

Plat, Annexation and Zoning Committee Minutes

March 03, 2010

10:45 am – 11:15 am

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, Pam Walzer, Jason Wiener, and Jon Wilkins.

Members Absent: Dave Strohmaier

Others Present: Elaine Hawk, John Hendrickson, John Kellogg, Trudy Smith, Tim Worley, Jim Nugent, and Shelley Oly

I. Approval of Minutes

[February 24, 2010](#) approved as presented.

II. Public Comment on Items not on the Agenda

Elaine Hawk shared that an e-mail was sent out regarding the garage ordinance. The MBIA is working on drafting language that will hopefully meet the concerns and questions from the Council. She thanked Councilman Wiener for his constructive comments. She wanted feedback from the Committee regarding this ordinance”

- Would like permanent regulations to prevent rows of garages and little else.
- Would like to include the porch into the calculation of the front plane of the house.
- If no hardships exist the porch and house need to be equal to the garage.
- Each neighborhood is different and the houses reflect that. What is important is to encourage pedestrian and public safety issues within the guidelines for building the garage. Do we want to encourage guidelines through zoning?
- In lower density neighborhoods a certain percentage of garages could be built with garages built so they come out in front of the house but in urban dense areas the percentage should be lower to encourage the pedestrian and safety issues.
- Comments can be e-mailed to Elaine Hawk or John Hendrickson.

III. Staff Announcements

IV. Consent Agenda Items

A. Consider adoption of a resolution of intent to vacate the Jim Meyer Subdivision plat ([memo](#)).—Regular Agenda (Tim Worley) (Referred to committee: 03/01/10 **(REMOVE FROM AGENDA)**)

MOTION: The Committee recommends the City Council approve the adoption of the Resolution of Intent to vacate the Jim Meyer Subdivision and set the public hearing for March 22, 2010.

Tim Worley presented a [power point](#) for the vacation of the Jim Meyer Subdivision:

- This is a two lot subdivision on the east side of Reserve where Kensington Street ended.
- This subdivision was filed in 2008.
- Vacations are authorized in State law and in the City Subdivision regulations.

Mr. Worley pointed out that there are certain factors with vacating filed plats such as preserving existing easements, and addressing public roads, trails and facilities. He stated a petition was submitted to OPG and according to State law this petition must be presented to the governing body and a public hearing must be held. Mr. Worley explained the basis for the request was the applicant's personal financial situation, the ownerships that were part of the original

development and the large improvements guarantee for approximately five hundred thousand dollars. He added that OPG drafted up a Resolution of Intention which spelled out the intent of the City Council prior to the public hearing. The Resolution of Intent will go before Council on March 8th. The public hearing on the resolution to vacate the subdivision will be held on March 22, 2010, and would be noticed in the Missoulian. He added that there was a section that stated that if the petitioner halted the process they could be made liable for the improvements guarantee and the related letter of credit. Mr. Worley stated an agency review was held regarding this request with no objections so far:

- ✓ Parks and Rec had no concerns with the 10' wide bike and pedestrian easement that would go away with the vacation of the plat.
- ✓ Public Works stated, 'no comment' and had no concern with the 10-foot wide bike and pedestrian easement that would go away with the vacation of the plat.
- ✓ Missoula irrigation district had no concern regarding the irrigation ditch that ran along the eastern 20 feet of the subdivision and northern most part of lot 29B.
- ✓ Staff recommended setting the public hearing and adopting the Resolution of Intent.

John Kellogg stated that the improvements agreement plus the cost of the development overextended the developer and without a specific proposal for the development it was in the best interest of the subdivider to vacate the plat.

The floor was open for discussion:

1. Councilman Wilkins asked if this parcel was subdivided before it was platted or after. Mr. Worley replied that it became two lots as a result of filing the subdivision plat and would revert back to its original legal description of one lot.
2. Councilman Childers asked what improvements did the five hundred thousand dollars covered. Mr. Kellogg replied there were extensive street improvements from Kensington Street to Margaret Street, and making the water main connection useable to the easterly lot via widening the street was quite substantial. He added the change of ownership resulted from changes of the development from a commercial interest to a residential development of 29B. He stated that both lots coincided with two different zoning districts and the costs of all of the public improvements were overwhelming compared to the size of the subdivision. Councilman Childers wondered how the five hundred thousand-dollar obligations affected the buying price. Mr. Kellogg stated there was a tie between the 2nd and 3rd owners of this property. The current owner was partially involved in the creation of the subdivision improvements agreement that was set up when the plat was filed, so he had prior financial obligation prior to filing of the plat.
3. Councilwoman Mitchell asked if the improvements were only on paper. Mr. Kellogg stated that was correct. She asked if any future owners would have to start from the beginning. Mr. Nugent replied that the future owners would not necessarily need to go through a subdivision process because the lot would be one developable parcel.

Councilwoman Rye **made** the motion to set the public hearing for March 22, 2010 and adopt the Resolution of Intention.

The motion to set a public hearing and adopt the Resolution of Intent passed unanimously and would go under the Consent Agenda.

V. Regular Agenda Items

VI. Items to be Removed from the Agenda

Chair Jaffe stated that item #5 Review Plat, Annexation and Zoning referrals. ([memo](#)) – Regular Agenda (Marty Rehbein) (Referred to committee: 01/11/10) needed to be removed from the Held in Committee List.

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 11:15 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.