



Advisory Group Meeting Summary March 6, 2008

Members Present:

Dick Ainsworth	Mike Mayer
Gary Bakke	Jim McDonald
Brent Campbell	Giovanna McLaughlin
Dave Chrismon	Heather McMilin
Lee Clemmensen	Michael Nave
Lori Davidson	Nicole Newman
Dennis Druffel	Kathryn Sheperd
David V. Gray	Judy Smith
Jan Hoem	Paul Sopko
Kevin Krebsbach	Brian Walter
Linda Lennox	Tomme Lu Worden

Note: These notes supplement the Presentation given during the Advisory Group Meeting on March 6, 2008. They are not meant to duplicate the presentation and they are not verbatim.

- ◆ Comments by Kirk Bishop supplemental to the presentation are bulleted.
- C = Comments from the Advisory Group members
- R = Response from Kirk Bishop

Welcome and Overview of tonight's meeting:

- ◆ Began with a timeline indicating the place we are at within the current phase of this project
- ◆ Focus on "Advisory Group Review draft of the Concepts and Direction Report"
 - Approach and basis for recommendations
 - Major themes that emerged from the public outreach phase
 - Observations and recommendations as big picture concepts
- ◆ Next steps

APPROACH:

- ◆ Based on review and analysis; field surveys; input from individuals and interest groups; and successful approaches from other places.

THEMES FROM THE PUBLIC OUTREACH:

- ◆ Clarity, consistency, ease of use; neighborhood preservation; infill development; housing; natural resources and sustainability; transportation options; boards and commissions; and public involvement.
- ◆ The report goes into more specific comments from the past “listening sessions” in Appendix A.

OBSERVATIONS AND RECOMMENDATIONS:

NOTE: The remaining presentation focused on components of zoning and subdivision that could be addressed in the Update. Observations of current conditions were described followed with recommendations to consider in this Update.

- ◆ The overall approach to the Concepts and Directions report is to suggest certain directions and see how they work in draft form. It may, at that time, be determined that the direction (suggested change) is not going to work and the component is addressed in a different way or is dropped from consideration.

Easier to Use and Understand:

- C: Question regarding the recommendation to “codify interpretations that have become standard practice.” Is this to codify front desk interpretations?
- R: The purpose of codifying interpretations is to acknowledge the many City Attorney and Zoning Officer Opinions that have been established, in writing, over time.
- ◆ A goal going forward is to not need as many interpretations (opinions) in the future and to establish a formalized process for setting opinions.

Housing Variety/Lifestyle Choice:

- ◆ The existing ordinance shows its age by listing residential building types in the ordinance. There should be a clear indication of where we can build certain housing types. This is not to say all residential building types are appropriate in all residential districts.
 - ◆ Bedroom count to regulate density is a very out of date approach.
 - ◆ Tying parking to bedroom count is also out of date.
 - ◆ There needs to be a start-over with PNCs. While it was well intentioned, it has had lots of problems. Lots of folks refer to it as an overlay, but it is not. The community should start over on addressing the issues that PNC’s were intended to help with.
 - ◆ It is unfortunate that the Cluster Ordinance had been grouped with PNC. We can do a much better job at the Cluster Ordinance and consider conservation and design incentives. Look at tailoring regulations to fit various neighborhoods and flexibility to lot sizes for clustering.
- C: Concerns over affordable housing has not been called out that much. There are inadequate incentives for affordable housing. A suggestion is to see tools for affordable housing addressed more like clustering. If, however, addressing affordable housing is more appropriate as next steps then that should be stated as well in the report.
- R: There is some concern over what zoning can do to improve the situation of affordable housing at this time, but concerns over affordable housing could be elevated as an issue in the Concepts and Direction Report.

Places to Work, Shop, Play . . . Live:

- ◆ Allowing some commercial districts to change over (complying with the hierarchical nature of zoning) to residential may be short-sighted. Allowing the hap-hazard mix of residential development within commercial areas isn’t doing a good service to either use.
- ◆ Recommend working on better development standards and accommodating neighborhood-service commercial uses with design standards in the appropriate places.

Determinants of Character:

- ◆ It is important to draw the line between urban standards and architectural standards. The recommendation is to work on urban standards (addressing building siting, relationship of structures to each other, etc.) and not architectural standards (addressing color, roof shape, etc.)
- C: Why is there a problem with including architectural controls? The quality of building design is less in Missoula than other communities. Design standards could lessen the need to have overlays.
- C: A suggestion is to include standards for over-massing of lots. They don't maintain the character.
- C: Concern was expressed over the suburban standards that could occur in the established neighborhoods unless some design standards are in place.
- C: What is right for one neighborhood may not be right for another. The Neighborhood Conservation District approach is a good one.
- R: Kirk clarified that the consultants had not been hearing broad support for architectural controls throughout the City. It maybe appropriate at the neighborhood level.

Focusing on Design:

- ◆ Design review has a role for the challenges to standards but the role of the DRB needs to be clarified.
- ◆ Recommendation to add enabling provisions in the ordinance that could address the uniqueness to neighborhoods – Neighborhood Conservation Districts (NCD). The enabling ordinance would address such things as eligibility criteria, process, appropriate use of the ordinance, etc.
- ◆ The downside of using Neighborhood Conservation Districts is that the ordinance could become an amalgamation of conservation districts and make it hard to understand what to follow.
- C: Clarify the relationship between developing a Neighborhood Conservation District (NCD) and existing Neighborhood Plans?
- R: The NCD should be an implementation of Neighborhood Plans.
- C: There is a recent Flathead County case that references a plan in a zoning ordinance. The Montana Supreme Court said by reason of reference in zoning – the plan does have the effect of zoning.
- C: There should be some ground rules on NCD, such as not being exclusionary.
- C: Hope that we could build in some flexibility with the design standards and NCD for the odd lot or the special exception that can't be anticipated.
- ◆ Clarify the DRB role and the BOA role with criteria for where to go for project special review.
- ◆ This project will try to make the sign regulations easier to understand through reorganization and reformatting but a comprehensive overhaul is not part of the process.
- C: Look at the new Outdoor Lighting Ordinance.

Industry:

- ◆ Similar to the observations of the commercial districts, there is a concern over lose of land reserved for industry. There is also potential for conflict when residential is included as a permitted use in industrial zones (such as in the D-zone).
- ◆ Zoning can help address the separation between uses.
- C: Usually, industrial is buffered by commercial to residential.
- ◆ Addressing the non-industrial uses in industrial areas would not be a blanket approach. The consultants will be mindful of not creating wide-spread non-conformity.
- C: There are not that many industrial sites available and they are mostly around the fringes. If we loose what we have we will never get the land back.
- C: To address this issue we will probably have to look at rezoning in the future and quantifying those industrial areas as part of that process.

Growing Greener:

- ◆ Recommendation to take an incentive approach and look at removing barriers.
- C: Concern over preserving prime agricultural lands and did not see much mention of that concern in the report.
- R: It is important and a key consideration in conservation design. Recommendation could be for removing barriers to establishing community gardens, for example.
- C: Another issue to address more fully is the fire and building standards for vulnerable wildland urban interface areas. Defensible space around structures; separation of 30' between buildings; safe material for roofing; and landscaping materials are all components that should be looked at.
- R: More could be done to up the profile of wildland urban interface standards. Currently the regulations are scattered throughout the ordinance. Consolidation of standards into one place could be looked at.
- C: Careful consideration of adequate access for subdivision review in certain areas should be addressed.

Connecting People and Places:

- ◆ More should be done to support transit. Recommendation is to re-examine the parking standards.

Rehab, Reuse and Reinvestment:

- ◆ Zoning regulations can sometimes unnecessarily create obstacles to rehab and reuse.
- ◆ Look at the BOA records for common requests.

Reduce Reliance on Special ZDs:

- ◆ Look at the reason why people are choosing special zoning districts and work towards reducing the need.

PUBLIC COMMENTS AND OTHER QUESTIONS AND COMMENTS:

Harold Hoem: PNC's are associated with conflict. They are not cluster development and they don't set aside open space. If PNC's are general regulations, then what are general regulations? Neighborhood plans should be part of zoning. The Rattlesnake Sensitive Lands Overlay was not mapped and applied. We need to look at incentives for Cluster Development

David V.Gray: Boundary Line readjustments tore the town apart. Boundary Line Readjustments, Cluster, Density Bonus are all lumped together for many people. Is the real issue changing the setbacks? Changing setbacks can change the character of the way the neighborhood is and override the traditional zoning.

Jon Wilkins: In his neighborhood there are many projects that were developed out of character. The PNC was used in A-zone districts that were originally intended for single family. HB 350 has helped to stop boundary relocations. There are places where people like single family character and we need to keep that. He may look at putting R1 and A together, if done very carefully. Concern was also expressed over the neighborhood developer meeting process and not effectively using the citizen comments.

Renee Mitchell: Liked to hear PNC's should be gone. She recognized that they have helped with affordability but may not be appropriate in every neighborhood. An example is the Briggs Court development which got an increase in density for homes on small lots and the City got poor benefits in return (bad park set aside). Lincoln School is a blatant subdivision that involved stacking of lots 5 +5+ etc. It may be legal but unethical.

Lee Clemmensen: Would lot averaging for density be for existing neighborhoods or green field?

R: it would be the latter.

Lee C. Are you considering revisions to the minimum lot size in the R1 zone?

R: Revisions to minimum lot size in the R1 and A zones are not being proposed.

David V. Gray: Wants to see good tracking for public (or conservation) easements so that those areas can't be subdivided again.

Brian Walter: Believes that a thrust of the recommendation is to provide options for increasing density.

If we permit this we are likely to get higher density and impact to infrastructure. Costs to roads and quality of life should be addressed. He wants more analysis and facts, but does like the Report.

Paul Sopko: Minimum lot size for the density calculations for new subdivision is a good recommendation but wants a concrete calculation for density (gross, net etc.) Clarify what's included and what's not.

Dennis Druffel: Would like to see more teeth into Neighborhood Plans. Look at Article 8 Evaluation for Zoning Requests as a link to Neighborhood Conservation Plans.

R: 19.72.040 Evaluation of Zoning Regulations-may want to update since looks like very old enabling language.

Druffel: Maybe some of the criteria could be retooled but some are still relevant.

Jan Hoem: Look at a density bonus to encourage open space. Fifty percent was too much. Twenty percent would be less of an impact.

Heather McMilin: PNCs were well intended but also a struggle. Agrees that it needs to be looked at for what worked and didn't work. The concept shouldn't be a total scrap.

Lee Clemmensen: Problems with the townhouse ordinance in B and R2 zones. Viewpoint that it is illegal.

NEXT STEPS:

The next meeting of the Advisory Group will be to de-brief after the large Public Meeting. That meeting will be from 9:00 to 10:30 on Thursday, April 3rd in Room 201 of the County Courthouse.