

PLAT, ANNEXATION AND ZONING COMMITTEE MINUTES

City Council Chambers

140 West Pine Street

Missoula, Montana

June 6, 2012, 10:35 AM

I. Administrative Business

Meeting called to order by Councilman Jaffe at 10:39 AM

A Roll Call - Bob Jaffe, Ed Childers, Catlin Copple, Dick Haines, Marilyn Marler, Alex Taft, Jason Weiner, Jon Wilkins
Adam Hertz and Mike O'Herron absent
Others present - Jeff Smith, Aaron Wilson, Tim Worley, and Nina Cramer

B Minutes - No minutes were available for approval

II. Public Comment on Items not Listed

No Public Comment

III. Regular Agenda

A Consider a request for Summit Hotel Addition Minor Subdivision

MOTION: The Committee recommends approval the Summit Hotel Addition Minor Subdivision with conditions including condition for sidewalk connectivity to N. Reserve Street as per findings of fact and conclusions of law as stated in the staff report. REMOVE FROM AGENDA

Staff report from Aaron Wilson, Planner, Office of Planner and Grants

This was an action item for the committee today.

Review of proposal 2 lot minor subdivision. The 35 day dead line is June 19, 2012

[**Powerpoint**](#)

The project is located on North Reserve, just south of the I-90 and N. Reserve interchange. Surrounding properties are hotels and light industrial applications.

The project meets all zoning requirements for this zone and land use designations.

The parcel had two existing hotels, no new construction planned. The proposal divides existing parcel into two lots to create a lot for each hotel.

Applicant requests two variances from subdivision standards:

#1- to vary from sidewalk standards and to permit the existing 7'-wide curbside sidewalk for the portion of Schramm Road adjacent to the proposed subdivision to remain.

#2- to vary from sidewalk standards and to permit the existing 5'-wide sidewalk with 7'wide landscaped boulevard on the west side of N Reserve Street adjacent to the proposed subdi

vision to remain.

Several conditions:

Conditions #1, #2 and #3 speak to roads and access. Staff calls for dedicated public right of way along Schramm Road, 20' non-motorized access easement along pedestrian trail next to Grant Creek, which is consistent with pedestrian trails and connecting trails.

Conditions #8, #9, and #10 are Floodplain conditions requiring 100 year floodplain be designated on the final plat. No-build/No-alteration Zone Floodplain Areas: Areas within the 100-year floodplain of Grant Creek are designated No-build/No-alteration Zone Floodplain Areas. Based on comments from the Floodplain Administrator, staff recommends a condition requiring recalculation of the 100-year base flood elevation using higher flow rates for Grant Creek, and if the recalculated flood elevation is above the highest bank elevation it be shown on the final plat.

Conditions #4-7 speak to Riparian Resource Areas and that covenants be amended with language approved by the Office of Planning and Grants and listed on the final plat with regards to Riparian Resource Area No-build/No-alteration Zone, Riparian Buffer Area and Pedestrian Trail Maintenance.

Staff recommends approval subject to conditions.

In addition Mr. Wilson shared that Public works had commented on its desire to have sidewalk connectivity internal to parcels. Planning staff did make this a recommendation of approval as there is no subdivision requirement for such a request.

Discussion by Committee Members

Mr. Jaffe suggested that there be some discussion about a possible condition for sidewalk connectivity internal to the parcels.

Mr. Wilson offered a possible sidewalk option, but there would need to be some findings to support the requirement. A note would be attached that the sidewalk must be completed before final plat.

Mr. Wilkins asked why the trail was not hard surface only gravel?

Mr. Wilson explained that the trail constructed when hotel was built, no information was available about trail construction or choice of surface material.

Mr. Wilkins inquired if the committee could make it a condition to require it to be a hard surface?

Mr. Wilson shared that the recommended condition was to establish a public easement that would require keeping the trail in its existing state and not allow it to deteriorate. To add a requirement to make the trail a hard surface, staff would have to do some research within the regulations about how to accomplish this request.

Mr. Taft asked for some historical context for this subdivision? Why was it developed in this manner?

Jeff Smith, WGM Group, The hotels were built on one lot by one owner. They are two different franchises; the request is an asset management move if in the future one hotel might be sold off.

Mr. Wilson shared that trail standards e.g. hard surface, depends on use of trail. If trail is used as a neighborhood connector, it could be required to be paved. A requirement within the subdivision regulations.

Mr. Wilkins stated that if the trail was paved to the property, it should be paved all the way.

Mr. Childers inquired about the use of trail and if there was any information about traffic on this trail.

Mr. Smith responded that he could not speak to the use; it was the developers' preference to leave it in gravel. The location of the trail is next to the riparian buffer area and felt it was of less impact to the stream.

Mr. Haines expressed that from a riparian management standpoint paving could keep material from the stream. Use would likely increase if it was paved. He supported paving the trail.

Mr. Weiner offered his preference to defer to Dave Shaw with Parks & Recreation. His assessment of the zoning regulations for purposes of subdivision does speak to system of walkways requirement to other primary use structures.

Mr. Wilson responded that the subdivision regulation does have an active transportation and ADA compliant component. The landscaping could be impacted and the loss of some parking stalls with internal walkways. The proposed walkway would connect to Reserve Street sidewalk.

Ms. Marler made a motion to approve sidewalk variances with staff riparian protection as presented by staff.

Several council members spoke to their desire for a paved trail. Questions about the length of the unpaved portion, connectivity to other trails in the area and any requirements by Parks and Recreation for the composition of the trail and the pedestrian access on the actual parcel.

Mr. Wilson responded that the length is about 300 feet, Parks and Recreation did not offer comments on the composition of the trail, and this trail connects to Expressway to the south and Schramm Road on the north. There is not trail from Schramm Road to I-90, the Grant Creek trail system begins north of I-90. Pedestrian access on the parcel is doable. There is some grade to the parcel but it is accessible.

Mr. Smith explained that they have no issue with the sidewalk to Reserve Street but are opposed to the public easement requirement.

Mr. Jaffe summarized the conversation and asked for a show of hands to support the additional sidewalk condition and to work with Parks and Recreation to accomplish the desired trail.

All committee members voted in favor and the committee directed staff to add an additional condition for sidewalk connection to Reserve Street and work with Parks and Recreation about paving of trail. The committee requests that Dave Shaw from Parks and Recreation attend their Council meeting to provide answers to the committee's questions.

Mr. Haines expressed his concern that there was no nexus to require paving of the trail, even though it was his personal preference and asked for Mr. Nugent to advise the committee.

Mr. Nugent responded that it is important to have some kind of finding from the staff to support such a decision. There have been several court cases requiring connectivity. A finding would have to cite such.

IV. Ongoing and Held Committee Business

- A Ordinance amending Title 20 clarifying that amendments authorizing accessory uses or conditional uses are considered text amendments.
- B Consider an amendment to Title 20 clarifying that amendment authorizing accessory uses or Conditional uses are considered text amendments.
- C 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.
- D Amend 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.
- E Annexation, (see separate list at City Clerk's Office for pending annexations) (Ongoing in committee)
- F Discussion of City planning issues with members of the Planning Board.
- G South Russell Fee Waiver

V. Adjournment 11:14 AM

Respectfully submitted,

Nina Cramer
Administrative Secretary