

# Plat, Annexation and Zoning Committee Minutes

September 28, 2011  
11:20 a.m. to 12:00 Noon  
City Council Chambers, 140 W. Pine Street

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

**Members Absent:** Dave Strohmaier

**Others Present:** Jim Nugent, Laval Means, Jen Gress, Deni Forestek

## I. Approval of Minutes for [September 7, 2011](#)

The minutes were approved as presented.

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

## III. Staff Announcements

## IV. Consent Agenda Items

## V. Regular Agenda Items

1. An ordinance amending the Missoula City Zoning Ordinance, Title 20 as recommended by the Missoula Consolidated Planning Board and shown in Title 20 maintenance amendments – 2011. ([memo](#))—Regular Agenda (Jen Gress) **HELD IN COMMITTEE**

This pre-public hearing was an opportunity to provide more background and answer any questions that the Committee may have prior to the October 3, 2011 City Council Meeting. Jen Gress briefly went over the Title 20 maintenance amendments for 2011:

- These proposed changes were mostly housekeeping items brought to the attention of the Office of Planning and Grants (OPG) by users of the document.
- The Planning Board proposed some changes at their public hearing. .
- All comments received have been evaluated for inclusion in the document.

Questions and comments:

- Bob Jaffe asked for clarification regarding changes permitted on nonconforming structures. Repairs and maintenance that do not increase nonconformity were permitted if allowed by zoning; alterations were permitted as long as there was no increase in nonconforming status. Chair Jaffe was not sure what the intention was—to encourage or discourage nonconforming structures. He would like to discuss this further at the public hearing. Jason Wiener remembered an informational item brought to the Committee regarding nonconforming structures and wondered if this is what Mr. Jaffe was referring to.
- Jason Wiener asked if the 25% cap regarding reducing parking requirements in favor of long-term bicycle parking was a universal cap or could it be combined with the reduction for transit and shared parking. Ms. Gress replied they could be combined. Staff was requested to prepare language regarding a motion to clarify that these reductions to be used in combination .
- Ed Childers felt that reducing off-street parking often increased on-street parking. Chair Jaffe requested that language be prepared for a motion to make the 25% cap universal, if Council wished to go in that direction. Mr. Childers clarified that he was not disagreeing with Councilman Wiener.
- Lyn Hellegaard had received many complaints in her ward regarding on-street parking. She felt that even if people bike or ride the bus, they still have cars that they need to park. She would like to have the language prepared for a global 25% cap.

- Ms. Walzer felt that the two additional items mentioned in the 9/28/11 Memorandum to the Council should trigger sending the topic back to Planning Board. Mr. Nugent instructed the Council that if they felt this was a minor editorial change, it would be okay for City Council to take it up at the Public Hearing.
- Ms. Walzer asked that under Microdistillery the language be changed from how much can be sold for off-premises consumption and to refer to the state code generally rather than naming a specific amount. Ms. Gress will provide proposed language.
- Mr. Childers expressed concern regarding the definition of a dwelling unit: he understood the reason “complete” was deleted was to give OPG zoning officers more flexibility; he felt a more flexible interpretation of the rules would lead to less reliable zoning ordinances.
- Mr. Wiener wondered if allowing OPG greater flexibility in defining a dwelling unit would mean more referrals to the City Attorney’s office. Mr. Nugent pointed out that the zoning code was over 200 pages and there was no way to predict what triggered referrals. He felt that the zoning code cannot be rigid.

## V. Items to be Removed from 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. 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)
3. Ongoing discussion of City planning issues with members of the Planning Board.— Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)
4. 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: 01/10/2011)
5. Conditional use request for property located at the 1100 block of East Broadway for mini-storage facility owned by Montana Rail Link. ([memo](#))—Regular Agenda (Aaron Wilson and Janet Rhoades) (Referred to committee: 08/15/2011)
6. Discuss clarifications to the regulations for non-conforming uses and structures in Title 20, Missoula City Zoning Ordinance, especially pertaining to 20.80.040 Nonconforming Uses, 20.110.050 C3 Exceptions to Side Setbacks, and 20.80.030 Nonconforming Structures. ([memo](#))—Regular Agenda (Tom Zavitz) (Referred to committee: 08/22/11)

### VI. Adjournment

The meeting adjourned at 12:05 p.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.***