

# Plat, Annexation and Zoning Committee Minutes

May 16, 2012  
1:05 pm to 1:30 pm  
City Council Chambers, 140 W. Pine Street

**Members Present:** Bob Jaffe (Chair), Ed Childers, Caitlin Copple, Dick Haines, Adam Hertz, Marilyn Marler, Mike O'Herron (1:20pm), Jon Wilkins, Cynthia Wolken

**Members Absent:** Alex Taft, Jason Wiener

**Others Present:** Paul Fosting, Jim Nugent, Tim Worley, Deni Forestek, and Nina Cramer

## I. Approval of Minutes of May 2, 2012. Approved as presented.

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

No Public Comment

## III. Staff Announcements

No Staff Announcements

## IV. Consent Agenda Items

1. Consider a request to amend the Magenta Meadow Subdivision phasing plan. ([memo](#))– Regular Agenda (Tim Worley) (Referred to committee: 05/07/12) **REMOVE FROM AGENDA**

**Motion:** The Committee recommends that the request to amend the Magenta Meadow Subdivision Phasing Plan be APPROVED, subject to the conditions of approval as amended, and the recommended phasing timeline as amended to 2016 and 2018.

Tim Worley explained the request and condition amendments ([presentation](#))

- 4.7 acre development on the corner of 3<sup>rd</sup> Street and Hiberta
- Approved in 2006. 20 lots, was approved as two phases, Phase One deadline February 2008 and Phase Two deadline 2012.
- In 2008 during a phasing plan amendment request, there was a condition added to require connection to municipal sewer. Phase 1 updated to have 2012 deadline.
- Phase One had minimal street construction requirements for Magenta Place, Phase two required complete road construction.
- New condition to improve roadway safety was requested by City Engineering. Developer; the developer is okay with this condition.
- New street standards are now in place and we are requesting additional sidewalk maintenance easements.
- Developer requested final plat deadlines for Phase One February 2018 and Phase Two 2022.
- Staff is recommending final plat deadlines for Phase One of 2014 and Phase Two of 2016

Questions from council members:

- Are the sidewalks still boulevard sidewalks? Mr. Worley said yes, five foot wide sidewalks with nine foot boulevards.
- Does this reduce the size of the buildable space? Mr. Worley explained that these are 8000 square foot lots, lots do not change this is just an easement for the sidewalk maintenance.
- What is the depth of the lots? Mr. Worley responded about 87.5 feet. Magenta Place will contain most of the amenities within its right of way.
- Considering the Living with Wildlife conditions and the 3.5 feet of boundary fencing, would folks that build on Third Street, a busy road, only be allowed to build a 3.5 foot high fence? Mr. Worley responded that this condition has been in place since in 2006, no comments were received from FWP when they had the opportunity. The condition recommends that you

consider the Living with Wildlife recommendations; if someone wanted a higher fence that would be possible.

Paul Forsting Territorial Landworks representative for the Developers gave an overview of the project: This has been an interesting project with a couple of different developers over the years; the last developer wanted a more dense development given the location and amenities in the area. The property has changed hands and the new owner requested a consideration to extend the final plat deadlines to six years out to give the market time to adjust and give this development time to work. This will be developed, but to reach the 2014 deadline, it must begin now to meet that time line. The current owner, a bank, will not develop; they are looking for a developer to do this project.

The only comment was from City Engineering for a wider road to meet current road standards requiring an additional one foot easement, which is unusual but they will accept this condition, including that the development will meet any new standard that may come up between now and final plat.

Questions/Discussion from council members

-Are your main concerns regarding the time line? Mr. Forsting stated: Yes, this was our main concern.

Councilman Hertz moved approval of condition amendments and extension of deadline for Phase One to 2018 and Phase Two to 2022.

Councilman Wilkins offered an amendment to the motion to set the timelines to 2014 and 2016. Motion passed.

Several councilmembers expressed concern about shortening the timelines given the condition that insured the development would be built to current requirements at time of final plat.

Chairman Jaffe offered an amendment to make the timelines 2016 and 2018. Motion passed.

The committee voted on the main motion to approve the condition amendments and timelines as amended. The motion passed unanimously. Chairman Jaffe directed this action to be placed on the consent agenda.

2. Appointment of Debra Parker to the City Board of Adjustment completing a vacated term ending June 30, 2012, and filling a three-year term ending June 30, 2015. ([memo](#)) - Regular Agenda (Mayor Engen) (Referred to committee: 05/14/12) **REMOVE FROM AGENDA**

**MOTION: The Committee recommends the appointment of Debra Parker to the City Board of Adjustment completing a vacated term ending June 30, 2012, and filling a three-year term ending June 30, 2015.**

Committee vote unanimous, Chairman Jaffe directed this action to be placed on the consent agenda.

## **V. Regular Agenda Items**

## **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. Ongoing discussion of City planning issues with members of the Planning Board.—Regular Agenda (Bob Jaffe) (Referred to committee: 3/20/06)

3. 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 (Jon Wilkins) (Referred to committee: 11/07/11)
4. Direct OPG Staff to draft an amendment revising the accessory dwelling unit (ADU) provisions of Title 20 with the following provisions and to refer the amendment to the Planning Board for review: Revise Chapter 20.45 Missoula Municipal Code entitled, “Accessory Uses and Structures” to allow ADUs by right in all zoning districts that allow residential uses where one of the dwelling units is owner-occupied; revise Chapter 20.60 Missoula Municipal Code to reduce required parking to one parking space for a second primary dwelling unit on a parcel that contains no more than two dwelling units, totaling three required parking spaces for the two units. This would apply to two single detached units or a two-unit house. OPG staff is directed to draft these changes as text amendments to Title 20 and to include a finding of fact and conclusion of law in the staff report indicating the amendments are text amendments. ([memo](#)) ([PAZ](#)) (Returned from Council floor: 4/23/2012)
5. [Petition 9565](#)—Jennifer Brewer; 6725 Prairie Schooner Lane; Lot 8 in Block 4 of Mullan Trail Phase 3; Geocode Number 219914106080000; Petition for Annexation

## **VI. Adjournment**

The meeting adjourned at 1:41 pm

Respectfully Submitted,

**Nina Cramer**  
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.***