



Advisory Group Meeting Summary

February 11, 2009

Members Present:

Lee Clemmensen
David V. Gray
Brian Walter
Steve Loken
Gary Bakke
Linda Lennox
Nick Kaufman
Jan Hoem

Giovanna McLaughlin
Brent Campbell
Dave Chrismon
Dennis Druffel
Judy Smith
Lori Davidson
Kathy Shepherd
Heather McMilin

Others present in the audience: 6 citizens

Note: These notes supplement the presentation and discussion that occurred during the Advisory Group Meeting on February 11, 2009. They are not meant to duplicate the presentation and they are not verbatim.

Overview of the meeting:

- ◆ Observation by Advisory Group members regarding the Consolidated Public Review Draft
- ◆ Public comments
- ◆ Next steps

ADVISORY GROUP OBSERVATIONS:

As in previous meetings, Kirk went around the group of advisory members asking for their observations comments and questions regarding the Consolidated Public Review Draft. The following is an overview of comments presented by the Advisory Group Members:

Process:

- Overall supportive of the rewrite as a starting point. Would have liked to see more.
- Good process; good format
- Concern that any additional changes to the Consolidated Public Review Draft will have to be as amendments to the draft.
 - Clarification: City Council will be voting on February 23rd to forward this draft to Planning Board. There are still opportunities for revisions, however we will not be producing a full new draft. Any revisions prior to the Planning Board hearing will be handled as addenda to the Consolidated Public Review Draft (2/3/09).
- Positive process and good effort by the Advisory Group. The document represents compromise.
- People did not have a chance to say we want the proposed policy before embarking on this process.

- Believes this is a change in message from saying no increase in density to increases.
- Document is shaping up.
- Can not support this rewrite project until all items raised that are detrimental to the quality of life and property values of existing single family home owners voiced by AG members are completely rectified.
- Duncan Associates could make editorial changes to the draft before it goes to Planning Board (in the form of addendum to the Consolidated Public Review Draft).
- Suggestion for continued break-out discussions on individual “hot topics.”
- Interest expressed in continuing to talk about the items as a group.
 - Clarification: All advisory group members were encouraged to suggest their list of issues (potentially adding to the list staff has already started)
 - Clarification: Reminded that the Advisory Group is not a consensus reaching group but rather a sounding board for issues and ideas.

PARKING:

- More encouragement for use of on-street parking to count toward off-street parking calculations.
- If Public Works has main arterials that are identified as not counting toward off-street parking; then other (local or neighborhood) streets could count on-street spaces toward the off-street calculation.
- Requirements for bike parking are excessive. It costs approximately \$2,000 to park a bike for long term parking.
- Not want on-street parking allowed.

ADUs:

- Want to see the conversation about ADUs continue. Appreciates them being included in some way.
- Would have liked to see ADU as it was originally proposed (as-of-right in all districts), but encouraged to see that the concept is kept in and available for future use as an overlay.
- Concern over safety if ADUs are permitted on alleys.
- More vandalism with ADUs.
- Overlay approach means a future fight. Maybe should tackle it directly in the zoning.
- Separation between main house and ADU is too little – should be greater than 10’.
- Clarify whether the ADU overlay could be proposed for just a few houses or an entire subdivision.
- As an overlay, protests can be overruled by City Council. Prefers the citizens to make the final call.
- Too divisive a concept and an approach.
- Uncomfortable.
- Likes the ADU standards and suggests we look at a recent report by HUD on ADU: Case Study. Asked if Kirk could link to the report on the website.
- *Should be restricted to neighborhoods where a super-majority of landowners have proposed and agreed to accept their use (Part of a letter with specific recommendation from an Advisory Group member, but not stated)*

Small Wind Energy Conservation Systems (WECS)

- Appreciates seeing them addressed.
- They are ugly, illogical and noisy.
- Not like them.

PUDs:

- Appreciates seeing a reference to affordable housing.
- Should have to meet height and setback standards of the base zoning.
- Not want the density to be open-ended; not like the ability to increase density.
- Should require a vote of the full membership of City Council – not just those present.
- Consider applying them only where someone wishes to include commercial amenities in the development.
- *Retain the existing code requirements that the PUD “will be compatible with the development otherwise permitted on land in the vicinity; and will not interfere with the enjoyment of other land in the vicinity.” (Part of a letter with specific recommendation from an Advisory Group member, but not stated)*

Accessory Structures:

- Appreciates addressing accessory structures for livestock or fowl.
- *Suggest adding the following criteria: “the structures do not interfere with the reasonable use, light, view, privacy, aesthetics, and enjoyment of the neighbors adjoining the backyard.” (Part of a letter with specific recommendation from an Advisory Group member, but not stated)*

Signs:

- New standards for the electronic messaging needs to be placed in the community context. What do we, as a community, want?
- Would like to see additional clarification on signs. Appreciated the additional discussion (and suggested revisions) at the earlier focused meeting on signs.

Hillside:

- Height is treated different than main definition.
- Prefers a height measurement that follows the slope of the hill (envelope) rather than the flat measurement.
- Work on the 6’ requirement for distance from where the foundation meets grade to the lowest floor line of the structure. Suggest 8’ instead.
- When are hillside requirements triggered?
 - Clarification: Besides the changes from 10% slope to 15% slope when need to meet the requirements, applicability is the same as the existing regulations.
- Clarify whether the hillside regulations apply for areas not disturbed by development.
- Keep unbuildable at 25% and greater, not 30% and greater.

Height:

- Suggest adding a few other items to the list of height exceptions: elevator penthouse, church steeple, mechanical screens
- Not like change to 35’ – results in canyon style housing that will cut out light and air.

New R3 zone:

- Could be allowed anywhere with minimum of 15,000 square feet – like the revisit of PNCs.
 - Clarification: A new zone can not be used without a rezoning processes, therefore it could not be placed anywhere.
 - Clarification: Not meant to conjure up the image of PNCs.
 - Additionally, what’s to stop someone from requesting a rezone now to a higher density or different use?
- Could see the zone being beneficial for new developments west of town, but concerned that it is like a PNC. Wants it for bigger subdivisions only.
- Like it.

Bed and Breakfast: *(Part of a letter with specific recommendation from an Advisory Group member, but not stated)*

- *There is no basis for denial.*
- *Bed and Breakfast should be restricted to mixed use zones where business and/or commercial uses are permitted along with residential uses.*

Home Occupation: *(Part of a letter with specific recommendation from an Advisory Group member, but not stated)*

- *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.*

Conservation Development Option:

- Would like to see cluster development apply to smaller lots – thereby allowing greater flexibility in lot size without affecting density.

Casinos, Taverns, and Nightclubs: *(Part of a letter with specific recommendation from an Advisory Group member, but not stated)*

- *Suggested separation distance from Residential districts is insufficient.*
- *This approach does not address concerns over the proliferation of casinos throughout the City and their resultant financial, social and safety impact on the citizenry. Need to provide additional restraints on Casinos.*

Miscellaneous:

- Would like to see more to address affordable housing.
- Mechanical screens minimum 50% required as open for guard rails
- Revise definition of dwelling unit – use Uniform Building Code definition
- Requiring too many shrubs
- Consider an exception for existing uses if 100% paved, should not have to add landscape and buffering requirements. This would be helpful for more-urban settings.
- Overall, this proposal will undermine the quality of life in Missoula.
- Not want to see walls ten feet away from each other.
- Concern over the efficiency unit as a measurement for new density in the multi-dwelling districts.
- Would like to see massing standards proposed.
- Since Missoula can't come close to keeping up with infrastructure needs, it should not be considering a zoning update project that would allow even greater population into the community.
- What are group living facilities?
 - Clarification: They are uses such as personal care facilities (not large households). They are limited to one kitchen and are limited by size of lot. These are new standards, where no standards existed before.
- Change R40 to R43.5 and R80 to R87, etc.
- Side yard setbacks in the R20 or larger districts should be 20' or 25'.
- Not like removal of 1/3 height for larger lots.
- Combined A and R1 (new R5.4) should be 30 with two stories maximum.
- Suggest requiring a minimum area for Neighborhood Character Overlay
- The language describing regulations for existing lots that have split zoning is confusing. Please clarify. Also clarify how to handle nonconformity and that the setbacks allowed at the time of constructions should be allowed to be maintained.
- Unzoned lands – Zoning criteria needs to address substantial compliance with a neighborhood plan where they exist. Not like the current approach of meeting 2 out of 5 criteria [unchanged from the existing regulations].
- Parking needs to be considered when looking at conditional uses.
 - [Clarification: Typically, conditional uses are also listed in the parking chapter for required number of parking spaces (calculation).]
- *Other definitions to include: density, gross density, net density, duplex, townhouse, condominium, split zoning, land use designation, and substantial conformance. (Part of a letter with specific recommendation from an Advisory Group member, but not stated)*
- Why do we need Administrative Adjustments? This is perceived as an OPG advantage.
- Appreciates striking “practical difficulties” from the criteria for a variance, but also wants a definition for “hardship.”
- Could the BOA have their own attorney for items where the board would be in opposition to OPG and the City?

OTHER COMMENTS FROM THE AUDIENCE:

- Don't rush this process.
- Concern over the changes in density. When going from existing RLD4, RLD2, RLD1, and LSR to R10, R20, R40, and R80, that is about an 8% increase in density.
- Concern over unzoned land. Define substantial conformance.

NEXT STEPS:

- Kirk identified a list of “hot topics” including the following items:
 - Density and minimum lot area standards
 - Building height
 - Cluster/conservation development options

- Lot line houses
- Accessory dwelling units (overlay district)
- CLB overlay (elimination)
- Procedures (admin. adjustments)
- Small wind energy conversion systems
- Signs
- Planning Board will be asked to make recommendations for amendment, modifications, or deletions to the zoning ordinance. They will likely be expanding the list of “hot topics” so if Advisory Group members have concerns over additional subjects, they should forward there concerns to the Planning Board.
- These meeting notes will be posted on the website (as usual) and will be distributed to Planning Board members.
- City Council will be voting on February 23rd to forward the project to Planning Board.
- Planning Board will be holding a public hearing on the draft zoning ordinance on March 3, 2009.
- The next draft that will be delivered to the Advisory Group will be Module 4, focusing on the Subdivision Regulations.