

Plat, Annexation and Zoning Committee Minutes

March 16, 2011

10:07am – 12:00 noon

Missoula City Council Chambers, 140 W. Pine Street

Members Present: Bob Jaffe, Lyn Hellegaard, Jon Wilkins, Renee Mitchell, Ed Childers, Marilyn Marler, Pam Walzer, Jason Wiener, Dave Strohmaier

Members Absent: Dick Haines, Stacy Rye, Cynthia Wolken

Others Present: Tim Worley, Ken Jenkins, Jamie Hoffmann, Jim Nugent, Rob Brock, Jeremy Flesch, Josh Kosar, Chance Eaton, Kim Walterskirchen, John Hendrickson, Amy Fisher.

I. Approval of Minutes

The minutes of [March 9, 2011](#) were approved as presented.

II. Public Comment on Items not on the Agenda

III. Staff Announcements

IV. Consent Agenda Items

A. Consider a request to amend the phasing plan for the Windsor 7 Subdivision. ([memo](#))—Regular Agenda (Tim Worley) (Referred to committee: 03/14/11) **REMOVE FROM AGENDA**

MOTION: The Committee recommends that City Council approve the proposed phasing plan as shown in Attachment D for Windsor 7 Subdivision in accordance with Article 4-072.2(A-C) of the Missoula City Subdivision Regulations.

Tim Worley presented the request with the following highlights:

- The subdivision is located near Canyon Creek Village off Expressway.
- There were two phases; Phase 1 has been filed. The deadline for Phase 2 is March 28, 2011 but the developer wants to extend it to March 28, 2013.
- OPG Staff supported approval of the proposed phasing plan

Jason Wiener made a motion to approve the proposed phasing plan. The motion passed unanimously and will go on the Consent Agenda.

B. An [ordinance](#) to rezone 217 & 235 Catlin Street and 1715 Trail Street. The property is currently zoned RM2.7 (Residential, 16 dwellings per acre) and upon approval will be zoned RM1-45 (Residential, 43 dwellings per acre). ([memo](#)) ([PAZ](#)) (Returned from Council floor: 03/07/11) **REMOVE FROM AGENDA**

MOTION: The Committee recommends that City Council deny an ordinance to rezone property located at 217 & 235 Catlin Street and 1715 Trail Street from RM2.7 (Residential 2.7 multi-dwelling) to RM1-45 (Residential 1 multidwelling).

Janet Rhoades recapped the previous presentation to the Committee:

- This was a request to rezone the property from RM2.7 to RM1-45.
- OPG Staff recommended approval; Planning Board recommended denial.
- The information that the Committee had requested at the previous hearing included:
 1. The illustrations of what this density looked like was provided by Mr. Hoffmann via email.
 2. The Building Department specified that 35% of the property must be landscaped but no playground was required; the required parking was based on the size of the units.

3. Public Works reported that there were no stop lights planned for Milwaukee Way and there was access from this property to Russell Street.
4. This property was within the Urban Renewal District #2; a map was provided illustrating this fact.
5. Sussex School would not allow residential children to use their playground due to liability. Sussex School was private property.
6. The Silvercrest Salvation Army Senior Living Project is 50 feet high and 33 dwelling units per acre.

Ken Jenkins reported:

- Missoula Organization of Realtors (MOR) has not taken a stand on this project, nor should they.
- The vacancy rate did nothing to make property affordable.
- Missoula's vacancy rate was below the national average.
- The developer felt that this project met the Growth Policy guidelines.
- The project was not proposed for 94 units, it would be 71 units and that was the density the developer felt had to be at to be a viable project.

Jamie Hoffmann shared a spreadsheet provided by MOR regarding vacancy rates per month and added that this project would help lower some of those vacancy rates.

Rob Brock, CPA, distributed some graphs and cost estimates for this project and the expected return. He explained that Mr. Sann needed this density to meet his bottom line requirement of 8% return on his investment. He cited another apartment building on Byron that Mr. Sann bought and was receiving that rate of return on. Increasing the density would help lower the land cost.

Questions and comments from the Committee included:

- Why did it say on the graph that MOR was not going to use the vacancy rate chart in their report? Amy Fisher, MOR, explained that this information was month-by-month vacancy rates and MOR did not track this information month-by-month.
- Was this information local? It was all local rentals handled by property management firms.
- What was the timeframe on the profit return on this project? It assumed a constant rate of return, adjusted for inflation.
- What was the rationale behind the percentage? This was a fairly conservative rate of return for an investor; however, it was slightly above what could be done over the years in the stock market.
- Was the construction cost a given or derived number? That number was given to the developer by the builder of the 19 apartment unit built on Byron and was felt it kept with the market.
- The rental information had nothing to do with whether the zoning should be changed since this project was not guaranteed to be placed on the property.
- Was the zoning change appropriate for this location?
- Given the deficiencies in infrastructure, the density in zoning should not be increased at this time.
- If the developer wanted to propose a PUD, it would be a guarantee of what could be placed on this property.
- There was a serious lack of infrastructure at this location and the traffic flow was also serious problem.

Marilyn Marler made the motion to deny the zoning request. The motion carried by unanimous voice vote and will be 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. Ongoing discussion of City planning issues with members of the Planning Board.—Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)
5. Resolution repealing resolution No. 7404 and declaring the annexation of Lots 53 and 54 Dinsmore's Orchard Homes No. 5 null and void. ([memo](#))—Regular Agenda (Jessica Miller) (Referred to committee: 01/10/11)
6. Consider a request to adopt an ordinance to rezone property described as 2000 Raymond and surrounding lands from RT5.4 (two-unit/townhouse), UZ (Unzoned Lands), and OP2 (Open and Resource Lands) to RM 2.7 (residential multi-dwelling), R5.4 (Residential – single dwelling), RT5.4 (two-unit/townhouse), and OP2 (Open and Resource Lands). ([memo](#))—Regular Agenda (Tim Worley) (Referred to committee: 03/14/11)
7. [Resolution](#) to approve amendments to the City of Missoula Subdivision Regulations, Article 9, Public and Private Improvements. ([Memo](#)) ([PAZ](#)) (Returned from Council floor: 03/14/11)

VIII. Adjournment

The meeting adjourned at 11:07 a.m.

Respectfully Submitted,

Deni Forestek

Recording 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.