

Plat, Annexation and Zoning Committee Minutes

March 24, 2010

11:05 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, Dave Strohmaier, Pam Walzer, Jason Wiener, and Jon Wilkins.

Members Absent: Stacy Rye

Others Present: Melissa Matassa-Stone, Jim Nugent, Tim Worley and Shelley Oly

I. Approval of Minutes

[March 17, 2010](#) approved as presented.

II. Public Comment on Items not on the Agenda

III. Staff Announcements

IV. Consent Agenda Items

A. Consider a request to apply phasing to Wratislaw Addition Subdivision ([memo](#)).—
Regular Agenda (Tim Worley) (Referred to committee: 03/22/10) (**REMOVE FROM AGENDA**)

MOTION: The Committee recommends the City Council approve the request to create a phasing plan for the Wratislaw Addition Subdivision, including final plat submittal deadlines of April 23, 2012 for Phase 1, and April 23, 2014 for Phase 2, subject to the conditions of approval as amended.

Tim Worley gave a power point presentation on the Wratislaw Addition Subdivision Phasing Plan. He reminded the Committee that this was an action item:

Wratislaw Addition Subdivision is an 18-lot major subdivision approved in Orchard Homes at the end of Short Street.

Due to an extension the final plat submittal deadline is April 23, 2010.

The applicant requested two phases; the first phase final plat submittal deadline is April 23, 2015 and the second phase final plat submittal deadline is April 23, 2017.

This would separate the 18 lots with the first phase being on the western half of the subdivision and including Wratislaw Way; the cul-de-sac Wratislaw Court would be broken up between Phase 1 and 2.

Staff recommended approval of the two phase phasing plan subject to the Conditions of Approval.

Chair Jaffe stated he was not comfortable with the dates being pushed out so far into the future because this starting to be an urbanized area for the City and wondered if the dates could be changed. Tim Worley replied that was possible, but he stated that the dates for submission of phases were not that unusual. He reminded the Committee that they have the discretion to change the dates. Mr. Worley mentioned other subdivisions in the surrounding area were Emery Acres with the zoning of 4 per acre.

Councilman Childers wondered if Wratislaw Way was a through street that was necessary for travel. Chair Jaffe replied it had some implications for the trail systems because this subdivision was along the levy. Mr. Worley noted that the applicant originally submitted a three-phase request, but changed that to two phases. One problem that was solved was to include the entire levee in Phase 1. Therefore the entire pedestrian easement will be taken care of in Phase 1.

Councilman Strohmaier asked what downside was to the requested phasing dates. Mr. Worley replied that the downside would be getting improvements put in later. Mr. Worley pointed out that this project need to be phased or else it would have to be submitted in it's entirety by the end of April. Mr. Worley stated that the requested phasing dates was a typical time frame for phasing plans in the County and the City and sited the example of the Millsite project. Melissa Matassa-Stone stated the justification for these time frames were due to the economic climate.

Councilman Wilkins wondered if there were any rules for extending a project this far in the future. Mr. Nugent replied the project needed to have the City Council's approval. He added when these extensions start to extend past half a decade that there was no way of knowing what the subdivision regulations would be in the future and there may be new issues to address. But if City Council approved the phasing plan now it would be grandfathered in. Chair Jaffe stated his concern was also for the regulatory requirements as well as for other subdivisions that might be built around Wratislaw Addition. Chair Jaffe pointed out that it seemed to be more appropriate to approve the initial phasing plan for two years at a time instead of extending it out to four years. Mr. Worley recommended changing the dates but keeping the phasing plan in tact because the Conditions of Approval were amended based on a two-phase phasing plan.

Councilman Wiener made a motion to extend the approval dates but have Phase 1 and Phase 2 submittal date due on April 23, 2012.

There was much discussion on whether to keep the phasing plan dates separate or have the same phasing plan for both phases:

- ✓ The cost for requesting a date change or phasing plan was approximately \$500.00.
- ✓ One suggestion was to have Phase 1 and Phase 2 on different days in the same year.
- ✓ Given the economic situation now there is not way of knowing if the capital would be available or what the economic climate would be in the future.
- ✓ Certain conditions of approval need to be included in each phasing plan.
- ✓ The applicant could request another extension.
- ✓ Mr. Nugent cited the statute MCA 76-3-610 and wondered if there was any written agreement associated with the phasing plan. The cross reference in the written agreement provision is to the security for public improvements.

Councilman Childers made an amendment to have the Phase 2 submittal deadline begin two years after the submittal deadline for Phase 1 which would be April 23, 2012. Mr. Worley agreed that it would be preferable to have each phase come in with distinct dates.

The vote on the amendment to push Phase 2 out until April 23, 2014 passed with 10 votes of 'aye' and 1 vote opposed (Councilman Wiener).

The vote on Council Wiener's motion as amended passed unanimously and would go on the Consent Agenda.

V. Regular Agenda Items

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. Ongoing discussion of City planning issues with members of the Planning Board.—Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)
6. Discuss the implications of the Sonata Park court case ([memo](#)).—Regular Agenda (Bob Jaffe) (Referred to committee: 03/08/10)
7. Discuss Title 20 garage set backs resulting from meeting with building industry working group ([memo](#)).—Regular Agenda (Lyn Hellegaard) (Referred to committee: 03/22/10)
8. [Petition 9462](#)—David and Tamara Pierson; 460 and 482 Montana Avenue; Lots 29 & 30 of Block 30 of East Missoula Addition; Geocode #220024115080000; Petition for Annexation

VIII. Adjournment

The meeting adjourned at 11:35 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.