

Missoula City Council Land Use and Planning Committee Minutes

September 9, 2020

9:00 am

To register to attend and/or comment: <https://ci-missoula-mt.zoom.us/calendar/list>

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Members present: Mirtha Becerra, Gwen Jones, Julie Merritt, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, Heidi West

Members absent: Stacie Anderson, John P. Contos, Heather Harp, Jordan Hess, Jesse Ramos

1. ADMINISTRATIVE BUSINESS

1.1 Roll Call

The meeting was called to order at 9:01 am.

1.2 Approval of the Minutes

No minutes to approve this week.

2. PUBLIC COMMENT

There were no public comments.

3. COMMITTEE BUSINESS

3.1 Rezone property located at 601 W Broadway

Mary McCrea and Kaitlin McCafferty, City Development Services, received a request from Nick Kaufman of WGM Group representing Dennis B. Wise, Mary Conway Wise and the Wise Family Trust to rezone the subject property located at 601 W Broadway and legally described as Lots A, B, 1, 2, 3, 4, 5, and the east half of Lot 6 in Block 51 and Lots 48 and 49 in Block 56 of W.J. McCormick's Addition in Section 21, Township 13 North, Range 19 West, P.M.M. from Special District SD/Riverfront Triangle, Sub-district D to CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay. This rezone would result in a standard zoning district in Title 20 and may not be conditioned. Staff reviewed the applicant's rezoning submittal packet and based the recommendation of approval on the findings of fact in the staff report (attached).

Ms. McCafferty reviewed the proposed easement map and the proposed development agreement, which includes:

- a 20 foot wide public non-motorized access easement,

- construction of the riverfront trail along the north shore of the Clark Fork from east to west,
- state developer's responsibility for the cost of a minimum 10-foot wide asphalt trail,
- state the City of Missoula's responsibility for the cost of upsizing the trail,
- design of the riverfront trail and any variation from the standards,
- Reviewed by City Parks, Missoula Redevelopment Agency (MRA) and Development Services, and approved by City Council.

Ms. McCafferty reviewed the benefits and difficulties for development within the Riverfront Triangle Special Zoning District and compared it to the proposed CBD-4 zoning.

Ms. McCafferty exhibited photos showing the current location and preliminary sketches of what could be developed on the parcel, but no plans have been submitted or approved at this time.

Review Criteria were reviewed and included:

- complies with the growth policy
- facilitates public services/transportation
- promotes compatible urban growth
- promotes public health and safety
- considers district character and suitability of uses
- corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition; in the best interests of the city as a whole.

This was a pre-public hearing/informational-only, but Ms. McCafferty reviewed the recommended motions for this item.

A committee member asked about the Fox Triangle potential development and how it would interact with this proposed zoning change. Ellen Buchanan with MRA explained that the reason for the requirement of the trail on the west side of the property is that it can be made ADA accessible. Mary McCrea with Development Services clarified that there are a lot of different reasons why the City did not request a vacation of the right-of-way for Front Street, but that it won't impact the Riverfront Triangle opportunities for development.

The owner's representative, Nick Kaufman of WGM Group, stated that he would like the recommended motion to match the developer agreement. He suggested the motion include the word "asphalt" as in "...the developer's responsibility for the cost of a minimum 10-foot wide asphalt trail with 1 foot shoulders on either side of the path."

Mary McCrea with Development Services clarified that Ms. McCafferty will update the presentation before the Council presentation on September 14th. She further explained that the rezoning request went before the Planning Board and it was voted on

unanimously to approve the rezone and to remove the word "concrete" in the motion because they wanted Parks and the City to look at a variety of surfaces.

There were no public comments.

No Action--Pre-public hearing presentation

**3.2 Annexation and Zoning Upon Annexation to RT5.4 (residential two-unit /
townhouse). of Tract 9 of COS No. 3176**

The committee voted to suspend the rules to take up this item.

Dave DeGrandpre with Development Services presented on the annexation and initial zoning of Tract 9 COS No. 3176. He reviewed the subject property location, and stated that the parcel is located within the city limits on the south and west sides, and that the annexation policy guidelines are largely met. This means that annexation will be strongly considered.

Mr. DeGrandpre reviewed Our Missoula Land Use map and the current zoning, which includes C-RR1 rural residential, one dwelling unit per acre. The proposed annexation includes a request for RT5.4 Residential zoning, which allows for single and two unit dwellings. The real differences between the existing neighborhood zoning and what the applicant is requesting is that the new zoning would include smaller front and interior side setbacks and would allow up to three attached townhomes instead of two.

Mr. DeGrandpre reviewed the subdivision proposal, which includes development of 152 residential lots in a grid road pattern. He showed the phased development plan, which basically includes 24-25 lots per year for the next 7 years, depending on market and other factors. One peculiarity that stands out is the southwest corner of the project. Chuck Wagon Drive, along the 44 Ranch Subdivision to the south, stops 1000 feet short of this project. The developer is proposing to build a portion of the roadway and have the 44 Ranch Developers contribute as well in order to bring Chuck Wagon Drive up to city standards. Mr. DeGrandpre reviewed the Certificate of Survey for the property and the associated right-of-ways.

Conditions of Approval include:

- half street improvements for Chuck Wagon Drive,
- other streets built to city standards,
- contributions for Chuck Wagon Dr/Mullan Road/ George Elmer Drive/ Mullan road intersections,
- connect to city water and sewer,
- cash in lieu of parkland,
- petition into the Missoula Urban Transportation District,
- aviation easement and airport influence area statement.

Mr. DeGrandpre stated that the airport is not supportive of this project because they hope

to one day build a new runway to the southwest. Recommended for mitigation is an aviation easement provided to the airport authority, which provides some legal protection to future residents of the development, alerting them that they're under a potential future airport runway.

Title 20, Section 20.85.040(1)(2), was reviewed in conjunction with the proposed annexation. This annexation complies with the growth policy.

DeGrandpre clarified the aviation easement condition. He stated that there are other properties in Missoula that have aviation easements, including RF-B subdivision at Broadway and Mary Jane Boulevard and a phase in 44 Ranch subdivision. He reviewed the growth policy map adopted in 2015 in relation to the subject property. The airport authority does own land as a sort of buffer around its proposed growth. Certain building codes might be employed near airports in other cities but Mr. DeGrandpre can't be certain. In his opinion, this is an area where the city has planned for development and reminded the committee that it's hard to deny development based on what could potentially happen in future. Mary McCrea with Development Services further explained that an aviation easement exists so that when people purchase lots, they know restrictions for height, antennas, noise, flight path, and that there is some potential for airplane crashes in this area.

This area is part of the Mullan Area Master Plan.

The committee expressed their concern over the cash in lieu of parkland dedication. Mr. DeGrandpre responded that during the intake process, the applicant puts down ideas on paper, City staff look at those ideas and many different departments weigh in on the proposal. Neil Miner of Parks and Recreation (not present) had indicated that the 44 Ranch park is within 1/4 mile of this project and would serve as a regional park for this development. The percentage of park land is dependent on lot size, and would in this case be 1.43 acres. The requirement can be one of three things: land, cash instead of land, or it can be a combination of cash and land. The Parks and Recreation department requested cash instead of land perhaps because they felt the 44 Ranch park met this requirement. Mary McCrea clarified that it was indeed Parks' preference that it be cash because the 44 Ranch park is in need of improvements.

The committee asked why the 44 Ranch park serves as regional park, and how much cash would be received for the 1.43 acres. Mary McCrea responded that the 44 Ranch park is a neighborhood park rather than a regional park. A neighborhood park serves residents within a half mile, which in this case Remington Flats would fall within. The appraisal of the acres has to be done within 6 months of filing the final plat.

The committee asked for clarification of the half street improvements. Mr. DeGrandpre shared the proposed road section of Chuck Wagon Drive along the property. Half of the right of way (ROW) is taken from the subject property and half is taken from adjoining property - in this case it's airport property and the airport hasn't chosen to dedicate that. So the developer has agreed to develop half street improvements. They're proposing to develop two 10 foot driving lanes, a sidewalk and gutter. To the west is airport land so in order to make that a collector street, the airport would have to say that they would build that part of the road. Other options for that part of the roadway would be for the city to

negotiate and purchase the 40 foot of ROW from the airport authority and develop the road themselves. Eminent domain may be an option under the law as well.

There was a question about density. Mr. DeGrandpre stated that 152 lots on 20 acres is a density of 7.6 dwelling units per acre.

In response to continued concern over the cash in lieu of parkland, Mary McCrea reviewed the process for this project. She stated that the rezone and subdivision for this parcel is upcoming at the Land Use and Planning (LUP) meeting on 9/30/20. Typically with annexations and resolutions of intent, staff include conditions of approval, but those will change based on decisions as it moves forward. This is a first step to consider all the other information. She further stated that Parks will be at the LUP meeting on 9/30, as well as at the public hearing, in order to address concerns.

A citizen had difficulty commenting via the Zoom webinar platform and was encouraged to use alternative routes to voice her comment.

Moved by: Bryan von Lossberg

Suspend the City Council rules to allow for consideration and action on a resolution of intent to annex Tract 9 of Certificate of Survey No. 3176 located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12, Township 13 North, Range 20 West and to set the public hearing for 10/5/20.

AYES: (7): Mirtha Becerra, Gwen Jones, Julie Merritt, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, and Heidi West

ABSENT: (5): Stacie Anderson, John Contos, Heather Harp, Jordan Hess, and Jesse Ramos

Vote results: Approved (7 to 0)

Moved by: Bryan von Lossberg

ADOPT a resolution of intention to annex and incorporate within the boundaries of the City of Missoula, Montana a parcel of land described as Tract 9 of Certificate of Survey No. 3176 located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12, Township 13 North, Range 20 West, P.M.M.; and zone the property RT5.4 Residential; and set a public hearing for October 5, 2020

AYES: (7): Mirtha Becerra, Gwen Jones, Julie Merritt, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, and Heidi West

ABSENT: (5): Stacie Anderson, John Contos, Heather Harp, Jordan Hess, and Jesse Ramos

Vote results: Approved (7 to 0)

4. ADJOURNMENT

The meeting was adjourned at 10:21 am.