

MISSOULA COUNTY ZONING BOARD OF ADJUSTMENT MINUTES
July 19th, 2023 – 6:00 p.m. MST

Hybrid Meeting held in the Sophie Moiese Rm of the Missoula County Courthouse
and virtually over Microsoft Teams

MEMBERS PRESENT Swarna Reddy Vanessa Gardner Ryan Schumacher	ALTERNATES PRESENT Jonathan Haber	STAFF PRESENT Glenn Ingram Zach Jones Tim Worley Heather Powers Rachel Manning	APPLICANTS PRESENT Ron Ewart, PCI Marissa Kramer, Architect
MEMBERS ABSENT Babak Rastgoufard Andy Mefford	ALTERNATES ABSENT Connor McMahon <i>3rd alternate seat vacant</i>		

Application materials, staff reports, written comment, and meeting video are available for review at Missoula County Planning, Development & Sustainability (PDS). An administrative fee is required for photocopies. The digital agenda and corresponding documents may be found here: [CivicClerk BOA Jul 19, 2023](#)

I. CALL TO ORDER

Mr. Schumacher, acting chair, called the meeting to order at 6:04 p.m.

II. ROLL CALL

Ms. Powers called the role. Three regular members and one alternate were present. Mr. Haber was promoted to a voting seat.

III. APPROVAL OF MINUTES

MOTION: Ms. Reddy moved and Mr. Haber seconded approval of the April 19th, 2023, minutes, as written. The motion passed by unanimous voice vote.

IV. PUBLIC COMMENT ON NON-AGENDA ITEMS

There were no public comments; no public was present.

V. STAFF ANNOUNCEMENTS

There were no staff announcements.

VI. PUBLIC HEARINGS

Granite Peak RV Park Special Exception Request

This is a Special Exception request from Ron Ewart, PCI, Inc., representing Dave Swisher/Lolo Peak LLC for property located at 9900 Thoroughbred Lane, legally described as S21, T14 N, R20 W, C.O.S. 4639, PARCEL A1, LESS MAHLUM MEADOWS, and recorded in a deed at Book 1035 Micro, Page 640.

The applicant proposes to expand the existing land use area of the Granite Peak RV Park business from approximately 12 acres to approximately 18 acres. The property is zoned Neighborhood Residential (NR) which prohibits recreational vehicle parks. However, Section 10.3.A.4. of the Missoula County Zoning Regulations allows a nonconforming use of land outside

a building to be intensified, enlarged or extended by up to 50% of additional land area by special exception. The applicant requests to expand the existing land use area of the Granite Peak RV Park business by 50%.

This proposal will meet all other zoning requirements of this district. None of the reviewing agencies raised concerns regarding the proposal.

Staff recommends approval of the special exception based upon the findings of fact and conclusions of law in the staff report.

STAFF PRESENTATION

Glenn Ingram, Department of Planning, Development and Sustainability

Property Overview

- 9900 Thoroughbred Ln
- 54 acres
- Existing site of Granite Peak RV
- 117 RV sites served by a lagoon sewer system

Zoning

- Neighborhood Residential (NR)
- Surround zoning includes NR to the north and south, Commercial Center (CC) to the east, and O'Keefe Ranch residential development to the west

Basis for Special Exception

- The property is zoned NR which prohibits recreational vehicle parks; however, the Missoula County Zoning Regulations allows a nonconforming use of land outside a building to be intensified, enlarged or extended by up to 50% of additional land area by special exception.

Proposal

- The applicant proposes to expand the existing land use area of the Granite Peak RV business from 12.24 acres to 18.36 acres
- The number of RV sites will increase from 117 to 167 sites
- The proposal will meet all other zoning requirements of the NR district
- None of the reviewing agencies raised concerns regarding the proposal

Findings

- Expansion of the RV park on the western side of the property will be approximately 40 ft from the O'Keefe Ranch Subdivision
- Impacts from the construction/installation of the additional RV sites are anticipated to include increased traffic, noise, vibration, and lighting
- Granite Peak RV (formerly Jellystone) was originally approved in 1994
- Surrounding subdivision and planned developments have arrived subsequently and have existed in compatibility with the RV park

Review

- Traffic impacts on local residential roads will be limited
- With the completion of the proposed project, the sewage lagoons will be removed, the lagoon site returned to open space, and all existing and proposed RV sites will be connected to the City of Missoula sewer system and the Wye Area water system.
- 18 acres will be developed RV park use and 36 acres will be retained as open space

- The proposal expands an existing RV park with associated infrastructure. RV park capacity has remained relatively static in Missoula County since approval of the original park in the late 1990s.

Staff's Recommended Motion:

THAT the Board of Adjustment approve the Special Exception Request to expand the existing land use area of the Granite Peak RV Park business by 50% on a 54-acre property zoned NR, addressed at 9900 Thoroughbred Lane and legally described as S21, T14 N, R20 W, C.O.S. 4639, PARCEL A1, LESS MAHLUM MEADOWS. This approval is based on the findings of facts and conclusions of law found in the staff report and public testimony and is subject to conditions.

Recommended Conditions:

1. All other necessary permits administered by agencies other than Planning, Development, and Sustainability shall be obtained by the property owner or designated representative. These permits may include, but are not limited to, building, zoning compliance, electrical, mechanical, approach, and sanitation permits.

This concluded the staff report.

BOARD QUESTIONS FOR STAFF

Ms. Reddy asked for confirmation of the distance to the property line. Mr. Ingram answered that distance is 40 ft.

Mr. Schumacher asked for the overview of the neighboring properties. Mr. Ingram displayed the area map, noting that there are no current development plans on the vacant parcel to the east, to the north is NR zoning, to the west is O'Keefe Ranch subdivision, and to the south is vacant NR zoning.

Mr. Haber inquired about the legal significance of open space dedication and whether that could be sold or developed in the future. Mr. Ingram answered the nature of the current plan limits the RV park's expansion, so the open space will remain as such; the current subdivision proposal does not allow for an open space parcel sale.

Mr. Ewart, representing the applicant, noted that while the other 38 acres of the property could be developed in the future, the owner has no such plans; the current owner has had the property for about five years. There is a lot of common area around the park. Their focus is on improving the RV park, to which end they've hired a landscape architect to assist with the project.

Ms. Reddy asked if they had received any opposition from the neighbors. Mr. Ewart explained that they'd held a neighborhood meeting for which approximately 50 letters of notice were sent. Only two people attended the meeting, and they were curious about the project but not opposed to it.

Mr. Haber asked for clarification regarding the lower drainage area. Mr. Ingram answered a retention field for storm water is located on the northern end of the property.

Ms. Reddy asked if the RV Park had faced any management issues in the past. Mr. Ewart answered that the park has existed since the nineties, and the current owners enforce strict rules to maintain peace and order in the park. He was not aware of any past issues or neighbor complaints.

PUBLIC COMMENT

There was no public comment.

MOTION: Mr. Haber moved & Ms. Gardner seconded staff's recommended motion of approval and attached condition, as written.

A roll call vote was taken, and the motion passed unanimously.

505 Highton St. Variance Request

Missoula County Department of Planning, Development & Sustainability (PDS) has received a variance request from 1GOD LLC, who seeks reconstruction and expansion of an existing convenience store, located at 505 Highton Street and is legally described as EAST MISSOULA ADDITION, S24, T13 N, R19 W, BLOCK 23, FRAC. LOTS 2,3,4 LOTS 28,29,30 & ADJ. VAC. ALLEY

The 0.45-acre parcel is zoned as NC (Neighborhood Commercial) and is currently occupied by the Sinclair gas station and convenience store. The NC zoning allows for commercial and residential development. The applicant now requests a variance to allow parking for the new and expanded convenience store and laundromat to be located in the front of the building, Section 2.3.J.5.b does not allow for this.

Staff recommends approval of the requested variance based upon the findings of fact and conclusions of law presented in the staff report, subject to two conditions of approval.

STAFF PRESENTATION

Zach Jones, Department of Planning, Development and Sustainability

Property Overview

- 505 Highton Street
- Property located in East Missoula near the exit ramps for Hwy 200
- One of the first buildings you come across coming into East Missoula going east bound on Hwy 200 on corner of Highton Street and Hwy 200

Zoning

- NC Zoning section 2.3.J.5.b
- Minor Waiver to Build-to-zone requirements has been approved
- Section 2.3.J.4.b required 70% of building frontage to be within 10' of the front property line.
- The Minor Waiver approved the removal of the front BTZ requirement.

Basis for Variance

- Existing property is used as a gas station and convenience store, applicants seek to construct a new improved larger store.
- Applicant is requesting a variance to Missoula County Zoning Regulations section 2.3.J.5.b, to allow parking location in front of the building. NC Zoning does not allow parking in the front.
- Minor Waiver to Build-to-zone requirements has been approved.
 - a. Section 2.3.J.4.b requires 70% of building frontage to be within 10' of the front property line
 - b. The Minor Waiver approved 0% of the building frontage meeting the BTZ.

Transportation and the East Missoula Highway 200 Corridor Plan

- Future planning that might end up affecting the site City of Missoula department of public works and their public transportation division has started this Hwy 200 corridor plan which is not finalized yet and does not have any implementation funding they do have a sketch that shows landscaping and entrance to the property is also there as well.
- The two-way shared use path will transition to one-way raised cycle tracks on the north and south of Highway 200 through East Missoula. This transition includes bicycle and pedestrian crossing at Highton Street with a refuge island for traffic calming.
- Westbound left turns will be restricted at this intersection to limit conflicts with vehicles turning left and shared use path users have access to the street crossing. Bus stops are shown at ideal locations, but a traffic study will be needed along with additional analysis and coordination with MDT for final siting.
- Bus stops are located along Highway 200, shifting them off Speedway. This will help Mountain Line maintain headways as ridership increases.

Public comments received:

- One adjacent property owner, Brad Stemple, is in favor of the variance.
- Sue Holden, Chair of East Missoula Community Council commented with concerns about safety and access along Highway 200. Ms. Holden stated that should be considered in any sort of projects along the corridor. Ms. Holden also stated, "It's a great design and will keep and/or bring much needed services to East Missoula."

Findings: Variance Criteria

- The proposed variance will not amount to a change in the use of the property to a use that is not permitted in the zone. The use for property will not be changing it's still going to be a gas station, and convenience store and laundromat so the variance doesn't affect that.
 - The use of the property is currently a gas station, convenience store, and laundromat. The purpose of this variance will not affect this.
- #2 Special conditions exist that are unique to the property
 - The property is an irregularly shaped lot with three street frontages on three sides.
 - Existing gas pumps and associated underground tanks which will remain in the same location for the new convenience store and gas station. Will make it difficult to work around.
- #4 Literal enforcement of the provisions of the regulations will result in unnecessary hardship that is not of the applicant's own making.
- Meeting the parking location requirements for this zoning district would be impractical and allow for less of the lot to be used for construction of the new building.
 - It would also require vehicles to access the parking in the rear from Speedway Avenue, and they would have neighborhood residential area.
- For a gas station, it is more practical to locate parking in the front.
- You would have to drive all the way around the property. Most people are going to be accessing it from Highway 200 and they would be driving into the neighborhood on Highton Street to Speedway to the rear of the property. It's also a residential area. So that would create more traffic and impacts. For the use as a gas station and convenience store it's more practical to have the parking in the front.
- Granting the variance will be in harmony with the general purpose and intent of the regulations and the Missoula County Growth Policy and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- The variance will allow the convenience store and laundromat use to continue to provide a valuable service which is needing in the community in East Missoula.
- The larger project the variance is attached to meets the intent of the zoning district regulations and the Missoula County Growth Policy which is for neighborhood center.
- Impacts to the neighborhood will be minimal, and allowing parking in the front creates less neighborhood traffic impacts.

- The request for the variance is not based on monetary factors or potential economic gain.

Staff recommends Approval of the requested variance based on the Findings of Fact and Conclusion of Law presented in the staff report, subject to two conditions of approval.

Staff's Recommended Motion:

THAT the Board of Adjustment approve the Variance Request to allow the location of parking in the front of the lot, facing Highway 200. This approval is based on the findings of facts and conclusions of law found in the staff report and public testimony and is subject to the recommended conditions of approval.

Recommended Conditions:

1. All other necessary permits administered by agencies other than Planning, Development, and Sustainability shall be obtained by the property owner or designated representative. These permits may include, but are not limited to, building, zoning compliance, electrical, mechanical, approach, and sanitation permits.
2. In order to not obscure an existing sign, street trees required on the Highway 200 frontage, may be shifted to a location on the west property line.

This concluded the staff report.

BOARD QUESTIONS FOR STAFF

Ms. Reddy asked for clarification regarding the Minor Waiver. Mr. Jones explained that the Minor Waiver was to Build-to-zone (BTZ) requirements has been approved – Section 2.3.J.4.b required 70% of building frontage to be within 10' of the front property line. The Minor Waiver approved the removal of the front BTZ requirement. The idea behind the BTZ is to have the buildings be closer to the street for pedestrian access and to create a certain feel to the district. The minor waiver to remove the BTZ was approved due to the nature of the property and the use, which is something that had been previously done.

Ms. Reddy recalled being in attendance at a previous meeting with discussion that there wouldn't be anything built on a corner lot which would be used only for grass so it didn't offset the view because of location. It was noted that was not this specific property but a different nearby property. Ms. Reddy asked for clarification that there will be a parking lot now and raised concern over it. Mr. Jones stated both processes (minor waiver and variance) were deemed necessary to complete the project due to the use and constraints on the property. It wouldn't be practical to require the gas station to be built up near the front of the property, because the existing gas pump would have to be removed or moved elsewhere, which is why the minor waiver was allowed.

Ms. Kramer, Architect with Paradigm Architecture and representing the owner on the project, also spoke concerning the minor waiver and the zoning requirements. They are facing existing conditions on this site that determine the course of the project, the main one being the gas pumps on the corner; relocating those would be cost prohibitive and project ending. Being located on a three-sided lot becomes additionally challenging. They worked with county staff to determine what the street frontages were in order to determine how to best meet those requirements – county staff, Mr. Jones and Jennie Dixon, determined that the front side of this lot is on Hwy 200. In an attempt to meet the spirit of the BTZ requirement, they designed the building to be placed on the corner of Speedway and Highton instead of Hwy 200, treating that corner as a neighborhood center profile by bringing the building up to the street and making it pedestrian friendly. To this purpose, they proposed connecting the building with the neighborhood by adding additional entrances on the back and the side corner, which will allow pedestrian access to the building in a safe and convenient way. Ultimately, it was recommended not to pursue the minor waiver frontage on Highton, though they did attempt to meet

the spirit of it. The developer wants the project to be a positive contribution to the community by expanding services and improving the building and its presence in the neighborhood.

Ms. Gardner commented this project reminds her of the other three-sided lot that came before the board about a year ago. She stated that the developer is doing a great job trying to improve the space and making considerations for pedestrian traffic, as this is right next to the highway. She would move to approve the proposal.

Mr. Haber stated he'd like to better understand how parking would be different from what's there, now. Ms. Kramer answered that parking is currently off Highton Street and the building is surrounded by pavement. One goal of the new parking design is to try to consolidate the pavement area. There needs to be drive aisles around the gas pumps, and it is efficient and in the best interest of the neighborhood to keep those drive aisles and parking on the highway side rather than wrapping it around the building to strictly meet zoning requirements. This will making it both more convenient and intuitive for visitors at the gas station to use and more pleasant for the surrounding neighborhood – on all sides of the building is existing residential use, so they are trying to buffer that by keeping the lot in the front of the building. Moving the street trees also is in the interest of providing a buffer; there is a three-story apartment building right next door, and those trees would help provide a visual buffer between that building and the gas pumps and parking lot. They are attempting to be thoughtful in the design and considerate of the neighbors.

Mr. Schumacher stated the project is making an existing use better. It makes sense to keep parking adjacent to Hwy 200, and the applicant is doing the best they can with what they're dealing with.

PUBLIC COMMENT

There was no public comment.

MOTION: Ms. Gardner moved & Mr. Haber seconded staff's recommended motion of approval and attached conditions, as written.

A roll call vote was taken, and the motion passed by a vote of 3-1.

In favor: Mr. Schumacher, Mr. Haber, Ms. Gardner

Opposed: Ms. Reddy

VII. COMMUNICATIONS & SPECIAL PRESENTATIONS

There were no communications or special presentations.

VIII. COMMITTEE REPORTS

There were no committee reports.

IX. OLD BUSINESS

Ms. Powers mentioned the current zoning maintenance update as it related to the riparian buffer, which was the key factor in a variance request in late 2022. She will forward information on the zoning maintenance update to the board.

X. NEW BUSINESS

There was no new business.

XI. COMMENTS FROM BOARD MEMBERS

Ms. Reddy clarified her reasoning for not supporting the motion of approval for the Highton Variance request; she referred to the other East Missoula triangle property along Hwy 200 which had come before the board with a variance request; significant public concern had been raised surrounding traffic and neighborhood character in this area.

XII. ADJOURNMENT

The meeting adjourned at 6:54 p.m.

*Respectfully submitted,
Heather Powers, Administrative Assistant, LAC
Rachel Manning, Administrative Assistant, PDS
Please send any document requests to pds@missoulacounty.us*