

Plat, Annexation and Zoning Committee Minutes

January 18, 2012

10:05– 11:15 a.m.

Missoula City Council Chambers, 140 W. Pine Street

Members Present: Bob Jaffe, Caitlin Copple, Ed Childers, Dick Haines, Adam Hertz, Marilyn Marler, Mike O'Herron, Dave Strohmaier, Alex Taft, Jason Wiener, Jon Wilkins, Cynthia Wolken

Members Absent:

Others Present: Bob Giordano, Deni Forestek, Kevin Slovarp, Doug Harby, Tom Zavitz, Laval Means, Lewis YellowRobe, Mike Barton, Tim Worley, Jim Nugent

I. Approval of Minutes for [January 11, 2012](#)

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. A [resolution](#) to adopt amendments to the City of Missoula Subdivision Regulations, Article 3 entitled “Subdivision Design Standards,” Section 3-020 entitled “Streets, Access and Transportation.” ([memo](#)) ([PAZ](#)) ([PAZ 11/30/11](#)) (Returned from council floor: 12/05/11) **HELD IN COMMITTEE**

Tom Zavitz distributed two documents:

- [A revised Table 2a](#) – He clarified the definition of low density in urban and local residential streets.
- [A brief history of discussions and motions](#) – Motions that have been made as well as items to be proposed to discuss in the future are listed on the document.

If there are any comments or questions, please let him know.

Short court discussion:

Before the Planning Board took out the option of short courts, it was allowed (and is allowed presently):

- When a through street was not feasible
- For dead-ends of six dwelling units or less
- Must be a private street
- There is a 20-foot wide minimum, 200 foot length
- Sidewalks, curbs and gutters are required

City Engineering proposed that short courts be looked at as related to woonerfs; however, woonerf regulations as developed by Planning Board were comparable in only a few areas. Mr. Zavitz pointed out the differences, which were:

- Requirement of a circulation plan
- Marking the entrance and street surface to indicate its purpose
- Having a snow removal and maintenance plan
- Amenities such as trees and street furniture to slow vehicle traffic
- No curbs or gutters
- Does not limit dwelling units

Questions from the Committee included:

What options would be used for snow removal? Snow removal would be the same as City standards on sidewalks. A landscaped area could be created for snow storage.

How would one enforce maintenance and parking? That could be difficult.

Jason Wiener made a motion to reinstate short courts and create language in the regulations for them.

Comments on the motion:

- Jason Wiener would like to see language adopted to make short courts work. Mr. Zavitz said outside of a PUD, changes would need to be made in Title 20 to allow woonerfs. Doug Harby stated that Engineering would be open to a woonerf-type design for short courts. They would like to adopt standards to allow them.
- Alex Taft related that in Boston they created language for woonerfs and closed woonerfs, which were like short courts. He suggested creating language to allow them.
- Chair Jaffe felt it would be better to vote on whether to reinstate short courts by variance and allow staff to create the language.
- Jon Wilkins thought the Planning Board made a good decision, he would not support the motion. He felt connectivity of streets should be the priority of the City.
- Mr. Childers felt there were examples when connectivity was not feasible and felt that short courts need to part of the mix; however, conditions should be defined.
- Mike O'Herron wondered if a closed woonerf would be public right-of-way and if this would address Mr. Wilkins' concerns.

Mr. Wilkins offered a friendly amendment to allow short courts as part of PUDs because this would allow the community to be involved. Mr. Wiener would not accept this amendment, he felt that allowing it only through PUD option would be the same as prohibiting them.

Jason Wiener amended the motion to reinstate short courts as a variance option with standards written into the regulations.

Comments on the amended motion:

- Mr. Taft would support the motion with the hope that standards will be developed.
- Marilyn Marler would support the motion; however, she wondered what the cost of the variance was. Mr. Worley clarified that there was a fee for the variance and that the burden was on the developer to prove there is a hardship.
- Mr. Jaffe would support the motion since it places the burden on the developer to prove he needs it.
- Mike O'Herron felt it was important to give developers tools for design options.
- Caitlin Copple commented on an email she was forwarded by Don MacArthur outlining the Planning Board reason for prohibiting short courts. She felt that although it is important to give design options to developers, she understands the reasons against them.

Public Comment:

- Kevin Slovarp urged the Committee to vote for the motion because it gave the staff standards to work with when reviewing these subdivisions.
- Bob Giordano felt that different policies and standards and design options are important to balance connectivity for all modes of transportation.

The motion passed through majority affirmative voice vote.

Adam Hertz felt it was important that developers not have too much of a burden on their design options, he made a motion to reinstate short courts as right, not through variance.

Discussion on the motion

- Dave Strohmaier would not support the motion; he felt that Mr. MacArthur's email gave a good argument for not allowing short courts as right.
- Cynthia Wolken would not support the motion, she would like to be able to review these design standards.
- Mr. Childers would like to bring back short courts, but as a variance so that they could be delineated.
- Mr. O'Herron wondered how much a variance would cost. Mr. Worley said around \$500. Mr. O'Herron agrees with the intent of the motion; however, he agrees with Mr. MacArthur and felt having a variance option would be better.
- Ms. Marler felt the variance option was a good compromise.
- Mr. Jaffe would support the motion, he felt short courts were cost-saving and did not feel they were being abused.

The motion failed with Mr. Jaffe and Mr. Hertz voting aye.

The topic has been continued until next meeting.

V. Items to be Removed from the 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. 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)

VII. Adjournment

The meeting adjourned at 11: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.