

Missoula City Council Land Use and Planning Committee Minutes - DRAFT

**June 1, 2022
12:30 pm
ZOOM Webinar**

Members present: Mirtha Becerra, Daniel Carlino, John P. Contos, Jordan Hess, Gwen Jones, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West

Members absent: Stacie Anderson, Kristen Jordan

1. ADMINISTRATIVE BUSINESS

The meeting was called to order at 12:30 p.m.

1.1 Roll Call

Amanda Vermace called the roll.

1.2 Approval of the Minutes

1.2.1 Approval of the Minutes from May 11, 2022

The minutes were approved as submitted.

2. PUBLIC COMMENT

There was no public comment for items not listed on the agenda.

3. COMMITTEE BUSINESS

3.1 Rezone 2900, 2920 and 2990 Expo Parkway – Grant Creek Village (2 parcels, 44 acres) from R5.4Residential, RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4Neighborhood Commercial to RM1-45 (multi-dwelling)

Informational and discussion item only. Public Hearing is open until Monday, June 6, 2022 for final consideration.

12:30 – 12:50 Refresher presentation and initial committee questions (DeGrandpre)

12:50 – 1:50 Public comment – proponents

1:50 – 2:50 Public comment – opponents

2:50 – 3:05 Break

3:05 – 3:45 Transportation issues such as purpose and relevance of the TIS at this stage and at later stages, traffic and safety concerns, possible options and mitigation measures for transportation improvements. Q&A between Council and Public Works & Mobility staff

3:45 – 4:25 Public safety issues such as wildfire danger, evacuation protocol and risk, and general police and public safety discussion. Q&A between Council and Office of Emergency Management, County Sherriff's Office, City Police and Fire staff.

4:25 – 4:55 Development agreement. Q&A between Council and legal staff.
4:55 – 5:30 Follow – up discussion. Additional public comment if time allows.

Heidi West joined the meeting at 12:40 p.m.

Dave DeGrandpre, Planning Supervisor with the Community Planning, Development and Innovation department, provided a refresher on the rezone request for the subject property. Items covered included; Regulatory Authority and Parameters, visuals around the property, and the zoning details for the parcels and surrounding properties. Mr. DeGrandpre also covered the history of the request and the updates made since the item was initially requested in 2020. He also covered staff recommendations, the outcome of the Planning Board public hearing and the process for voting should there be over 25% or more adjacent property owners in opposition of the request.

The floor was turned over to proponents for the proposed rezone. Kody Swartz, with Woith Engineering, Inc and representative for the applicant team gave a short presentation covering infrastructure plans and current development in the area.

Bruce Suenram, President of Fire Logistics, Inc, gave his opinion on two issues. One was the four-story building issue, and the other was regarding the evacuation plan for Grant Creek residence.

The floor was turned over to the opponents of the rezone request. RT Cox, representative for Friends of Grant Creek and the Rocky Mountain Elk Foundation, presented on the reason the community members are in opposition to the proposed rezone. The focus of the concerns were: site plans, higher density development, traffic impact studies, the city policies and planning guidelines, wildfire dangers, and affordable housing issues.

Bert Linder, board president for the Grant Creek Trail Association, commented on concerns regarding the bicycle and pedestrian connectivity and the proposed development agreement for the project.

Rick Nys, Principal Traffic Engineer with Green Light Engineering, provided testimony that opposed the traffic study that was submitted by the applicant team. Mr. Nys emphasized the data provided was inaccurate and listed the flaws he found in the report.

Michael Cole, Project Leader for the Grant Creek Wildfire Risk Task Force, provided his comments that circulated around the comparison between the urban fringe and the urban core, climate change, the wildfire crisis, lack of infrastructure improvements and increased density.

Kim Birck, Grant Creek resident, gave her testimony in opposition of the proposed rezone request. She provided information about the history of the Grant Creek Master Plan and concerns regarding the zoning request and issues with the increased density.

A recess was held at 2:07 p.m.

The meeting resumed at 2:25 p.m.

The second portion of the meeting focused on questions and answers (Q&A) from staff over issues raised during prior meetings. The first category opened for discussion was regarding Safety and First Responder staff. Adriane Beck, Emergency Management

Director, Rob Taylor, with the Missoula County Sheriff's Department, Gordy Hughes Fire Chief for the City of Missoula, Scott Hoffman, Assistant Chief of Police for the City of Missoula, were available and gave their responses to questions raised by the committee. The primary issue was wildfire danger and to determine who would be responsible for creating and executing an evacuation plan should a threat exist in the Grant Creek neighborhood. The committee wanted to know who would be responsible for the evacuation plan and what the possibilities would look like. Overall, the staff responded with confidence in handling any scenario that may arise.

The floor was open for public comment concerning public safety matters. J. Kevin Hunt provided his comment concerning major disaster and the desire to have an evacuation plan. Bart Burns also provided public comment. He requested the elected officials to go to the site to get eyes on the scene. He felt that would be the best way for people to understand the safety concerns.

The meeting shifted to the topic towards transportation concerns. Staff from Public Works and Mobility were present for Q&A. Jeremy Keene, Public Works and Mobility Director, introduced members on his team. The staff present included; Ryan Guelff, Transportation Engineer, Aaron Wilson, Transportation Planning Manager, and Kevin Slovarp, City Engineer for Surface Transportation. All of Mr. Keene's staff are with the Public Works and Mobility department. Mr. Keene continued by providing a presentation over the Traffic Impact Study. He gave some background for when a study would be required and also gave details on what goes into the study that helps mitigate traffic congestion. Mr. Keene also gave some details on how funding is provided for infrastructure projects. Additionally, he went over the existing conditions and the proposed plans and potential mitigation measures to help alleviate the traffic concerns.

The committee inquired about road size, trip reductions, current traffic impact versus the proposed rezone impacts, and compared similar development projects that required traffic mitigation measures. Overall, staff felt the development in the Grant Creek area would be impacted regardless of the approval for the rezone request being proposed.

Kim Birck, asked for more details on how the impact study calculates trips for multi-dwelling units versus single family homes. Mr. Keene was able to give some feedback in response to Ms. Birck's questions.

Michael Cole requested future traffic studies in the Grant Creek area address the concerns found by the Green Light Engineering team that Mr. Nys commented on earlier in the meeting.

There was another recess held at 4:01 p.m.

The meeting resumed at 4:05 p.m.

The final portion of the meeting focused on the proposed Development Agreement being presented by the applicant team. Ryan Sudbury, Attorney for the City of Missoula, provided general background on development agreements and the legal benefits. It was noted that should council should not determine the approval or denial of the rezone request based on the context in the development agreement. The agreement is being presented by the developer in an effort to address concerns raised from the rezone request. The council can consider the agreement at any time after the rezone request is voted on but should not be used as a deciding factor.

RT Cox, commented on the proposed development agreement and expressed concerns over ambiguity. Additionally, he mentioned process flaws should the agreement be taken into consideration at the same time as the rezone request. The committee also sought input on the agreement being considered after the rezone request is decided upon. Jim Nugent, Attorney for the City of Missoula, agreed that a development agreement should be reviewed more closely and provide adequate public participation. Mr. DeGrandpre added that some changes have been made to the agreement and an updated document would need to be provided.

The committee asked for clarification on what spot zoning is and if the proposed rezone would be considered spot zoning.

Lastly, procedural questions were raised and council requested a memo be prepared for Monday, May 6, 2022, City Council meeting. Mr. DeGrandpre will prepare a memo and it was requested he provide any staff recommendations. This item will go on the agenda under Final Consideration and council will determine how to proceed during Monday night's City Council meeting.

RT Cox made additional comments concerning the development agreement.

John Langstaff, a member of the public, provided public comment. He thanked everyone for allowing this to be a free and open process for the community.

4. ADJOURNMENT

The meeting was adjourned at 4:44 p.m.