



Development Services Division

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## PUBLIC FORUM

**Agenda Item:** Public Forum for the Missoula County Airport Authority regarding Motor Vehicle Repair business located in the Aviation Zoning District.

**Report Date:** 2/22/2023

**Case Number:** 2023-MSS-BRD-00001

**Case Planner:** Trey Reinhardt, Assistant Planner, CPDI

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

**Public Meetings & Hearings:**

City Council Consent Agenda: 2/27/2023

City Council Public Hearing: 3/6/2023

**Applicant & Land Owner:**

Missoula County Airport Authority  
6053 Aviation Way W, Missoula, MT 59808

**Representative:**

Lynn Fagan, Missoula County Airport Authority  
6053 Aviation Way W, Missoula, MT 59808

**Location of Request:** Missoula County Airport, geocode 04-2199-01-4-02-01-4001

**Legal Notification:** The legal ad for the March 6<sup>th</sup>, 2023, public hearing was published in the *Missoulian* on February 12<sup>th</sup> and 19<sup>th</sup>, 2023. Development Services sent mailings to owners within 150 feet of the subject property on February 6<sup>th</sup>, 2022. Notification was posted on the property on February 6<sup>th</sup>, 2022.

**Zoning:** A Aviation

**Surrounding Land Uses**

North: Warehouse and Freight Movement

South: Airport

East: Airport

West: Airport

**Surrounding Zoning**

North: M1-2 Limited Industrial-Residential

South: A Aviation

East: A Aviation

West: A Aviation

**I. STAFF RECOMMENDATION:** None.

**II. MOTION:**

City Council Consent Agenda (2/27/23):

Suspend City Council Rule 21 and set a public hearing on March 6, 2023 to hold a public forum on an application from Missoula County Airport Authority for allowing a Motor Vehicle Repair Business in the Aviation Zoning District. Under state and local law, the Council's role is to conduct this public forum and take public comment; it does not have a decision-making role (requires a 2/3 vote of those present and voting).

City Council Public Forum (3/6/23):

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

### **III. INTRODUCTION**

The Community Planning, Development, and Innovation department received an application for a public forum from the Missoula County Airport Authority. This application was pertaining to leased space at 4955 Aviation Way E to Krusers Mobile Services LLC an automobile servicing business on May 26, 2020.

The proposed use of Motor Vehicle Repair, a subclass of Vehicle Sales and Services, is not an allowed use in the A, Aviation Zoning District (Title 20, Chapter 20.20.020).

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 Title 20 Zoning Code through 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.

### **IV. APPLICABLE REGULATIONS**

The following Title 20 Zoning Code regulation will not be met with the proposed project:

- Section 20.20.020, Table 20.20-1 which does not list Motor Vehicle Repair as a permitted use in the A Aviation zoning district.

### **V. DISCUSSION**

Missoula County Airport Authority leased space to Krusers Mobile Services LLC, an automobile servicing business, on May 26, 2020. The subject property is located at 4955 Aviation Way. The leased space includes a commercial building with 1,458 square feet of office space, 2,012 square feet of shop/garage space and 7,650 square feet of paved parking area. Krusers will provide their services to other airport tenants.

The proposed use of Motor Vehicle Repair, a subclass of Vehicle Sales and Services, is not an allowed use in the A, Aviation Zoning District (Title 20, Chapter 20.20.020). The Missoula County Airport Authority did not realize that this was not an allowed use until Kruser applied for their business license in 2022.

The Missoula County Airport Authority is an agency that owns the land where Krusers Mobile Services will be located and is eligible to vary from zoning code through public forum. In order for the City to approve a business license for a use that is not permitted by zoning, a public forum must be held to allow for public comment.

## **VI. 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.

## **VII. 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:** 86

**Total:** 86

## **VIII. COMMENTS FROM CITY AGENCIES**

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

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

**Parks and Recreation:** No comment received at time of staff report.

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

**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.

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

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

**Montana Department of Transportation:** No comment received at the time of staff report.

## **IX. ATTACHMENTS**

A. Application Packet

**X. EXHIBIT A LEGAL MAP**

