exist.

Councilman Strohmaier suggested bringing specific examples of signage for further discussion.

There was discussion concerning painting of exterior window signs:

- Brady's business painted wildlife scenes but there are going out of business can the new owners do the same? Mr. Millar stated this was the same language as in Title 19 and could be done.
- Does a display booth constitute as a room behind the sign? Mr. Millar stated the display area was a room.
- The variance process is the best avenue for businesses in basement locations that desired a window sign on the ground floor.
- The sign section of Title 20 is numbered wrongly on the internet.
- Are window signs included in the total square footage for the signs for businesses? Mr. Millar stated the window signs are an option, a type of sign. The total square footage is based on the zoning and there are different signs a business can have for that type of zoning. Heather Kinnear corrected Mr. Millar and explained that window signs are allowed in addition to the other signs allowed by the chapter.

Mr. Millar stated that, because the referral had not proposed a discussion of them, he was not prepared to talk about dynamic display signs or the measurement of candle power but would research this issue and bring it back before the Committee if that was necessary.

The floor was open for public comment.

Dave Sather pointed out that it was apparent that both the public and the sign industry are concerned with the LED message centers. He stated that many of his customers are willing to adhere to the new regulations. He mentions some good examples of dynamic display signs are the Magic Diamond on East Broadway and Montana Lil's on Brooks. He voiced that many of his customers are satisfied with the signage regulations. He mentioned that the City of Bozeman uses a lumen gun to measure lighting, like the lighting of a flagpole. But there are many variables in measuring with this instrument like time of day and weather conditions. He felt that this issue can be addressed on a site specific basis.

Gary Bakke stated it is difficult to measure nits because the color differentiation in the signs changes the nits. He pointed out the City currently used candle power to measure street lights. Since the technology and the equipment are available it would be a simple fix to change the language to measurement by candle power. Chair Jaffe asked how this would be enforced. Roger Millar replied that when the equipment was sold and installed the display has a certain capacity in nits. If the intensity of the sign is too bright it gets dialed back to reduce the intensity. Councilman Childers asked if the signs are programmed by the business owner or a hired professional.

Earl Allen answered that he programmed the signs for his business. He stated the equipment reveals a power level but no translation into nits. Many of the newer dynamic displays that come directly from the factory have an option to automatically dim at a certain time or the owner can decide to dim at certain times with the use of software.

Dave Sather stated his company manufactures their own units. As technology and manufacturing production progresses the LED's become better than their predecessor. He reminded everyone that LED's have entropy over time and become dimmer after so many hours.

Roger Millar added that if there are any concerns or sign issues that need to be addressed to email to the attention of Heather Kinnear in OPG.

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. Review Plat, Annexation and Zoning referrals. ([memo](#)) – Regular Agenda (Marty Rehbein) (Referred to committee: 01/11/10)
6. Ongoing discussion of City planning issues with members of the Planning Board.— Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)
7. Conduct interviews and appoint a member to the Design Review Board ([memo](#)).— Regular Agenda (Kelly Elam) (Referred to committee: 02/22/10)

VIII. Adjournment

The meeting adjourned at 11:00am

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.