

Plat, Annexation and Zoning Committee Minutes

July 28, 2010
11:30 a.m. - Noon
City Council Chambers, 140 W Pine

Members Present: Bob Jaffe, Roy Houseman, Dick Haines, Jason Weiner, John Wilkins, Lynn Hellegaard, Renee Mitchel, Marilyn Marler, Pam Waltzer, Stacy Rye

Members Absent: Dave Strohmeier and Ed Childers

Others Present: Jim Nugent, Tom Zavitz, Laval Means, Gary Bakke, John Hendrikson, Denise Alexander and Bobbi Day.

I. Approval of Minutes for July 14, 2010 - approved as presented

II. Public Comment on Items not on the Agenda

III. Staff Announcements

Denise Alexander reported that with the City Council making decisions on conditional uses there was no way to track those decisions. Staff worked with Marty Rehbein on this issue and she will create a land use index similar to the one used for Resolutions and Ordinances. Any decisions that have been made on conditional uses will be filed in this index. Subdivision decision letters will also be in that index.

IV. Consent Agenda Items

V. Regular Agenda Items

A. Consider maintenance amendments to Title 20, Missoula City Zoning Ordinance ([memo](#)).—Regular Agenda (Tom Zavitz) (Referred to committee: 06/28/10) REMOVE FROM AGENDA

Chair Jaffe noted that there were a couple of issues brought forward that staff wanted to alert the Committee about so they could think about it before the public hearing. One of those issues was the difference between Planning Board's recommendation and staff's on measurement of existing grade. Mr. Zavitz referred to item #5 on the summary of Planning Board's motions (linked on the referral memo under attachments).

- Planning Board suggested a change in measuring the final grade to determine a final point in time when the grade should be measured. They suggested using the 1999 contour map as a point in time reference.
- Using the 1999 contour map could be impractical for the average project since an applicant might not be able to easily get the information.
- Staff asked to go with staff's recommendation of using the existing grade at the time of application. Council could look at a policy change later.

Councilman Wilkins agreed with the Planning Board recommendation but wondered if there was a way to distinguish between a remodel and building a new structure. Possibly they could incorporate new language for remodeling projects. Mr. Zavitz said it was possible but this needed more discussion outside of this process.

Chair Jaffe pointed out that the City of Missoula did not do grading permits so something like this needed to be tied with a grading permit. There was no regulatory process to prevent adjusting the grade before starting a project. Councilman Wilkins suggested they needed to look at grading permits.

Tom Zavitz explained that the intent of Planning Board's recommendation would be to prevent grading before an applicant came in with a project. Ms. Means added that Council would need to make a motion for the amendment after the public hearing. Councilman Wilkins wondered if the subject of grading permits was a new subject. Ms. Means explained that it would be a community and policy decision.

Chair Jaffe brought up the next two issues that were emailed: one was the measurement of floor area to figure out parking, and the other was about fences for buffering. Mr. Zavitz explained that staff used the area of the building to get the number of required parking spaces (previously they used the number of bedrooms which was vague). With the re-write of Title 20 the measurement went strictly with a square foot measurement. The email suggested that the measurement was done including walls but if it were done inside the walls the number of parking spaces could be less. Mr. Zavitz noted that the square footage number of 850 feet was a good number but it could be adjusted up or down. At certain times the measurement could require more parking spaces.

Councilman Weiner wondered how efficiency units would be tied in when using 8500 square feet rather than the gross area. Mr. Zavitz responded that Mr. Posowitz (who pointed out the issue) had not made a suggestion. This was a new issue and had not been discussed at Planning Board. He added that Planning Board decided to lower the measurement to 850 square feet because the higher measurement did not provide enough parking. The parking requirements for multi-dwelling had been loosened up with the 1250 square foot maximum number and the drop in the number increases the number of required parking spots.

Tom Zavitz talked about the issue of buffering between residential and commercial uses that was emailed from David Gray. Planning Board suggested that landscaping could be restrictive on smaller projects but Council could go for a second option of requiring a 6 foot wall or fence along the buffer area and add a requirement for one deciduous tree every 20 linear feet along the fence or wall.

Councilwoman Marler was concerned that there would not be enough space for a typical street tree with that option and wondered what was required for a tree. Mr. Zavitz said that was left up to the landscape designer to achieve. There were options such as bunching them together that would work. Chair Jaffe added that instead of having trees along the whole length of the fence or wall, they could just provide the appropriate number of trees.

Councilman Weiner asked about the opacity requirement of the wall. Mr. Zavitz explained that opacity came from screening in the multi-family section of Title 19. Staff can not measure opacity so they suggested a 6 foot solid wall or fence to get around the opacity. Chair Jaffe suggested looking into language for something more subjective and directed staff to look for something more flexible.

VI. Items to be Removed from the Agenda

VI. 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. Ongoing discussion of City planning issues with members of the Planning Board.— Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)

VII. Adjournment

The meeting adjourned at 11:58 a.m.

Respectfully Submitted,

Bobbi Day

Support Services Administrator
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.