



## Advisory Group Meeting Summary

December 11, 2008

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### ***Members Present:***

Lee Clemmensen  
David V. Gray  
Brian Walter  
Ken Jenkins  
Gary Bakke  
Linda Lennox

Dennis Druffel  
Lori Davidson  
Jan Hoem  
Harold Hoem  
Dick Ainsworth

***Others present in the audience:*** 6 citizens

**Note:** These notes supplement the presentation and discussion that occurred during the Advisory Group Meeting on December 11, 2008. They are not meant to duplicate the presentation and they are not verbatim.

### ***Overview of the meeting:***

- ◆ Focus issues of December 10, 2008 Public workshop
- ◆ Questions from AG members
- ◆ Public comments
- ◆ Next steps

### **FOCUS ISSUES FROM PUBLIC WORKSHOP:**

Kirk presented an overview of the previous night's Public Workshop, including a summary of likes and dislikes in Modules 1, 2, and 3, as identified by public workshop attendees. The list can be found in his presentation on the [zoningmissoula.com](http://zoningmissoula.com) web page. Some topics included:

- The need to be more aggressive at limiting parking.
- More Conservation Development options are needed; some present would like to see it available for smaller-lot districts.
- There is a lack of incentives for multi-dwelling development; they should be encouraged to be along bike and trail systems.

There were a few surprises from the workshop but overall the list of likes and dislikes was not too far off from what was expected. There has been some confusion over the current status of Planned Neighborhood Clusters (PNC). So, during the Workshop, Kirk clarified that the current development option of PNC has never been an overlay. An overlay is a zoning district and there may be a need to change the name to "combining districts" or something similar.

The next step in this process is to develop a revised draft of all three modules combined, with track changes, along with any zoning regulations still not addressed such as hillside regulations, wind turbines, and solar information. This information will be coming to the Advisory Group about 4-6 weeks from now.

### **ADVISORY GROUP DISCUSSION:**

As in previous meetings, Kirk went around the group of advisory members asking for their concerns, comments and questions regarding the update and the public workshop the night before. The following is an overview of comments presented by the Advisory Group Members:

#### **Process:**

- How will we run future public hearings? The public wants individual opportunity to speak.
  - There will definitely be an opportunity to comment at the Planning Board and City Council public hearings. Public hearings are run by Planning Board or City Council, respectively. OPG is currently doing neighborhood outreach through detailed presentations to Neighborhood Councils and will continue to do so as long as asked.
- A table showing the side-by-side comparisons for existing zones to revised zones was requested to readily visualize what the changes will be when people get more opportunity to weigh in.
  - We have them for the residential zoning districts already and may be able to do them for the commercial areas as well.
- Want notification of zoning changes as first class mail with the exact changes listed. By state law you must notify by mail.
  - By State law we are not required to do a mailing to all property owners, but as a courtesy we are mailing to all property owners within the City.
- Suggestion that the City conduct smaller “special interest” meetings based on similar interests. Not each interest is getting enough time to comment on their particular subject.
- This should be a referendum.
- What is the percentage for protest?
- More education is necessary regarding current zoning and what the changes will be.
- We have a professional well done product that still has a few rough edges.
- Discussions need to go beyond all of our individual special interests.
- A majority of the public will not understand the document. If adoption relies on full participation it will never get done.
- This document and process have been advertised well in different media.

#### **PNCs:**

- It felt like staff treated the PNC option as an overlay.
- There is the perception that all of Missoula hates PNCs. There are some PNCs that are well done and well designed.

#### **ADUs:**

- ADUs will cause a flare-up; they are too flexible.
- It needs to be well defined where they can and can't be used.
- There appears to be no concern about neighborhood character; nothing that works to preserve neighborhoods, especially smaller lot districts.
- Adjacent property owners should get extra consideration.
- Consider front setbacks.
- Concern that it will be difficult to enforce owner occupancy for the primary residence in an ADU situation.
- Concern that the two homes could be sold separately.
- Desire to see ADU come back as an overlay (protestable) with design standards.
- What parking would apply for the ADU and exiting residence?
- How would the second dwelling access their parking?
- Parking is a concern for older neighborhoods.
- Concern over being boxed in with ADUs on both sides.

**PUDs:**

- Suggest the density bonus for a PUD should be only 20%, similar to the Conservation Development Option.
- The PUD should not have density limits.
- Review criteria for PUDs should say that it needs to be suitable for the neighborhood.

**Height:**

- Height should be 30 feet and two stories maximum.
- Maximum height, as proposed, limits the height without the use of the existing “modified height.”

**Lot line houses:**

- Can side yard in a lot line house be paved for a driveway?
- Lot line house could make the side yards more usable.
- You could build a line of houses and then move property lines to create lot line houses and it would not make any difference to the neighborhood.

**Bed and Breakfast:**

- Bed and breakfast standards need more work; they do not offer enough protection.
- Parking needs to be addressed.
- There is no basis for denial.

**Home Occupation:**

- Much more defined regulations are proposed. However, if the intention is for the use to be in a home with no exterior sign, but an employee, three customers, and delivery trucks are allowed - that is going too far. Should not be allowing employees and customers.

**Neighborhood Character Overlay:**

- Neighborhood Character Overlay should be developed by the neighborhood first and should involve a super-majority of the neighborhood.
- Neighborhood character needs protection for the minority of the potential overlay. Protections need to work both ways; maybe opt-out provision.

**Mixed Use and commercial uses:**

- Concern about requiring mixed use in commercial districts.
- Concern about requiring commercial uses in a mixed use building.
- Commercial uses should be in all neighborhoods. Driving through a neighborhood to get to services is annoying to that neighborhood.

**Conservation Development Option:**

- There does not seem to be enough lot area for a Conservation Development applied in the new R10 district after you comply with all the requirements. Would like to see examples of development on lots less than 10,000 square feet.
- The Conservation Development Option needs more clarity. Who initiates the process?

**Signs:**

- The purpose statement needs more work; it appears to be the “save all” for all of Missoula. A rewording may be better. Signs are not going to harm everyone.
- 010 Purpose: C and D seem to be redundant.
- 020 C 4: Would like to see the historical signs on the buildings be maintained and not need to be removed.
- 040 B: Steamer or light bulbs should be struck. They are addressed in the outdoor lighting ordinance, and have nothing to do with signs.
- 040 D: things prohibited – flashing etc. The statement should be struck. New signs do have these characteristics and the item is addressed in a later section.
- 040 G: things prohibited – electronic graphic display billboards. The statement should be struck. We may not want to eliminate new possibilities in signs.

- .040 I Temporary and mobile signs – Would this eliminate signs on the busses?
- .080 G 1: Requiring signs be 250 feet from a residential district could cause problems for signs along arterials, reducing that number to 100 feet may be best.
- .080 G 3 Duration: 8 seconds seems too long, suggest 2 seconds instead.
- .080 G 5 Brightness: Measuring LED light output is controversial and standards vary. If the standard for nits is too low sign companies may need to purchase their signs from companies outside the USA because the nit output is not manufactured by US companies. Suggestion 10,000 nits during the daytime, reduced to 1,000 nits at night.
- .808 J 2 e Service Stations: Fueling stations are required by law to advertise diesel fuel using a green color and gasoline in red, therefore two colors should be permitted.

**Miscellaneous:**

- Appeal of administrative decision should be 30 days instead of 15 days.
- Believes that the thrust of the revisions is weighted to dilute existing neighborhood protections.
- Would like to see examples of the same dwelling unit subject to both current codes and proposed codes.
- We need a code that will be usable for the next 10 years; growth is coming. We need options for new development and at the same time we need to build conservation and protection into the document. Hopeful that the Neighborhood Character Overlay will help and be useful.
- The current code addresses two residences on a single parcel; it doesn't seem to be addressed in the proposed code. Has seen it done well with houses facing away from neighbors, shared driveways, common sidewalks, and courtyards.
- Would like to see more clarity regarding the Group Living standards.
- Would like to have definitions of gross, net, parcel and lot
- Practical difficulty as a criterion for Board of Adjustment should be removed.
- If Missoula is going to be more of a non-motorized community we will need more neighborhood commercial facilities.
- The proposed revisions to the townhouse regulations now make them applicable to all townhouse development. Currently the regulations are intended only for exceptions to zoning. It would not be an incentive tool for affordable housing.
- Missoula growth planning processes (Envision Missoula and UFDA) both each came to the conclusion that Missoula's growth ought to be in the urban area and less dependant on cars, but if this is going to happen, there seems to be a direct conflict with protection of existing neighborhoods. We need the flexibility and tools like those being proposed, to be consistent with the planning process, feels like we are heading for a collision if we don't allow flexibility.
- We need to be able to change some where, if we're going to grow.

**OTHER COMMENTS FROM THE AUDIENCE:**

- Conservation development has never been done well, but would like to see it happen.
- The community would benefit from a real incentive like a density bonus for conservation.
- Would the PUD, with a 50% density bonus, be competing with conservation developments?
- What's important is that conservation development be palatable for the developer – so it actually works.
- Can you require a PUD or Conservation Development?
- As we modernize, the climate is changing – Could the document “FireWise” be incorporated into the document? It could be added into the Hillside section and address vegetation clearances.
- Interest in reaching a balance in getting the public involved. Most don't know what the zoning is and what it entails.
- Integrity of the existing residential neighborhood is desired. Wish for not that much change.
- Concern over increase in traffic and new development not fitting in particular neighborhood
- Be careful to preserve existing neighborhoods.

**NEXT STEPS:**

- No exact date of next meeting. [Date is now set as February 11, 2009, from 5:30 to 7:30 in the City Council Chambers]
- The next draft that will be delivered will be a consolidated revised draft of all three modules.