



Advisory Group Meeting Summary

September 10, 2008

Members Present:

Lee Clemmensen
David V. Gray
Giovanna McLaughlin
Judy Smith
Kathryn Shepherd
Paul Sopko

Brian Walter
Gary Bakke
Ken Jenkins
Brent Campbell
Linda Lennox
Linda Smith

Others present in the audience: 5 citizens

Note: These notes supplement the presentation given during the Advisory Group Meeting on September 10, 2008. They are not meant to duplicate the presentation and they are not verbatim. The subjects are organized similar to the organization of Module 2.

Overview of the meeting:

- ◆ Current process
- ◆ Pedestrian Overlay District
- ◆ CLB's
- ◆ Rattlesnake Valley Overlay
- ◆ PUDs
- ◆ Historic Districts
- ◆ Neighborhood Character
- ◆ Parking
- ◆ Landscaping
- ◆ Setbacks
- ◆ Miscellaneous comments
- ◆ Next steps

CURRENT PROCESS:

Kirk began by presenting an overview of the process to date, explaining that the project is on schedule. He also described what to expect in the next (final) two modules. He reminded the group of the process being used in the rewrite: (1) develop individual modules, (2) review and receive comments and (3) develop a consolidated draft reflecting changes made in response to AG and other reviewers' comments.

Module 2, the "Overlays and Standards Module" contains new zoning district overlays, existing overlays with modifications, and proposes deleting overlays such as the CLB, EC, and CG. The Rattlesnake Overlay could also be deleted since it has never been applied. Also in Module 2: Parking and Access, Landscaping, and Measurements chapters.

As in previous meetings Kirk went around the group of Advisory members asking for their concerns and comments regarding Module 2, the following is an overview of comments presented by the Advisory Group Members.

PEDESTRIAN OVERLAY DISTRICT:

- Façade transparency requirement conflicts with 25% allowed by International Energy Code.
- Macy's wouldn't meet transparency requirements (because of extensive use of display windows), which is evidence of fatal flaw in proposed requirements.
- "Hold corner" requirement does not meet visibility triangle standards.
- Prohibitions on tinted/reflective glass unworkable, conflict with building codes/modern practice.
- Allow use of spandrel glass.
- Requirement for rear parking doesn't work, see Hellgate Meadows.
- Need allowances for plazas and front of building dining areas.
- Where will the pedestrian overlay be applied and when?

BOULEVARD:

- How can the boulevard chapter be better written to be used without degrading boulevard areas. For example, could the sidewalk be made a curbside sidewalk from a boulevard sidewalk?
- Would like to encourage the flexibility of boulevard regulations. This may allow a sidewalk to go around an existing tree instead of loosing the tree.
- Clarification of where the existing boulevard overlay exists – on the East end of Brooks.

CLB'S:

- A history on why the CLB overlay was created was provided by an AG member.
- The CLB standards need to be clearly addressed in the revision process.
- Casinos are allowed in any commercial zone. Would like to see the CLB overlay kept as a line of defense.
- Would like to see the ordinance specify where CLB's will be allowed.

RIPARIAN:

- The City's riparian resource setback requirement will work together with the County's regulations.
- Missoula would be best served by developing its riverfront rather than leaving it wild.
- Make requirements for riverfront development consistent across the board.
- Laval clarified that the City is not pursuing streamside setbacks.

RATTLESNAKE VALLEY OVERLAY:

Comments through the evening pointed toward maintaining the Rattlesnake Overlay for future application rather than removing it from the Zoning Ordinance as proposed. Members also mentioned its uniqueness and the difficulty of it being included when not applied.

PUD'S

- PUD's, if used as a development option would be a rezoning and can be protested.
- Subsidized housing is often done through PUD's and they need to have incentives written into the parking.
- PUD's are too flexible and can be done anywhere in the city. The new ordinance should carry forward the existing language from the PUD chapter including accommodation of land use, and will not interfere with enjoyment of other land in the vicinity.
- Density bonus has been inserted again as a standard in the PUD Overlay. Laval responded that the intent with the limitation on increasing density with a PUD (up to 50%) is to set a cap, where there wasn't one before. This is not the same as past use of density bonus, because as part of a PUD it would be a rezoning proposal and subject to protest.

HISTORIC DISTRICTS:

- Need to establish historic district language. Kirk commented that the Historic Preservation Office is currently working on a Historic Preservation Ordinance that, if adopted by the City Council through a separate process, will be able to plug into the Zoning Document.
- The Fort Missoula Historic Overlay District map needs to be updated.

NEIGHBORHOOD CHARACTER

- Would like to see neighborhood plans incorporated into the ordinance and enforceable. Kirk responded that a tool for regulating neighborhood plans is the proposed Neighborhood Character Overlay.
- How will the Neighborhood Character Overlay work in neighborhoods with existing historic districts in place? More work needs to be done.

PARKING:

- Concern that the alternative compliance section was confusing and would cause angst among developers.
- The alternative compliance options are currently permitted, why are they now considered alternative compliance options? Perhaps they should be called as-of-right.
- Other members like the alternative parking options.
- Would like to see underground and structural parking incentivized in the Zoning Ordinance.
- Parking compliance at the University of Montana doesn't seem to be enforced, how can we address this?
- Parking Chapter missing all the "meat." Parking lot specs should be in zoning. In engineering the specs will not be reviewed/enforced uniformly. "Engineering can change them at will."
- Garages, access should be allowed from front, "they are like this all over town".
- ADA parking requirements take up too much space in small lots, suggest that 6 stall or less lots not require ADA spaces. The ADA parking space requirements may work to stymie small business development.
- 10% change in parking requirement kicks in landscaping and buffering – not fair to small businesses, can cause huge problems, expensive. Example: look at how it works in strip shopping malls.
- Daycare parking: suggest drop off spaces instead of some parking spaces.
- 300' max distance for off premise parking too small, should be greater, "can't get all spaces within 300 feet" especially when you include right of way.
- Long term bike parking chapter "most elitist ever."
- Why are there proposals to the Parking Chapter now when it was overhauled and reviewed just two years ago?
- Agreement with encouraging underground and structured parking but would not want to see this as a requirement in the ordinance.
- What about trading between bike parking and auto parking? Example: the "Gold Dust"
- Long term bike parking is very important.
- Did not like the restriction of no property access from the street for residential uses.
- Parking – current code limits where parking can be, but the new ordinance is not clear.
- How would some of the new overlay tools be applied – for example or new development?

- Likes the ideas of shared parking and TDM. The Urban Land Institute has a current document that may be useful to review regarding TDM. Agrees that if shared parking is proposed it should require a unique study.

LANDSCAPING:

- The landscaping chapter looks good. It is important that it be well defined especially for new construction projects.
- The chapter in general is full of poor ideas and recent improvements seem to have been removed.
- Many of the regulations like landscaping and pedestrian facilities make it difficult for small business and appear to be disincentives.

LIGHTING:

- Some lighting regulations related to landscaping currently exist in the EC zone. It appears that those will go away and other lighting regulations go with the existing Dark Sky Ordinance that the Building Division enforces.

SETBACKS:

- Distances between two or more buildings on a single lot need to be clarified. (20.105.060 E ?)
- Front yard setbacks need to be clarified further. In the County property lines may be to the center of the road. Then when annexed those property lines area represented as outside the right of way. Setbacks for private roads and public roads appear to be looked at differently in the City and should be reviewed further. Where do we measure the front yard setback from?
- How should setbacks be measured/applied on private roads?

MISC. COMMENTS:

- OPG staff should not be able to make administrative decisions, these types of decisions should be looked at as variances and go to the City Board of Adjustment (CIBOA).
- Duncan Associates is aware of and has looked at the City's scraping ordinance.
- Why area bed and breakfast uses allowed in most residential areas?
- Public hearings regarding the changes in this re-write process will be required and held prior to adoption by the City Council.
- Disappointed with the minutes, they need to be more complete.
- Currently the proposed zoning ordinance does not allow transfer of development rights from a non-buildable area such as floodplain or steep slopes to a buildable area for use in a development project.
- Architects should be consulted in building height measurement method.
- Did not like all the alternative compliance approaches. (i.e. riparian and parking)

NEXT STEPS:

- Response to comments will occur in part as a report prepared prior to the next Advisory Group meeting.
- Continued dialogue on Module 2 will occur at the beginning of the next meeting.
- The consultants are working on Module 3 material which will also be a topic for discussion at the next Advisory Group meeting.
- The next Advisory Group meeting will be mid-November.