



Advisory Group Meeting Summary

12-05-2007

Members Present

Dick Ainsworth	Nick Kaufman
Gary Bakke	Linda Lennox
Brent Campbell	Steve Loken
Dave Chrismon	Mike Mayer
Lee Clemmensen	Jim McDonald
Lori Davidson	Heather McMilin
Dennis Druffel	Giovanna McLaughlin
David Gray	Nicole Newman
Jamee Greer	Kathryn Sheperd
Jan Hoem	Brian Walter
Laura Howe	Tomme Lu Worden
Ken Jenkins	

Welcome, Overview of meeting by Kirk Bishop, Duncan Associates
Important to understand basics of existing regulations

EXISTING REGULATIONS

Presentation

- ◆ Missoula's First Zoning Ordinance:
- ◆ Four zoning districts: A, B, C, and D.
- ◆ In place since 1932.
- ◆ All those still exist and many more have been added since. Those original districts are:
 - Zone A: Pretty much unchanged since 1932; focused around University neighborhood.
 - Zone B: Allowed multiple residential, still exists but altered over the years
 - Zone C: Commercial—primarily in the downtown area
 - Zone D: Industrial along the rail line
- ◆ Now there are eight single-family zoning districts from “OR – Open and Resource Lands” through to “LSR – Low-Density Suburban Residential.”
- ◆ What do the different districts really mean?



- ◆ They establish rules for:
- ◆ Density, minimum lot size (MLS), lot width, setback, height, and lot/building standards
- ◆ Striking similarities among some existing districts (e.g., LSR + RLD-1)
- ◆ Currently, there are three different ways that single-family dwellings are referred to in the ordinance yet no substantive difference.
- ◆ “Opinions” (which are documented interpretations) are peppered through the ordinance
- ◆ There are three 2-Family Zoning districts: R-II, R-VIII, and RLD-4.
 - Similarities among the districts were described
 - Consolidating and cleaning things up, may be an option in the process.
 - If combining districts is explored, then may have to decide to add some uses in one district or disallow other uses in a district and/or acknowledging nonconforming uses.
- ◆ There are six multi-family zoning districts.
 - R-III, R-IV, R-VI, and B – very similar with the same density and setbacks
 - R-III limits uses to 3 plex or 4 plex
- ◆ There are eight commercial zoning districts.
 - Uneven, inconsistent pattern of regulations
 - Emphasis seems to be on uses with about 275 land use types represented in the permitted uses, yet the differences are sometimes very subtle. Some places get by with as few as 50 listed use types.
 - Locally, someone could put a single family house in a Commercial District and zoning would have nothing to say about it. That kind of flexibility may be too unpredictable.
- ◆ Most existing districts regulate building height, setbacks and allowed uses and that’s about it. Such regulations don’t really address “character”
- ◆ Design standards could help address character
- ◆ CLB, CLB-1 and CG are unusual.
- ◆ So far approximately 50 zoning districts, and many, many Special Districts (SD), Planned Unit Developments (PUD), and Citizen Initiated Zoning Districts (ZD).
 - Resorting to SD and PUD as the way things get done is common, yet a sign that an update needs to occur. The current regulations could not accommodate the current market.
 - Hope to have predictable zoning that honors neighborhoods and accommodates changes. “Write your own ticket” should be a tool of last resort.
- ◆ Parking standards – about establishing a minimum ratio of parking, but the regulations also recognize bike parking and have a maximum number of parking spaces set up for the EC Zone.
- ◆ In newer ordinances, tend to see a more similar ratio for commercial parking.



- ◆ Unzoned lands are somewhat unique to Missoula.
- ◆ A bit of a misnomer because there are restrictions and development has to be in conformance with criteria.
- ◆ Some of our authority (CC, PB, DRB, CiBOA) requirements are handed to us by State Law. Look to whether certain agencies are reviewing the right things with the right criteria.
- ◆ Subdivision Regulations – haven't got into them quite as much. Typical Issues:
 - Private streets
 - Site design
 - Connection relationship between subdivision and zoning whether combined or not they need to work together

Questions and comments

- ◆ NK: DRB was created to review design issues. For example: if we want to do something different, like a Neighborhood Convenience Store, but yet no hardship and would want some design standards to provide assurance for the fit into a neighborhood. This type of review addresses design and fit in a neighborhood while avoiding a complete zoning change.
- ◆ LC: DRB is an end run to get away from protest. BOA is not a board under council. BOA is a legal quasi-judicial court. "Practical difficulty" was added as another reason for requesting a variance, beside "hardship". Referring to "practical difficulty" is a concern because it is not in accordance with State law and may be contrary to State law. BOA handles zoning variance but does not change zoning.
- ◆ JH: Concern that those that work on a comp plan put in lots of work, yet end up saying the comp plan has no standing, so why put in the time?
- ◆ BW: Most PUD's have restrictive covenants but they are not very visible. He would like to see the restrictions more transparent. The standards for PUD's vary a lot depending on the project. However, City doesn't enforce the private covenants.

GROUNDING IN CORE VALUES

Presentation

- ◆ There is not a single page in a Plan that represents the boiled down version of Community values.
 - Therefore, we've identified a consolidation of values from various Policy Documents.
 - The core values are touchstones for embarking onto this project.
 - The Core Values include:

Questions and comments

- ◆ NK: The list of Core Values is a great piece of work but it could tend to create homogeneity.
- ◆ Nick would like to see us build character and not just protect/and or enhance existing character.



- ◆ Kirk: There may be places where we do want to create new character + embrace change.
- ◆ Yet other areas that are stable, working well, and would like to preserve.
- ◆ We should be looking back on our list of con values through this process.
- ◆ *Are there other things we need to add or edit to the Core Values?
- ◆ BC: Where does “entertainment culture” fit into the infrastructure? Is it human services, or are human services about human service needs? “Education” should also be considered.
- ◆ Caffè Dolce, which is now under construction, used the Special District zoning tool to create the response to character.
- ◆ TLW: recalls the historic neighborhood commercial, but remembers the uproar over the Pizza Shop by the University on a parcel that was a bookstore.
- ◆ LL: Bothered by the loss of the Mom & Pop grocery store, but to use a commercial district brings an increase in traffic and potentially other uses and hard to fit within an established neighborhood.
- ◆ DVG: The recently revised landscaping and buffering ordinances is not supportive of neighborhood commercial uses because the project would be encumbered by the landscaping and buffering standards and parking standards. We can’t use on-street parking to meet Parking standards. It is hard to meet all those requirements on an existing lot that may have even been commercial in the past.
- ◆ DD: Caffè Dolce is an interesting example. It has many restrictions and the property owner worked hard at working with the neighborhood and established restrictions to address their concerns. It does work as a Special District.
- ◆ JH: Most people don’t attend the neighborhood council project review meetings. She hopes that we’ll be able to simplify and let people know about the development review process. She has concerns over the time frames for development requests.
- ◆ LC: Recalls the Freddy Feed & Read and the proposed change to Pizzeria raised a lot of red flags. She is worried about the issue. The project came to the BOA and it had to fit the standard of “substantial justice to all” in State law. Now a coffee shop and it works well. Not the issue of having commercial in the neighborhood but the uses
- ◆ BW: Infrastructure issue. We are so far behind in building infrastructure. We shouldn’t be continuing to approve subdivisions until we have a plan for catching up with the infrastructure. Can we handle all these people?
- ◆ Roger M: We aren’t going to be able to solve the problem of cost of infrastructure. Can we change the regulations to make better use of our land and be more efficient w/the infrastructure we have?
- ◆ BC: Infill area – problem was we didn’t adequately mitigate the new growth with improved infrastructure and the neighborhood felt the brunt of the impact.
- ◆ DD: Concern over spot zoning.



WHAT THE CONSULTANTS HAVE BEEN HEARING

- ◆ Listening Session – They attended approximately 40 meetings. Tonight’s presentation included a sampling of what was heard.

NEXT STEPS

- ◆ Kirk did not go over the final component of the presentation (New Era Codes – what other communities are doing). The Advisory Group members have a hard copy of the entire presentation and can review that section on their own and continue to use the handout (as reference material) over the course of this process.
- ◆ Duncan’s assessment thus far is based on what they’ve heard. The next step is for the consultants to develop a Concept Report that will focus on the “big picture” for substantive, procedural, organizational and formatting changes proposed to address the problems and issues identified during this first phase.
- ◆ The next meeting of the Advisory Group will be to comment on Duncan’s Concept Report. They hope to have the Report out a couple weeks in advance of the meeting. The next meeting should be at the end of February.