

# Plat, Annexation and Zoning Committee Minutes

March 30, 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, Pam Walzer, Jason Wiener, Jon Wilkins, Cynthia Wolken

**Members Absent:** Stacy Rye, Dave Strohmaier,

**Others Present:** Paul Forsting, Steve Grover, Kolten Knatterud, Dale McCormick, Jim Nugent, Janet Rhoades, Jason Rice, Deni Forestek

## I. Approval of Minutes

The [March 23, 2011](#) minutes were approved as presented.

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

## III. Staff Announcements

## IV. Consent Agenda Items

## VIII. Regular Agenda Items

A. Consider a request to adopt an ordinance rezoning property located at 2725 Radio Way from C1-4/EC (Neighborhood Commercial with Enterprise Commercial Overlay) and C2-4/EC (Community Commercial with Enterprise Commercial Overlay), to C2-4/EC (Community Commercial with Enterprise Commercial Overlay). ([memo](#))—Regular Agenda (Janet Rhoades) (Referred to committee: 03/28/11) **HELD IN COMMITTEE**

Janet Rhoades, OPG, reported that this was an informational item; this will be brought forward for a public hearing to City Council on April 4, 2011. The [presentation](#) included:

1. The purpose of the rezone request was to rezone the C1-4/EC and C2-4/EC parcel to be entirely C2-4/EC.
2. The change would make the entire Home Depot-owned property the same zone.
3. Since Title 20 does not allow split zoning, the rezone needed to be approved before the boundary line relocation could be filed.
4. Both Staff and Planning Board recommend approval.

Questions and comments from the Committee included:

✓ What was the difference between C1-4/EC and C2-4/EC zones? There were only a few differences in uses. Some examples were:

- Fraternal Organizations – conditional in C1, permitted in C2
- Pawnshop – not permitted in C1, permitted in C2
- Car wash or cleaning service – conditional in C1, permitted in C2
- Motor vehicle repair, general – not permitted in C1, permitted in C2
- Vehicle storage and towing – not permitted in C1, conditional in C2
- Recycling service – not permitted in C1, permitted in C2

Dale McCormick, PCI, distributed [a handout](#) for the Committee about the restaurant. He explained that when the property was first purchased, Home Depot planned to use the parcel for retail; however, now they feel it would be better served as the setting for a restaurant. It would be a better fit for the property.

Questions and comments from the Committee included:

1. Will the restaurant and Home Depot share parking? There is sufficient parking for both Home Depot and the restaurant.
2. How are CLB overlays handled now; will this restaurant need a CLB overlay? A liquor license is applied to and granted by the State; a conditional use will need to be requested from the City.
3. The C1-4/EC zoning was nice because it provided a buffer for the residential neighborhood.

**B. The Haven Subdivision, a proposed major subdivision of a 1.05-acre parcel into 6 residential lots, located at 2110 39th Street, between Paxson Street and Buckley Place. ([memo](#))—Regular Agenda (Janet Rhoades) (Referred to committee: 03/28/11) **HELD IN COMMITTEE****

Janet Rhoades, OPG, explained that this was an informational item; it will be brought forward to City Council on Monday, April 4, 2011. Her [presentation](#) on the project included:

1. The parcel was zoned R5.4
2. The six residential lots met the zoning and the Comprehensive Plan for the area.
3. All six lots would access from Lona Court.
4. There were two variances requested, both related to sidewalks. The first was to build a curbside sidewalk on the west side, and no sidewalk or boulevard on the east side. The second variance request was to leave the existing 5-foot sidewalk and 6-foot boulevard on 39<sup>th</sup> Street, rather than require a 6-foot sidewalk with a 10-foot boulevard.
5. The Planning Board recommended approval in agreement with staff recommendations.

Paul Forsting, Territorial Landworks, [presented an overview](#) of the project. He explained they designed the subdivision to work with Title 20 and Subdivision Regulations. He addressed the concerns raised by Planning Board and public comments at that hearing:

1. Regarding the amount of density, the zoning district allows 8 lots; however, they are going with 6 lots because it matches the design they want. Also, the surrounding lots are less dense but north of this property the density is higher.
2. Regarding parking concerns, granted, Lona Court is a relatively small street design, and this does not lend itself to street parking; however, the design includes 3 parking spaces on the short court and the residents are required to build two off street spaces.
3. They would like to request that the condition requiring a streetlight at the intersection of 39<sup>th</sup> Street and Lona Court be waived. They feel that the existing streetlights are close enough to their access point that it would be superfluous.

Questions and comments from the Committee included:

- ✓ Explain map #2 on the Developer's Presentation and what the hatched space is between Lot 4 and Lot 1. That is a private driveway and utility easement for those lots.
- ✓ Is there a reason that Lona Court could not have been put into a loop? There are topographic limitations and they did not want that design.
- ✓ Is there a change in cost per number of lots when one subdivides a property? The surveying and engineering costs would be the same; Mr. Forsting is not sure if there would be a change regarding fees charged by the City. At this point, the project is barely breaking even.
- ✓ If a streetlight is put in, who pays; the City or the developer—does it depend on whether it is required? Either way, the City and the developer share the cost.
- ✓ Where would one put excess snow, should there be a winter such as this one? The Homeowner's Association is responsible for maintenance and the plowing of the road and this would be a decision the homeowners would have to make.
- ✓ What stops people from parking in the fire department turnaround? There will be "No Parking" signs.

- ✓ How can a vehicle turnaround at the end of Lona Court? The private utility easement will allow this to happen.
- ✓ Where will guests park when there is a party? There are setbacks for additional parking on each lot, and one can park on the side streets and walk.
- ✓ Did they look at other options rather than a short court? This one works the best within the rules and regulations put to them from City Engineering and Public Works.
- ✓ Where are the fire hydrants? At the intersection of Paxson and 39<sup>th</sup>, the Fire Department did not require that they put one in. When it was reviewed by the Fire Department, it was determined that they can gain access to every single property from that fire hydrant.
- ✓ There are so many large trees on the property, what landscaping plans do they have to preserve these trees? There are no plans, this is up to the buyers of the lots.

The following requests were made in preparation for the Public Hearing on April 4, 2011:

1. City Council would like to hear from Public Works about the streetlight condition and the city's legal standing, if any, regarding this.
2. The City Council would like language prepared regarding the streetlight condition
3. The developer's representative should be prepared to look at realistic parking and snow removal options.
4. City Engineering should be represented to answer questions from some of the Council members.

Public comment included:

Steve Grover, owner and developer of the project, gave some background information on the project:

- ✓ He purchased the property to provide a residential group home setting for two group homes for "Winds of Change."
- ✓ One group home has been built already and another will be built.
- ✓ He would like to move the existing home on the property to Lot 1 and live there so that he can be part of the Homeowners' Association.
- ✓ At this point, he does not know if he will sell the bare land or build homes and sell the home and land so he has some control over the development.

## **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. [Petition 9514](#)—John R and Julie A Mahan, 7550 Arroyo Lane, Country Crest Number 2 - Lot 8 Geocode 219911303070000; Petition for Annexation

### **VIII. Adjournment**

The meeting adjourned at 11:58 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.***