

Plat, Annexation and Zoning Committee Minutes

November 30, 2011

10:05 a.m. – 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, Stacy Rye, Jason Wiener, Cynthia Wolken,

Members Absent: Dave Strohmaier, Pam Walzer, Jon Wilkins,

Others Present: Tom Zavitz, Laval Means, Jim Nugent, Jen Gress, Amy Fisher, Lewis YellowRobe, Elaine Hawk, Kevin Slovarp, Doug Harby, Michael Tree, Pat Little, Jeff Smith, Jason Diehl, Deni Forestek

1. **Approval of Minutes from October 26, 2011** approved as presented
2. **Public Comment on Items not on the Agenda**
3. **Staff Announcements**
4. **Consent Agenda Items**
 1. Confirm the appointment of Sandy Mitchell to the City Board of Adjustment as second alternate for a term commencing immediately and ending June 30, 2014. ([Memo](#))—Regular Agenda (Mayor Engen) (Referred to committee: 11/07/11)

MOTION: The Committee recommends that City Council confirm the appointment of Sandy Mitchell to the City Board of Adjustment as second alternate for a term commencing immediately and ending June 30, 2014.

Jason Wiener made the motion to confirm the appointment of Sandy Mitchell to the City Board of Adjustment as second alternate. The motion passed unanimously.

5. **Regular Agenda Items**

1. An ordinance to amend Title 20 City Zoning Ordinance to incorporate text amendments to Section 20.45.020 entitled "Parcel and Building standards in Residential Districts". ([memo](#))—Regular Agenda (Jen Gress) (Referred to committee: 11/07/11)

Jen Gress [presented](#) a pre-public hearing overview on this topic. Highlights included:

- The photos used in the presentation were taken by enforcement officers during investigation of complaints.
- The structures include those not exceeding 120 square feet in floor area.
- Currently, although a building permit is not necessary for these structures, a zoning compliance permit is required. Proposed changes to the ordinance would not require a zoning compliance permit.
- The Planning Board added a commentary box to address the concerns from Engineering regarding sight visibility.

Questions and concerns:

- Ms. Hellegaard was concerned about proposed no setbacks and removing the restriction regarding the separation from the dwelling unit. If a structure was placed on the property line against a fence, the building cannot be maintained; a structure could present a fire risk if it was too close. Another scenario she felt needed to be addressed was somebody building a structure 2 feet wide by 60 feet long and using it as a fence.

- Mr. Childers wondered if there shouldn't be a minimum width requirement of 4 feet. Chair Jaffe asked staff to prepare language addressing this concern if it should come up at the public hearing.
- Jason Wiener felt the commentary box should be more informative and educate people about meeting with the Engineering Department regarding the sight visibility aspect.
- Ed Childers wondered if two sheds placed next to each other were a safety hazard; Ms. Hellegaard pointed out that the situation could attract vermin, insects, and fire hazards if one structure housed flammable products and the other structure housed combustibles.

Public comment:

- Doug Harby, City Engineering, informed the Committee there are regulations prohibiting water runoff onto adjacent parcels from structures placed on the property line.

A public hearing will be held on December 5, 2011.

2. Amendments to Article 3, Subdivision Design Standards, Section 3-020 Streets, Access, and Transportation, of the Missoula City Subdivision Regulations. ([memo](#))—Regular Agenda (Tom Zavitz) (Referred to committee: 10/24/11)

Tom Zavitz [presented](#) a pre-public overview on this topic. Highlights included:

- This project began a year ago as part of minor revisions to Title 20 subdivision regulations
- The proposed amendments are intended to create clear and consistent street design standards.
- Table 2a was the result of combining six tables into one.
- The Planning Board raised some issues regarding street widths, restricted short courts and cul-de-sacs; added options for woonerfs and new International Fire Code interpretations; and strengthened/clarified off-site street and trail improvements.
- [Comments](#) received after the Planning Board hearing were distributed to the Committee.

Questions and concerns were:

- Jason Wiener wondered about the argument for short courts regarding geographic or topographical limitations—was this observed when Mr. Zavitz was taking pictures of examples? Mr. Zavitz found the only limitation was when it was not possible to have a through street built (one access point on a small parcel being subdivided, as an example). This hardship would qualify for a variance, if they are restricted per Planning Board's suggestion.
- The Committee was interested in hearing from Engineering about the proposed changes in the street widths for subdivisions. Kevin Slovarp, City Engineer, felt this would not make a difference since arterial and collector roads are designed based on Federal Highway, ASHTO, or MDT standards.
- Chair Jaffe felt that short courts could be a compromise for dead end and cul-de-sac streets, although the intent is to design through streets. Ms. Rye felt that if one makes a neighborhood of short courts, this would create an area where the traffic is funneled into one street.
- Mr. Harby explained that short courts were created as a way to regulate common driveways.
- Chair Jaffe wondered why the Planning Board wished to prohibit short courts. Mr. Harby explained that the Planning Board members wanted to be good land use planners and encourage connectivity of streets. They still left the specifications for short courts and cul-de-sacs in the regulations. In a case where a variance is granted, there would be a higher level of review.

Public comment included:

- Elaine Hawk, representing pLAND and the MBIA, would like to limit the regulations with woonerfs or home zones because it would force collaboration between the developers and the Engineering Department. She distributed proposed plans for a woonerf project that might be created in the future. Ms. Hawk pointed out that woonerfs could creatively use other options besides concrete for paving, like asphalt, and would like that requirement changed in the woonerf specifications.
- Pat Little discussed some comments he had regarding minimum widths for drive lanes. He suggested the minimum be 10 feet across the board. This would still ensure the minimum for buses and fire engines.
- Jason Diehl explained that the fire engines are heavy, they have pump and water tanks, and need room for equipment and this is why they need wider clearance on streets.
- Mr. Childers wondered if there was a way to clarify that there is enough room for buses and fire engines when two driving lanes are adjacent on streets in a subdivision. Mr. Harby pointed out that it is specified on short courts, cul-de-sacs and other narrow streets that parking is prohibited to maintain that clearance. His concern is not the fire engines and buses which are driven by professional, but the motor homes and boats that are driven by less experienced drivers.

A public hearing will be held on December 5, 2011.

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. 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. Amendment Article 7. Error Corrections and Adjustments to the subdivision regulations to allow for restrictions or conditions placed on a plat by the governing body to be amended or removed by a future council. ([memo](#))—Regular Agenda (Lyn Hellegaard) (Referred to committee: 11/07/11)

VIII. Adjournment

The meeting adjourned at 11:34 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.