

Plat, Annexation and Zoning Committee Minutes

April 20, 2011
10:05 a.m. to 11:00 a.m.
City Council Chamber, 140 W. Pine

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

Members Absent: None

Others Present: Janet Rhoades, Jim Nugent, David V. Gray, Amy Fisher, Ryan Montgomery, Dave Wager, Deni Forestek

I. Approval of Minutes of April 13, 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 for a one-year plat extension for Rattlesnake 1A Subdivision.
(memo)—Regular Agenda (Janet Rhoades) (Referred to committee: 04/18/11) **REMOVE FROM AGENDA**

MOTION: The Committee recommends that City Council approve the Rattlesnake 1A Subdivision Preliminary Plat extension period by one year to a final plat submittal deadline of May 5, 2011.

Councilman Wiener and Councilman Strohmaier initiated this request; Councilman Wiener gave some introductory information. This subdivision, Rattlesnake 1A, had been unanimously approved by City Council in 2008; however, an extension had not been requested and so it expired. The new owners purchased the property in March 2011 and wanted it revived by City Council.

Janet Rhoades explained that this retroactive extension request would be in compliance with state law, which permitted subdivisions to have a preliminary approval period of three years. Granting the extension would give the new owners time to submit a request to create a phasing plan. The presentation included key points that had been discussed during subdivision approval in 2008, which were:

- The property was 2.94 acres, located on Dickinson Street and Prairie Way in the Rattlesnake.
- The 3-lot subdivision met zoning.
- The biggest issue discussed during approval was the trail easement, which neighbors had been using as an informal trail. With the easement, this would make it legal.
- There had been some discussion within the neighborhood about where the trail placement should be located. As a solution, City Council determined where the trail would start and where it would end and left it up to the neighbors to work out the rest. The new owners were willing to work with the neighboring property owners.
- Since this was an extension request, City Council could not change any conditions at this time; however, if a phasing plan did come before Council, changes could be made at that time.

Dave Wager, who purchased the property in March 2011 with Megan Schuknecht, planned to build a home on Lot 3. He felt this subdivision kept the density characteristic for the neighborhood. By requesting this extension he wished to avoid the inefficiencies of going through the subdivision process a second time to attain the same result. He was grateful to Council for hearing his request.

Ed Childers made the motion to consider the request to extend the Rattlesnake 1A Subdivision preliminary plat approval period by one year. The motion passed unanimously and will go on the Consent Agenda.

V. Regular Agenda Items

B. Conditional use request – 139 E. Main Street Microdistillery (Microbrewery). ([memo](#))—Regular Agenda (Janet Rhoades) (Referred to committee: 04/18/11) **HELD IN COMMITTEE**

Janet Rhoades explained that was a pre-public hearing item and no action needed to be taken at this time. The request was for a Conditional Use for a Microdistillery, which was not specified in Title 20. Title 20 allowed that if a conditional use did not exist, the Planning Director could determine which use was closely related (in this case, Microbrewery). In the Central Business District, Microbrewery was a conditional use.

- The property was zoned CBD-4.
- The building was located on the corner of East Main and Pattee (the old Firestone Building). A portion would be used immediately with plans to expand into other sections.
- The footprint of the building would not change; a few roll-up doors would be turned into windows or walls.
- An 8'-9' gable roof with clerestory would be added to accommodate a piece of distillery equipment.
- Staff recommended approval since it seemed an appropriate use for where it was located.

Ryan Montgomery, owner/operator of the Microdistillery, wished to be in the downtown area since this was a central location. He was new to the Microdistillery business, having gone to two schools in Washington and Scotland to learn the process and hoped to make this a lucrative career. He will keep the same footprint of the building, change the roll-up doors, keep all the windows, and do some painting to the outside of the building.

Questions and comments from the Committee included:

- Was a Microdistillery tasting room similar to a Microbrewery tasting room? It was a little more restrictive in that only 2 ounces could be served to a customer per day and the amount of product that could be sold was limited.
- Would there be a loading dock? Yes, on the alley side a roll-up door would be used as a shipping and receiving area.
- Were there odor issues? Yes, the first stage of the distillation process was grinding the grain so the smell was similar to either a microbrewery or bakery.
- What made you choose to invest in Missoula? Mr. Montgomery was born in Missoula and wanted to come back here to live and raise his family. He felt the distillery would be a viable business for the area.
- What assurances have you received from the property owners that this would be here for awhile? The owners assured Mr. Montgomery that this would be a long-term commitment. They were prepared to sign a 5-year lease with an option to renew for the same amount of time.
- What was the timeline of the project? Once Mr. Montgomery was able to secure the conditional use permit and building permits, the construction itself would take about three months. The equipment was being fabricated in Germany and should arrive in

June. They will spend time learning the equipment and hoped to have the product begin aging by late summer or early fall. The unaged product should be available to be sold almost immediately; the aged product would not be ready for at least two years.

The public hearing for this item will be April 25, 2011.

VI. Items to be Removed from the Agenda

6. 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)

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 10:34 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.