

## Plat, Annexation and Zoning Committee Minutes

January 11, 2011

10:05 a.m. – 12:00 noon

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

**Others Present:** Greg Martinson, William Dreyer, John Kellogg, Amy Fisher, Aaron Wilson, Deni Forestek, Kevin Slovarp, Doug Harby, Tom Zavitz, Laval Means, Tim Worley, Jackie Corday, Karen Sippe, Lewis YellowRobe, Jason, Diehl, Jim Nugent

### I. Approval of Minutes for [January 4, 2012](#)

The minutes were approved as presented

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

### III. Staff Announcements

### IV. Consent Agenda Items

1. Consider a request for a phasing plan amendment for Southern Hills Subdivision  
[\(memo\)](#) **REMOVE FROM AGENDA**

**MOTION:** The committee recommends that City Council approve the request to amend the phasing plan for Southern Hills Subdivision as shown on the attached Amended Phasing Plan.

Aaron Wilson presented the request submitted by John Kellogg requesting a 3-year extension of each phase of the Southern Hills Subdivision.

Questions and comments by the Committee:

- Is there a waiver of SIDs to improve the roads? Yes, that is the first condition of approval.

Jon Wilkins made the motion to recommend approval of the phasing plan.

The motion passed unanimously.

### V. Regular Agenda Items

1. Consider a request to amend the recorded plat of Russell Bryan Subdivision, Lots 1 & 2.  
[\(memo\)](#) **REMOVE FROM AGENDA**

**MOTION:** The committee recommends that City Council approve the proposed plat adjustment for Russell Bryan Subdivision.

Aaron Wilson, Office of Planning and Grants, presented the request from William Dreyer to adjust the locations of no-access strips along Reserve Street and Old US Highway 93. The net result will be a reduction in one access point onto Reserve Street and one access point from Old Highway 93. Public Works and the Fire Department felt the changes would be a positive arrangement for traffic safety.

Questions and comments:

- Bob Jaffe asked if it would be possible to combine the access points off Reserve Street. Mr. Harby felt that this configuration is an improvement and that would not be necessary.

- Mr. Taft asked if sidewalks could be stipulated. Mr. Harby pointed out it is already in the proposal.
- Mr. Haines felt that he could not support the proposal without a traffic signal at the corner of Reserve and Old Highway 93. He could only see this proposal adding more problems to this intersection. Mr. Harby pointed out that the developers were adding some paving in anticipation of a traffic signal in the future.
- Jason Wiener would support this proposal because redevelopment of this corner was an investment in the community.
- Mr. Childers felt that if this proposed development caused headaches at this intersection it might cause MDT to react by putting in a traffic signal. \
- Mr. Wilkins was in agreement with Mr. Haines, but felt eliminating two access points was a plus in making this intersection safer.

Mr. Wilkins made the motion to recommend approval of the plat adjustment.

The motion passed with Mr. Haines voting nay. Mr. Haines felt the topic could benefit from discussion; it will be placed under Committee Reports.

2. 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 recapped the changes made by the Committee last week, which were:

- Amended the width of low density local residential streets to 33 feet
- Amended the width of low density urban residential streets to 35 feet
- Added that boulevard sidewalks on local residential streets with less than 250 average daily trips would be optional, allowing curb sidewalks and reducing the total right-of-way space to 14 feet.
- Changed the drive lane width from 11 feet to 10 feet on collector classification streets and higher.

#### **Boulevard Options:**

The removal of the boulevard requirement was brought to Mr. Jaffe's attention and he would like to readdress this issue. Mr. Zavitz pointed out that the Mr. Worley, from OPG Projects section, wished to discuss the implications regarding present and future subdivisions. Jackie Corday from Parks also had some comments she wished to bring forward.

Mr. Worley, Office of Planning and Grants Projects section, pointed out that there were a number of subdivisions that were approved with boulevard sidewalks that would qualify as optional under the 250 average daily trip classification. All the Orchard Homes projects would not reach that 250 average daily trip classification.

Mr. Jaffe wondered if anyone wished to reconsider the decision made last week. Mr. Taft did not feel they needed to reconsider; the purpose in widening the streets was to deal with fire safety, and making boulevard sidewalks optional was a way of giving back some land to the developer.

Mr. Strohmaier felt that if there were significant public benefits associated with boulevard sidewalks, he would like to reconsider. He invited Ms. Corday to speak

Jackie Corday pointed out that in her opinion it was a step backward to take away the boulevard sidewalks. Boulevards give space for separating pedestrians from cars, snow storage, a place for signage and street lights, and important design elements, such as splash protection.

Karen Sippe from Friends of the Urban Forest Organization brought up the importance of boulevards for providing space for trees. Advantages of trees in boulevards include the absorption of water, reduction of the heat island affect, absorption of pollutants, traffic calming, and advantages of shade.

Questions and comments from the Committee included:

- Marilyn Marler wondered if it was harder for trees to thrive in boulevards. One of the goals of Friends of the Urban Forest was to educate people how to properly take care of the trees, such as watering.
- Mr. Wiener would have liked to have been given an opportunity to review the material Ms. Corday and Mr. Worley presented before the meeting; however, he felt that this was a way to give the developers a break.
- Mr. Hertz agreed with Mr. Wiener and felt that giving the developers the option to not build the boulevard might increase affordability.
- Ms. Copple did not think snow storage was a problem since these streets are not large enough to be plowed as often as other streets.

Chair Jaffe felt that the issue had been exhausted and if Council wished to make changes on the floor, it should be brought up at that time.

### **Dead-end Street and Cul-de-sacs**

Mr. Zavitz explained that when the Planning Board made changes to prohibit dead-end streets and cul-de-sacs, the language that these developments, only allowed through a variance, need to be approved by the City Engineer or the Fire Chief was lost. This language needs to be brought back into the regulations.

Jason Wiener moved the amendment requiring the City Engineer and Fire Chief approval of cul-de-sacs if allowed by variance where they're prohibited.

The motion passed by unanimous voice vote.

Discussion regarding dead-end streets and cul-de-sacs included:

- Mr. Hertz asked for clarification regarding this street option – would they be allowed with a variance? Mr. Zavitz said that it would be allowed through a variance with a set of standards.
- Mr. Taft preferred that they not exist for reasons of connectivity; however, he felt that a compromise would be an option.
- Mr. Childers felt that connectivity throughout the city was a good thing; however, some neighborhoods do like cul-de-sacs. He felt a variance was a procedure that would address this.
- Mr. Jaffe felt that the way the dead-end streets and cul-de-sacs are handled seems fine; however, if anybody else had other options, he'd be fine to discuss it.

### **Short Courts and Private Roads:**

Tom Zavitz explained that short courts came about because of a request to do developments or small developments that are accessed by one driveway. Doug Harby, City Engineering added that the reason they wanted to keep short courts private is that the City did not want to maintain them. The City Engineer would like to be able to make the determination whether a road in a subdivision should be private in order to evaluate the best use of tax dollars for maintenance.

- Ms. Wolken asked Mr. Nugent if there were legal implications to labeling a street private. Mr. Nugent explained that there were several legal ramifications, such as the City would not have control of the street, signage, and parking; homeowner's associations would need to maintain this road and if they did not, there were no enforcement options.

- Mr. Harby suggested that if a private road was placed on a public access, this would give the city the option of reviewing maintenance of the road.

Jason Wiener moved to permit private streets within a public access easement that must be maintained by a property owner's association, street maintenance agreement, or by the individual or sole owner of the property.

Discussion on the motion:

- Mr. Wilkins wondered what stopped someone who lived on a private road from closing access to others. Mr. Harby said that the fact that the road was on a public access easement would prevent this.
- Mr. Wilkins wondered what enforcement means could be used to ensure maintenance of private streets. Mr. Nugent agreed that this might be hard to enforce. Mr. Harby mentioned an air quality ordinance that would allow the Health Department to compel the owners to make repairs.
- Mr. Taft stated he would vote against the motion.

The motion passed with Strohmaier, Wiener, Hertz, Wolken, Copple, Childers, and Marler voting aye, and Taft, Wilkins, O'Herron, and Haines voting nay.

Mr. Nugent wished to clarify that variances to subdivision regulations do not have to go to the Board of Adjustment, that was only for zoning variances. The subdivision variances were part of the subdivision review and there was not an additional significant application fee. The City Council would decide these variances as part of the subdivision review.

## **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 11:57 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.*

