

# Plat, Annexation and Zoning Committee Minutes

March 23, 2011

10:35 a.m. to 12:00 noon

Missoula City Council Chambers, 140 W. Pine Street

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

**Members Absent:** Stacy Rye

**Others Present:** Gary Bakke, Heidi Bakula, Ivan Crago, Ken Jenkins, Kim Latrielle, Linda Lennox, Laval Means, Jim Nugent, Tim Worley, Lewis YellowRobe, Deni Forestek

## I. Approval of Minutes

The [March 16, 2011](#) minutes were approved as presented.

## II. Public Comment on Items not on the Agenda

## III. Staff Announcements

## IV. Consent Agenda Items

A. [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) **REMOVE FROM AGENDA**

**MOTION: The Committee recommends that City Council adopt a Resolution to adopt the Planning Board recommended amendments to Article 9, Public and Private Improvements of the Missoula City Subdivision Regulations as amended by City Council.**

Laval Means reported that City Council had asked to have Finance go over the language of the amendments. Brent Ramharter, Director of Finance, said that the Administrative Rule was clear and concise and he had no problem with how it was written and no problems with the security instruments.

Jason Wiener made a motion to approve the resolution to amend Article 9 including the staff recommended amendments shown in Attachment J. The motion passed unanimously and will go on the Consent Agenda.

B. Direct Office of Planning and Grants staff to refer potential revisions to Chapter 20.75 Signs of the city ordinance (Title 20) to the Planning Board. ([memo](#))—Regular Agenda (Lewis YellowRobe) (Referred to committee: 03/14/11) **REMOVE FROM AGENDA**

**MOTION: The Committee recommends the city council direct the Office of Planning and Grants staff forward potential revisions to Chapter 20.75 Signs of the City ordinance (Title 20) to the Planning Board.**

Lewis YellowRobe, OPG, outlined the areas of Chapter 20.75 Signs of Title 20 that needed clarification and possible revision.

- Banners – Remove banners from the prohibited signs section to allow businesses to advertise special events (e.g., Grand Openings, Going Out of Business) Create Banners for Special Events section within the chapter.
- Human Signs – Include these under prohibited signs. Non-commercial messages (such as protest signs) would not be included.

- Signs in PUDs – Rather than have these under DRB sign review, OPG would like to be able to administratively approve this if the PUD has sign criteria or refers to Title 19. If no sign criteria or Title 19 references, DRB would continue review and approval. The Southside Riverfront was inadvertently included; they would like to remove it.
- Signs in the Central Business District (CBD) – Title 19 called for 100 square feet of sign per business whereas Title 20 specified 100 square feet of sign per parcel. This presented a problem when there were more than one business per parcel and it was requested to revert back to the Title 19 language 100 square feet per business.
- Dynamic Display Signs – Presently the language states that dynamic display signs were not allowed in residential, Open Space, and CBD; they would have the identical language in the Prohibited Signs section. Dynamic billboards would remain prohibited.
- Measurement Rules: Building Frontage. Title 20 does not permit businesses to have signage that do not have street frontage entrances *and* off-street parking. Title 19 allows business with a street frontage entrance or parking to have signage—use Title 19 language.
- Awnings – Currently, advertising on awnings was limited to a maximum area of one square foot per one foot of awning length or 25 percent of the awning area, whichever is less. This creates a problem for businesses because it is preventing the full use of the awning. The language should be clarified so the awning could be used to the greatest extent possible.
- Definitions for Direct/Indirect Illuminations for businesses—More clarification to define illumination so it is identical to the wording in the Signs chapter.
- Parapet/Parapet Wall – A definition was needed to explain what exactly a parapet/parapet wall was to avoid discrepancies in businesses.
- Pitched roof – An illustration should be added to the definition to prevent businesses with pitched roofs erecting a sign that could be interpreted to be a parapet wall.

A substantial amount of community discussion has taken place regarding dynamic displays. OPG and the Chamber of Commerce were working on informational packets regarding dynamic displays and responsibilities business owners should follow.

Dave Strohmaier made the motion that OPG staff refer potential revisions to Chapter 20.75 Signs of the City ordinance Title 20 to the Planning Board. Questions on the motion included:

- What was prohibited for mobile signs: all signs, even those on public transportation, taxis, and non-motorized gondolas? Mobile signs were prohibited except for public transportation, which included both motorized (public transit and taxis), as well as non-motorized (bicycle rickshaws).
- Have the number of sign permits issued decreased or increased since Title 20 went into effect? It has stayed the same. The biggest challenges have been about the operational standards for dynamic signs.
- Was there a state law that said that traffic language could not be on signs? Yes, there was a state and local ordinance that prohibited any signs to resemble official traffic signs or use similar words used by government to draw attention to traffic.

At Mr. Strohmaier's invitation, Gary Bakke, Chamber of Commerce, gave a brief explanation about the [brochure distributed](#) to the Committee. There was a need for education, many businesses did not know how to use their signs or did not understand what to do to comply with the ordinance.

## VIII. Regular Agenda Items

**A. 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) **HELD IN COMMITTEE****

Tim Worley presented this rezoning request from Bonnie Thompson, represented by Ken Jenkins. This is a pre-public hearing that will be heard by City Council on March 28, 2011.

The pertinent details included:

- Currently, the property is in three difference zoning districts: RT5.4, Unzoned, and OP2.
- The owner wishes to rezone this property to have a predictable yield in total number of dwelling units, eliminate split zoning, and to allow lands to be dedicated to the City of Missoula.
- The boundary line relocation is not part of the request to be reviewed and approved by Council; however, it is required to be filed after the rezoning has been approved as part of the motion for approval.
- The potential yield in number of dwelling units will be less due to hillside density reduction.
- Planning Board unanimously supported the rezoning.
- OPG Staff recommends approval.

Jackie Corday, Parks and Recreation, presented some background regarding this request:

- Bonnie Thompson wished to put some land into a conservation easement for the City; however, the net cost of this endeavor (\$9800, Mr. Jenkins' fee plus the rezoning fee) would be too high for the small amount of land and the amount of money requested. Ms. Corday suggested Ms. Thompson partner with Mr. Huff and combine both properties. After this was done, the City was able to protect 25 acres of property on Mount Jumbo for a net cost of \$325 per acre.

Ken Jenkins appreciated the help of Ms. Corday and Mr. Worley on this complex process. Ms. Thompson's motivation is to control what is happening on the property and not increase the density; this is mostly housekeeping.

Questions and comments from the Committee:

- What portion of the OP2 is owned by applicant? The applicant owns 6.2 acres and will deed that to the City.
- Was there any discussion in making this a City-initiated process in order to waive the fee? No, since four of the tracts will still be in the applicant's possession and it was very staff-intensive due to the intricacies, they did not feel it would be justified.
- If this property is so steep and unable to be built on, why protect it with a conservation easement? It benefits the City to have contiguous open space.
- Will this impact the taxes? There will be no significant change.
- Why did the Planning Board have concern about the RM2.7; did OPG Staff feel comfortable with this zoning? Due to the hillside, this is not going to be a problem. If the tract were to remain unzoned, there may be potential problem of unpredictable development outcomes in the future.
- The Committee requested that OPG Staff provide a good aerial image with an overlay of the boundaries for the City Council Hearing.

## **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)

## **VIII. Adjournment**

The meeting adjourned at 11:47 a.m.

Respectfully Submitted,

***Deni Foretek***  
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.***