



## COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

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### PUBLIC FORUM

**Agenda Item:** Public Forum for the Missoula County Fairgrounds regarding the removal of the existing overhead entrance sign at Fair Way Drive and South Ave and the addition of two internally illuminated heritage signs arching over the Fair Way Drive vehicle and pedestrian fairgrounds entrances.

**Report Date:** June 15, 2022

**Case Number:** 2022-MSS-BRD-00005

**Case Planner:** Zoe Walters, Assistant Planner, CPDI

**Report Reviewed & Approved By:** Cassie Tripard, Land Use Supervisor, CPDI

**Public Meetings & Hearings:**

Land Use and Planning Committee Preview: June 22, 2022

City Council Public Hearing: June 27, 2022

**Applicant:** Missoula County Fairgrounds

**Agent:** Paul Filicetti, A&E Design  
222 N Higgins Ave  
Missoula, MT 59802

**Location of Request:** 1075 South Ave. W, Missoula, MT 59801. A tract of land located in Section 33, Township 13 North, Range 19 West, P.M.M.

**Geocode:** 04-2200-33-2-01-02-0000

**Legal Notification:** The legal ad for the June 27, 2022 public hearing was published in the *Missoulian* on June 12 and 19, 2022. Development Services sent mailings to owners within 150 feet of the subject property on June 7, 2022. Notification was posted on the property on June 7, 2022.

**Zoning:** OP3 Public Lands and Institutional

### Surrounding Land Uses

North: General Office, Administrative Office, Retail, Motor Vehicle Repair - Limited

South: Parks & Recreation, Personal Improvement Service

East: School

West: Retail, Restaurant, Financial Services, Religious Assembly, General Office

### Surrounding Zoning

North: C1-4 Neighborhood Commercial

South: OP3 Public Lands and Institutional

East: OP3 Public Lands and Institutional

West: C1-4 Neighborhood Commercial

**STAFF RECOMMENDATION:** None.

**RECOMMENDED MOTION:** Not applicable. Title 20, Section 20.85.095.E indicates City Council has no power to deny the proposal but shall act only to allow a public forum for comment.

## **I. INTRODUCTION**

The Missoula County Fairgrounds proposed project includes the removal of the existing overhead entrance sign at Fair Way Drive and South Avenue and the addition of two internally illuminated ground signs arching over the Fair Way Drive vehicle and pedestrian fairgrounds entrances.

The proposed signs meet the definition of a heritage sign outlined in Title 20, Section 20.100.010 which states, a heritage sign is one that employs distinctive graphics, symbols and lighting that is a unique design to the community and are historically-accurate, reflecting the heritage of Missoula. Heritage signs maybe in the form of nonconforming signs or new signs that do not fit within the typical definition and measurements of wall, ground, or other sign. The proposed signs were reviewed by the Historic Preservation Officer on March 18, 2022, and were found to comply with this definition.

Title 20, Section 20.75.100.4.a states, new heritage signs may only be approved when the Design Review Board finds that the granting of approval would result in superior design for the overall site, is in conformance with the overall purpose and intent of this chapter and reflects a historically-accurate sign that was previously on site.

As required by Title 20, Section 20.75.100.4.a, the applicant has submitted photographic documents of the past sign, design of the new sign showing the historically-accurate relationship to the past sign, and proof of consultation with the Historic Preservation Officer.

For the purposes of Title 20, Section 20.85.095 – Public Forum, an "agency" is defined as a board, bureau, commission, department, an authority, or other entity of state or local government. Missoula County is considered a local government agency and has the authority to vary from the requirement of receiving Design Review Board's approval and alternatively establish a heritage sign through City Council public forum. Title 20, Chapter 20.85.095.E states, City Council shall hold the public hearing as a public forum and shall have no power to deny or condition the proposed use, but shall act only to allow a public forum for comment on the proposed use.

## **II. APPLICABLE REGULATIONS**

Part 4 of Title 76, MONTANA CODE ANNOTATED 2021, Planning and Zoning, Section 76-2-402 reads as follows:

Local zoning regulations - Application to agencies. (1) Whenever an agency proposes to use public land contrary to local zoning regulations, a public hearing must be held and the agency shall attend the public hearing.

(2) The local governing body shall hold a hearing within 30 days of the date the agency gives notice to the local governing body of its intent to develop land contrary to local zoning regulations.

"Agency" is defined as a board, bureau, commission, department, an authority, or other entity of state or local government.

Missoula City Zoning Code, Title 20, Section 20.85.095 - Public Forum reads as follows:

For the purposes of this section, an "agency" means a board, bureau, commission, department, district, an authority, or other entity of state or local government.

A. Applicability; Authorized Public Forum - The City Council must hold a public hearing when an agency proposes to develop or use public land contrary to these zoning regulations.

E. Hearing - The City Council shall hold a public hearing within 30 days of the date the agency gives notice to Development Services of its intent to develop or use land contrary to these zoning regulations. The City Council shall hold the public hearing as a public forum and shall have no power to deny or condition the proposed use, but shall act only to allow a public forum for comment on the proposed use. The agency shall attend the public hearing (See 76-2-402, MCA.)

### **III. DISCUSSION**

Missoula County proposes the removal of the existing overhead entrance sign at Fair Way Drive and South Ave and the addition of two internally illuminated ground signs arching over the Fair Way Drive vehicle and pedestrian fairgrounds entrances, located in the OP3 Public Lands and Institutional zoning district. The new design will reflect the heritage of the Missoula County Fairgrounds using distinctive design and lighting, and a historically accurate arch and text font.

The proposed signs include one large arched sign to be placed overhead of the Fair Way Drive vehicle entrance and one small arched sign to be placed overhead of the Fair Way Drive pedestrian entrance.

The large arched sign or vehicle entrance sign will be 46 square feet in area and 25 feet in height.

The small arched sign or pedestrian entrance sign will be 11 square feet in area and 17 feet in height.

Both signs will be internally illuminated with a white background and black, bold font.

The applicant submitted photographic documents of the past sign, design of the new sign showing the historically-accurate relationship to the past sign, and proof of consultation with the Historic Preservation Officer, Elizabeth Johnson, as required by Title 20, Section 20.75.100.4.a. The Historic Preservation Officer reviewed the proposed signs on March 18, 2022 and provided the following statement, "After reviewing the provided materials and the requirements for a heritage sign per Title 20.75.100 and 20.100.010, the proposed signage sufficiently reflects the historic photo included with the application...the requirements for consultation with the Historic Preservation Officer has been satisfied at this time."

Approval of a new heritage sign typically would require a Design Review Board Hearing per the Special Signs Review Title 20, Section 20.75.100.4.a. However, Missoula County is considered a governmental agency and as such is exempt from local zoning regulations. Missoula County is authorized to use public forum through City Council when proposing to use land contrary to the zoning regulations. A governmental agency that proposes a development that does not

meet the letter of the Zoning Ordinance is required by State statute 76-2-402 to go to Missoula City Council for a public forum. The purpose is to provide notice to the public and allow for comment. As stated in Title 20, Section 20.85.100.E City Council has no power to deny or condition the proposal, but shall act only to allow a public forum for comment on the proposed use. In other words, Missoula County Fairgrounds is varying from the requirement to go to Design Review Board for approval of the heritage signs. However, the County has followed the intent of the law by requesting review and approval of the heritage signs by the Historic Preservation Officer.

#### **IV. NOTICE**

Notices of this Public Forum have been published in the Missoulian and sent out to applicable City departments as well as to adjacent property owners within a 150-foot radius for comment. Notice has also been posted on the property.

#### **V. COMMENTS FROM ADJACENT PROPERTY OWNERS**

**In Favor:** No comment received at time of staff report.

**Not in Favor:** No comment received at time of staff report.

**No Response:** 21

**Total:** 21

#### **VI. COMMENTS FROM CITY AGENCIES**

**Fire Department:** No comment.

**Police Department:** No comment received at time of staff report.

**City Attorney:** No comment received at time of staff report.

**Health Department:** No comment received at time of staff report.

**Missoula Valley Water District:** No comment received at time of staff report.

**Parks and Recreation:** “Parks & Recreation defers to the HPO guidance and in general does support unique, in the spirit of the Fairground history and design aesthetic, signage for this county-wide public asset.”

**City Public Works and Mobility:** “Engineering: Applicable Conditions on Building Permit (reviewed by Jane P), which inherently also apply to the Sign Permit and this BOA / Public Forum and Hearing;

- 1) MMC 12.28 -- Visibility and Obstructions - maintain vision triangle at street, alley and driveway intersections.
- 2) MMC 12.16 and 12.12 -- Property owners must maintain sidewalks, curbs and driveways in good, safe and substantial condition and repair. A right-of-way permit is required for repair. Contractor must be licensed and bonded for work in the City right-of-way.

**NOTE:** additionally, Sanitary Sewer main is located in the middle of Fair Way entrance, running north-south – **CALL 811** and locate utilities *prior to any excavation*

also noticed that FIRE had the following comment / condition on the above referenced Building Permit: MISSOULA COUNTY FAIRGROUNDS FAIR WAY ENTRANCE/REMOVE AND REPLACE (E) ENTRANCE WITH NEW ENTRY INCLUDING APPROVED EMERGENCY OPERABLE GATE. APPD. ASEBASTIAN 04/04/2022”

**City Public Works and Mobility – Storm Water:** No comment received at time of staff report.

**Missoula Urban Transportation District:** No comment received at time of staff report.

**Office of Neighborhoods:** No comment received at time of staff report.

**Missoula Redevelopment Agency:** No comment received at time of staff report.

**Transportation Division:** No comment.

**Engineering Division:** No comment received at time of staff report.

## VII. ATTACHMENTS

- A. Application Packet
- B. Public Comment

## VIII. EXHIBIT A LEGAL MAP

